

1976 No. 243

SOCIAL SECURITY

**The Social Security Benefits Up-rating Regulations
(Northern Ireland) 1976**

Made 12th August 1976

Coming into operation 15th November 1976

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 33, 121 and 126 of, and paragraph 2(1) of Schedule 14 to, the Social Security (Northern Ireland) Act 1975(a) and section 2 of, and paragraphs 3, 7 and 9 of Schedule 3 to, the Social Security (Consequential Provisions) Act 1975(b) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security Benefits Up-rating Regulations (Northern Ireland) 1976 and shall come into operation on 15th November 1976.

(2) In these regulations, unless the context otherwise requires—

“the Act” means the Social Security (Northern Ireland) Act 1975;

“the up-rating order” means the Social Security Benefits Up-rating Order (Northern Ireland) 1976(c);

and other expressions have the same meanings as in the Act.

(3) Any reference in this statutory rule to any provision made by or contained in any enactment or instrument shall, except in so far as the context otherwise requires, be construed as a reference to that provision as amended or extended by any enactment or instrument and as including a reference to any provision which may re-enact or replace it with or without modification.

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(d) shall apply for the purposes of the interpretation of this statutory rule as they apply for the purposes of the interpretation of an Act of Parliament.

Increase in modified rates of short-term benefit payable under regulations

2. Subject to the provisions of regulation 3 of these regulations, as from 15th November 1976 as respects maternity allowance and as from 18th November 1976 as respects unemployment and sickness benefit, there shall be substituted for the table in Schedule 2 to the Social Security (Short-Term Benefits) (Transitional) (Northern Ireland) Regulations 1975(e), as amended (f), the table in the Schedule to these regulations.

(a) 1975 c. 15

(b) 1975 c. 18

(c) S.R. 1976 No. 214

(d) 1889 c. 63

(e) S.R. 1975 No. 44 (I, p. 197)

(f) The relevant amending regulations are S.R. 1975 No. 213 (II, p. 1078)

Conditions relating to payment of additional benefit under awards made before the appointed or prescribed day

3. Where an award of any benefit under Chapters I to III of Part II of the Act has been made before the day appointed or prescribed for the payment of the benefit in question at the rate provided in or by virtue of the up-rating order or of these regulations (hereafter in this regulation referred to as "the increased rate"), paragraphs 1 and 2 of Schedule 14 to the Act (effect of any such award) shall, unless the period to which the award relates has ended before that day or the award, in accordance with the provisions of sub-paragraph (2) of the said paragraph 2, provides for the payment of the benefit at the increased rate as from that day, have effect subject to the condition that if a question arises as to —

- (a) the weekly rate at which the benefit is payable by virtue of the up-rating order or these regulations; or
- (b) whether the conditions for the receipt of the benefit at the increased rate are satisfied,

the benefit shall be or continue to be payable at the weekly rate specified in the award until that question shall have been determined in accordance with the provisions of the Act.

Persons not ordinarily resident in Northern Ireland

4. Regulation 5 of the Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1975(g) (application of disqualification in respect of up-rating of benefit) shall apply to any additional benefit payable by virtue of the up-rating order.

Revocation

5. The Social Security Benefits Up-rating Regulations (Northern Ireland) 1975(h) are hereby revoked, without prejudice to their previous operation or to anything duly done or suffered under them; and anything begun or purported to have been begun under them may be continued under these regulations as if duly begun under these regulations.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 12th August 1976.

(L.S.)

C. G. Oakes
Senior Assistant Secretary

SCHEDULE

Regulation 2

Modified rates of benefit and of increase of benefit for adult dependant

(1)	(2)	(3)	(4)
<i>Number of contributions paid or credited in the relevant contribution year or as the case may be relevant contribution period</i>	FULL WEEKLY RATES		
	<i>Unemployment or sickness benefit at higher rate or maternity allowance</i>	<i>Unemployment or sickness benefit at lower rate</i>	<i>Increase for adult dependant</i>
	£	£	£
	12.90	9.20	8.00
	MODIFIED WEEKLY RATES		
	£	£	£
48—49	12.38	9.07	7.70
46—47	11.85	8.79	7.42
43—45	11.33	8.26	7.07
40—42	10.40	7.73	6.56
37—39	9.41	6.95	6.08
34—36	8.45	6.22	5.41
30—33	7.46	5.52	4.72
26—29	6.45	4.60	4.00

EXPLANATORY NOTE

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

These regulations are made in consequence of the Social Security Benefits Up-rating Order (Northern Ireland) 1976 (the up-rating order).

Regulation 2 increases the modified rates of unemployment benefit, sickness benefit and maternity allowance payable under the Social Security (Short-Term Benefits) (Transitional) (Northern Ireland) Regulations 1975 in order to bring them into line with the increased rates for those benefits payable by virtue of the up-rating order; regulation 3 specifies the circumstances in which the amount of benefit, awarded before the date from which increased rates become payable, is not automatically altered; and regulation 4 applies the provisions of regulation 5 of the Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1975 (position of persons who are absent from and not ordinarily resident in Northern Ireland when the weekly rate of certain benefits is increased) to the increases of benefit provided by virtue of the up-rating order.