



# 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—
- “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—
      - (i) the <sup>M1M2</sup>National Insurance Act (Northern Ireland) 1946 or 1966; or
      - (ii) the <sup>M3M4</sup>National Insurance (Industrial Injuries) Act (Northern Ireland) 1946 or 1966;
  - “child” means a person under the age of 19 who would be treated as a child for the purposes of Part IX of this Act or such other person under that age as may be prescribed;
  - “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;

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“contract of service” means any contract of service or apprenticeship whether written or oral and whether express or implied;

[<sup>F1</sup>“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 [<sup>F2</sup>and primary and secondary thresholds] under section 5(1) above, means for the time being in force;

[<sup>F3</sup>“day of interruption of employment” has the meaning assigned by section 25A(1)(c) above;]

“deferred” and “period of deferment” have the meanings assigned to them by section 55 above;

“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;

“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 [<sup>F4</sup>of the Administration Act and Article 27 of the Social Security (Northern Ireland) Order 1998];

“government department” means, or as the case may require, includes, a Northern Ireland department;

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

<sup>F5</sup> . . .

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

“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;

[<sup>F6</sup>“lower earnings limit”, “upper earnings limit” [<sup>F7</sup>“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 [<sup>F7</sup>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;]

“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;

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

[<sup>F8</sup>“PAYE settlement agreement” has the same meaning as in section 206A of the Income and Corporation Taxes Act 1988;]

“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) under a contract or trust scheme approved under Chapter III of Part XIV of the <sup>M5</sup>Income and Corporation Taxes Act 1988; or
- (e) under a personal pension scheme approved under Chapter IV of that Part of that Act,

and such other payments as are prescribed;

[<sup>F9</sup>“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;

“prescribe” means prescribe by regulations;

“primary percentage” is to be construed in accordance with [<sup>F10</sup>section 8(2)] above;

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

“relative” includes a person who is a relative by marriage 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) <sup>F11</sup> .....
- (b) in relation to industrial injuries benefit, the loss of faculty resulting from the relevant injury;

“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;

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“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”, except in relation to [<sup>F12</sup>disabled person’s tax credit], means a period of 7 days beginning with Sunday.

[<sup>F13</sup>“working life” has the meaning given by paragraph 5(8) of Schedule 3 to this Act.]

- (2) Regulations [<sup>F14</sup>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 [<sup>F15</sup>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** 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**
- F2** 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)**
- F3** 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**
- F4** 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)
- F5** 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.**
- F6** 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.**

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- F7** 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)**
- F8** 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**
- F9** 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. II para. 9(a)**
- F10** Words in s. 121(1) substituted (6.4.1999) by S.I. 1998/1506 (N.I. 10), art. 78(1), **Sch. 6 para. 52(e)**; S.R. 1999/72, art. 2(b), **Sch.**
- F11** 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)**
- F12** Words in definition of “week” in s. 121(1) substituted (5.10.1999) by 1999 c. 10, ss. 1(2), 20(2), Sch. 1 paras. 1(b), **4(e)**
- F13** 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)**
- F14** 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)
- F15** 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.).
- M5** 1988 c. 1.

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