



Social Security (Northern Ireland) Act 1975

1975 CHAPTER 15

An Act to consolidate for Northern Ireland so much of the Social Security Act 1973 as establishes a basic scheme of contributions and benefits, together with the National Insurance (Industrial Injuries) Measures (Northern Ireland) 1966 to 1974 and other enactments relating to social security. [20th March 1975]

Modifications etc. (not altering text)

- C1** Act amended (retrospective to 23.7.1987) by [1994 c. 1, s. 3\(2\)](#)
- C2** Whole Act, except sections 97(4) and 158 and paragraphs 5(2), 6, 7 and 7A of Schedule 10 repealed (with effect from 1.7.92) by [Social Security \(Consequential Provisions\) \(Northern Ireland\) Act 1992 \(c. 9, SIF 113:1\), s. 3 Sch. 1.](#)
- C3** Power, to amend or repeal any provision of this Act which relates to mobility allowance, conferred by [Social Security \(Consequential Provisions\) \(Northern Ireland\) Act 1992 \(c. 9, SIF 113:1\), s. 5, Sch. 3 para. 21\(3\)\(4\)](#)
- C4** Power to modify Act conferred by [S.I. 1985/1209 \(N.I.16\) art. 7\(1\)\(a\)](#), and [1986/1888 \(N.I.18\)](#), arts. 18(1)(3)(h), 79(1)(6)
- C5** Act modified by [S.I. 1976/2148](#)
- C6** Act modified by [S.R. 1976/196](#), [1977/336](#), [1978/114](#), [1978/202](#), [1978/327](#), [1979/186](#), regs. 54, 110, 115, 117, [1979/244 reg. 3](#), [1979/303](#), [1981/363](#), art. 2, [1982/370](#), art. 2, and [1983/36](#), [1983/387](#), 432, [1984/90](#), 449, [1985/205](#), [1987/231](#), 399, 402, [1988/119](#), [1989/100](#), 137, 427, 428, [1991/139](#), [1992/151](#), 269
- C7** Act extended by [S.I. 1975/1503 \(N.I.15\)](#), [art. 2\(3\)](#) and by [S.R. 1984/92 reg. 4](#)
- C8** Act excluded by [S.I. 1982/1082 \(N.I.14\)](#), [art. 6](#) and [S.R. 1987/152 reg. 2\(5\)](#).
- C9** Act applied by [S.R. 1988/374](#).
- C10** The base date version of this Act is as revised to 1.7.1992 and takes account of the effects of the consolidating legislation which came into force at that date
- C11** Act: power to amend conferred (7.2.1994) by [1993 c. 49, s. 173](#); [S.R. 1994/17, art. 2](#)
- C12** Act: power to amend (for specified purposes) conferred (1.12.1999 for the purpose only of the exercise of any power to make regulations) by [S.I. 1999/3147, art. 40\(1\)\(2\)\(f\)](#) and (1.12.2000 in so far as not already in operation) by [S.R. 2000/133, art. 2\(3\)\(d\), Sch. Pt. IV](#)

Status: Point in time view as at 02/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Social Security (Northern Ireland) Act 1975. (See end of Document for details)

Commencement Information

II Act partly in force 6.4.1975, see [s. 158\(3\)](#). Act wholly in force at 17.11.1975.

1–96 **F1**

Textual Amendments

F1 Whole Act, except sections 97(4) and 158 and paragraphs 5(2), 6, 7 and 7A of Schedule 10 repealed by [Social Security \(Consequential Provisions\) \(Northern Ireland\) Act 1992 \(c. 9, SIF 113:1\)](#), [s. 3 Schs. 1, 3](#).

97 Adjudicating officials and bodies.

(1) **F2**

(4) Schedule 10 to this Act has effect with respect to local tribunals, Commissioners and others officiating or attending for the purposes of this Part of this Act.

Textual Amendments

F2 Whole Act, except sections 97(4) and 158 and paragraphs 5(2), 6, 7 and 7A of Schedule 10 repealed by [Social Security \(Consequential Provisions\) \(Northern Ireland\) Act 1992 \(c. 9, SIF 113:1\)](#), [s. 3 Schs. 1, 3](#).

Modifications etc. (not altering text)

- C13** The reference to “this part of this Act” is a reference to Part III (ss. 93–119)
- C14** Power to amend s. 97(4) conferred by [S.I. 1986/1888 \(N.I. 18\)](#), [arts. 18\(2\)\(3\)\(h\)](#), 79(1)(6)
- C15** [S. 97\(4\)](#): Power to modify conferred (7.2.1994) by [1993 c. 49](#), ss. 182, 183, 184, [Sch. 5 Pt. II para. 17\(2\)\(3\)\(h\)](#); [S.R. 1994/17](#), [art. 2](#)

98–157 **F3**

Textual Amendments

F3 Whole Act, except sections 97(4) and 158 and paragraphs 5(2), 6, 7 and 7A of Schedule 10 repealed by [Social Security \(Consequential Provisions\) \(Northern Ireland\) Act 1992 \(c. 9, SIF 113:1\)](#), [s. 3 Schs. 1, 3](#) (subject as regards s. 128 to an amendment (retrospective in effect as mentioned in art. 4(3) of the amending S.I.) by [S.I. 1994/765 \(N.I. 4\)](#), [art. 4\(3\)](#))

158 Citation extent and commencement.

- (1) This Act may be cited as the Social Security (Northern Ireland) Act 1975.
- (2) This Act extends to Northern Ireland only.
- (3) Subject to section 3(5) of the ^{M1}[Social Security \(Consequential Provisions\) Act 1975](#), this Act comes into force on 6th April 1975.

Status: Point in time view as at 02/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Social Security (Northern Ireland) Act 1975. (See end of Document for details)

Marginal Citations

M1 1975 c. 18.

Status: Point in time view as at 02/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Social Security (Northern Ireland) Act 1975. (See end of Document for details)

SCHEDULES

F4F4 SCHEDULES 1-9

Textual Amendments

- F4 Whole Act, except sections 97(4) and 158 and paragraphs 5(2), 6, 7 and 7A of Schedule 10 repealed by [Social Security \(Consequential Provisions\) \(Northern Ireland\) Act 1992 \(c. 9, SIF 113:1\)](#), [s. 3 Schs. 1, 3.](#)

F4

SCHEDULE 10

Modifications etc. (not altering text)

- C16 Certain functions transferred by [S.R. 1976/281, art. 3, Sch.](#), [S.I. 1982/338 \(N.I. 6\) arts. 3, 4\(1\)](#) and [Social Security Act 1986 \(c. 50 SIF 113:1\) s. 82, Sch. 9 Pt. III para. 10](#)
- C17 Power to amend Sch. 10 conferred by [S.I. 1986/1888 \(N.I. 18\)](#), [arts. 18\(3\), 79\(1\)\(6\)](#)

1-4

F5

Textual Amendments

- F5 Whole Act, except sections 97(4) and 158 and paragraphs 5(2), 6, 7 and 7A of Schedule 10 repealed by [Social Security \(Consequential Provisions\) \(Northern Ireland\) Act 1992 \(c. 9, SIF 113:1\)](#), [s. 3 Schs. 1, 3.](#)

5

(1) F6

(2) For the purposes of this paragraph, paragraph 6 below and Part II of the ^{M2}Judicial Pensions Act (Northern Ireland) 1951, service before the coming into force of section 97(3) by any person as a Commissioner, deputy Commissioner, umpire or deputy umpire for the purposes of the former principal Act, the former Industrial Injuries Act or the enactments re-enacted by those Acts and remunerated by means of a salary shall be treated as service by that person as a Commissioner appointed under that subsection and so remunerated.

[^{F7}(3) This paragraph and paragraphs 6, 7 and 7A shall have effect as if contained in the [Social Security Administration \(Northern Ireland\) Act 1992.](#)]

Status: Point in time view as at 02/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Social Security (Northern Ireland) Act 1975. (See end of Document for details)

Textual Amendments

- F6** Whole Act, except sections 97(4) and 158 and paragraphs 5(2), 6, 7 and 7A of Schedule 10 repealed by Social Security (Consequential Provisions) (Northern Ireland) Act 1992 (c. 9, SIF 113:1), s. 3 Schs. 1, 3.
- F7** Para. 5(3) added by Social Security (Consequential Provisions) (Northern Ireland) Act 1992 (c. 9, SIF 113:1), s. 4, Sch. 2 para. 10(1).

Modifications etc. (not altering text)

- C18** Sch. 10 para 5(2): Power to modify conferred (7.2.1994) by 1993 c. 49, ss. 182, 183, 184, Sch. 5 Pt. II para. 17(2)(3)(h); S.R. 1994/17, art. 2

Marginal Citations

- M2** 1951 c. 20 (N.I.)

Commissioners' pensions

- 6 (1) The [^{F8}Lord Chancellor] may from time to time recommend to the [^{F9}Treasury] that there shall be paid out of [^{F10}money provided by Parliament] to a Commissioner who at the date of his retirement is remunerated by means of a salary an annual sum by way of superannuation allowances calculated in accordance with sub-paragraph (2),
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- [^{F11}(a) if he retires pursuant to paragraph 1 of Schedule 2 to the ^{M3}Social Security Administration (Northern Ireland) Act 1992;]
- (b) if he retires after 15 years' service and at the time of retirement has attained the age of 65; or
- (c) if the [^{F8}Lord Chancellor] is satisfied by means of a medical certificate that at the time of his retirement he is, by reason of infirmity of mind or body, incapable of discharging the duties of his office and that the incapacity is likely to be permanent.
- (2) When the number of completed years of service is as specified in column (1) of the Table below, the annual allowance shall not exceed the fraction of the last annual salary respectively specified in column (2) of the Table—

TABLE

<i>Years of service</i>	<i>Fraction of salary</i>
Less than 5	6/40ths
5	10/40ths
6	11/40ths
7	12/40ths
8	13/40ths
9	14/40ths
10	15/40ths
11	16/40ths

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12	17/40ths
13	18/40ths
14	19/40ths
15 or more	20/40ths

- (3) For the purpose of this paragraph—
- service as a Commissioner which is not remunerated by means of a salary shall be disregarded;
 - the [^{F9}Treasury] may by regulations provide for counting as service as a Commissioner pensionable service in any other capacity under the Crown.
- (4) The decision of the [^{F9}Treasury] shall be final on any question arising as to—
- the application of any of the provisions of this paragraph or paragraph 7 to any person; or
 - the amount of any superannuation allowance under this paragraph; or
 - the reckoning of any service for the purpose of calculating such a superannuation allowance.
- (5) This paragraph is without prejudice to the pension benefits conferred by the ^{M4}Judicial Pensions Act (Northern Ireland) 1951.

Textual Amendments

- F8** Words substituted by [Social Security Act 1986 \(c. 50, SIF 113:1\) s. 82, Sch. 9 para. 10\(1\)\(a\)](#)
- F9** Word substituted by [Social Security Act 1986 \(c. 50, SIF 113:1\) s. 82, Sch. 9 para. 10\(1\)\(b\)](#)
- F10** Words substituted by [Social Security Act 1986 \(c. 50, SIF 113:1\) s. 82, Sch. 9 para. 10\(2\)](#)
- F11** [Para. 6\(1\)\(a\)](#) substituted by [Social Security \(Consequential Provisions\) \(Northern Ireland\) Act 1992 \(c. 9, SIF 113:1\), s. 4, Sch. 2 para. 10\(2\)](#).

Modifications etc. (not altering text)

- C19** [Sch. 10 para. 6: Power to modify conferred \(7.2.1994\) by 1993 c. 49, ss. 182, 183, 184, Sch. 5 Pt. II, para. 17\(2\)\(3\)\(h\); S.R. 1994/17, art. 2](#)
- C20** [Para. 6](#) excluded by [Social Security Administration \(Northern Ireland\) Act 1992 \(c. 8, SIF 113:1\), ss. 39, 41, 48–50 Sch. 2 para. 1\(6\)](#)
- C21** [Para. 6: certain functions transferred by Social Security Act 1986 \(c. 50, SIF 113:1\), s. 82, Sch. 9 Pt. II, paras. 3\(1\)\(a\), 4, 8\(2\)](#)

Marginal Citations

- M3** [1992 c. 8\(113:1\)](#).
- M4** [1951 c. 20 \(N.I.\)](#)

Commissioners' pensions: supplementary

- 7 (1) Paragraph 6(1) shall have effect notwithstanding that a Commissioner may, during his period of service as Commissioner, undertake other duties of a judicial or advisory nature for the purposes of this Act and, for the purposes of that sub-paragraph and paragraph 6(2), the last annual salary of any such person shall include any salary payable in respect of those other duties.
- (2) Subject to sub-paragraph (3)—

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- (a) a person about to be appointed as Commissioner and remunerated by means of a salary;
- (b) a person who, being a Commissioner is about to be remunerated by means of a salary,

shall, before being so appointed or, as the case may be, remunerated, furnish to the [F¹²Lord Chancellor]satisfactory evidence that his health is suitable for the discharge of the duties of the office.

- (3) A person of the kind referred to in sub-paragraph (2)(a) or (b) may elect that he shall not, before being appointed a Commissioner or, as the case may be, remunerated by means of a salary, furnish evidence as to his health, and where a Commissioner is so appointed or remunerated after having made such an election, then, subject to sub-paragraph (4), as respects him—
 - (a) paragraph 6(1) shall not have effect until he has completed 5 years' service; and
 - (b) Part II of the Judicial Pension Act (Northern Ireland) 1951 shall not have effect until he has completed 10 years' service;

and where the [F¹²Lord Chancellor]is satisfied that his health has throughout his service been such that it has enabled him duly to discharge the duties of his office, the [F¹²Lord Chancellor]may after the completion of the relevant period of service, direct that the said sub-paragraph or, as the case may be, the said Part, shall have effect as if he had not made that election.

- (4) A Commissioner who has made an election under sub-paragraph (3) may at any time during his tenure of office furnish to the [F¹²Lord Chancellor]satisfactory evidence as to his health, and the [F¹²Lord Chancellor]may thereupon direct that for the purposes of paragraph 6(1) of this Schedule and of Part II of the ^{M5}Judicial Pensions Act (Northern Ireland) 1951 that Commissioner shall be treated as if he had not made that election.
- (5) A person to whom a superannuation allowance has been granted under paragraph 6 before he has attained the age of 72 in consequence of an incapacity of the kind referred to in paragraph 6(1)(c) shall, until he has attained that age, be liable to be required by the [F¹³Lord Chancellor]to resume the duties of a Commissioner with the salary attached thereto, and if (being in a competent state of health) he declines when so required to resume those duties, or declines or neglects to execute those duties, he shall forfeit his right to the allowance so granted to him.
- (6) Whenever a person has resumed his duties pursuant to sub-paragraph (5) the payment of the superannuation allowance granted to him shall be suspended during the period of his resumed service, but, subject to the provisions of that sub-paragraph, at the end of that period the superannuation allowance shall again be payable and be recalculated in accordance with the provisions of paragraph 6(2), and for that purpose the period of his resumed service shall be added to the period of his former service.
- (7) Where the rate of the superannuation allowance payable to any person under paragraph 6(1) as Commissioner is or would be increased by virtue of regulations made under paragraph 6(3)(b) in respect of service in some other capacity, any pension benefits paid to or in respect of him as having been a Commissioner shall, to such extent as the [F¹⁴Treasury]may determine, having regard to the relative length of service and rate of remuneration in each capacity, be paid and borne in the manner

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in which a pension payable to him wholly in respect of service in that other capacity would have been paid and borne.

- (8) In paragraph 6 and this paragraph—
- (a) “pension” includes any superannuation or other retiring allowance or gratuity, and “pensionable” shall be construed accordingly; and
 - (b) “pension benefits” includes benefits payable on retirement or death by way of lump sum or gratuity, and benefits payable in respect of a person’s service or employment to other persons by way of widow’s or children’s pension or otherwise.

Textual Amendments

- F12** Words substituted by [Social Security Act 1986 \(c. 50, SIF 113:1\)](#) s. 82, Sch. 9 para. 10(1)(a)
F13 Words substituted by [Social Security Act 1986 \(c. 50, SIF 113:1\)](#) s. 82, Sch. 9 para. 10(3).
F14 Word substituted by [Social Security Act 1986 \(c. 50, SIF 113:1\)](#) s. 82, Sch. 9 para. 10(1)(b)

Modifications etc. (not altering text)

- C22** [Para. 7](#) excluded by [Social Security Administration \(Northern Ireland\) Act 1992 \(c. 8, SIF 113:1\)](#), **ss. 39, 41, 48–50** Sch. 2 para. 1(6)
C23 [Para. 7](#): certain functions transferred by [Social Security Act 1986 \(c. 50, SIF 113:1\)](#), s. 82, **Sch. 9 Pt. II**, paras. 3(1)(a), 4, 8(2)

Marginal Citations

- M5** [1951 c. 20 \(N.I.\)](#)

[^{F15}7A (1) The provisions regulating the pensions which may be received under paragraph 6 are to take effect subject to the modifications contained in this paragraph.

- (2) In this paragraph—
- “Commissioners’ pension scheme” means the occupational pension scheme constituted by this Act and the Judicial Pensions Act (Northern Ireland) 1951;
- “election” means an election made under sub-paragraph (3);
- “personal pension scheme” means a scheme in respect of which there is in force a current appropriate scheme certificate issued by the Occupational Pensions Board in accordance with Article 4 of the Social Security (Northern Ireland) Order 1986.
- (3) A person who is eligible for a pension in respect of his office as a Commissioner shall while in that office:
- (a) be deemed to be a member of the Commissioners’ pension scheme except during such time as an election is in force in respect of him; and
 - (b) be entitled at any time to become a member of a personal pension scheme by serving on the Lord Chancellor a written notice of election, identifying the personal pension scheme, to take effect on a date not less than three months after the date on which it was served.
- (4) At any time after a person has made an election and while he continues to hold office as a Commissioner:

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- (a) he may make a written application to the Lord Chancellor requesting admission to membership of the Commissioners' pension scheme; and
 - (b) the Lord Chancellor may, if satisfied that the applicant is in good health, admit him to that scheme on a date not less than three months after the date on which the application was served; and
 - (c) upon the date of the applicant's admission to the Commissioners' pension scheme, his election shall cease to be in force.
- (5) An applicant under sub-paragraph (4) shall supply such evidence relating to his health as the Lord Chancellor may reasonably require and shall submit to any medical examination reasonably specified by the Lord Chancellor.
- (6) The Lord Chancellor shall notify an applicant under sub-paragraph (4) of his decision in writing within three months after the date on which the application was served.
- (7) Subject to the provisions of sub-paragraph (4), an election shall be irrevocable.
- (8) An election shall not affect its maker's eligibility for a pension which accrued under a judicial pension scheme before that election came into force.
- (9) While an election remains in force in respect of a person, his service shall not be counted as service or relevant service in computing the pension for which he is eligible under any judicial pension scheme.]

Textual Amendments

F15 Para. 7A inserted by S.R. (N.I.) No. 1989/100, reg. 5 Sch. 4.

Modifications etc. (not altering text)

C24 Para. 7A excluded by Social Security Administration (Northern Ireland) Act 1992 (c. 8, SIF 113:1), ss. 39, 41, 48–50 Sch. 2 para. 1(6)

C25 Sch. 10 para. 7A: power to modify conferred (7.2.1994) by 1993 c. 49, ss. 182, 183, 184, Sch. 5 Pt. II para. 17(2)(3)(h); S.R. 1994/17, art. 2

C26 Sch. 10 para. 7A(3) modified (31.3.1995) by 1993 c. 8, ss. 13(8)(9)(f); S.I. 1995/631, art. 2

SCHEDULES 11–17

. . . F16

Textual Amendments

F16 Whole Act, except sections 97(4) and 158 and paragraphs 5(2), 6, 7 and 7A of Schedule 10 repealed by Social Security (Consequential Provisions) (Northern Ireland) Act 1992 (c. 9, SIF 113:1), s. 3 Schs. 1, 3.

Status:

Point in time view as at 02/02/1991.

Changes to legislation:

There are currently no known outstanding effects for the Social Security (Northern Ireland) Act 1975.