



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

## 1992 CHAPTER 7

### PART II **N.I.**

#### CONTRIBUTORY BENEFITS

##### *Preliminary*

#### 20 Descriptions of contributory benefits. **N.I.**

- (1) Contributory benefits under this Part of this Act are of the following descriptions, namely—
- <sup>F1</sup>(a) .....
  - [<sup>F2</sup>(b) incapacity benefit, comprising—
    - (i) short-term incapacity benefit; and
    - (ii) long-term incapacity benefit;]
    - (d) maternity allowance (with increase for adult dependants);
    - (e) widow's benefit, comprising—
      - <sup>F3</sup>(i) .....
      - (ii) widowed mother's allowance (with increase for child dependants);
      - (iii) widow's pension;
    - [<sup>F4</sup>(ea) bereavement benefits, comprising—
      - (i) bereavement payment;
      - (ii) widowed parent's allowance (with increase for child dependants);
      - (iii) bereavement allowance;]
      - (f) retirement pensions of the following categories—
        - (i) Category A, payable to a person by virtue of his own contributions (with increase for adult and child dependants); and

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- [<sup>F5</sup>(ii) Category B, payable to a person by virtue of the contributions of a spouse (with increase for child dependants);]
- [<sup>F6</sup>(fa) shared additional pensions;]
- (g) for existing beneficiaries only, child’s special allowance.
- (2) In this Act—
- “long-term benefit” means—
- (a) [<sup>F7</sup>long-term incapacity benefit;]
- (b) a widowed mother’s allowance;
- [<sup>F8</sup>(ba) a widowed parent’s allowance;
- (bb) a bereavement allowance;]
- (c) a widow’s pension; and
- (d) a Category A or Category B retirement pension; and
- [<sup>F9</sup>(e) a shared additional pension;]
- “short-term benefit” means—
- (a) <sup>F10</sup> .....
- [<sup>F11</sup>(b) short-term incapacity benefit; and]
- (c) maternity allowance.
- (3) The provisions of this Part of this Act are subject to the provisions of [<sup>F12</sup>Chapter II of Part III of the Pensions Act (reduction in state scheme contributions and social security benefits for members of certified schemes)].

#### Textual Amendments

- F1** S. 20(1)(a) repealed (7.10.1996) by S.I. 1995/2705 (N.I. 15), art. 40(2), **Sch. 3**; S.R. 1996/401, **art. 2**
- F2** S. 20(1)(b) substituted for s. 20(1)(b)(c) (13.4.1995) by S.I. 1994/1898 (N.I. 12), art. 13(1), **Sch. 1 Pt. I para. 2(2)**; S.R. 1994/450, art. 2(d), **Sch. Pt. IV**
- F3** S. 20(1)(e)(i) repealed (24.4.2000 for specified purposes and 9.4.2001 otherwise) by S.I. 1999/3147 (N.I. 11), arts. 67, 76, **Sch. 8 para. 2(2)(a)**, **Sch. 10 Pt. V**; S.R. 2000/133, art. 2(3)(a), **Sch. Pt. I**
- F4** S. 20(1)(ea) inserted (24.4.2000 for specified purposes and 9.4.2001 otherwise) by S.I. 1999/3147 (N.I. 11), art. 67, **Sch. 8 para. 2(2)(b)**; S.R. 2000/133, art. 2(3)(a), **Sch. Pt. I**
- F5** S. 20(1)(f)(ii) substituted (16.12.1995 subject to Sch. 2 of the amending S.I.) by S.I. 1995/3213 (N.I. 22), arts. 1(3), 123, **Sch. 2 Pt. III para. 18(1)**
- F6** S. 20(1)(fa) inserted (1.12.2000) by S.I. 1999/3147 (N.I. 11), art. 74, **Sch. 9 para. 5(2)**; S.R. 2000/133, art. 2(3)(d), **Sch. Pt. IV**
- F7** S. 20(2): para. (a) in definition of “long-term benefit” substituted (13.4.1995) by S.I. 1994/1898 (N.I. 12), art. 13(1), **Sch. 1 Pt. I para. 2(3)(a)**; S.R. 1994/450, art. 2(d), **Sch. Pt. IV**
- F8** S. 20(2): paras. (ba)(bb) in definition of “long-term benefit” inserted (24.4.2000 for specified purposes and 9.4.2001 otherwise) by S.I. 1999/3147 (N.I. 11), art. 67, **Sch. 8 para. 2(3)**; S.R. 2000/133, art. 2(3)(a), **Sch. Pt. I**
- F9** S. 20(2): para. (e) in definition of “long-term benefit” inserted (1.12.2000) by S.I. 1999/3147 (N.I. 11), art. 74, **Sch. 9 para. 5(3)**; S.R. 2000/133, art. 2(3)(d), **Sch. Pt. IV**
- F10** Words in definition in s. 20(2) repealed (7.10.1996) by S.I. 1995/2705 (N.I. 15), art. 40(2), **Sch. 3**; S.R. 1996/401, **art. 2**
- F11** S. 20(2): para. (b) in definition substituted (13.4.1995) by S.I. 1994/1898 (N.I. 12), art. 13(1), **Sch. 1 Pt. I para. 2(3)(b)**; S.R. 1994/450, art. 2, **Sch. Pt. IV**
- F12** Words in s. 20(3) substituted (7.2.1994) by 1993 c. 49, s. 184, **Sch. 7 para. 30**; S.R. 1994/17, **art. 2**

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## 21 Contribution conditions. **N.I.**

- (1) Entitlement to any benefit specified in section 20(1) above, [<sup>F13</sup>other than [<sup>F14</sup>short-term incapacity benefit under subsection (1)(b) of section 30A below,] long-term incapacity benefit under section [<sup>F15</sup>subsection (5) of that section][<sup>F16</sup>, maternity allowance under section 35 below] or short-term or long-term incapacity benefit under section 40 or 41 below][<sup>F17</sup>or a shared additional pension under section 55A below], depends on contribution conditions being satisfied (either by the claimant or by some other person, according to the particular benefit).
- (2) The class or classes of contribution which, for the purposes of subsection (1) above, are relevant in relation to each of those benefits are as follows—

### *Short-term benefit*

<sup>F18</sup>	<sup>F18</sup>
...	...
[ <sup>F19</sup> Short-term incapacity benefit under section [ <sup>F20</sup> 30A(1)(a)] below]	Class 1 or 2
[ <sup>F21</sup> Maternity allowance]	[ <sup>F21</sup> Class 1 or 2]
<i>Other benefits</i>	
[ <sup>F22</sup> Bereavement payment]	Class 1, 2 or 3
Widowed mother's allowance	Class 1, 2 or 3
[ <sup>F23</sup> Widowed parent's allowance]	Class 1, 2 or 3
Bereavement allowance	Class 1, 2 or 3]
Widow's pension	Class 1, 2 or 3
Category A retirement pension	Class 1, 2 or 3
Category B retirement pension	Class 1, 2 or 3
Child's special allowance	Class 1, 2 or 3

- (3) The relevant contribution conditions in relation to the benefits specified in subsection (2) above are those specified in Part I of Schedule 3 to this Act.
- (4) Part II of Schedule 3 to this Act shall have effect as to the satisfaction of contribution conditions for benefit [<sup>F24</sup>, other than maternity allowance,] in certain cases where a claim for short-term benefit or a [<sup>F25</sup>bereavement payment] is, or has on a previous occasion been, made in the first or second year after that in which the contributor concerned first became liable for primary Class 1 or Class 2 contributions.
- (5) In subsection (4) above and Schedule 3 to this Act—
- “the contributor concerned”, for the purposes of any contribution condition, means the person by whom the condition is to be satisfied;
  - “a relevant class”, in relation to any benefit, means a class of contributions specified in relation to that benefit in subsection (2) above;
  - “the earnings factor”—
    - where the year in question is 1987-88 or any subsequent tax year, means, in relation to a person, the aggregate of his earnings factors derived from all his earnings upon which primary Class 1

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contributions have been paid or treated as paid and from his Class 2 and Class 3 contributions; and

(ii) where the year in question is any earlier tax year, means, in relation to a person's contributions of any class or classes, the aggregate of his earnings factors derived from all those contributions;

(d) except in the expression "benefit year", "year" means a tax year.

[<sup>F26</sup>(5A) Where primary Class 1 contributions have been paid or treated as paid on any part of a person's earnings, the following provisions, namely—

(a) subsection (5)(c) above;

(b) sections 22(1)(a) and (3)(a), 23(3)(a), 24(2)(a), 44(6)(a) and 45A(1)(a) below; and

(c) paragraphs 2(4)(a) and (5)(a), 4(2)(a), 5(2)(b) and (4)(a) and 7(4)(a) of Schedule 3 to this Act,

shall have effect as if such contributions had been paid or treated as paid on so much of the earnings as did not exceed the upper earnings limit.]

(6) In this Part of this Act "benefit year" means a period—

(a) beginning with the first Sunday in January in any calendar year, and

(b) ending with the Saturday immediately preceding the first Sunday in January in the following calendar year;

but for any prescribed purposes of this Part of this Act "benefit year" may by regulations be made to mean such other period (whether or not a period of 12 months) as may be specified in the regulations.

#### Textual Amendments

**F13** Words in s. 21(1) substituted (13.4.1995) by S.I. 1994/1898 (N.I. 12), art. 13(1), **Sch. 1 Pt. I para. 3(2)**; S.R. 1994/450, art. 2(d), **Sch. Pt. IV**

**F14** Words in s. 21(1) inserted (3.11.2000 for specified purposes and 6.4.2001 otherwise) by S.I. 1999/3147 (N.I. 11), art. 67, **Sch. 8 para. 20(a)**; S.R. 2000/332, **art. 2(3)(e)(4)(5)**

**F15** S. 21(1): it is provided (3.11.2000 for specified purposes and 6.4.2001 otherwise) that, for the words "30A below", there are substituted the words "subsection (5) of that section": by S.I. 1999/3147 (N.I. 11), art. 67, **Sch. 8 para. 20(a)**; S.R. 2000/332, **art. 2(3)(e)(4)(5)**

**F16** Words in s. 21(1) inserted (12.1.2000 and 2.4.2000 for specified purposes and otherwise *prosp.*) by S.I. 1999/3147 (N.I. 11), art. 67, **Sch. 8 Pt. VI para. 29(2)**; S.R. 1999/494, **art. 2(1)(b)**

**F17** Words in s. 21(1) inserted (1.12.2000) by S.I. 1999/3147 (N.I. 11), art. 74, **Sch. 9 para. 6**; S.R. 2000/133, art. 2(3)(d), **Sch. Pt. IV**

**F18** Entry in s. 21(2) repealed (7.10.1996) by S.I. 1995/2705 (N.I. 15), art. 40(2), **Sch. 3**; S.R. 1996/401, **art. 2**

**F19** Words in s. 21(2) substituted (13.4.1995) by S.I. 1994/1898 (N.I. 12), art. 13(1), **Sch. 1 Pt. I para. 3(3)**; S.R. 1994/450, art. 2(d), **Sch. Pt. IV**

**F20** Words in s. 21(2) substituted (3.11.2000 for specified purposes and 6.4.2001 otherwise) by S.I. 1999/3147 (N.I. 11), art. 67, **Sch. 8 para. 20(b)**; S.R. 2000/332, **art. 2(3)(e)(4)(5)**

**F21** Entry in s. 21(2) repealed (12.1.2000 and 2.4.2000 for specified purposes and otherwise *prosp.*) by S.I. 1999/3147 (N.I. 11), arts. 67, 76, **Sch. 8 Pt. VI para. 29(3)**, **Sch. 10 Pt. V**; S.R. 1999/494, **art. 2(1)(b)(c)(i)**

**F22** Words in s. 21(2) substituted (24.4.2000 for specified purposes and 9.4.2001 otherwise) by S.I. 1999/3147 (N.I. 11), art. 67, **Sch. 8 para. 3(2)(a)**; S.R. 2000/133, art. 2(3)(a), **Sch. Pt. I**

**F23** Entries in s. 21(2) inserted (24.4.2000 for specified purposes and 9.4.2001 otherwise) by S.I. 1999/3147 (N.I. 11), art. 67, **Sch. 8 para. 3(2)(b)**; S.R. 2000/133, art. 2(3)(a), **Sch. Pt. I**

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- F24** Words in s. 21(4) repealed (12.1.2000 and 2.4.2000 for specified purposes and otherwise *prosp.*) by S.I. 1999/3147 (N.I. 11), arts. 67, 76, Sch. 8 Pt. VI para. 29(4), **Sch. 10 Pt. V**; S.R. 1999/494, **art. 2(1)(b)(c)(i)**
- F25** Words in s. 21(4) substituted (24.4.2000 for specified purposes and 9.4.2001 otherwise) by S.I. 1999/3147 (N.I. 11), art. 67, **Sch. 8 para. 3(3)**; S.R. 2000/133, art. 2(3)(a), **Sch. Pt. I**
- F26** S. 21(5A) inserted (6.4.1999) by S.I. 1998/1506 (N.I. 10), art. 78(1), **Sch. 6 para. 42**; S.R. 1999/72, art. 2(b), **Sch.**

## 22 Earnings factors. **N.I.**

- (1) A person shall, for the purposes specified in subsection (2) below, be treated as having annual earnings factors derived—
- in the case of 1987-88 or any subsequent tax year, from those of his earnings upon which primary Class 1 contributions have been paid or treated as paid and from Class 2 and Class 3 contributions; and
  - in the case of any earlier tax year, from his contributions of any of Classes 1, 2 and 3;
- but subject to the following provisions of this section and those of section 23 below.
- (2) The purposes referred to in subsection (1) above are those of—
- establishing, by reference to the satisfaction of contribution conditions, entitlement to [<sup>F27</sup>a contribution-based jobseeker's allowance or to]any benefit specified in section 20(1) above, other than maternity allowance; and
  - calculating the additional pension in the rate of a long-term benefit.
- (3) Separate earnings factors may be derived for 1987-88 and subsequent tax years—
- from earnings upon which primary Class 1 contributions have been paid or treated as paid;
  - from earnings which have been credited;
  - from contributions of different classes paid or credited in the same tax year;
  - by any combination of the methods mentioned in paragraphs (a) to (c) above, and may be derived for any earlier tax year from contributions of different classes paid or credited in the same tax year, and from contributions which have actually been paid, as opposed to those not paid but credited.
- (4) Subject to regulations under section 19(4) to (6) above, no earnings factor shall be derived—
- for 1987-88 or any subsequent tax year, from earnings [<sup>F28</sup>in respect of which] primary Class 1 contributions are paid at the reduced rate, or
  - for any earlier tax year, from primary Class 1 contributions paid at the reduced rate or from secondary Class 1 contributions.
- (5) Regulations may provide for crediting—
- for 1987-88 or any subsequent tax year, earnings or Class 2 or Class 3 contributions, or
  - for any earlier tax year, contributions of any class,
- for the purpose of bringing a person's earnings factor for that tax year to a figure which will enable him to satisfy contribution conditions of entitlement to [<sup>F27</sup>a contribution-based jobseeker's allowance or to]any prescribed description of benefit (whether his own entitlement or another person's).

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- (6) Regulations may impose limits with respect to the earnings factors which a person may have or be treated as having in respect of any one tax year.
- (7) The <sup>M1</sup>power to amend regulations made before 30th March 1977 (the making of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977) under subsection (5) above may be so exercised as to restrict the circumstances in which and the purposes for which a person is entitled to credits in respect of weeks before the coming into force of the amending regulations; but not so as to affect any benefit for a period before the coming into force of the amending regulations if it was claimed before 18th March 1977.

#### Textual Amendments

- F27** Words in s. 22(2)(a)(5) inserted (7.10.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1), **Sch. 2 para. 5**; S.R. 1996/401, **art. 2**
- F28** Words in s. 22(4)(a) substituted (6.4.1999) by S.I. 1998/1506 (N.I. 10), art. 78(1), **Sch. 6 para. 43**; S.R. 1999/72, art. 2(b), **Sch.**

#### Modifications etc. (not altering text)

- C1** S. 22 applied (7.2.1994) by 1993 c. 49, s. 176(1); S.R. 1994/17, **art. 2**
- C2** S. 22(5)(a) modified (1.7.1998) by S.I. 1998/1506 (N.I. 10), **arts. 1(3), 73(a)a**

#### Marginal Citations

- M1** S.I. 1977/610 (N.I. 11).

## 23 Provisions supplemental to ss. 21 and 22. **N.I.**

- (1) Earnings factors derived as mentioned in section [<sup>F29</sup>22(1)] above, including earnings factors as increased by any order under section 130 of the Administration Act—
- (a) shall be expressed, subject to subsection (2) below, as whole numbers of pounds; and
  - (b) shall be made ascertainable from tables or rules to be drawn up by the Department and embodied in regulations.
- (2) Subsection (1) above does not require earnings factors in respect of the tax year 1978-79 or any subsequent tax year which have been revalued for the purpose of calculating guaranteed minimum pensions under the Pensions Order [<sup>F30</sup>or the Pensions Act] to be expressed as whole numbers of pounds.
- (3) The tables and rules referred to in subsection (1) above shall be drawn up so that, in general—
- (a) in respect of the tax year 1987-88 and any subsequent tax year, the amount of earnings upon which primary Class 1 contributions have been paid or treated as paid gives rise, subject to subsection (4) below, to an earnings factor for that year equal or approximating to the amount of those earnings; and
  - (b) any number of Class 2 or Class 3 contributions in respect of a tax year gives rise to an earnings factor for that tax year equal or approximating to that year's lower earnings limit for Class 1 contributions multiplied by the number of contributions.

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- (4) The Department may by regulations make such modifications of subsection (3)(a) above as appear to the Department to be appropriate in consequence of section 8(2) above.

#### Textual Amendments

- F29** Words in s. 23(1) substituted (16.12.1995 subject to Sch. 2 of the amending S.I.) by S.I. 1995/3213 (N.I. 22), arts. 1(3), 131(2)
- F30** Words in s. 23(2) inserted (7.2.1994) by 1993 c. 49, s. 184, Sch. 7 para. 31; S.R. 1994/17, art. 2

#### Modifications etc. (not altering text)

- C3** S. 23 applied (7.2.1994) by 1993 c. 49, s. 176(1); S.R. 1994/17, art. 2

## 24 Records of earnings and calculation of earnings factors in absence of records. **N.I.**

- (1) Regulations may provide for requiring persons to maintain, in such form and manner as may be prescribed, records of such earnings paid by them as are relevant for the purpose of calculating earnings factors, and to retain such records for so long as may be prescribed.
- (2) Where the Department is satisfied that records of earnings relevant for the purpose of calculating a person's earnings factors for the tax year 1987-88 or any subsequent tax year have not been maintained or retained or are otherwise unobtainable, then, for the purpose of determining those earnings factors, the Department may—
- compute, in such manner as it thinks fit, an amount which shall be regarded as the amount of that person's earnings on which primary Class 1 contributions have been paid or treated as paid; or
  - take the amount of those earnings to be such sum as it may specify in the particular case.



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