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STATUTORY RULES OF NORTHERN IRELAND

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**2021 No. 82**

The Social Security Benefits Up-rating Order (Northern Ireland) 2021

PART 1

INTRODUCTION

**Citation, commencement and effect**

1.—(1) This Order may be cited as the Social Security Benefits Up-rating Order (Northern Ireland) 2021, and subject to paragraphs (2) and (3), shall come into operation for the purposes of—

- (a) this Article and Articles 2 and 7 on 1st April 2021;
- (b) Article 3—
  - (i) in so far as it relates to any increase to which Article 7(9)(b) applies, on 1st April 2021, and
  - (ii) for all other purposes on 12th April 2021;
- (c) Articles 4, 5, 6, 12, 13, 14, 15, 16, 19 and 20, on 12th April 2021;
- (d) Article 8, in so far as it relates to a particular beneficiary, on the first day of the first benefit week to commence for that beneficiary on or after 1st April 2021, and for the purpose of this sub-paragraph “benefit week” has the same meaning as in regulation 2(1) of the Computation of Earnings Regulations;
- (e) Article 9, on 6th April 2021;
- (f) Article 10, on 4th April 2021, except for the purpose of determining the rate of maternity allowance in accordance with section 35A(1) of the Contributions and Benefits Act<sup>(1)</sup> (appropriate weekly rate of maternity allowance under section 35), for which purpose it shall come into operation on 12th April 2021;
- (g) Article 11, on 4th April 2021;
- (h) Articles 17 and 18, on 15th April 2021;
- (i) Articles 21, 22 and 23, in so far as they relate to a particular beneficiary, on the first day of the first benefit week to commence for that beneficiary on or after 12th April 2021, and for the purpose of this sub-paragraph “benefit week” has the same meaning as in the Income Support Regulations;
- (j) Articles 24 and 25, in relation to a case where rent is payable at intervals of a week or any multiple thereof, on 5th April 2021, and in relation to any other case, on 1st April 2021;
- (k) Articles 26, 27 and 28, in so far as it relates to a particular beneficiary, on the first day of the first benefit week to commence for that beneficiary on or after 12th April 2021,

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<sup>(1)</sup> Section 35A was inserted by Article 50(3) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I.11)) and amended by regulation 2(4) of S.R. 2014 No. 102 and subsection (1) was substituted by section 4(1)(a) of the Social Security Act (Northern Ireland) 2002 (c. 10 (N.I.))

and for the purpose of this sub-paragraph “benefit week” has the same meaning as in the Jobseeker’s Allowance Regulations 1996;

- (l) Article 29, in so far as it relates to a particular beneficiary, on the first day of the first benefit week to commence for that beneficiary on or after 12th April 2021, and for the purpose of this sub-paragraph “benefit week” has the same meaning as in the Jobseeker’s Allowance Regulations 2016;
- (m) Article 30, in so far as it relates to a particular beneficiary, on the first day of the first benefit week to commence for that beneficiary on or after 12th April 2021, and for the purpose of this sub-paragraph “benefit week” has the same meaning as in the State Pension Credit Regulations;
- (n) Article 31, in so far as it relates to a particular beneficiary, on the first day of the first week to commence for that beneficiary on or after 12th April 2021, and for the purpose of this sub-paragraph “benefit week” has the same meaning as in the Employment and Support Allowance Regulations 2008;
- (o) Article 32, in so far as it relates to a particular beneficiary, on the first day of the first benefit week to commence for that beneficiary on or after 12th April 2021, and for the purposes of this sub-paragraph “benefit week” has the same meaning as in the Employment and Support Allowance Regulations 2016;
- (p) Article 33, in so far as it relates to a particular beneficiary, on the first day of the first assessment period to commence for that beneficiary on or after 12th April 2021, and for the purpose of this sub-paragraph “assessment period” has the same meaning as in Article 12(2) of the Welfare Reform (Northern Ireland) Order 2015(2); and
- (q) Article 34, on 10th May 2021.

(2) In so far as Articles 3, 4, 5, 6, 10, 12, 13, 14, 17, 18, 19, 29 and 32 relate to a beneficiary in favour of whom an award of universal credit is in force, those Articles shall come into operation for the purposes of determining the beneficiary’s unearned income in relation to that award on the same day as Article 33 comes into operation for that beneficiary.

(3) The changes made in the sums specified for rates or amounts of benefits in—

- (a) Articles 3, 4, 5, 6, 12, 13 and 14; and
- (b) Article 26(b), in so far as that sum is relevant for the purposes of establishing whether the rate of any benefit is not to be increased in respect of an adult dependant because the earnings of the dependant exceed a specified amount,

shall take effect for each case on the date specified in relation to that case in Article 7.

## Interpretation

2.—(1) In this Order—

“the Administration Act” means the Social Security Administration (Northern Ireland) Act 1992;

“the Contributions and Benefits Act” means the Social Security Contributions and Benefits (Northern Ireland) Act 1992(3);

“the Pensions Act” means the Pensions Act (Northern Ireland) 2015(4);

“the Pension Schemes Act” means the Pension Schemes (Northern Ireland) Act 1993(5);

(2) S.I. 2015/2006 (N.I.1)

(3) 1992 c. 7

(4) 2015 c. 5 (N.I.)

(5) 1993 c. 49

“the Computation of Earnings Regulations” means the Social Security Benefit (Computation of Earnings) Regulations (Northern Ireland) 1996(6);

“the Employment and Support Allowance Regulations 2008” means the Employment and Support Allowance Regulations (Northern Ireland) 2008(7);

“the Employment and Support Allowance Regulations 2016” means the Employment and Support Allowance Regulations (Northern Ireland) 2016(8);

“the Employment and Support Allowance Regulations 2017” means the Employment and Support Allowance (Consequential Amendments and Transitional and Savings Provisions) Regulations (Northern Ireland) 2017(9);

“the Great Britain Up-rating Order” means the Social Security Benefits Up-rating Order 2021(10);

“the Housing Benefit Regulations” means the Housing Benefit Regulations (Northern Ireland) 2006(11);

“the Housing Benefit (Abolition of the Family Premium and date of claim) Regulations” means the Housing Benefit (Abolition of the Family Premium and date of claim) (Amendment) Regulations (Northern Ireland) 2016(12);

“the Housing Benefit (SPC) Regulations” means the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(13);

“the Income Support Regulations” means the Income Support (General) Regulations (Northern Ireland) 1987(14);

“the Jobseeker’s Allowance Regulations 1996” means the Jobseeker’s Allowance Regulations (Northern Ireland) 1996(15);

“the Jobseeker’s Allowance Regulations 2016” means the Jobseeker’s Allowance Regulations (Northern Ireland) 2016(16)

“the Loans for Mortgage Interest Regulations” means the Loans for Mortgage Interest Regulations (Northern Ireland) 2017(17);

“the State Pension Credit Regulations” means the State Pension Credit Regulations (Northern Ireland) 2003(18); and

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- (6) [S.R. 1996 No. 520](#)
  - (7) [S.R. 2008 No. 280](#); relevant amending Rules are [S.R. 2008 Nos. 413 and 503](#), [S.R. 2010 No. 312](#), [S.R. 2017 Nos. 51 and 148](#) and [S.R. 2020 No. 40](#)
  - (8) [S.R. 2016 No. 219](#); relevant amending Rules are [S.R. 2017 No. 51](#) and [S.R. 2020 No. 40](#)
  - (9) [S.R. 2017 No. 51](#); relevant amending Regulations are [S.R. 2017 No. 148](#)
  - (10) [S.I. 2021/162](#)
  - (11) [S.R. 2006 No. 405](#); relevant amending Rules are [S.R. 2008 No. 378](#), [S.R. 2009 No. 382](#), [S.R. 2011 Nos. 136 and 357](#), [S.R. 2012 No. 116](#), [S.R. 2016 Nos. 236 and 310](#), [S.R. 2017 No. 51](#) and [S.R. 2020 No. 40](#)
  - (12) [S.R. 2016 No. 310](#)
  - (13) [S.R. 2006 No. 406](#); relevant amending Rules are [S.R. 2008 No. 498](#), [S.R. 2016 Nos. 236 and 310](#), [S.R. 2017 No. 242](#) and [S.R. 2020 No. 40](#)
  - (14) [S.R. 1987 No. 459](#); relevant amending Rules are [S.R. 1988 Nos. 146 and 318](#), [S.R. 1990 Nos. 213 and 346](#), [S.R. 1993 No. 373](#), [S.R. 1994 No. 77](#), [S.R. 1995 Nos. 301 and 434](#), [S.R. 1996 Nos. 199, 288 and 449](#), [S.R. 1997 No. 3](#), [S.R. 1998 No. 112](#), [S.R. 1999 No. 472 \(C. 36\)](#), [S.R. 2000 No. 367](#), [S.R. 2002 Nos. 132 and 323](#), [S.R. 2003 Nos. 191 and 195](#), [S.R. 2004 No. 394](#), [S.R. 2007 No. 154](#), [S.R. 2008 No. 503](#), [S.R. 2010 No. 69](#), [S.R. 2011 No. 135](#), [S.I. 2013/3021](#), [S.R. 2016 No. 228](#), [S.R. 2018 No. 37](#) and [S.R. 2020 No. 40](#); *see also* regulation 4 of [S.R. 2017 No. 79](#)
  - (15) [S.R. 1996 No. 198](#); relevant amending Rules are [S.R. 1996 Nos. 288 and 356](#), [S.R. 1997 No. 3](#), [S.R. 1998 No. 112](#), [S.R. 1999 No. 428 \(C. 32\)](#), [S.R. 2000 Nos. 350 and 367](#), [S.R. 2001 No. 120](#), [S.R. 2002 No. 323](#), [S.R. 2003 Nos. 195 and 267](#), [S.R. 2004 No. 394](#), [S.R. 2005 No. 536](#), [S.R. 2007 No. 154](#), [S.R. 2008 Nos. 112, 286 and 503](#), [S.R. 2009 No. 261](#), [S.R. 2010 No. 103](#), [S.R. 2011 No. 135](#), [S.I. 2013/3021](#), [S.R. 2016 No. 228](#), [S.R. 2017 No. 116](#) and [S.R. 2020 No. 40](#); *see also* regulation 5 of [S.R. 2017 No. 79](#)
  - (16) [S.R. 2016 No. 218](#);
  - (17) [S.R. 2017 No. 176](#); relevant amending Regulations are [S.R. 2018 No. 37](#)
  - (18) [S.R. 2003 No. 28](#); relevant amending Rules are [S.R. 2004 No. 394](#), [S.R. 2006 No. 359](#), [S.R. 2008 No. 503](#), [S.R. 2016 No. 236](#), [S.R. 2018 No. 135](#) and [S.R. 2020 No. 40](#)

“the Universal Credit Regulations” means the Universal Credit Regulations (Northern Ireland) 2016<sup>(19)</sup>.

(2) Subject to paragraph (3), the Interpretation Act (Northern Ireland) 1954<sup>(20)</sup> shall apply to this Order as it applies to an Act of the Assembly.

(3) For the purposes of this Order and notwithstanding section 39(2) of the Interpretation Act (Northern Ireland) 1954, where a period of time is expressed to begin on, or to be reckoned from, a particular day, that day shall be included in the period.

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<sup>(19)</sup> S.R. 2016 No. 216; relevant amending Rules are S.I. 2016/999 (N.I. 1), S.R. 2016 No. 226, S.R. 2017 Nos. 79, 146 and 147, S.R. 2018 No. 92, S.R. 2020 No. 40 and S.R. 2020 No. 53

<sup>(20)</sup> 1954 c. 33 (N.I.)