1975 No. 60 (C. 4)

SOCIAL SECURITY

The Social Security Benefits (1975 Act) (Commencement No. 1) (Northern Ireland) Order 1975

Made . . . . . 18*th March* 1975

Coming into operation . . . 24*th March* 1975

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred by paragraph 1 of Schedule 5 to the Social Security Benefits Act 1975(a), and of all other powers enabling it in that behalf, hereby makes the following order:

Citation, commencement and interpretation

1.—(1) This order may be cited as the Social Security Benefits (1975 Act) (Commencement No. 1) (Northern Ireland) Order 1975 and shall come into operation on 24th March 1975.

(2) In this order—

(*a*) "the 1975 Act" means the Social Security Benefits Act 1975; and

(*b*) "the 1973 Act" means the Social Security Act 1973(b).

Appointed days

2.—(1) Subject to the following provisions of this Article the day appointed for the coming into force of any provision of the 1975 Act specified in column (1) of Schedule 1 to this order so far as that provision relates to any subject matter specified in column (2) of that Schedule shall be the date specified in column (3) of that Schedule in relation to that subject matter.

(2) As respects the period beginning with 7th April 1975 and ending with 9th April 1975 the rate of a person's unemployment benefit, sickness benefit or invalidity pension for any day in that period by virtue of section 10(7) or 11(4) of the 1973 Act (rate of unemployment benefit, sickness benefit or invalidity pension for persons over pensionable age who have not retired from regular employment) shall be determined as if the day appointed for the coming into force of the provisions of the 1975 Act relating to higher rates of retirement pensions under the 1973 Act were 10th April 1975.

(3) In a case where the weekly rate of retirement pension payable to a person falls to be increased under the provisions of section 24(7) or 25(8) or (11) of the 1973 Act (increase, in certain cases, of retirement pension by reference to previous entitlement to invalidity allowance) the amount of the increase payable to that person shall be determined as if the day appointed for the coming into force of the provisions of the 1975 Act relating to invalidity allowance were 7th April 1975.

(a) 1975 c. 11 (as extended with adaptations to Northern Ireland)
(b) 1973 c. 38

(4) In the case of a person to whom injury benefit under the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966(c) is payable for 9th April 1975 at a reduced weekly rate by virtue of the provisions of section 29 of that Act (adjustments for successive accidents) the rate of that injury benefit and of any sickness benefit or invalidity pension under the 1973 Act shall be determined as if the day appointed for the coming into force of the provisions of the 1975 Act relating to the higher rates of those benefits were 9th April 1975 and, where appropriate, as if the reference to 10th April 1975 in paragraph (2) of this Article were a reference to 9th April 1975.

Transitional provisions relating to benefit rates and the earnings rule

3.—(1) As respects the period beginning with 6th April 1975 and ending immediately before the day on which the weekly rate of any benefit or increase of benefit for a dependant specified in Part I or III of Schedule 4 to the 1973 Act is increased pursuant to the provisions of section 1(1) of, and Schedule 1 to, the 1975 Act and Article 2 of, and Schedule 1 to, this order, Parts I and III of the said Schedule 4 shall be modified so that the weekly rate of that benefit or increase of benefit is increased to correspond with the weekly rate of the comparable benefit under the National Insurance Measures (Northern Ireland) 1966 to 1974 in force immediately before 6th April 1975; and the said Parts I and III as so modified are set out in Parts I and II of Schedule 2 to this order.

(2) As respects 6th April 1975 in the case of retirement pensioners and the wives of retirement pensioners residing with them and as respects the period beginning with that date and ending immediately before 10th April 1975 in the case of wives of invalidity pensioners residing with them, sections 26(1) and 35(2) of the 1973 Act shall be modified by substituting for any reference to £9·50 a reference to £13 and for any reference to £2 a reference to £4.

Transitional provisions for abolition of rounding of supplementary pensions and allowances

4.—(1) An award of supplementary pension or allowance, including such an award where payment is made together with other payments specified under paragraph 2(3) of Schedule 2 to the Supplementary Benefits &c. Act (Northern Ireland) 1966(d), of or giving rise to an amount rounded to a multiple of 5p under paragraph 2(2) of that Schedule (hereinafter referred to as a "rounded award") shall not be revised on review under that Act for the sole purpose of substituting an unrounded amount for the rounded amount.

(2) Where a rounded award expires after 7th April 1975 and there is entitlement in the immediately following period to the same weekly amount, apart from rounding, as under the expiring award, the award for the following period shall be of the same weekly amount as under the expiring rounded award.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 18th March 1975.

(L.S.) *C. G. Oakes*
Assistant Secretary

(c) 1966 c. 9 (N.I.) (d) 1966 c. 28 (N.I.)

SCHEDULE 1 Article 2(1)

Provisions of the 1975 Act (1)	*Subject Matter* (2)	*Appointed Day* (3)
Section 1(1) and (2) and Schedule 1	Rates of basic scheme benefits under the 1973 Act in the case of—	
	(*a*) unemployment, sickness and invalidity benefit (including increases for dependants)	10th April 1975
	(*b*) attendance allowance, maternity allowance, widow's benefit, guardian's allowance, retirement pensions, age addition and child's special allowance (including increases for dependants where appropriate)	7th April 1975
Sections 1(3) and (4) and 2(2)	Relaxation of the earnings rule in the case of—	
	(*a*) retirement pensioners and certain of their wives under the 1973 Act	7th April 1975
	(*b*) certain wives of persons entitled to an increase of disablement pension by way of unemployability supplement under the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966	9th April 1975
	(*c*) certain wives of persons entitled to invalidity pension under the 1973 Act	10th April 1975
Section 2(1) and Schedule 2	Rates and amounts of benefit under the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966 in the case of—	
	(*a*) injury benefit (including increases for dependants)	10th April 1975
	(*b*) disablement benefit (including increases of disablement pension), increase of unemployability supplement under section 13A, maximum under section 29(1)(*a*) of aggregate of weekly benefits payable for successive accidents and maximum disablement gratuity under section 12(4)	9th April 1975
	(*c*) widow's pension under section 19, widower's pension under section 20 and allowance in respect of children of deceased's family under section 21	7th April 1975

Provisions of the 1975 Act (1)	*Subject Matter* (2)	*Appointed Day* (3)
Section 2(3) and (4)	Amendment of section 19(3) (higher permanent rate of widow's pension) and section 21 (children of deceased's family)	6th April 1975
Section 2(5)	Benefit under the Workmen's Compensation (Supplementation) Act (Northern Ireland) 1966(e)	9th April 1975
Section 8(1)	Minor amendments of section 9(8) of the 1973 Act (calculation of earnings factor)	6th April 1975
Section 8(2)	Minor amendments of section 14(6) of the 1973 Act (disqualification for unemployment benefit etc.)	16th May 1975
Section 8(3)	Reviews of decisions of the Attendance Allowance Board	6th April 1975
Section 8(5)	Minor amendment of paragraph 5 of Schedule 13 to the 1973 Act (application of section 14(6) to Northern Ireland)	16th May 1975
Section 8(6)	Minor amendment of Article 36 of the Education and Libraries (Northern Ireland) Order 1972(f) (definition of "enactment").	6th April 1975
Section 8(8)	Minor amendments of Part II of Schedule 6 to the National Insurance &c. (No. 2) Act (Northern Ireland) 1969(g) (provisions applying where rates of benefit are altered)	6th April 1975
Section 8(9)	Minor amendments related to overpayments in connection with supplementary schemes in so far as those amendments are related to section 5(4) of the National Insurance Act (Northern Ireland) 1967(h)	6th April 1975
Section 9	Increase of family allowances	8th April 1975
Section 10	Amendments of section 8(1) of the Family Allowances Act (Northern Ireland) 1966(i)	6th April 1975

(e) 1966 c. 14 (N.I.)
(f) S.I. 1972/2163 (N.I. 12)
(g) 1969 c. 19 (N.I.)
(h) 1967 c. 22 (N.I.)
(i) 1966 c. 8 (N.I.)

Provisions of the 1975 Act (1)	*Subject Matter* (2)	*Appointed Day* (3)
Section 11 and paragraph 1 of Schedule 3	Cessation of rounding of amounts of benefit under the Supplementary Benefits &c. Act (Northern Ireland) 1966 in the case of—	
	(*a*) any award of supplementary pension or allowance made on or after 7th April 1975 in respect of a period beginning in the preceding 14 days and made—	
	(i) on a fresh claim, that is to say, where not preceded by an award of such pension or allowance for an earlier period continuous with the first-mentioned period, or	
	(ii) by way of review of an earlier award on account of a change of circumstances occurring within or immediately before those 14 days	24th March 1975
	(*b*) any other award of supplementary pension or allowance	7th April 1975
Section 13 and Schedule 4	Northern Ireland	24th March 1975
Section 14(1) to (5) and Schedule 5	Short title, citation, commencement and interpretation	24th March 1975
Section 14(6) and Part I of Schedule 6	Repeal of—	
	(*a*) provisions of the 1973 Act—	
	(i) sections 9(3) (parts), 24(8) (part), 25(11) (part) and Schedule 13, paragraphs 4 and 9 (parts)	24th March 1975
	(ii) section 14(6)(*c*) (part)	16th May 1975
	(iii) section 32(4)(*a*) (parts)	7th April 1975
	(iv) Schedule 28, Part II, so much as relates to section 5(4) of the National Insurance Act (Northern Ireland) 1967	6th April 1975
Section 14(6) and Part II of Schedule 6	Repeal of—	
	(*a*) provisions of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966—	
	(i) section 19(3)(*d*) and section 21(4) (part)	6th April 1975
	(ii) Schedule 5, paragraph 1 (parts)	7th April 1975

Provisions of the 1975 Act (1)	*Subject Matter* (2)	*Appointed Day* (3)
	(*b*) paragraph 2(2) of Schedule 2 to the Supplementary Benefits &c. Act (Northern Ireland) 1966(j)	7th April 1975
	(*c*) provisions of the Family Allowances and National Insurance (No. 2) Act (Northern Ireland) 1968(k)	8th April 1975
	(*d*) provision of the National Insurance &c. (No. 2) Act (Northern Ireland) 1969	6th April 1975
	(*e*) provision of the Social Services (Parity) Order (Northern Ireland) 1971(l)	6th April 1975
	(*f*) provisions of the National Insurance Measure (Northern Ireland) 1974(m)—	
	(i) section 1(1) and Schedule 1	6th April 1975
	(ii) section 3(1) and (2) and Schedule 3 in the case of—	
	(*aa*) injury benefit (including increases for dependants)	10th April 1975
	(*bb*) disablement benefit (including increases of disablement pension), increase of unemployability supplement under section 13A, maximum under section 29(1)(*a*) of aggregate of weekly benefits payable for successive accidents and maximum disablement gratuity under section 12(4)	9th April 1975
	(*cc*) widow's pension under section 19, widower's pension under section 20 and allowances in respect of children of deceased's family under section 21	7th April 1975
	(*dd*) benefit under the Workmen's Compensation (Supplementation) Act (Northern Ireland) 1966	9th April 1975
	(iii) Schedule 4, paragraph 2(*b*) so far as it relates to paragraph 5(2) of Schedule 13 to the Social Security Act 1973	16th May 1975

(j) 1966 c. 28 (N.I.)
(k) 1968 c. 16 (N.I.)
(l) S.R. & O. (N.I.) 1971 No. 224 (p. 1052)
(m) 1974 c. 4 (N.I.)

SCHEDULE 2 Article 3(1)

PART I

Part I of Schedule 4 to the 1973 Act as modified for transitional purposes

PART I

WEEKLY RATES OF PERIODICAL BENEFITS

1.	Unemployment or sickness benefit	(*a*) higher rate .. .. .. £ 8·60 (*b*) lower rate .. .. .. £ 6·05 (the appropriate rate being determined in accordance with section 10(4) of this Act).
2.	Invalidity pension	£10·00
3.	Invalidity allowance	(*a*) higher rate .. .. .. £ 2·05 (*b*) middle rate .. .. .. £ 1·30 (*c*) lower rate .. .. .. £ 0·65 (the appropriate rate being determined in accordance with section 11(6) of this Act).
4.	Attendance allowance	(*a*) higher rate .. .. .. £ 8·00 (*b*) lower rate .. .. .. £ 5·35 (the appropriate rate being determined in accordance with section 15(2) of this Act).
5.	Maternity allowance	£8·60
6.	Widow's allowance	£14·00
7.	Widowed mother's allowance	£10·00
8.	Widow's pension	£10·00
9.	Guardian's allowance	£ 4·90
10.	Category A retirement pension	£10·00 (plus age addition, where appropriate, of £0·25).
11.	Category B retirement pension	(*a*) lower rate .. .. .. £ 6·00 (*b*) higher rate .. .. .. £10·00 (the appropriate rate being determined in accordance with section 25(7) of this Act; plus age addition in either case, where appropriate, of £0·25).
12.	Category C or Category D retirement pension	(*a*) lower rate .. .. .. £ 3·70 (*b*) higher rate .. .. .. £ 6·00 (the appropriate rate being determined in accordance with section 27(2) of this Act; plus age addition in either case, where appropriate, of £0·25).
13.	Child's special allowance	£4·90

PART II

Part III of Schedule 4 to the 1973 Act as modified for transitional purposes

PART III

WEEKLY RATES OF INCREASES FOR DEPENDANTS

Benefit to which increase applies (1)	*Increase for only, elder or eldest qualifying child* (2)	*Increase for second qualifying child* (3)	*Increase for each additional qualifying child* (4)	*Increase for adult dependant* (5)
	£	£	£	£
1. Unemployment or sickness benefit under—				
(*a*) section 10(2)(*a*)	2·70	1·80	1·70	5·30
(*b*) section 10(2)(*b*) or (*c*)	4·90	4·00	3·90	6·00
2. Invalidity pension	4·90	4·00	3·90	6·00
3. Maternity allowance	2·70	1·80	1·70	5·30
4. Widow's allowance	4·90	4·00	3·90	—
5. Widowed mother's allowance	4·90	4·00	3·90	—
6. Category A or B retirement pension	4·90	4·00	3·90	6·00
7. Category C retirement pension	4·90	4·00	3·90	3·70
8. Child's special allowance	—	4·00	3·90	—

Where any unemployment or sickness benefit is payable at a weekly rate determined under section 10(7) of this Act, column (5) of this Part of this Schedule shall have effect subject to section 34(5)(*b*) of this Act; and where an invalidity pension is payable at a weekly rate determined under section 11(4) of this Act, column (5) shall have effect subject to section 35(7)(*b*) of this Act.

EXPLANATORY NOTE

(This note is not part of the order but is intended to indicate its general purport.)

This order brings into operation in Northern Ireland the provisions of the Social Security Benefits Act 1975 other than those relating to—

(*a*) non-contributory invalidity pension and invalid care allowance (see sections 5 to 7 of that Act); and

(*b*) disregarding of resources for the purposes of the Supplementary Benefits &c. Act (Northern Ireland) 1966 (see paragraphs 2 to 6 of Schedule 3 to the Social Security Benefits Act 1975); and

(*c*) uprating, financial and certain other provisions which apply only for the purposes of Great Britain enactments.

The provisions not brought into operation in Northern Ireland by this order will fall to be brought into operation by a subsequent order or orders.