1986 No. 211

SOCIAL SECURITY

The Social Security Benefits Up-rating Order (Northern Ireland) 1986

Made	*4th July 1986*
Coming into operation . . .	*28th July 1986*

Whereas the Secretary of State for Social Services has made an order(**a**) under sections 124 and 126A of the Social Security Act 1975(**b**):

Now, therefore, 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(**c**) 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 Up-rating Order (Northern Ireland) 1986 and shall come into operation on 28th July 1986.

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

"the Act" means the Social Security (Northern Ireland) Act 1975;

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

(3) Unless the context otherwise requires, any reference—

(*a*) in this order to a numbered section is a reference to the section of the Act bearing that number;

(*b*) in this order to a numbered Article is a reference to the Article in this order bearing that number;

(*c*) in an Article to a numbered paragraph is a reference to the paragraph of that Article bearing that number;

(*d*) in a paragraph to a lettered sub-paragraph is a reference to the sub-paragraph of that paragraph bearing that letter.

(**a**) S.I. 1986/1117

(**b**) 1975 c. 14; section 124 was modified in application by section 17(4) of the Child Benefit Act 1975 (c. 61) and section 1(3) of the Social Security (No. 2) Act 1980 (c. 39) and amended by the Schedule to the Social Security (No. 2) Act 1980 and paragraph 10 of Schedule 5 to the Social Security Act 1985 (c. 53). Section 124 was also extended in application by section 23(1) of the Social Security Pensions Act 1975 (c. 60), which was itself amended by paragraph 16 of Schedule 3 to the Social Security Act 1979 (c. 18) and Part I of Schedule 5 to the Social Security Act 1980 (c. 30). Section 126A was inserted by section 12 of the Social Security Act 1979 and amended by section 1(4) and (5) of the Social Security and Housing Benefits Act 1983 (c. 36) and section 16(1) of the Social Security Act 1985

(**c**) 1975 c. 15; section 120 was extended in application by Article 25 of the Social Security Pensions (Northern Ireland) Order 1975 (S.I. 1975/1503 (N.I. 15)) and amended by Article 18(17) of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977 (S.I. 1977/610 (N.I. 11)), paragraph 9 of Schedule 3 to the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I. 5)) and Article 9(5) of the Social Security (Northern Ireland) Order 1985 (S.I. 1985/1209 (N.I. 16))

(**d**) S.I. 1975/1503 (N.I. 15)

Increase in rates or amounts of certain benefits under the Act

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

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

(3) The sums mentioned in paragraph (2) are the sums specified in Parts I, III, IV and V of Schedule 4 (contributory periodical benefits, non-contributory periodical benefits, increases for dependants and rate or amount of industrial injuries benefit, respectively), except the sums specified in paragraph 10 of the said Part I (child's special allowance), paragraphs 4 and 6 of the said Part III (guardian's allowance and age addition, respectively), column (2) of the said Part IV and paragraphs 10 and 15 of the said Part V (increases for child dependants).

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

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

(2) In Article 8(1)(*a*) of the Pensions Order (basic component of Category A retirement pension)—

(*a*) so far as the sum is relevant for the purpose of calculating under section 14(6)(**b**) the rate of sickness benefit, for the sum of £36·65(**c**) there shall be substituted the sum of £37·05; and

(*b*) except so far as mentioned in sub-paragraph (*a*), for the sum of £38·30(**c**) there shall be substituted the sum of £38·70.

(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 1986/1987 shall be increased by 1·1 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) shall be increased by 1·1 per cent.

(5) It is hereby directed that an amount equal to 1·1 per cent. of the aggregate amount of—

(*a*) the sums payable to a person by virtue of Article 37(6) of the Pensions Order(**d**) (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 (widow's pension guaranteed minimum); and

(*b*) the amount by which that person's Category A or Category B retirement pension has been increased by an order under section 120 corresponding to an

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(**a**) Schedule 4 was amended by paragraphs 35 and 36 of Schedule 4 to the Child Benefit (Northern Ireland) Order 1975 (S.I. 1975/1504 (N.I. 16)); Article 24(2) and paragraphs 42 and 43 of Schedule 5 to, and Schedule 6 to, the Social Security Pensions (Northern Ireland) Order 1975; paragraph 13 of Schedule 1 to the Social Security (Northern Ireland) Order 1979; Part II of Schedule 4 to the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)); Schedule 5 to the Social Security (Northern Ireland) Order 1982 (S.I. 1982/1084 (N.I. 16)); paragraph 2 of Schedule 2 to, paragraph 5 of Schedule 3 to, and Schedule 6 to, the Health and Social Security (Northern Ireland) Order 1984 (S.I. 1984/1158 (N.I. 8)); the Social Security Benefits Up-rating Order (Northern Ireland) 1985 (S.R. 1985 No. 230); and Article 14(2) of, and Schedule 6 to, the Social Security (Northern Ireland) Order 1985

(**b**) Section 14(6) was amended by paragraph 21(*b*) of Schedule 5 to the Social Security Pensions (Northern Ireland) Order 1975 and paragraph 5 of Schedule 3 to the Social Security (Northern Ireland) Order 1979

(**c**) *See* Article 3(2) of S.R. 1985 No. 230

(**d**) Article 37(6) was amended by Article 4(2) of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977

order made by the Secretary of State under section 126A of the Social Security Act 1975 (up-rating of increments in guaranteed minimum pensions),

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) 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)(**a**), the increases in the sums mentioned in Articles 2, 3 and 6 for Category A and Category B retirement pension and graduated retirement benefit (together with, where appropriate, increases for dependants) shall take effect on 31st July 1986; and in relation to all other cases the increases in such sums shall take effect on 28th July 1986.

(3) The increase mentioned in Article 3(5) shall take effect on 28th July 1986.

(4) The increases in the amounts of maternity allowance, widow's allowance, widowed mother's allowance, widow's pension, Category C and Category D retirement pension, attendance allowance, invalid care allowance (except in a case where the Department has made arrangements for it to be paid on a Wednesday) and industrial death benefit by way of widow's and widower's pension (together with, where appropriate, increases for dependants) shall in all cases take effect on 28th July 1986.

(5) The sums specified for the rate of mobility allowance(**b**), 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), increase of unemployability supplement under section 59(**c**) and maximum, under section 91(1)(**d**), of aggregate of weekly benefit payable for successive accidents, shall be increased in all cases with effect from 30th July 1986.

(6) In relation to the case of a person whose weekly rate of Category A or Category B retirement pension falls to be increased under the provisions of section 28(7)(**e**) or 29(8)(**f**) 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 28th July 1986; and in relation to all other cases the increase in such sum shall take effect on 31st July 1986.

(**a**) Section 15(4) was amended by paragraph 22(*c*) of Schedule 5 to the Social Security Pensions (Northern Ireland) Order 1975 and paragraph 1 of Schedule 1 to, and paragraph 6 of Schedule 3 to, the Social Security (Northern Ireland) Order 1979

(**b**) *See* 1975 c. 15; section 37A was inserted by Article 24(1) of the Social Security Pensions (Northern Ireland) Order 1975 and was amended by Article 4 of the Social Security (Northern Ireland) Order 1979

(**c**) Section 59 was amended by paragraph 12 of Schedule 1 to the Social Security (Northern Ireland) Order 1979, Article 3(3) of the Social Security (No. 2) (Northern Ireland) Order 1980 (S.I. 1980/1087 (N.I. 13)) and Article 11(4) of the Social Security (Northern Ireland) Order 1985

(**d**) Section 91(1) was amended by paragraph 11 of Schedule 4 to, and Schedule 5 to, the Social Security (Northern Ireland) Order 1982

(**e**) Section 28(7) was amended by Article 3(3) of the Social Security (No. 2) (Northern Ireland) Order 1980 and Article 11(2)(*a*) and (*b*) of the Social Security (Northern Ireland) Order 1985

(**f**) Section 29(8) was amended by Article 11(3) of the Social Security (Northern Ireland) Order 1985

(7) The increases in the rates or amounts of unemployment and sickness benefit, invalidity pension and severe disablement allowance(**a**) (together with, where appropriate, increases for dependants) shall take effect in all cases on 31st July 1986.

Increase in rate of benefit under the Industrial Injuries and Diseases (Northern Ireland Old Cases) Act 1975

5. With effect from and including 30th July 1986, for "£23·00" there shall be substituted "£23·25" in section 2(6)(*c*) of the Industrial Injuries and Diseases (Northern Ireland Old Cases) Act 1975(**b**) (maximum weekly rate of lesser incapacity allowance supplementing workmen's compensation).

Increase in rate of graduated retirement benefit and increments thereof

6.—(1) The sum of 5 pence referred to in section 35(1) of the National Insurance Act (Northern Ireland) 1966(**c**) (graduated retirement benefit) shall be increased by 1·1 per cent.; and accordingly, from and including 28th July 1986 the reference in that provision to that sum shall have effect as a reference to 5·06 pence.

(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(**d**) (increases for deferred retirement) shall be increased by 1·1 per cent.

Revocations

7. There are hereby revoked in the Social Security Benefits Up-rating Order (Northern Ireland) 1985(**e**) the reference to the Pensions Order in Article 1, the whole of Articles 2 to 6 and 8, and the Schedule.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 4th July 1986.

(L.S.) *A. N. Burns*
Assistant Secretary

(**a**) *See* 1975 c. 15; section 36 was substituted by Article 5(1) of the Health and Social Security (Northern Ireland) Order 1984 and amended by paragraph 2 of Schedule 4 to the Social Security (Northern Ireland) Order 1985
(**b**) 1975 c. 17; section 2(6)(*c*) was amended by Article 5 of S.R. 1985 No. 230
(**c**) 1966 c. 6 (N.I.); section 35 was repealed by the Social Security Act 1973 (c. 38) but subsection (1) is now continued in force by regulation 2 of S.R. 1978 No. 105 in the modified form set out in Schedule 1 to those regulations as amended by Article 6 of S.R. 1985 No. 230
(**d**) S.R. 1978 No. 105
(**e**) S.R. 1985 No. 230

SCHEDULE Article 2(2)

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

Description of benefit	*Weekly rate*
1. Unemployment or sickness benefit (section 14).	(*a*) unemployment benefit ..... £30·80 (*b*) sickness benefit ..... £29·45
3. Invalidity allowance (section 16).	(*a*) higher rate ..... £ 8·15 (*b*) middle rate ..... £ 5·20 (*c*) lower rate ..... £ 2·60 (the appropriate rate being determined in accordance with section 16(2)(**a**)).
4. Maternity allowance (section 22).	£29·45
5. Widow's allowance (section 24).	£54·20
9. Category B retirement pension where section 29(7)(*a*)(i) applies.	£23·25
10. Child's special allowance (section 31).	£ 8·05

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

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

Non-contributory Periodical Benefits

Description of benefit	*Weekly rate*
1. Attendance allowance (section 35).	(*a*) higher rate ..... £30·95 (*b*) lower rate ..... £20·65 (the appropriate rate being determined in accordance with section 35(3)(**a**)).
2. Severe disablement allowance (section 36).	£23·25
3. Invalid care allowance (section 37).	£23·25
3A. Mobility allowance (section 37A).	£21·65
4. Guardian's allowance (section 38).	£ 8·05
5. Category C retirement pension (section 39).	(*a*) lower rate ..... £13·90 (*b*) higher rate ..... £23·25 (the appropriate rate being determined in accordance with section 39(2)(**b**)).
5A. Category D retirement pension (section 39).	The higher rate for Category C retirement pensions under paragraph 5 above.
6. Age addition (to a pension of any category, and otherwise under section 40).	£ 0·25

(**a**) Section 35(3) was amended by Article 3(4) of the Social Security (Northern Ireland) Order 1979
(**b**) Section 39(2) was amended by Article 14(1)(*a*) of the Social Security (Northern Ireland) Order 1985

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*) unemployment benefit, where the beneficiary is under pensionable age	—	19·00
(*b*) unemployment benefit, where the beneficiary is over pensionable age	8·05	23·25
(*c*) sickness benefit, where the beneficiary is under pensionable age	—	18·20
(*d*) sickness benefit, where the beneficiary is over pensionable age	8·05	22·25
2. Invalidity pension	8·05	23·25
3. Maternity allowance	—	18·20
4. Widow's allowance	8·05	—
5. Widowed mother's allowance	8·05	—
6. Category A or B retirement pension	8·05	23·25
7. Category C retirement pension	8·05	13·90
8. Child's special allowance	8·05	—
9. Severe disablement allowance	8·05	13·90
10. Invalid care allowance	8·05	13·90

PART V

Rate or Amount of Industrial Injuries Benefit

Description of benefit, etc.	*Rate or amount*
2. Maximum disablement gratuity under section 57(5).	£4,200·00
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).	£38·70
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 ..... £ 8·15 (*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 ..... £ 8·15 (*b*) if heads (*a*) and (*aa*) above do not apply and on the qualifying date the beneficiary was under the age of 45 ..... £ 5·20 (*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 ..... £ 5·20

TABLE

Degree of disablement	Amount	
(1)	(2)	(3)
Per cent.	£	£
100	63·20	38·70
90	56·88	34·83
80	50·56	30·96
70	44·24	27·09
60	37·92	23·22
50	31·60	19·35
40	25·28	15·48
30	18·96	11·61
20	12·64	7·74

Description of benefit, etc.	*Rate or amount*
	(*c*) in any other case ..... £ 2·60
6. Maximum increase under section 60 of weekly rate of disablement pension in cases of special hardship.	£25·28 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 £63·20, 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 ..... £25·30 (*b*) in any case ..... £50·60
8. Increase under section 63 of weekly rate of disablement pension (exceptionally severe disablement).	£25·30
10. Increase under section 64 of weekly rate of disablement pension (dependent children).	£ 8·05
12. Increase under section 66(2) of weekly rate of disablement pension (adult dependant).	£23·25
13. Widow's pension under section 68 (weekly rates)—	
(*a*) initial rate	£54·20
(*b*) higher permanent rate	£39·25
(*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).	£39·25
15. Weekly rate of allowance under section 70 in respect of children.	In respect of each qualifying child .. £ 8·05
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 ..... £63·20 (*b*) for any period during which the beneficiary is not over the age of 18 and not so entitled ..... £38·70

EXPLANATORY NOTE

(This note is not part of the Order.)

This order, which corresponds to an order (S.I. 1986/1117) made by the Secretary of State for Social Services under sections 124 and 126A of the Social Security Act 1975, increases, with effect from dates in the week beginning 28th July 1986 which are specified in Articles 4 to 6, the rates and amounts of certain benefits and other sums.

Article 2 increases certain benefits specified in Parts I, III, IV and V of Schedule 4 to the Social Security (Northern Ireland) Act 1975; Article 3 increases 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 Category B retirement pension payable by reference to the increases of increments in guaranteed minimum pensions payable by virtue of Article 37(6) of that Order); Article 4 specifies the dates from which the rates or amounts of benefit are increased; Article 5 increases the rate 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; Article 6 increases the rate of graduated retirement benefit under the National Insurance Act (Northern Ireland) 1966; and Article 7 revokes certain provisions of the Social Security Benefits Up-rating Order (Northern Ireland) 1985.