

---

## STATUTORY RULES OF NORTHERN IRELAND

---

# 2010 No. 118

## The Social Security Benefits Up-rating Order (Northern Ireland) 2010

### PART 1

#### INTRODUCTION

##### **Citation, commencement and effect**

1.—(1) This Order may be cited as the Social Security Benefits Up-rating Order (Northern Ireland) 2010 and, subject to paragraph (2), shall come into operation for the purposes of—

- (a) this Article and Articles 2 and 6 on 1st April 2010;
- (b) Article 3—
  - (i) in so far as it relates to any increase to which Article 6(9)(b) applies, on 1st April 2010, and
  - (ii) for all other purposes, on 12th April 2010;
- (c) Articles 4, 5, 7, 12 and 13 on 12th April 2010;
- (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 2010 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 2010;
- (f) Article 10 on 4th April 2010, except for the purpose of determining the rate of maternity allowance in accordance with section 35A(1) of the Contributions and Benefits Act(1) for which purpose it shall come into operation on 12th April 2010;
- (g) Article 11 on 4th April 2010;
- (h) Articles 14, 15 and 26 on 15th April 2010;
- (i) Articles 16 to 18, 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 2010 and, for the purpose of this sub-paragraph, “benefit week” has the same meaning as in the Income Support Regulations;
- (j) Articles 19 and 20, in relation to a case where rent is payable at intervals of a week or any multiple thereof, on 5th April 2010, and in relation to any other case, on 1st April 2010;
- (k) Articles 21 to 23, in so far as they relate to a particular beneficiary—
  - (i) for the purposes of Article 21(c), in so far as it relates to an increase to which Article 6(9)(b) applies, on 1st April 2010, and

---

(1) 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 subsection (1) was substituted by section 4(1)(a) of the Social Security Act (Northern Ireland) 2002 (c. 10 (N.I.))

- (ii) for all other purposes, on the first day of the first benefit week to commence for that beneficiary on or after 12th April 2010, and for the purposes of this head “benefit week” has the same meaning as in the Jobseeker’s Allowance Regulations;
- (l) Article 24, 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 2010 and, for the purpose of this sub-paragraph, “benefit week” has the same meaning as in the State Pension Credit Regulations; and
- (m) Article 25, 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 2010 and, for the purpose of this sub-paragraph, “benefit week” has the same meaning as in the Employment and Support Allowance Regulations.
- (2) The changes made—
- (a) in the sums specified for rates or amounts of benefit under the Contributions and Benefits Act; and
- (b) by Article 21(c), in so far as it is relevant for the purposes referred to in Article 6(9), shall take effect for each case on the date specified in relation to that case in Article 6.

#### Commencement Information

**II** Art. 1 in operation at 1.4.2010, see [art. 1\(1\)\(a\)](#)

#### 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(2);

“the Pension Schemes Act” means the Pension Schemes (Northern Ireland) Act 1993(3);

“the Computation of Earnings Regulations” means the Social Security Benefit (Computation of Earnings) Regulations (Northern Ireland) 1996(4);

“the Employment and Support Allowance Regulations” means the Employment and Support Allowance Regulations (Northern Ireland) 2008(5);

“the Housing Benefit Regulations” means the Housing Benefit Regulations (Northern Ireland) 2006(6);

“the Housing Benefit (SPC) Regulations” means the Housing Benefit (Persons who have attained the qualifying age for State Pension Credit) Regulations (Northern Ireland) 2006(7);

“the Income Support Regulations” means the Income Support (General) Regulations (Northern Ireland) 1987(8);

(2) 1992 c. 7

(3) 1993 c. 49

(4) S.R. 1996 No. 520

(5) S.R. 2008 No. 280; relevant amending Rules are S.R. 2008 Nos. 413 and 503 and S.R. 2009 Nos. 89 and 338

(6) S.R. 2006 No. 405; relevant amending Rules are S.R. 2008 No. 378 and S.R. 2009 No. 89

(7) S.R. 2006 No. 406; relevant amending Rules are S.R. 2008 No. 498 and S.R. 2009 No. 89

(8) 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. 1995 Nos. 301 and 434, S.R. 1996 Nos. 199, 288 and 476, S.R. 1997 Nos. 3 and 165, S.R. 1998 No. 112, S.R. 1999 Nos. 371 (C. 28), 382 and 472 (C. 36), S.R. 2000 Nos. 4, 71 and 367, S.R. 2001 No. 406, S.R. 2002 Nos. 132 and 323, S.R. 2003 Nos. 191

“the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations (Northern Ireland) 1996(9);

“the State Pension Credit Regulations” means the State Pension Credit Regulations (Northern Ireland) 2003(10).

(2) Subject to paragraph (3), the Interpretation Act (Northern Ireland) 1954(11) 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.

#### Commencement Information

**I2** Art. 2 in operation at 1.4.2010, see [art. 1\(1\)\(a\)](#)

## PART 2

### SOCIAL SECURITY BENEFITS AND PENSIONS

#### Rates or amounts of certain benefits under the Contributions and Benefits Act

3.—(1) From and including the respective dates specified in Article 6—

- (a) the sums specified in paragraph (2) shall be increased; and
- (b) the sums specified in paragraph 3(a) and (b) (age related addition – higher and middle rates) of Part III of Schedule 4 to the Contributions and Benefits Act (rates of benefit, etc.) shall be reduced,

so that that Schedule, except paragraph 5 of Part III (guardian’s allowance), has effect as set out in Schedule 1 to this Order.

(2) The sums mentioned in paragraph (1) are the sums specified in Parts I, III and V of Schedule 4 to the Contributions and Benefits Act except, in—

- (a) Part III, the sums specified for—
  - (i) age related addition (higher and middle rates), and
  - (ii) age addition to a pension of any category, and otherwise under section 79 of that Act; and
- (b) Part V(12), the sums specified for the increases under paragraph 3 of Schedule 7 to the Contributions and Benefits Act of the weekly rate of unemployability supplement, the increase in disablement pension for dependent children, widow’s pension (initial rate) and death benefit allowance in respect of children and qualifying young persons.

---

and 261, S.R. 2004 Nos. 394 and 461, S.R. 2005 No. 580, S.R. 2006 No. 128, S.R. 2007 Nos. 154, 396 and 475, S.R. 2008 No. 503 and S.R. 2009 No. 89

(9) S.R. 1996 No. 198; relevant amending Rules are S.R. 1996 Nos. 288, 356, 358 and 476, S.R. 1997 No. 3, S.R. 1998 No. 112, S.R. 1999 Nos. 382 and 428 (C. 32), S.R. 2000 Nos. 71, 350 and 367, S.R. 2001 Nos. 120 and 406, S.R. 2002 No. 323, S.R. 2003 No. 261, S.R. 2004 Nos. 394 and 461, S.R. 2005 No. 536, S.R. 2006 No. 128, S.R. 2007 Nos. 154 and 475, S.R. 2008 Nos. 112, 286 and 503, S.R. 2009 Nos. 89 and 261 and S.R. 2010 No. 103

(10) S.R. 2003 No. 28; relevant amending Rules are S.R. 2004 Nos. 394 and 461, S.R. 2005 No. 580, S.R. 2006 Nos. 97 and 359, S.R. 2007 No. 475, S.R. 2008 No. 503 and S.R. 2009 No. 89

(11) 1954 c. 33 (N.I.)

(12) Part V was amended by paragraph 41 of Schedule 1 to the Child Benefit Act 2005 (c. 6)

*Status: Point in time view as at 12/04/2010. This version of this Rule contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the The Social Security Benefits Up-rating Order (Northern Ireland) 2010. (See end of Document for details)*

### Commencement Information

- I3** Art. 3 in operation at 1.4.2010 for specified purposes, see [art. 1\(1\)\(b\)](#)  
**I4** Art. 3 in operation at 12.4.2010 in so far as not already in force, see [art. 1\(1\)\(b\)](#)

### Rates or amounts of certain pensions or allowances under the Contributions and Benefits Act

4.—(1) The sums specified in paragraphs (2) and (3) shall be increased from and including the respective dates specified in Article 6.

(2) The sums falling to be calculated under paragraph 13(4) of Schedule 7 to the Contributions and Benefits Act (calculation of weekly rate of a beneficiary's retirement allowance) shall be increased by 1.5 per cent.

(3) In section 44(4) of the Contributions and Benefits Act(**13**) (basic pension of Category A retirement pension)—

- (a) for “£86.20” substitute “£87.75”; and
- (b) for “£95.25” substitute “£97.65”.

(4) The sums which are—

- (a) the additional pensions in long-term benefits calculated by reference to any final relevant year earlier than the tax year 2009-10;
- (b) the increases in the rates of retirement pensions under Schedule 5 to the Contributions and Benefits Act(**14**) (pension increase or lump sum where entitlement to retirement pension is deferred);
- (c) lump sums to which surviving spouses or civil partners will become entitled under paragraph 7A of that Schedule(**15**) on becoming entitled to a Category A or Category B retirement pension; and
- (d) payable to a pensioner as part of their Category A or Category B retirement pension by virtue of an order made under section 120 of the Social Security (Northern Ireland) Act 1975(**16**), Article 64 of the Social Security (Northern Ireland) Order 1986(**17**) or section 132 of the Administration Act,

shall in each case remain the same.

(5) The sums which are shared additional pensions under section 55A of the Contributions and Benefits Act(**18**), and the sums which are increases in the rates of such pensions under paragraph 2 of Schedule 5A to that Act(**19**), shall in each case remain the same.

**(13)** Section 44(4) was substituted by Article 64 of the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)) and amended by Article 4(3) of S.R. 2009 No. 89

**(14)** Schedule 5 was amended by paragraph 36 of Schedule 7 to the Pension Schemes (Northern Ireland) Act 1993, paragraph 40 of Schedule 1 to the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12)), paragraph 18(15) and (18) of Schedule 2 to the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22)), section 35(1) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.)), paragraphs 2 to 13 of Schedule 9 to the Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1)), paragraph 6 of the Schedule to S.R. 2005 No. 434 and paragraphs 19 and 20 of Schedule 1 and Part 3 of Schedule 6 to the Pensions Act (Northern Ireland) 2008

**(15)** Paragraph 7A was inserted by paragraph 10 of Schedule 9 to the Pensions (Northern Ireland) Order 2005 and amended by paragraph 6(j) of the Schedule to S.R. 2005 No. 434

**(16)** 1975 c. 15; section 120 was repealed by Schedule 1 to the Social Security (Consequential Provisions) (Northern Ireland) Act 1992 (c. 9)

**(17)** S.I. 1986/1888 (N.I. 18); Article 64 was repealed by Schedule 1 to the Social Security (Consequential Provisions) (Northern Ireland) Act 1992

**(18)** Section 55A was inserted by paragraph 3 of Schedule 6 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 and amended by section 37(3) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000

**(19)** Schedule 5A was inserted by paragraph 14 of Schedule 9 to the Pensions (Northern Ireland) Order 2005

**Commencement Information**

**I5** Art. 4 in operation at 12.4.2010, see [art. 1\(1\)\(c\)](#)

**Rates or amounts of certain benefits under the Pension Schemes Act**

5. Sums which are payable by virtue of section 11(1) of the Pension Schemes Act (increase of guaranteed minimum where commencement of guaranteed minimum pension is postponed) to a person who is also entitled to a Category A or Category B retirement pension (including sums payable by virtue of section 13(2) and (3) of that Act<sup>(20)</sup>) remain the same.

**Commencement Information**

**I6** Art. 5 in operation at 12.4.2010, see [art. 1\(1\)\(c\)](#)

**Dates on which sums specified for rates or amounts of benefit under the Contributions and Benefits Act are changed by this Order**

6.—(1) Paragraphs (2) to (8), which are subject to the provisions of paragraph (9), specify the date on which the changes made by this Order in the sums specified for rates or amounts of benefit under the Contributions and Benefits Act shall take effect for each case.

(2) Subject to paragraph (3), any increases in the sums mentioned in Articles 3 and 4 for Category A and Category B retirement pension shall take effect on 12th April 2010.

(3) In the case of a person over pensionable age—

- (a) whose entitlement to a Category A retirement pension is deferred; and
- (b) for whom the rate of short-term incapacity benefit falls to be calculated in accordance with section 30B(3) of the Contributions and Benefits Act<sup>(21)</sup>,

any increases in the sums mentioned in Articles 3 and 4 for Category A and Category B retirement pensions shall take effect on 15th April 2010.

(4) Any increases in the sums specified for the rates of—

- (a) Category C and Category D retirement pensions;
- (b) attendance allowance; and
- (c) carer's allowance (except in a case where the Department has made arrangements for it to be paid on a Wednesday),

shall in all cases take effect on 12th April 2010.

(5) Any increases in the sums specified for—

- (a) the rate of—
  - (i) carer's allowance in a case where the Department has made arrangements for it to be paid on a Wednesday,
  - (ii) disablement benefit,

<sup>(20)</sup> Section 13(2) was amended by paragraph 5(b) of Schedule 1 to [S.R. 2005 No. 433](#)

<sup>(21)</sup> Section 30B was inserted by Article 4(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 and amended by paragraph 18(3) of Schedule 2 to the Pensions (Northern Ireland) Order 1995, paragraph 21 of Schedule 8 to the Welfare Reform and Pensions (Northern Ireland) Order 1999, paragraph 69 of Schedule 24 to the Civil Partnership Act 2004 ([c. 33](#)) and Schedule 6 to the Pensions Act (Northern Ireland) 2008 ([c. 1](#))

*Status: Point in time view as at 12/04/2010. This version of this Rule contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the The Social Security Benefits Up-rating Order (Northern Ireland) 2010. (See end of Document for details)*

- (iii) maximum disablement gratuity under paragraph 9(2) of Schedule 7 to the Contributions and Benefits Act,
  - (iv) industrial death benefit by way of widow's and widower's pension and allowance in respect of children and qualifying young persons,
  - (v) the maximum of the aggregate of weekly benefit payable for successive accidents under section 107(1) of the Contributions and Benefits Act; and
- (b) any increases in—
- (i) the benefits referred to in sub-paragraph (a)(i), (iii) and (iv) in respect of dependants, and
  - (ii) disablement pension,

shall in all cases take effect on 14th April 2010.

(6) In any case where a person's weekly rate of Category A or Category B retirement pension falls to be increased under the provisions of section 47(1) or 48C(2) of the Contributions and Benefits Act(22), by reference to the weekly rate of invalidity allowance or age addition to long-term incapacity benefit to which they were previously entitled, any increase in such sum shall take effect on 12th April 2010.

(7) The changes in the sums specified for the rate of incapacity benefit and severe disablement allowance shall take effect in all cases on 15th April 2010.

(8) The increases in the sums falling to be calculated in accordance with paragraph 13(4) of Schedule 7 to the Contributions and Benefits Act (retirement allowance) shall take effect on 14th April 2010.

(9) Any increases in the sums specified in Articles 3 and 21(c), in so far as those sums are 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—

- (a) except in a case where sub-paragraph (b) applies, on the first day of the first benefit week to commence for the beneficiary on or after 12th April 2010;
- (b) in a case where regulation 7(b) of the Computation of Earnings Regulations (date on which earnings are treated as paid) applies, on the first day of the first benefit week to commence for the beneficiary on or after 1st April 2010,

and for the purposes of this paragraph "benefit week" has the same meaning as in regulation 2(1) of the Computation of Earnings Regulations.

#### Commencement Information

**I7** Art. 6 in operation at 1.4.2010, see [art. 1\(1\)\(a\)](#)

#### Workmen's compensation

7. From and including 14th April 2010 for "£53·10" referred to in paragraph 2(6)(c) of Schedule 8 to the Contributions and Benefits Act(23) (maximum weekly rate of lesser incapacity allowance supplementing workmen's compensation) substitute "£53·90".

(22) Section 47(1) was amended by paragraph 13 of Schedule 1 to the Social Security (Incapacity for Work) (Northern Ireland) Order 1994; *see also* regulation 23 of [S.R. 1995 No. 35](#); section 48C was inserted by paragraph 3(1) of Schedule 2 to the Pensions (Northern Ireland) Order 1995 and amended by paragraph 6 of Schedule 8 and paragraph 11 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999, sections 33(12) and 35(1) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000, paragraph 2 of the Schedule to [S.R. 2005 No. 434](#) and paragraph 10 of Schedule 2 to the Pensions Act (Northern Ireland) 2008

(23) Paragraph 2(6)(c) was amended by Article 7 of [S.R. 2009 No. 89](#)

**Commencement Information**

**I8** Art. 7 in operation at 12.4.2010, see [art. 1\(1\)\(c\)](#)

**Earnings limits**

**8.** In section 80(4) of the Contributions and Benefits Act(**24**) (earnings limits in respect of child dependency increases)—

- (a) in paragraph (a) for “£195” substitute “£200”; and
- (b) in paragraph (b) for “£195” substitute “£200” and the sum of £26 remains the same.

**Commencement Information**

**I9** Art. 8 in operation at 1.4.2010 for specified purposes, see [art. 1\(1\)\(d\)](#)

**Statutory sick pay**

**9.** In section 153(1) of the Contributions and Benefits Act(**25**) (rate of payment) the sum of £79·15 remains the same.

**Commencement Information**

**I10** Art. 9 in operation at 6.4.2010, see [art. 1\(1\)\(e\)](#)

**Statutory maternity pay**

**10.** In regulation 6 of the Statutory Maternity Pay (General) Regulations (Northern Ireland) 1987(**26**) (prescribed rate of statutory maternity pay) for “£123·06” substitute “£124·88”.

**Commencement Information**

**I11** Art. 10 in operation at 4.4.2010 in so far as not already in force, see [art. 1\(1\)\(f\)](#)

**I12** Art. 10 in operation at 12.4.2010 for specified purposes, see [art. 1\(1\)\(f\)](#)

**Statutory paternity pay and statutory adoption pay**

**11.** In the Statutory Paternity Pay and Statutory Adoption Pay (Weekly Rates) Regulations (Northern Ireland) 2002(**27**)—

- (a) in regulation 2(a) (weekly rate of payment of statutory paternity pay) for “£123·06” substitute “£124·88”; and
- (b) in regulation 3(a) (weekly rate of payment of statutory adoption pay) for “£123·06” substitute “£124·88”.

(24) Section 80 was repealed by Schedule 6 to the Tax Credits Act 2002; *see also* Article 2 of [S.R. 2003 No. 212](#) which saves the repealed provision in certain circumstances. Section 80(4) was amended by Article 8 of [S.R. 2009 No. 89](#)

(25) Section 153(1) was amended by Article 10(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 and Article 9 of [S.R. 2009 No. 89](#)

(26) [S.R. 1987 No. 30](#); regulation 6 was substituted by regulation 2(3) of [S.R. 2002 No. 354](#) and amended by Article 10 of [S.R. 2009 No. 89](#)

(27) [S.R. 2002 No. 380](#); relevant amending Rules are [S.R. 2004 No. 111](#) and [S.R. 2009 No. 89](#)



*Status: Point in time view as at 12/04/2010. This version of this Rule contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the The Social Security Benefits Up-rating Order (Northern Ireland) 2010. (See end of Document for details)*

#### Commencement Information

**I13** Art. 11 in operation at 4.4.2010, see [art. 1\(1\)\(g\)](#)

### Graduated retirement benefit

**12.**—(1) In section 35(1) of the National Insurance Act (Northern Ireland) 1966(**28**) (graduated retirement benefit) the sum of 11·53 pence remains the same.

(2) The sums which are the increases of graduated retirement benefit under Schedule 2 to the Social Security (Graduated Retirement Benefit) (No. 2) Regulations (Northern Ireland) 1978(**29**) (increases for deferred entitlement to a Category A or Category B retirement pension) remain the same.

(3) The sums which are lump sums to which surviving spouses or civil partners will become entitled under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations (Northern Ireland) 2005(**30**) (increases of graduated retirement benefit and lump sums) remain the same.

(4) The sums which are the additions under section 36(1) of the National Insurance Act (Northern Ireland) 1966 (special provision as to graduated retirement benefit for widows and widowers) remain the same.

#### Commencement Information

**I14** Art. 12 in operation at 12.4.2010, see [art. 1\(1\)\(c\)](#)

### Disability living allowance

**13.** In regulation 4 of the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992(**31**) (rate of benefit)—

- (a) in paragraph (1)(a) for “£70·35” substitute “£71·40”;
- (b) in paragraph (1)(b) for “£47·10” substitute “£47·80”;
- (c) in paragraph (1)(c) for “£18·65” substitute “£18·95”;
- (d) in paragraph (2)(a) for “£49·10” substitute “£49·85”; and
- (e) in paragraph (2)(b) for “£18·65” substitute “£18·95”.

#### Commencement Information

**I15** Art. 13 in operation at 12.4.2010, see [art. 1\(1\)\(c\)](#)

(28) 1966 c. 6 (N.I.); sections 35 and 36 were repealed by the Social Security Act 1973 (c. 38) but are continued in force by regulation 2 of S.R. 1978 No. 105

(29) S.R. 1978 No. 105; relevant amending Regulations are S.R. 1989 No. 373 and S.R. 2005 Nos. 121 and 541

(30) S.R. 2005 No. 121; relevant amending Regulations are S.R. 2005 No. 541 and S.R. 2006 No. 104

(31) S.R. 1992 No. 32; relevant amending Rules are S.R. 1993 No. 340 and S.R. 2009 No. 89



VALID FROM 15/04/2010

#### Age addition to long-term incapacity benefit

**14.**—(1) Subject to paragraph (2), in regulation 9(2) of the Social Security (Incapacity Benefit) Regulations (Northern Ireland) 1994(**32**) (increase in rate of incapacity benefit where beneficiary is under prescribed age on the qualifying date)—

- (a) in sub-paragraph (a) for “£15·65” substitute “£18·65”; and
- (b) in sub-paragraph (b) for “£6·55” substitute “£9·35”.

(2) In the case of a claimant entitled to long-term incapacity benefit, the sums specified in regulation 9(2)(a) and (b) shall be reduced to “£15·00” and “£5·80” respectively.

#### Commencement Information

**I16** Art. 14 in operation at 15.4.2010, see [art. 1\(1\)\(h\)](#)

VALID FROM 15/04/2010

#### Transitional invalidity allowance in long-term incapacity benefit cases

**15.**—(1) Subject to paragraph (2), in regulation 18(2) of the Social Security (Incapacity Benefit) (Transitional) Regulations (Northern Ireland) 1995(**33**) (rate of long-term incapacity benefit in transitional cases)—

- (a) in sub-paragraph (a) the sum of £18·65 remains the same;
- (b) in sub-paragraph (b) the sum of £12·00 remains the same; and
- (c) in sub-paragraph (c) the sum of £6·00 remains the same.

(2) In the case of a claimant entitled to long-term incapacity benefit—

- (a) the sums specified in regulation 18(2)(a) and (b) shall be reduced to “£15·00” and “£8·40” respectively; and
- (b) the sum specified in regulation 18(2)(c) shall be increased to “£5·45”.

#### Commencement Information

**I17** Art. 15 in operation at 15.4.2010, see [art. 1\(1\)\(h\)](#)

(32) S.R. 1994 No. 461; relevant amending Rule is S.R. 2009 No. 89

(33) S.R. 1995 No. 35; relevant amending Rule is S.R. 2009 No. 89

## PART 3

### INCOME SUPPORT AND HOUSING BENEFIT

#### Applicable amounts for income support

**16.**—(1) The sums relevant to the calculation of an applicable amount as specified in the Income Support Regulations(**34**) shall be the sums set out in this Article and Schedules 2 to 4 to this Order; and for this purpose a reference in this Article to a numbered regulation or Schedule is a reference to the regulation of, or Schedule to, the Income Support Regulations bearing that number.

(2) In—

- (a) regulations 17(1)(b), 18(1)(c) and 21(1); and
- (b) paragraphs 13A(2)(a) and 14(2)(a) of Part III of Schedule 2(**35**),

the sum specified is in each case £3,000.

(3) The sums specified in Part I of Schedule 2 (applicable amounts: personal allowances) shall be as set out in Schedule 2 to this Order.

(4) In paragraph 3(1) of Part II of Schedule 2(**36**) (applicable amounts: family premium) for “£17·30”, in both places where it occurs, substitute “£17·40”.

(5) The sums specified in Part IV of Schedule 2 (applicable amounts: weekly amounts of premiums) shall be as set out in Schedule 3 to this Order.

(6) In paragraph 18 of Schedule 3(**37**) (housing costs: non-dependant deductions)—

- (a) in sub-paragraph (1) the sums of £47·75 and £7·40 remain the same;
- (b) in sub-paragraph (2)(a) the sum of £120·00 remains the same;
- (c) in sub-paragraph (2)(b) the sums of £120·00, £178·00 and £17·00 remain the same;
- (d) in sub-paragraph (2)(c) the sums of £178·00, £231·00 and £23·35 remain the same;
- (e) in sub-paragraph (2)(d) the sums of £231·00, £306·00 and £38·20 remain the same; and
- (f) in sub-paragraph (2)(e) the sums of £306·00, £382·00 and £43·50 remain the same.

(7) The sums specified in any provision of the Income Support Regulations set out in column (1) of Schedule 4 to this Order are the sums set out in column (2) of that Schedule.

#### Commencement Information

**I18** Art. 16 in operation at 12.4.2010 in so far as not already in force, see [art. 1\(1\)\(i\)](#)

(34) See S.R. 2003 No. 195 which omits provisions relating to children and young persons and makes transitional arrangements in connection with the introduction of child tax credit

(35) Paragraph 13A was inserted by regulation 2(c)(ii) of S.R. 2000 No. 367 and amended by regulation 24(5)(f) of S.R. 2003 No. 191, regulation 3(3) of S.R. 2003 No. 261 and regulation 2(7)(f) of S.R. 2007 No. 154 and paragraph 14 was substituted by regulation 2(7)(g) of S.R. 2007 No. 154

(36) Paragraph 3 was amended by regulation 18 of S.R. 1988 No. 318, regulation 5(4)(a) of S.R. 1996 No. 288, regulation 8 of S.R. 1998 No. 112 and Article 16(4) of S.R. 2009 No. 89

(37) Schedule 3 was substituted by Schedule 1 to S.R. 1995 No. 301 and paragraph 18 was amended by regulation 2(3)(j) of S.R. 1995 No. 434, regulation 3 of S.R. 1997 No. 3, regulation 3 of S.R. 1997 No. 165, Article 7(2) of S.R. 1999 No. 472 (C. 36), regulation 3(4) of S.R. 2003 No. 261, regulation 4(b) of S.R. 2004 No. 394, regulation 3(4) of S.R. 2005 No. 580 and Article 16(6) of S.R. 2009 No. 89

## Income support transitional protection

17. Sums which are special transitional additions to income support payable in accordance with regulation 15 of the Income Support (Transitional) Regulations (Northern Ireland) 1987<sup>(38)</sup> shall be increased by 1·8 per cent.

### Commencement Information

**I19** Art. 17 in operation at 12.4.2010 for specified purposes, see [art. 1\(1\)\(i\)](#)

## Relevant sum for income support

18. In section 125(7) of the Contributions and Benefits Act<sup>(39)</sup> (trade disputes) for “£34·50” substitute “£35·00”.

### Commencement Information

**I20** Art. 18 in operation at 12.4.2010 for specified purposes, see [art. 1\(1\)\(i\)](#)

## Housing benefit

19.—(1) The sums relevant to the calculation of an applicable amount as specified in the Housing Benefit Regulations shall be the sums set out in this Article and Schedules 5 and 6 to this Order; and for this purpose a reference in this Article to a numbered regulation or Schedule is a reference to the regulation of, or Schedule to, the Housing Benefit Regulations bearing that number.

(2) In regulation 24(3) (calculation of income on a weekly basis) the sums of £175·00 and £300·00 remain the same.

(3) In regulation 72 (non-dependant deductions)—

(a) in paragraph (1) the sums of £47·75, £6·95, £7·40 and £2·30 remain the same; and

(b) in paragraph (2)<sup>(40)</sup>—

(i) in sub-paragraph (a) the sum of £120·00 remains the same,

(ii) in sub-paragraph (b) the sums of £120·00, £178·00 and £17·00 remain the same,

(iii) in sub-paragraph (c) the sums of £178·00, £231·00 and £23·35 remain the same,

(iv) in sub-paragraph (d) the sums of £231·00, £306·00 and £38·20 remain the same,

(v) in sub-paragraph (e) the sums of £306·00, £382·00 and £43·50 remain the same,

(vi) in sub-paragraph (f) the sum of £178·00 remains the same,

(vii) in sub-paragraph (g) the sums of £178·00, £306·00 and £4·60 remain the same, and

(viii) in sub-paragraph (h) the sums of £306·00, £382·00 and £5·80 remain the same.

(4) In Schedule 1<sup>(41)</sup> (ineligible service charges)—

(a) in paragraph 2 for “£22·95”, “£22·95”, “£11·60”, “£15·25”, “£15·25”, “£7·65” and “£2·80” substitute “£23·35”, “£23·35”, “£11·80”, “£15·50”, “£15·50”, “£7·80” and “£2·85” respectively; and

(b) in paragraph 6(2) the sums of “£21·55”, “£2·50”, “£1·75” and “£2·50” remain the same.

<sup>(38)</sup> S.R. 1987 No. 460; relevant amending Regulations are S.R. 1988 Nos. 132 and 153, S.R. 1989 No. 371 and S.R. 1991 No. 341

<sup>(39)</sup> Section 125(7) was amended by Article 18 of S.R. 2009 No. 89

<sup>(40)</sup> Paragraph (2) was amended by Article 19(3)(b) of S.R. 2009 No. 89

<sup>(41)</sup> Paragraphs 2 and 6(2) were amended by Article 19(4) of S.R. 2009 No. 89

(5) The sums specified in Part I of Schedule 4 (applicable amounts: personal allowances) shall be as set out in Schedule 5 to this Order.

(6) In paragraph 3 of Part II of Schedule 4(**42**) (applicable amounts: family premium)—

- (a) in sub-paragraph (1)(a) the sum of £22·20 remains the same;
- (b) in sub-paragraph (1)(b) for “£17·30” substitute “£17·40”; and
- (c) in sub-paragraph (2) the sum of £10·50 remains the same.

(7) The sums specified in Part IV of Schedule 4 (applicable amounts: amounts of premiums) shall be as set out in Schedule 6 to this Order.

(8) In Part VI of Schedule 4(**43**) (amount of components)—

- (a) in paragraph 25 for “£25·50” substitute “£25·95”; and
- (b) in paragraph 26 for “£30·85” substitute “£31·40”.

(9) In paragraph 17(1) and (3)(c) of Schedule 5(**44**) (sums to be disregarded in the calculation of earnings) for “£16·85” substitute “£17·10”.

(10) In paragraph 58 of Schedule 6(**45**) (sums to be disregarded in the calculation of income other than earnings) for “£16·85” substitute “£17·10”.

#### Commencement Information

**I21** Art. 19 in operation at 1.4.2010 in so far as not already in force, see [art. 1\(1\)\(j\)](#)

**I22** Art. 19 in operation at 5.4.2010 for specified purposes, see [art. 1\(1\)\(j\)](#)

#### Housing benefit for certain persons over the qualifying age for state pension credit

**20.**—(1) The sums relevant to the calculation of an applicable amount as specified in the Housing Benefit (SPC) Regulations shall be the sums set out in this Article and Schedules 7 and 8 to this Order; and for this purpose a reference in this Article to a numbered regulation or Schedule is a reference to the regulation of, or Schedule to, the Housing Benefit (SPC) Regulations bearing that number.

(2) In regulation 28(3) (calculation of income on a weekly basis) the sums of £175·00 and £300·00 remain the same.

(3) In regulation 53 (non-dependant deductions)—

- (a) in paragraph (1) the sums of £47·75, £6·95, £7·40 and £2·30 remain the same; and
- (b) in paragraph (2)(**46**)—
  - (i) in sub-paragraph (a) the sum of £120·00 remains the same,
  - (ii) in sub-paragraph (b) the sums of £120·00, £178·00 and £17·00 remain the same,
  - (iii) in sub-paragraph (c) the sums of £178·00, £231·00 and £23·35 remain the same,
  - (iv) in sub-paragraph (d) the sums of £231·00, £306·00 and £38·20 remain the same,
  - (v) in sub-paragraph (e) the sums of £306·00, £382·00 and £43·50 remain the same,
  - (vi) in sub-paragraph (f) the sum of £178·00 remains the same,
  - (vii) in sub-paragraph (g) the sums of £178·00, £306·00 and £4·60 remain the same, and

**(42)** Paragraph 3 was amended by Article 19(6) of [S.R. 2009 No. 89](#)

**(43)** Part VI was added by regulation 3(17)(d) of [S.R. 2008 No. 378](#) and amended by Article 19(6) of [S.R. 2009 No. 89](#)

**(44)** Paragraph 17(1) and (3)(c) was amended by Article 19(9) of [S.R. 2009 No. 89](#)

**(45)** Paragraph 58 was amended by Article 19(10) of [S.R. 2009 No. 89](#)

**(46)** Paragraph (2) was amended by Article 20(3)(b) of [S.R. 2009 No. 89](#)

(viii) in sub-paragraph (h) the sums of £306·00, £382·00 and £5·80 remain the same.

(4) In Schedule 1 (ineligible service charges)—

(a) in paragraph 2(47) for “£22·95”, “£22·95”, “£11·60”, “£15·25”, “£15·25”, “£7·65” and “£2·80” substitute “£23·35”, “£23·35”, “£11·80”, “£15·50”, “£15·50”, “£7·80” and “£2·85” respectively; and

(b) in paragraph 6(2) the sums of “£21·55”, “£2·50”, “£1·75” and “£2·50” remain the same.

(5) The sums specified in Part I of Schedule 4 (applicable amounts: personal allowances) shall be as set out in Schedule 7 to this Order.

(6) In paragraph 3 of Part II of Schedule 4(48) (applicable amounts: family premium)—

(a) in sub-paragraph (1) for “£17·30” substitute “£17·40”; and

(b) in sub-paragraph (2) the sum of £10·50 remains the same.

(7) The sums specified in Part IV of Schedule 4 (applicable amounts: amounts of premiums specified in Part III) shall be as set out in Schedule 8 to this Order.

(8) In paragraph 9(1) and (3)(c) of Schedule 5(49) (sums disregarded from claimant’s earnings) for “£16·85” substitute “£17·10”.

(9) In paragraph 22 of Schedule 6(50) (amounts to be disregarded in the calculation of income other than earnings) for “£16·85” substitute “£17·10”.

#### Commencement Information

**I23** Art. 20 in operation at 1.4.2010 in so far as not already in force, see [art. 1\(1\)\(j\)](#)

**I24** Art. 20 in operation at 5.4.2010 for specified purposes, see [art. 1\(1\)\(j\)](#)

## PART 4

### JOBSEEKER’S ALLOWANCE

#### Age-related amounts of contribution-based jobseeker’s allowance

**21.** In regulation 79(1) of the Jobseeker’s Allowance Regulations(51) (weekly amounts of contribution-based jobseeker’s allowance)—

(a) in sub-paragraph (a) for “£50·95” substitute “£51·85”;

(b) in sub-paragraph (b) for “£50·95” substitute “£51·85”; and

(c) in sub-paragraph (c) for “£64·30” substitute “£65·45”.

#### Commencement Information

**I25** Art. 21 in operation at 1.4.2010 for specified purposes, see [art. 1\(1\)\(k\)\(i\)](#)

**I26** Art. 21 in operation at 12.4.2010 in so far as not already in force, see [art. 1\(1\)\(k\)\(ii\)](#)

(47) Paragraphs 2 and 6(2) were amended by Article 20(4)(a) of [S.R. 2009 No. 89](#)

(48) Paragraph 3 was amended by Article 20(6) of [S.R. 2009 No. 89](#)

(49) Paragraph 9 was amended by Article 20(8) of [S.R. 2009 No. 89](#)

(50) Paragraph 22 was amended by regulation 6(6)(d) of [S.R. 2008 No. 498](#) and Article 20(9) of [S.R. 2009 No. 89](#)

(51) Regulation 79(1) was amended by Article 21 of [S.R. 2009 No. 89](#)

**Applicable amounts for jobseeker's allowance**

**22.**—(1) The sums relevant to the calculation of an applicable amount as specified in the Jobseeker's Allowance Regulations(**52**) shall be the sums set out in this Article and Schedules 9 to 12 to this Order; and for this purpose a reference in this Article to a numbered regulation or Schedule is a reference to the regulation of, or Schedule to, the Jobseeker's Allowance Regulations bearing that number.

(2) In—

(a) regulations 83(b), 84(1)(c) and 85(1); and

(b) paragraphs 15A(2)(a) and 16(2)(a) of Part III of Schedule 1(**53**),

the sum specified is in each case £3,000.

(3) The sums specified in Part I of Schedule 1 (applicable amounts: personal allowances) shall be as set out in Schedule 9 to this Order.

(4) In paragraph 4(1) of Part II of Schedule 1(**54**) (applicable amounts: family premium) for “£17·30”, in both places where it occurs, substitute “£17·40”.

(5) The sums specified in Part IV of Schedule 1 (applicable amounts: weekly amounts of premiums) shall be as set out in Schedule 10 to this Order.

(6) The sums specified in Part IVB of Schedule 1(**55**) (applicable amounts: weekly amounts of premiums for joint-claim couples) shall be as set out in Schedule 11 to this Order.

(7) In paragraph 17 of Schedule 2(**56**) (housing costs: non-dependant deductions)—

(a) in sub-paragraph (1) the sums of £47·75 and £7·40 remain the same;

(b) in sub-paragraph (2)(a) the sum of £120·00 remains the same;

(c) in sub-paragraph (2)(b) the sums of £120·00, £178·00 and £17·00 remain the same;

(d) in sub-paragraph (2)(c) the sums of £178·00, £231·00 and £23·35 remain the same;

(e) in sub-paragraph (2)(d) the sums of £231·00, £306·00 and £38·20 remain the same; and

(f) in sub-paragraph (2)(e) the sums of £306·00, £382·00 and £43·50 remain the same.

(8) The sums specified in any provision of the Jobseeker's Allowance Regulations set out in column (1) of Schedule 12 to this Order are the sums set out in column (2) of that Schedule.

**Commencement Information**

**I27** Art. 22 in operation at 1.4.2010 for specified purposes, see [art. 1\(1\)\(k\)\(i\)](#)

**I28** Art. 22 in operation at 12.4.2010 in so far as not already in force, see [art. 1\(1\)\(k\)\(ii\)](#)

(52) See [S.R. 2003 No. 195](#) which omits provisions relating to children and young persons and makes transitional arrangements in connection with the introduction of child tax credit

(53) Paragraph 15A was inserted by regulation 4(c)(ii) of [S.R. 2000 No. 367](#) and amended by regulation 5(3) of [S.R. 2003 No. 261](#) and regulation 3(8)(e) of [S.R. 2007 No. 154](#) and paragraph 16 was substituted by regulation 3(8)(f) of [S.R. 2007 No. 154](#)

(54) Paragraph 4 was amended by regulation 9(4)(a) of [S.R. 1996 No. 288](#), regulation 10 of [S.R. 1998 No. 112](#) and Article 22(4) of [S.R. 2009 No. 89](#)

(55) Part IVB was inserted by paragraph 53(4) of Schedule 2 to [S.R. 2000 No. 350](#) and amended by regulation 4(c)(vi) of [S.R. 2000 No. 367](#), regulation 2(7) of [S.R. 2001 No. 120](#), paragraph 1 of the Schedule to [S.R. 2002 No. 323](#) and regulation 3(8)(l) of [S.R. 2007 No. 154](#)

(56) Sub-paragraphs (1) and (2) were amended by regulation 3 of [S.R. 1997 No. 3](#), Article 9(5)(l) of [S.R. 1999 No. 428 \(C. 32\)](#), regulation 5(b)(i) of [S.R. 2004 No. 394](#) and Article 22(7) of [S.R. 2009 No. 89](#)

## Prescribed sum for jobseeker's allowance

**23.** In regulation 170 of the Jobseeker's Allowance Regulations<sup>(57)</sup> (trade disputes: prescribed sum) for "£34·50" substitute "£35·00".

### Commencement Information

**I29** Art. 23 in operation at 1.4.2010 for specified purposes, see [art. 1\(1\)\(k\)\(i\)](#)

**I30** Art. 23 in operation at 12.4.2010 in so far as not already in force, see [art. 1\(1\)\(k\)\(ii\)](#)

## PART 5

### STATE PENSION CREDIT

#### State pension credit

**24.**—(1) The sums specified in the State Pension Credit Regulations shall be the sums set out in this Article and Schedule 13 to this Order; and for this purpose a reference in this Article to a numbered regulation or Schedule is a reference to the regulation of, or Schedule to, the State Pension Credit Regulations bearing that number.

(2) In regulation 6<sup>(58)</sup> (amount of the guarantee credit)—

- (a) in paragraph (1)(a) for "£198·45" substitute "£202·40";
- (b) in paragraph (1)(b) for "£130·00" substitute "£132·60";
- (c) in paragraph (5)(a) for "£52·85" substitute "£53·65";
- (d) in paragraph (5)(b) for "£105·70" substitute "£107·30"; and
- (e) in paragraph (8) for "£29·50" substitute "£30·05".

(3) In regulation 7<sup>(59)</sup> (savings credit)—

- (a) in paragraph (1)(a), (b) and (c) "60 per cent.", "60 per cent." and "40 per cent." respectively remain the same; and
- (b) in paragraph (2) for "£96·00" and "£153·40" substitute "£98·40" and "£157·25" respectively.

(4) In paragraph 14 of Schedule 2 (housing costs: persons residing with the claimant)—

- (a) in sub-paragraph (1)<sup>(60)</sup> the sums of £47·75 and £7·40 remain the same;
- (b) in sub-paragraph (2)(a)<sup>(61)</sup> the sum of £120·00 remains the same;
- (c) in sub-paragraph (2)(b) the sums of £120·00, £178·00 and £17·00 remain the same;
- (d) in sub-paragraph (2)(c) the sums of £178·00, £231·00 and £23·35 remain the same;
- (e) in sub-paragraph (2)(d) the sums of £231·00, £306·00 and £38·20 remain the same; and
- (f) in sub-paragraph (2)(e) the sums of £306·00 and £382·00 and £43·50 remain the same.

(5) In paragraph 1 of Schedule 3<sup>(62)</sup> (special groups: polygamous marriages)—

<sup>(57)</sup> Regulation 170 was amended by Article 23 of S.R. 2009 No. 89

<sup>(58)</sup> Regulation 6 was amended by Article 24(2) of S.R. 2009 No. 89

<sup>(59)</sup> Regulation 7 was amended by Article 24(3) of S.R. 2009 No. 89

<sup>(60)</sup> Sub-paragraph (1) was amended by regulation 6(5)(b)(i) of S.R. 2004 No. 394

<sup>(61)</sup> Sub-paragraph (2) was amended by regulation 14(5)(a) of S.R. 2006 No. 359 and Article 24(4)(b) to (f) of S.R. 2009 No. 89

<sup>(62)</sup> Paragraph 1(5) and (7) was amended by Article 24(5) of S.R. 2009 No. 89



- (a) in sub-paragraph (5), which substitutes regulation 6(1), for “£198·45” and “£68·45” substitute “£202·40” and “£69·80” respectively; and
  - (b) in sub-paragraph (7), which substitutes regulation 7(2), for “£153·40” substitute “£157·25”.
- (6) The sums specified in any provision of the State Pension Credit Regulations set out in column (1) of Schedule 13 to this Order are the sums set out in column (2) of that Schedule.

**Commencement Information**

**I31** Art. 24 in operation at 12.4.2010 for specified purposes, see [art. 1\(1\)\(l\)](#)

**PART 6****EMPLOYMENT AND SUPPORT ALLOWANCE****Applicable amounts for employment and support allowance**

**25.**—(1) The sums relevant to the calculation of an applicable amount as specified in the Employment and Support Allowance Regulations shall be the sums set out in this Article and Schedules 14 to 16 to this Order; and for this purpose a reference in this Article to a numbered Schedule is a reference to the Schedule to the Employment and Support Allowance Regulations bearing that number.

(2) The sums specified in Part 1 of Schedule 4 (prescribed amounts) shall be as set out in Schedule 14 to this Order.

(3) The sums specified in Part 3 of Schedule 4 (weekly amount of premiums specified in Part 2) shall be as set out in Schedule 15 to this Order.

(4) In Part 4 of Schedule 4(**63**) (the components)—

- (a) in paragraph 12 for “£25·50” substitute “£25·95”; and
- (b) in paragraph 13 for “£30·85” substitute “£31·40”.

(5) In paragraph 19 of Schedule 6(**64**) (housing costs: non-dependant deductions)—

- (a) in sub-paragraph (1) the sums of £47·75 and £7·40 remain the same;
- (b) in sub-paragraph (2)(a) the sum of £120·00 remains the same;
- (c) in sub-paragraph (2)(b) the sums of £120·00, £178·00 and £17·00 remain the same;
- (d) in sub-paragraph (2)(c) the sums of £178·00, £231·00 and £23·35 remain the same;
- (e) in sub-paragraph (2)(d) the sums of £231·00, £306·00 and £38·20 remain the same; and
- (f) in sub-paragraph (2)(e) the sums of £306·00, £382·00 and £43·50 remain the same.

(6) The sums specified in any provision of the Employment and Support Allowance Regulations set out in column (1) of Schedule 16 to this Order are the sums set out in column (2) of that Schedule.

**Commencement Information**

**I32** Art. 25 in operation at 12.4.2010 for specified purposes, see [art. 1\(1\)\(m\)](#)

(63) Paragraphs 12 and 13 were amended by Article 25(4) of S.R. 2009 No. 89

(64) Paragraph 19 was amended by Article 25(5) of S.R. 2009 No. 89

VALID FROM 15/04/2010

## PART 7 REVOCATION

### Revocation

**26.** The Social Security Benefits Up-rating Order (Northern Ireland) 2009(65) is revoked.

### Commencement Information

**I33** Art. 26 in operation at 15.4.2010, see [art. 1\(1\)\(h\)](#)

Sealed with the Official Seal of the Department for Social Development on 19th March 2010

(L.S.)

*B McGahan*  
A senior officer of the Department for Social  
Development

**Status:**

Point in time view as at 12/04/2010. This version of this Rule contains provisions that are not valid for this point in time.

**Changes to legislation:**

There are currently no known outstanding effects for the The Social Security Benefits Up-rating Order (Northern Ireland) 2010.