1979 No. 273

SOCIAL SECURITY

The Social Security Benefits Up-rating Order (Northern Ireland) 1979

Made . . . . . 3rd *August* 1979

Coming into operation . . . 12th *November* 1979

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 120 of the Social Security (Northern Ireland) Act 1975(a), and of all other powers enabling it in that behalf, and in conjunction with the Department of Finance for Northern Ireland(b), hereby makes the following order: which order corresponds to the order(c) made by the Secretary of State for Social Services under sections 124 and 126A of the Social Security Act 1975(d) and section 23(1) of the Social Security Pensions Act 1975(e):

Citation, commencement and interpretation

1.—(1) This order may be cited as the Social Security Benefits Up-rating Order (Northern Ireland) 1979 and shall, subject to Articles 4 and 5 below, come into operation on 12th November 1979.

(2) In this order, unless the context otherwise requires—

"the Act" means the Social Security (Northern Ireland) Act 1975, and

"the Pensions Order" means the Social Security Pensions (Northern Ireland) Order 1975(f).

Increase in rates or amounts of certain benefits under the Act

2.—(1) In this Article, "Schedule 4" means Schedule 4 to the Act(g).

(2) The sums specified in paragraph (3) below shall be increased from and including the respective dates specified in Article 4 below; and Schedule 4 shall accordingly have effect as set out in the Schedule to this order.

(a) 1975 c. 15; section 120 was extended in application by Article 25 of the Social Security Pensions (Northern Ireland) Order 1975 and amended by Article 18(17) of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977 (S.I. 1977/610 (N.I. 11)) and paragraph 9 of Schedule 3 to the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I. 5))

(b) *See* section 155(5) of the Social Security (Northern Ireland) Act 1975

(c) S.I. 1979/993

(d) 1975 c. 14

(e) 1975 c. 60

(f) S.I. 1975/1503 (N.I. 15)

(g) Schedule 4 was amended by Article 23(1) and (2) of, and Schedules 4 and 5 to, the Child Benefit (Northern Ireland) Order 1975 (S.I. 1975/1504 (N.I. 16)), Article 24(2) of, and paragraphs 42 and 43 of Schedule 5 to, the Social Security Pensions (Northern Ireland) Order 1975, the Social Security (Mobility Allowance) Up-rating Order (Northern Ireland) 1978 (S.R. 1978 No. 96 (I, p. 271)), the Social Security Benefits Up-rating Order (Northern Ireland) 1978 (S.R. 1978 No. 202 (I, p. 645)) and paragraph 13 of Schedule 1 and paragraph 11 of Schedule 3 to the Social Security (Northern Ireland) Order 1979

(3) The sums mentioned in paragraph (2) above are the sums specified in Parts I, III, IV and V of Schedule 4 (contributory periodical benefits, non-contributory periodical benefits, increases of benefits for dependants and rate or amount of industrial injuries benefits, respectively), except the sum specified in the said Part III for age addition.

Increase in rates or amounts of certain benefits under the Pensions Order

3.—(1) The sums mentioned in paragraphs (2) to (5) below shall be increased from and including the respective dates specified in Article 4 below.

(2) In Article 8(1)(*a*) of the Pensions Order for the sum of £19·50 there shall be substituted the sum of £23·30.

(3) It is hereby directed that the sums which are the additional components in the rates of long-term benefits calculated by reference to any final relevant year earlier than the tax year 1979/1980 shall be increased by 17·5 per cent. of their amount apart from this order.

(4) It is hereby directed that the sums payable by way of increases of retirement pensions under Schedule 1 to the Pensions Order (increase of pension where pensioner defers retirement), in so far as they are attributable to the additional components in such pensions or to increases in guaranteed minimum pensions, shall be increased by 17·5 per cent. of their amount apart from this order, and that in so far as they are not so attributable they shall be increased by 19·5 per cent.

(5) It is hereby directed that an amount equal to 17·5 per cent. of the aggregate amount of the sums payable to a person by virtue of Article 37(6) of the Pensions Order (which provides for increases in a person's guaranteed minimum pension if payment of his occupational pension is postponed after he attains pensionable age), including such sums which are payable by virtue of Article 38(3) of that Order, but excluding any increases under Schedule 1 to that Order which are increased by paragraph (4) above, shall be payable by way of an increase of his Category A or Category B retirement pension.

Dates on which sums specified for rates or amounts of benefit under the Act or the Pensions Order are increased by this order

4.—(1) Subject to paragraph (8) of this Article, the increases made by this order in the sums specified for rates or amounts of benefit under the Act or the Pensions Order shall take effect for each case on the date specified in relation to such case in the following provisions of this Article.

(2) In relation to the case of a person over pensionable age who has not retired from regular employment and for whom the rate of unemployment benefit, sickness benefit or invalidity pension falls to be calculated in accordance with section 14(6) or 15(4) of the Act, the increases in the sums mentioned in Articles 2, 3 and 6 for Category A and B retirement pension and graduated retirement benefit (together with, where appropriate, increases for dependants) shall take effect on 15th November 1979 and in relation to all other cases the increases in such sums shall take effect on 12th November 1979.

(3) The increase mentioned in Article 3(5) shall take effect on 12th November 1979.

(4) The increases in the amounts of maternity allowance, widow's allowance, widowed mother's allowance, widow's pension, Category C and D retirement pension, child's special allowance, attendance allowance, invalid care

allowance (except in a case where the Department has made arrangements for it to be paid on a Wednesday), guardian's allowance and industrial death benefit by way of widow's and widower's pension and allowance in respect of children (together with, where appropriate, increases for dependants) shall in all cases take effect from 12th November 1979.

(5) The sums specified for the rate of mobility allowance, invalid care allowance (in a case where the Department has made arrangements for it to be paid on a Wednesday), disablement benefit (together with increases of disablement pension), maximum disablement gratuity under section 57(5) of the Act, increase of unemployability supplement under section 59 of the Act and maximum, under section 91(1) of the Act, of aggregate of weekly benefit payable for successive accidents, shall be increased in all cases with effect from 14th November 1979.

(6) In relation to the case of a person whose weekly rate of Category A or B retirement pension falls to be increased under the provisions of section 28(7) or 29(8) of the Act by reference to the weekly rate of invalidity allowance to which he was previously entitled, the increase in the sum specified for the appropriate rate of invalidity allowance shall take effect on 12th November 1979 and in relation to all other cases the increase in such sum shall take effect on 15th November 1979.

(7) The increases in the rates or amounts of unemployment and sickness benefit, invalidity pension, non-contributory invalidity pension and injury benefit (together with, where appropriate, increases for dependants), shall take effect in all cases on 15th November 1979.

(8) In the case of a person to whom injury benefit under the Act is payable for 14th November 1979 at a reduced weekly rate by virtue of the provisions of section 91(1) of the Act (maximum aggregate of weekly benefit payable for successive accidents), the rate of that benefit or of any sickness benefit or invalidity pension under the Act or the Pensions Order shall be determined as if the increase in the rates of those benefits took effect on 14th November 1979 and, where appropriate, as if the reference to 15th November 1979 in paragraph (2) of this Article were a reference to 14th November 1979.

Increase in rates of certain benefits under the Industrial Injuries and Diseases (Northern Ireland Old Cases) Act 1975

5. With effect from and including 14th November 1979, for "£11·70" there shall be substituted "£14·00" in section 2(6)(*c*) of the Industrial Injuries and Diseases (Northern Ireland Old Cases) Act 1975(**h**) (maximum weekly rate of lesser incapacity allowance supplementing workmen's compensation).

Increase in rate of graduated retirement benefit and increments thereof

6.—(1) In the National Insurance Act (Northern Ireland) 1966(**i**) the sum of 2·59 pence referred to in section 35(1) (graduated retirement benefit) shall be increased by 17·5 per cent.; and from and including 12th November 1979 the reference in that provision to that sum shall accordingly have effect as a reference to 3·04 pence.

(**h**) 1975 c. 17; section 2(6)(*c*) was amended by the Social Security Benefits Up-rating Order (Northern Ireland) 1978

(**i**) 1966 c. 6 (N.I.); section 35 was repealed by the Social Security Act 1973 (c. 38) but sub-section (1) is now continued in force by regulation 2 of S.R. 1978 No. 105 (I, p. 301) in the modified form set out in Schedule 1 to those regulations as amended by regulation 8 of S.R. 1978 No. 262 (II, p. 915)

(2) It is hereby directed that the aggregate amount of any increases of graduated retirement benefit payable under Schedule 2 to the Social Security (Graduated Retirement Benefit) (No. 2) Regulations (Northern Ireland) 1978(j) (increases for deferred retirement) shall be increased by 17·5 per cent.

Increase of amount specified in section 30(1) *of the Act*

7. The amount specified in section 30(1) of the Act, excluding paragraphs (*a*) and (*b*) of that provision (amount of weekly earnings which must be exceeded before a Category A or Category B retirement pension is reduced by reference to earnings), shall be increased to £52·00.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 3rd August 1979.

(L.S.) *W. J. Sloane*
Senior Assistant Secretary

Sealed with the Official Seal of the Department of Finance for Northern Ireland on 3rd August 1979.

(L.S.) *R. McMurray*
Assistant Secretary

(j) S.R. 1978 No. 105 (I, p. 301)

Article 2(2)

SCHEDULE

Schedule 4 to the Act as amended by this Order

SCHEDULE 4

Rates of Benefits, Grants and Increases for Dependants

PART I

Contributory Periodical Benefits (Sections 14-31)

Description of benefit	Weekly rate
1. Unemployment or sickness benefit (section 14).	£18·50
3. Invalidity allowance (section 16).	(a) higher rate . . . . . £4·90 (b) middle rate . . . . . £3·10 (c) lower rate . . . . . £1·55 (the appropriate rate being determined in accordance with section 16(2)(k))
4. Maternity allowance (section 22).	£18·50
5. Widow's allowance (section 24).	£32·60
9. Category B retirement pension where section 29(7)(a)(i) applies.	£14·00
10. Child's special allowance (section 31).	£7·10

(k) Section 16(2) was amended by paragraph 10 of Schedule 1 to the Social Security (Northern Ireland) Order 1979

PART II

Maternity Grant and Death Grant

Description of Grant	Amount
	£
1. Maternity grant (section 21)	25·00
2. Death grant (section 32), where the deceased was at his death—	
(a) under the age of 3	9·00
(b) between the ages of 3 and 6	15·00
(c) between the ages of 6 and 18	22·50
(d) over the age of 18—	
(i) if on 5th July 1948 that person had attained the age of 55 in the case of a man or 50 in the case of a woman	15·00
(ii) in any other case	30·00

PART III

Non-contributory Periodical Benefits (Sections 34-40)

Description of benefit	Weekly rate
1. Attendance allowance (section 35).	(a) higher rate . . . . . £18·60 (b) lower rate . . . . . £12·40 (the appropriate rate being determined in accordance with section 35(3)(I)).
2. Non-contributory invalidity pension (section 36).	£14·00
3. Invalid care allowance (section 37).	£14·00
3A. Mobility allowance (section 37A).	£12·00
4. Guardian's allowance (section 38).	£7·10
5. Category C or Category D retirement pension (section 39).	(a) lower rate . . . . . £8.40 (b) higher rate . . . . . £14·00 (the appropriate rate being determined in accordance with section 39(2)).
6. Age addition (to a pension of any category, and otherwise under section 40).	£0·25

(I) Section 35(3) was amended by Article 3(4) of the Social Security (Northern Ireland) Order 1979

PART IV

Increases for Dependants (Sections 41-49)

Benefit to which increase applies (1)	Increase for qualifying child (2)	Increase for adult dependant (3)
	£	£
1. Unemployment or sickness benefit—		
(a) where the beneficiary is under pensionable age	1·70	11·45
(b) where the beneficiary is over pensionable age	7·10	14·00
2. Invalidity pension	7·10	14·00
3. Maternity allowance	1·70	11·45
4. Widow's allowance	7·10	—
5. Widowed mother's allowance	7·10	—
6. Category A or B retirement pension	7·10	14·00
7. Category C retirement pension	7·10	8·40
8. Child's special allowance	7·10	—
9. Non-contributory invalidity pension	7·10	8·40
10. Invalid care allowance	7·10	8·40

Where unemployment or sickness benefit is payable at a weekly rate determined under section 14(6) of this Act, column (3) of this Part of this Schedule shall have effect subject to section 44(5)(*b*); and where an invalidity pension is payable at a weekly rate determined under section 15(4) of this Act, column (3) shall have effect subject to section 47(2)(*b*).

PART V

Rate or Amount of Industrial Injuries Benefit

Description of benefit, etc.	Rate or amount
1. Injury benefit under section 56 (weekly rates).	(a) for any period during which the beneficiary is over the age of 18 or is entitled to an increase of benefit in respect of a child or adult dependant . . . . . £21·25 (b) for any period during which the beneficiary is not over the age of 18 and not so entitled . . . . £18·50
2. Maximum disablement gratuity under section 57(5).	£2,530
3. Disablement pension under section 57(6) (weekly rates).	For the several degrees of disablement set out in column (1) of the following Table, the respective amounts in that Table, using— (a) column (2) for any period during which the beneficiary is over the age of 18 or is entitled to an increase of benefit in respect of a child or adult dependant; (b) column (3) for any period during which the beneficiary is not over the age of 18 and not so entitled:
4. Unemployability supplement under section 58 (increase of weekly rate of disablement pension).	£23·30

TABLE

Degree of disablement (1)	Amount (2)	Amount (3)
Per cent.	£	£
100	38·00	23·30
90	34·20	20·97
80	30·40	18·64
70	26·60	16·31
60	22·80	13·98
50	19·00	11·65
40	15·20	9·32
30	11·40	6·99
20	7·60	4·66

Description of benefit, etc.	Rate or amount
5. Increase under section 59 of weekly rate of unemployability supplement (early onset of incapacity for work).	(a) if on the qualifying date the beneficiary was under the age of 35, or if that date fell before 5th July 1948 . . . . . £4·90 (aa) if head (a) above does not apply and on the qualifying date the beneficiary was under the age of 40 and he had not attained pensionable age before 6th April 1979 . £4·90 (b) if heads (a) and (aa) above do not apply and on the qualifying date the beneficiary was under the age of 45 . . . . . £3·10 (bb) if heads (a), (aa) and (b) above do not apply and on the qualifying date the beneficiary was under the age of 50 and had not attained pensionable age before 6th April 1979 . . . . . £3·10 (c) in any other case . . . . £1·55
6. Maximum increase under section 60 of weekly rate of disablement pension in cases of special hardship.	£15·20 or the amount (if any) by which the weekly rate of the pension, apart from any increase under section 61, 63, 64 or 66, falls short of £38·00, whichever is the less.
7. Maximum increase under section 61 of weekly rate of disablement pension where constant attendance needed.	(a) except in cases of exceptionally severe disablement . . . . £15·20 (b) in any case . . . . . £30·40
8. Increase under section 63 of weekly rate of disablement pension (exceptionally severe disablement).	£15·20
9. Increase under section 64 of weekly rate of injury benefit (dependent children).	£1·70
10. Increase under section 64 of weekly rate of disablement pension (dependent children).	£7·10
11. Increase under section 66(2) of weekly rate of injury benefit (adult dependant).	£11·45
12. Increase under section 66(2) of weekly rate of disablement pension (adult dependant).	£14·00

Description of benefit, etc.	Rate or amount
13. Widow's pension under section 68 (weekly rates)—	
(a) initial rate	£32·60
(b) higher permanent rate	£23·85
(c) lower permanent rate	30 per cent. of the sum specified in Article 8(1)(a) of the Pensions Order.
14. Widower's pension under section 69 (weekly rate).	£23·85
15. Allowance under section 70 in respect of children—	
(a) weekly rate of allowance at higher rate	in respect of each qualifying child £7·10
(b) weekly rate of allowance at lower rate	in respect of each qualifying child £1·70
16. Maximum under section 91(1) of aggregate of weekly benefit payable for successive accidents.	(a) for any period during which the beneficiary is over the age of 18 or is entitled to an increase of benefit in respect of a child or adult dependant . . . . . £38·00
	(b) for any period during which the beneficiary is not over the age of 18 and not so entitled . . . . £23·30

EXPLANATORY NOTE

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

This order, which corresponds to an order made by the Secretary of State for Social Services under sections 124 and 126A of the Social Security Act 1975 and section 23(1) of the Social Security Pensions Act 1975 increases with effect from specified dates in the week beginning 12th November 1979 the rates and amounts of the benefits and increases of benefit (except age addition) specified in Parts I, III, IV and V of Schedule 4 to the Social Security (Northern Ireland) Act 1975; the rates and amounts of certain benefits under Part III of the Social Security Pensions (Northern Ireland) Order 1975 (including increases of Category A or B retirement pension payable by reference to the increases of guaranteed minimums payable by virtue of Article 37(6) of that Order), and the rate of graduated retirement benefit under the National Insurance Act (Northern Ireland) 1966. The order also increases the rates laid down in the Industrial Injuries and Diseases (Northern Ireland Old Cases) Act 1975 for the maximum weekly rate of lesser incapacity allowance supplementing workmen's compensation. Further, the order increases the amount, specified in section 30(1) of the Social Security (Northern Ireland) Act 1975, of weekly earnings which must be exceeded before retirement pension is reduced by reference to earnings.