



Social Security Contributions and Benefits (Northern Ireland) Act 1992

1992 CHAPTER 7

PART VI

MISCELLANEOUS PROVISIONS RELATING TO PART I TO V

Interpretation

121 Interpretation of Parts I to VI and supplementary provisions.

(1) In Parts I to V above and this Part of this Act, unless the context otherwise requires—

[^{F1}“additional Class 4 percentage” is to be construed in accordance with section 15(3ZA)(b) above;

“additional primary percentage” is to be construed in accordance with section 8(2)(b) above;]

[^{F2}“Bank of England base rate” means—

(a) the rate announced from time to time by the Monetary Policy Committee of the Bank of England as the official dealing rate, being the rate at which the Bank is willing to enter into transactions for providing short term liquidity in the money markets, or

(b) where an order under section 19 of the Bank of England Act 1998 is in force, any equivalent rate determined by the Treasury under that section;]

“beneficiary”, in relation to any benefit, means the person entitled to that benefit;

“benefit” means—

(a) benefit under Parts II to V of this Act other than Old Cases payments;

(b) as respects any period before 1st July 1992 but not before 6th April 1975, benefit under Part II of the 1975 Act; or

(c) as respects any period before 6th April 1975, benefit under—

Status: Point in time view as at 10/04/2006.

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- (i) the ^{M1M2}National Insurance Act (Northern Ireland) 1946 or 1966; or
 - (ii) the ^{M3M4}National Insurance (Industrial Injuries) Act (Northern Ireland) 1946 or 1966;
- [^{F3}“the benefits code” has the meaning given by section 63(1) of ITEPA 2003;]
- [^{F4}“child” has the same meaning as in Part 9 of this Act;]
- “claim” is to be construed in accordance with “claimant”;
- “claimant”, in relation to benefit other than industrial injuries benefit, means a person who has claimed benefit;
- “claimant”, in relation to industrial injuries benefit, means a person who has claimed industrial injuries benefit;
- “contract of service” means any contract of service or apprenticeship whether written or oral and whether express or implied;
- [^{F5}“contribution-based jobseeker’s allowance” has the same meaning as in the Jobseekers (Northern Ireland) Order 1995;]
- “current”, in relation to the lower and upper earnings limits [^{F6}and primary and secondary thresholds] under section 5(1) above, means for the time being in force;
- [^{F7}“day of interruption of employment” has the meaning assigned by section 25A(1)(c) above;]
- [^{F8}“deferred” and “period of deferment”—
- (a) in relation to a Category A or Category B retirement pension, have the meanings given by section 55(3), and
 - (b) in relation to a shared additional pension, have the meanings given by section 55C(3);]
- “earner” and “earnings” are to be construed in accordance with sections 3, 4 and 112 above;
- “employed earner” has the meaning assigned to it by section 2 above;
- “employment” includes any trade, business, profession, office or vocation and “employed” has a corresponding meaning;
- [^{F3}“the employment income Parts of ITEPA 2003” means Parts 2 to 7 of that Act;]
- “entitled”, in relation to any benefit, is to be construed in accordance with—
- (a) the provisions specifically relating to that benefit;
 - (b) in the case of a benefit specified in section 20(1) above, section 21 above; and
 - (c) sections 1 to 3 [^{F9}of the Administration Act and Article 27 of the Social Security (Northern Ireland) Order 1998];
- [^{F3}“excluded employment” has the meaning given by section 63(4) of ITEPA 2003;]
- [^{F10}“first appointed year” means such tax year, no earlier than 2002-03, as may be appointed by order, and “second appointed year” means such subsequent tax year as may be so appointed;]
- [^{F3}“general earnings” has the meaning given by section 7 of ITEPA 2003 and accordingly sections 3 and 112 of this Act do not apply in relation to the word “earnings” when used in the expression “general earnings”];]
- “government department” means, or as the case may require, includes, a Northern Ireland department;

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“industrial injuries benefit” means benefit under Part V of this Act, other than under Schedule 8 to this Act;

^{F11} . . .

“the Inland Revenue” means the Commissioners of Inland Revenue;

[^{F3}“ITEPA 2003” means the Income Tax (Earnings and Pensions) Act 2003;]

“late husband”, in relation to a woman who has been more than once married, means her last husband;

“long-term benefit” has the meaning assigned to it by section 20(2) above;

“loss of physical faculty” includes disfigurement whether or not accompanied by any loss of physical faculty;

[^{F12}“lower earnings limit”, “upper earnings limit” [^{F13}“primary threshold” and “secondary threshold”] are to be construed in accordance with subsection (1) of section 5 above, and references to the lower or upper earnings limit, or to [^{F13}the primary or secondary] threshold, of a tax year are to whatever is (or was) for that year the limit or threshold in force under that subsection;]

[^{F14}“main Class 4 percentage” is to be construed in accordance with section 15(3ZA) above;

“main primary percentage” is to be construed in accordance with section 8(2) above;]

“medical examination” includes bacteriological and radiographical tests and similar investigations and “medically examined” has a corresponding meaning;

“medical treatment” means medical, surgical or rehabilitative treatment (including any course or diet or other regimen), and references to a person receiving or submitting himself to medical treatment are to be construed accordingly;

“Old Cases payments” means payments under Part I of Schedule 8 to this Act;

[^{F15}“PAYE settlement agreement” has the same meaning as in [^{F16}Chapter 5 of Part 11 of ITEPA 2003] ;]

“payments by way of occupational or personal pension” means, in relation to a person, periodical payments which, in connection with the coming to an end of an employment of his, fall to be made to him-

- (a) out of money provided wholly or partly by the employer or under arrangements made by the employer;
- (b) out of money provided under an enactment or instrument having the force of law in any part of the United Kingdom or elsewhere;
- (c) under a personal pension scheme as defined in Article 2(2) of the 1986 Order;
- (d) [^{F17}under a pension scheme registered under section 153 of the Finance Act 2004; or]

and such other payments as are prescribed;

[^{F18}“pensionable age” has the meaning given by the rules in paragraph 1 of Schedule 2 to the Pensions (Northern Ireland) Order 1995;]

“pneumoconiosis” means fibrosis of the lungs due to silica dust, asbestos dust, or other dust, and includes the condition of the lungs known as dust-reticulation;

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[^{F19}“PPF periodic payments” means—

- (a) any periodic compensation payments made in relation to a person, payable under the pension compensation provisions as specified in Article 146(2) of the Pensions (Northern Ireland) Order 2005 or section 162(2) of the Pensions Act 2004 (the pension compensation provisions); or
- (b) any periodic payments made in relation to a person, payable under Article 150 of the Pensions (Northern Ireland) Order 2005 or section 166 of the Pensions Act 2004 (duty to pay scheme benefits unpaid at assessment date etc.);]

“prescribe” means prescribe by regulations;

^{F20}

“qualifying earnings factor” means an earnings factor equal to the lower earnings limit for the year in question multiplied by 52;

[^{F21}“qualifying young person” has the same meaning as in Part 9 of this Act;]

“relative” includes a person who is a relative by marriage [^{F22}or civil partnership] and a person who would be a relative if some person born illegitimate had been born legitimate;

“relevant accident” means the accident in respect of which industrial injuries benefit is claimed or payable;

“relevant injury” means the injury in respect of which industrial injuries benefit is claimed or payable;

“relevant loss of faculty” means—

- (a) ^{F23}
- (b) in relation to industrial injuries benefit, the loss of faculty resulting from the relevant injury;

[^{F24}“secondary percentage” is to be construed in accordance with section 9(2) above;]

“self-employed earner” has the meaning assigned to it by section 2 above;

“short-term benefit” has the meaning assigned to it by section 20(2) above;

“tax week” means one of the successive periods in a tax year beginning with the first day of that year and every seventh day thereafter, the last day of a tax year (or, in the case of a tax year ending in a leap year, the last two days) to be treated accordingly as a separate tax week;

“tax year” means the twelve months beginning with 6th April in any year, the expression “1978-79” meaning the tax year beginning with 6th April 1978, and any correspondingly framed reference to a pair of successive years being construed as a reference to the tax year beginning with 6th April in the earlier of them;

“trade or business” includes, in relation to a public or local authority, the exercise and performance of the powers and duties of that authority;

“trade union” means an association of employed earners;

“week”^{F25} ... means a period of 7 days beginning with Sunday.

[^{F26}“working life” has the meaning given by paragraph 5(8) of Schedule 3 to this Act.]

[^{F27}(1A) For the purposes of Parts 1 to 5 and this Part of this Act, two people of the same sex are to be regarded as living together as if they were civil partners if, but only if,

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they would be regarded as living together as husband and wife were they instead two people of the opposite sex.]

- (2) Regulations [^{F28}made by the Treasury with the concurrence of the Department] may make provision modifying the meaning of “employment” for the purposes of any provision of Parts I to V and this Part of this Act.
- (3) Provision may be made [^{F29}by the Treasury by regulations made with the concurrence of the Department] as to the circumstances in which a person is to be treated as residing or not residing with another person for any of the purposes of Parts I to V and this Part of this Act and as to the circumstances in which persons are to be treated for any of those purposes as residing or not residing together.
- (4) A person who is residing with his spouse shall be treated for the purposes of Parts I to V of this Act and this Part as entitled to any child benefit to which his spouse is entitled.
- (5) Regulations may, for the purposes of any provision of those Parts under which the right to any benefit or increase of benefit depends on a person being or having been entitled to child benefit, make provision whereby a person is to be treated as if he were or had been so entitled or as if he were not or had not been so entitled.
- (6) For the purposes of Parts I to V of this Act and this Part a person is “permanently incapable of self-support” if (but only if) he is incapable of supporting himself by reason of physical or mental infirmity and is likely to remain so incapable for the remainder of his life.

Textual Amendments

- F1** In s. 121(1) definitions of "additional Class 4 percentage" and "additional primary percentage" inserted (with effect for 2003-04 and subsequent tax years) by [National Insurance Contributions Act 2002 \(c. 19\)](#), ss. 6, 8(2), **Sch. 1 para. 31(2)**
- F2** Words in s. 121(1) inserted (17.2.2005 for specified purposes, 6.4.2005 in so far as not already in force) by [The Pensions \(Northern Ireland\) Order 2005 \(S.I. 2005/255\)](#), art. 1(4), **Sch. 9 para. 17(a)**
- F3** Words in s. 121(1) inserted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), s. 723, **Sch. 6 para. 199(2)** (with Sch. 7)
- F4** Words in s. 121(1) substituted (10.4.2006) by [Child Benefit Act 2005 \(c. 6\)](#), s. 6(2), **Sch. 1 para. 34(2)**
- F5** Words in s. 121(1) inserted (7.10.1996) by [S.I. 1995/2705 \(N.I. 15\)](#), art. 40(1), **Sch. 2 para. 12**; [S.R. 1996/401](#), **art. 2**
- F6** Words in definition of "current" in s. 121(1) inserted (6.4.2000) by [1999 c. 30](#), s. 84, **Sch. 12 para. 85(2)**; [S.I. 1999/3420](#), **art. 4(d)**
- F7** Definition in s. 121(1) substituted (13.4.1995) by [S.I. 1994/1898 \(N.I. 12\)](#), art. 13(1), **Sch. 1 Pt. I para. 30**; [S.R. 1994/450](#), art. 2(d), **Sch. Pt. IV**
- F8** Words in s. 121(1) substituted (17.2.2005 for specified purposes, 6.4.2005 in so far as not already in force) by [The Pensions \(Northern Ireland\) Order 2005 \(S.I. 2005/255\)](#), art. 1(4), **Sch. 9 para. 17(b)**
- F9** Words in definition in s. 121(1) substituted (5.7.1999, 6.9.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise prosp.) by [S.I. 1998/1506 \(N.I. 10\)](#), arts. 1(2), 78(1), **Sch. 6 para. 52(a)**; [S.R. 1999/310](#), art. 2(1)(b), **Sch. 1** (with arts. 4, 14); [S.R. 1999/371](#), art. 2(b), **Sch. 1** (with arts. 4, 18); [S.R. 1999/428](#), art. 2(b), **Sch. 1** (with arts. 4, 16); [S.R. 1999/472](#), art. 2(1)(a)(2), **Sch. 1** (with arts. 20-22)
- F10** Definition of "first appointed year" in s. 121(1) inserted (8.1.2001, 1.2.2001 for specified purposes and 6.4.2002 otherwise) by [2000 c. 4 \(N.I.\)](#), s. 33(3); [S.R. 2000/358](#), art. 2(e), **Sch. Pt. IV** (as amended by [S.R. 2000/374](#), **art. 3**); [S.R. 2001/34](#), **art. 2(a)**
- F11** Definition in s. 121(1) repealed (6.4.1999) by [S.I. 1998/1506 \(N.I. 10\)](#), art. 78(1)(2), [Sch. 6 para. 52\(b\)](#), **Sch. 7**; [S.R. 1999/72](#), art. 2(b), **Sch.**

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- F12** Words in s. 121(1) substituted (6.4.1999) by S.I. 1998/1506 (N.I. 10), art. 78(1), **Sch. 6 para. 52(c)**; S.R. 1999/72, art. 2(b), **Sch.**
- F13** Words in definition beginning with "lower earnings limit" in s. 121(1) substituted (6.4.2000) by 1999 c. 30, s. 84, **Sch. 12 para. 85(3)**; S.I. 1999/3420, **art. 4(d)**
- F14** In s. 121(1) definitions of "main Class 4 percentage" and "main primary percentage" inserted (with effect for 2003-04 and subsequent tax years) by National Insurance Contributions Act 2002 (c. 19), ss. 6, 8(2), **Sch. 1 para. 31(3)**
- F15** Words in s. 121(1) substituted (9.9.1998 for the purpose only of making regulations or orders and 6.4.1999 otherwise) by S.I. 1998/1506 (N.I. 10), art. 78(1), **Sch. 6 para. 52(d)**; S.R. 1998/312, art. 2(b), **Sch. Pt. II**
- F16** Words in s. 121(1) inserted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), s. 723, **Sch. 6 para. 199(3)** (with Sch. 7)
- F17** Words in s. 121(1) substituted (6.4.2006) by The Taxation of Pension Schemes (Consequential Amendments) Order 2006 (S.I. 2006/745), arts. 1, **5(3)**
- F18** Words in s. 121(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), 123, **Sch. 2 Pt. III para. 9(a)**
- F19** Words in s. 121(1) inserted (14.2.2006) by The Pensions (2004 Act and 2005 Order) (PPF Payments and FAS Payments) (Consequential Provisions) Order (Northern Ireland) 2006 (S.R. 2006/37), art. 1(1), **Sch. para. 1(4)**
- F20** In s. 121(1) definition of "primary percentage" repealed (with effect for 2003-04 and subsequent tax years) by National Insurance Contributions Act 2002 (c. 19), ss. 7, 8(2), **Sch. 2**
- F21** Words in s. 121(1) inserted (10.4.2006) by Child Benefit Act 2005 (c. 6), s. 6(2), **Sch. 1 para. 34(3)**
- F22** Words in s. 121(1) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 95(2)**; S.I. 2005/3255, art. 2(1), **Sch.**
- F23** S. 121(1): para. (a) in definition of "relevant loss of faculty" repealed (3.11.2000 for specified purposes and 6.4.2001 otherwise) by S.I. 1999/3147 (N.I. 11), art. 76, **Sch. 10 Pt. IV**; S.R. 2000/332, **art. 2(3)(g)(4)(5)**
- F24** In s. 121(1) definition of "secondary percentage" inserted (with effect for 2003-04 and subsequent tax years) by National Insurance Contributions Act 2002 (c. 19), ss. 6, 8(2), **Sch. 1 para. 31(4)**
- F25** Words in s. 121(1) repealed (8.4.2003) by Tax Credits Act 2002 (c. 21), s. 61, **Sch. 6**; S.I. 2003/962, art. 2(4)(e), **Sch. 2** (with art. 3)
- F26** Words in s. 121(1) inserted (16.12.1995 subject to Sch. 2 of the amending S.I.) by S.I. 1995/3213 (N.I. 22), **arts. 1(3), 131(4)**
- F27** S. 121(1A) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 95(3)**; S.I. 2005/3255, art. 2(1), **Sch.**
- F28** Words in s. 121(2) inserted (1.4.1999) by S.I. 1999/671, art. 4, **Sch. 3 para. 27(a)** (with savings and transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6)
- F29** Words in s. 121(3) substituted (1.4.1999) by S.I. 1999/671, art. 4, **Sch. 3 para. 27(b)** (with savings and transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6)

Marginal Citations

- M1** 1946 c. 23 (N.I.).
- M2** 1966 c. 6 (N.I.).
- M3** 1946 c. 21 (N.I.).
- M4** 1966 c. 9 (N.I.).

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