



# Social Security Contributions and Benefits (Northern Ireland) Act 1992

## 1992 CHAPTER 7

### PART II

#### CONTRIBUTORY BENEFITS

##### *Invalidity benefits*

### **33 Invalidity pension.**

- (1) Where in respect of any period of interruption of employment a person has been entitled to sickness benefit for 168 days (including, in the case of a woman, any day for which she was entitled to a maternity allowance) then—
- (a) he shall cease to be entitled to that benefit for any subsequent day of incapacity for work falling within that period; and
  - (b) he shall be entitled to an invalidity pension under this section for any day of incapacity for work in that period for which, by virtue only of paragraph (a) above, he is not entitled to sickness benefit if on that day either—
    - (i) he is under pensionable age, or
    - (ii) being over that age but not more than 5 years over it he satisfies either of the conditions of subsection (2) below;
- and any day in the first 3 days of a period of interruption of employment which was a day of incapacity for work shall be treated for the purposes of this subsection as a day on which he was so entitled.
- (2) The conditions of this subsection are that on that day—
- (a) the person would be entitled to a Category A retirement pension if his entitlement had not been deferred or if he had not made an election under section 54(1) below; or

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- (b) the person would be entitled to a Category B retirement pension by virtue of the contributions of his deceased spouse, but for any such deferment or election.
- (3) Except as provided by subsection (4) below, the weekly rate of an invalidity pension under this section shall for any period of interruption of employment be determined in accordance with the provisions of sections 44 and 45 below as they apply in the case of a Category A retirement pension, but—
- (a) with the modification provided by section 46(1) below, and
- (b) with the substitution for section 44(7) below of the following—
- “(7) In the application of this section for the purpose of determining the weekly rate of a person’s invalidity pension for any period of interruption of employment—
- (a) “relevant year” means any tax year, being neither earlier than the tax year 1978-79 nor later than the tax year 1990-91, in the period which—
- (i) begins with the tax year in which the invalidity pensioner attained the age of 16; and
- (ii) ends with the tax year immediately preceding the tax year which includes or included the first day of entitlement to the pension in respect of that period of interruption of employment; and
- (b) “final relevant year” means the last tax year which is a relevant year in relation to the invalidity pensioner.”.
- (4) In the case of a person over pensionable age who is entitled to an invalidity pension under paragraph (a) or (b) of subsection (2) above, the pension shall be payable at the weekly rate at which the retirement pension referred to in the applicable paragraph of that subsection would have been payable, apart from any increase to be disregarded by virtue of subsection (5) below.
- (5) The increases to be disregarded for the purposes of subsection (4) above are the following—
- (a) if he is also entitled to an invalidity allowance, any increase under section 47(1) or 50(2) below;
- (b) any increase (for married women) under section 53(2) below or (for deferred entitlement) under Schedule 5 to this Act;
- (c) any increase (for dependants) under section 80, 83 or 85 below; and
- (d) any increase (for Category A or Category B pensioners) under section 132 of the Administration Act which corresponds to an increase under section 150 of the Great Britain Administration Act.
- (6) The amount payable by way of an invalidity pension under this section shall for any day of incapacity for work be one sixth of the appropriate weekly rate.
- (7) Where—
- (a) a person who is engaged and normally engaged in remunerative work ceases to be so engaged; and
- (b) he is entitled to a disability working allowance for the week in which there falls the last day on which he is so engaged; and

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- (c) he qualified for a disability working allowance for that week by virtue of an invalidity pension under this section having been payable to him; and
  - (d) the first relevant day after he ceases to be engaged as mentioned in paragraph (a) above is for him a day of incapacity for work and falls not later than the end of the period of 2 years beginning with the last day for which he was entitled to such a pension,  
any day since that day which fell within a week for which he was entitled to a disability working allowance shall be treated for the purposes of any claim for such a pension for a period commencing after he ceases to be engaged as mentioned in paragraph (a) above as having been a day of incapacity for work.
- (8) Any day other than a Sunday or a day prescribed under section 57(1)(e) below is a relevant day for the purposes of subsection (7) above.
- (9) Regulations may make provision in relation to entitlement to invalidity pension under this section—
- (a) corresponding to that made by or under section 102 below in relation to sickness benefit for persons who have attained pensionable age;
  - (b) restricting entitlement to invalidity pension under this section in cases where in respect of one or more of the 168 days mentioned in subsection (1) above the person claiming invalidity pension (whether or not he has attained pensionable age) would not have been entitled to sickness benefit but for the provision so made.
- (10) The Department may by regulations provide that, for the purpose of entitlement to invalidity pension under this section, such days as may be prescribed, in respect of which a person is or has been entitled to statutory sick pay, shall be days in respect of which he is deemed to be or to have been entitled to sickness benefit.
- (11) A person under pensionable age who is deemed in accordance with regulations under subsection (10) above to have been entitled to sickness benefit for the whole or any part of a period of 168 days such as is mentioned in subsection (1) above shall not be entitled to invalidity pension under this section unless he would have satisfied the contribution conditions for sickness benefit had he claimed that benefit on the first of those days.

#### **34 Invalidity allowance.**

- (1) If a person is more than 5 years below pensionable age on the qualifying date in any period of interruption of employment then, subject to the following provisions of this section, in respect of every day of that period in respect of which he is entitled to an invalidity pension, he shall also be entitled to an invalidity allowance at the appropriate weekly rate specified in Schedule 4, Part I, paragraph 3.
- (2) In this section “the qualifying date” means the first day in the period of interruption of employment in question (whether that day falls before the coming into force of this section or later) which is a day of incapacity for work or such earlier day as may be prescribed.
- (3) An invalidity allowance shall be payable—
- (a) at the higher rate specified in Schedule 4, Part I, paragraph 3, if—
    - (i) the qualifying date fell before 5th July 1948; or
    - (ii) on the qualifying date the beneficiary was under the age of 35; or

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- (iii) on the qualifying date the beneficiary was under the age of 40 and had not attained pensionable age before 6th April 1979;
  - (b) at the middle rate so specified if paragraph (a) above does not apply and either—
    - (i) on the qualifying date the beneficiary was under the age of 45; or
    - (ii) on the qualifying date the beneficiary was under the age of 50 and had not attained pensionable age before 6th April 1979;
  - (c) at the lower rate so specified if paragraphs (a) and (b) above do not apply, and on the qualifying date the beneficiary was a man under the age of 60 or a woman under the age of 55.
- (4) Where for any period the weekly rate of the invalidity pension to which the beneficiary is entitled includes an additional pension such as is mentioned in section 44(3)(b) below, for that period the relevant amount shall be deducted from the appropriate weekly rate of invalidity allowance and he shall be entitled to invalidity allowance only if there is a balance after the deduction and, if there is such a balance, at a weekly rate equal to it.
- (5) In this section “the relevant amount” means an amount equal to the additional pension reduced by the amount of any reduction in the weekly rate of the invalidity pension made by virtue of Article 31 of the Pensions Order.
- (6) In this section references to an additional pension are references to that pension after any increase under section 52(3) below but without any increase under paragraphs 1 and 2 of Schedule 5 to this Act.
- (7) The amount payable by way of invalidity allowance shall for any day of incapacity for work be one sixth of the appropriate weekly rate or, where subsection (4) above applies, of the weekly rate payable under that subsection.

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