

1977 No. 258

**SOCIAL SECURITY****The Social Security Benefits Up-rating Regulations (Northern Ireland) 1977***Made* 16th August 1977*Coming into operation* 14th November 1977

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 17(2)(a), 33, 36(9)(b), 58(3) and 126 of, and paragraph 2(1) of Schedule 14 to, the Social Security (Northern Ireland) Act 1975(a), 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) 1977 and shall come into operation on 14th November 1977.

(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) 1977(b);

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(c) shall apply in relation to this statutory rule and in relation to the revocations effected by it as if this statutory rule and the statutory rules so revoked were Acts of Parliament and as if each revocation were a repeal.

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

2. 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 (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) 1975 c. 15  
(b) S.R. 1977 No. 246

(c) 1889 c. 63

- (a) the weekly rate at which the benefit is payable by virtue of the up-rating order; 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.

*Amendment of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations*

3. Regulation 7 of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1975(d), as amended(e), (days not to be treated as days of unemployment or incapacity for work) shall be further amended by the substitution in paragraph (1)(g) for "£9-00" of "£10-00".

*Amendment of the Social Security (Non-Contributory Invalidity Pension) Regulations*

4. Regulation 12 of the Social Security (Non-Contributory Invalidity Pension) Regulations (Northern Ireland) 1975(f), as amended(e), (disqualification for non-contributory invalidity pension) shall be further amended by the substitution in paragraph (d)(iii) for "£9-00" of "£10-00".

*Amendment of the Social Security (Industrial Injuries) (Benefit) Regulations*

5. Regulation 8 of the Social Security (Industrial Injuries) (Benefit) Regulations (Northern Ireland) 1976(g), as amended(e), (earnings level for the purposes of unemployability supplement under section 58) shall be further amended by the substitution for "£468" of "£520".

*Persons not ordinarily resident in Northern Ireland*

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

*Revocations*

7. The Social Security Benefits Up-rating Regulations (Northern Ireland) 1976(j) and the Social Security Benefits Up-rating (No. 2) Regulations (Northern Ireland) 1976(k) 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 16th August 1977.

(L.S.)

C. G. Oakes  
Senior Assistant Secretary

- (d) S.R. 1975 No. 86(1, p. 504), as applied by s. 56(6) of the Social Security (Northern Ireland) Act 1975
- (e) The relevant amending regulations are S.R. 1976 No. 259
- (f) S.R. 1975 No. 202 (II, p. 1036)
- (g) S.R. 1976 No. 42
- (h) S.R. 1975 No. 103 (I, p. 632)
- (i) The relevant amending regulations are S.R. 1977 No. 73
- (j) S.R. 1976 No. 243
- (k) S.R. 1976 No. 259

## EXPLANATORY NOTE

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

These regulations, which are made in consequence of the Social Security Benefits Up-rating Order (Northern Ireland) 1977 ("the up-rating order"), specify circumstances in which the amount of benefit, awarded before the date from which increased rates become payable, is not automatically altered and apply the provisions of the Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1975, relating to the 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. The regulations also amend the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1975 and the Social Security (Non-Contributory Invalidity Pension) Regulations (Northern Ireland) 1975, and the Social Security (Industrial Injuries) (Benefit) Regulations (Northern Ireland) 1976 so as to raise to £10 a week and £520 a year respectively the earnings limits in respect of work which a person in receipt of sickness benefit, invalidity benefit, non-contributory invalidity pension, injury benefit or unemployability supplement may do in certain circumstances.