



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

## 1992 CHAPTER 7

### PART X

#### CHRISTMAS BONUS FOR PENSIONERS

#### 146 Interpretation of Part X.

- (1) In this Part of this Act “qualifying benefit” means—
- (a) a retirement pension;
  - [<sup>F1</sup>(b) long-term incapacity benefit;]
  - [<sup>F2</sup>(ba) a qualifying employment and support allowance;]
  - [<sup>F3</sup>(bb) personal independence payment [<sup>F4</sup>under Part 5 of the Welfare Reform (Northern Ireland) Order 2015];]
  - [<sup>F5</sup>(zc) armed forces independence payment;]
  - (c) a widowed mother’s allowance [<sup>F6</sup>, widowed parent’s allowance] or widow’s pension;
  - [<sup>F7</sup>(d) .....
  - (e) [<sup>F8</sup>a carer’s allowance];
  - (f) industrial death benefit;
  - (g) an attendance allowance;
  - (h) an unemployability supplement or allowance;
  - (i) a war disablement pension;
  - (j) a war widow’s pension;
  - (k) [<sup>F9</sup>state pension credit].
  - [<sup>F10</sup>(l) a mobility supplement]
- (2) In this Part of this Act—

*Status: Point in time view as at 03/10/2022.*

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[<sup>F11</sup>“armed forces independence payment” means armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011 (S.I. 2011/517);]

“attendance allowance” means—

- (a) an attendance allowance;
- (b) a disability living allowance;
- (c) an increase of disablement pension under section 104 or 105 above;
- (d) <sup>F12</sup> .....
- (e) an increase of allowance under Article 8 of the <sup>M1</sup>Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1983 (constant attendance allowance for certain persons to whom that Scheme applies) or under the corresponding provision of any Scheme which may replace that Scheme;
- (f) an allowance in respect of constant attendance on account of disablement for which a person is in receipt of war disablement pension, including an allowance in respect of exceptionally severe disablement;

[<sup>F13</sup>“mobility supplement” means a supplement awarded in respect of disablement which affects a person’s ability to walk and for which the person is in receipt of war disablement pension;]

[<sup>F14</sup>“pensionable age” has the meaning given by the rules in paragraph 1 of Schedule 2 to the Pensions (Northern Ireland) Order 1995;]

[<sup>F15</sup>“the qualifying age for state pension credit” is (in accordance with section 1(2)(b) and (6) of the State Pension Credit Act (Northern Ireland) 2002)—

- (a) in the case of a woman, pensionable age; or
- (b) in the case of a man, the age which is pensionable age in the case of a woman born on the same day as the man;]

[<sup>F16</sup>“qualifying employment and support allowance” means [<sup>F17</sup>a contributory allowance] under Part 1 of the Welfare Reform Act (Northern Ireland) 2007 the calculation of the amount of which includes an addition in respect of the support component or the work-related activity component;]

[<sup>F18</sup>“retirement pension” means—

- (a) a state pension under Part 1 of the Pensions Act (Northern Ireland) 2015,
- (b) a retirement pension under this Act, or
- (c) graduated retirement benefit.]

[<sup>F19</sup>“state pension credit” means state pension credit under the State Pension Credit Act (Northern Ireland) 2002;]

“unemployability supplement or allowance” means—

- (a) an unemployability supplement payable under Part I of Schedule 7 to this Act; or
- (b) any corresponding allowance payable—
  - (i) <sup>F12</sup> .....
  - (ii) by way of supplement to retired pay or pension exempt from income tax under [<sup>F20</sup>section 641 of the Income Tax (Earnings and Pensions) Act 2003] ;
  - (iii) under the <sup>M2</sup>Personal Injuries (Emergency Provisions) Act 1939; <sup>F21</sup> ...

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(iv) by way of supplement to retired pay or pension under the <sup>M3</sup>Polish Resettlement Act 1947; [<sup>F22</sup>or

(v) <sup>F23</sup> . . . . . ]

“war disablement pension” means—

(a) any retired pay, pension or allowance granted in respect of disablement under powers conferred by or under the <sup>M4</sup>Air Force (Constitution) Act 1917, the <sup>M5</sup>Personal Injuries (Emergency Provisions) Act 1939, the <sup>M6</sup>Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939, the <sup>M7</sup>Polish Resettlement Act 1947, or Part VII or section 151 of the <sup>M8</sup>Reserve Forces Act 1980;

(b) without prejudice to paragraph (a) of this definition, any retired pay or pension to which [<sup>F24</sup>any of paragraphs (a) to (f) of section 641(1) of the Income Tax (Earnings and Pensions) Act 2003] applies;

“war widow’s pension” means any widow’s [<sup>F25</sup>or surviving civil partner's] pension or allowance granted in respect of a death due to service or war injury and payable by virtue of any enactment mentioned in paragraph (a) of the preceding definition or a pension or allowance for a widow [<sup>F26</sup>or surviving civil partner] granted under any scheme mentioned in [<sup>F27</sup>section 641(1)(e) or (f) of the Income Tax (Earnings and Pensions) Act 2003];

and each of the following expressions, namely “attendance allowance”, “unemployability supplement or allowance”, “war disablement pension” and “war widow’s pension”, includes any payment which the Department accepts as being analogous to it.

[<sup>F28</sup>(3) In this Part of this Act, “couple” has the meaning given by section 133(1) above.]

(4) In this Part of this Act “the relevant week”, in relation to any year, means the week beginning with the first Monday in December or such other week as may be specified in an order made by the Department.

#### Textual Amendments

- F1** S. 146(1)(b) substituted (13.4.1995) by S.I. 1994/1898 (N.I. 12), art. 13(1), **Sch. 1 Pt. I para. 33**; S.R. 1994/450, art. 2(d), **Sch. Pt. IV**
- F2** S. 146(1)(ba) inserted (27.10.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 3 para. 3(1)(a)**; S.R. 2008/276, art. 2(2)(d), Sch. Pt. 2
- F3** S. 146(1)(bb) inserted (20.6.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 9 para. 5**; S.R. 2016/215, art. 3(2)
- F4** Words in s. 146(1)(bb) inserted (20.6.2016) by The Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations (Northern Ireland) 2016 (S.R. 2016/228), regs. 1, **5(4)**
- F5** S. 146(1)(zc) inserted (20.12.2013) by The Armed Forces and Reserve Forces (Compensation Scheme) (Consequential Provisions: Primary Legislation) (Northern Ireland) Order 2013 (S.I. 2013/3233), arts. 1, **2(4)(a)**
- F6** Words in s. 146(1)(c) 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. 11**; S.R. 2000/133, art. 2(3)(a), **Sch. Pt. I**
- F7** S. 146(1)(d) 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)**
- F8** Words in s. 146(1)(e) substituted (21.10.2002 for certain purposes and 1.4.2003 otherwise) by The Deregulation (Carer's Allowance) Order (Northern Ireland) 2002 (S.R. 2002/321), arts. 1, **2(2)(a)(v)**

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- F9** Words in s. 146(1)(k) substituted (2.12.2002 for certain purposes, 6.10.2003 in so far as not already in force) by [State Pension Credit Act \(Northern Ireland\) 2002 \(c. 14 \(N.I.\)\)](#), ss. 14, 21(2), [Sch. 2 para. 7\(a\)](#); S.R. 2002/366, [art. 2\(1\)\(I\)](#); S.R. 2003/373, [art. 2](#)
- F10** S. 146(1)(l) inserted (16.12.1995) by S.I. 1995/3213 (N.I. 22), [arts. 1\(3\)](#), 129(2)
- F11** Words in s. 146(2) inserted (20.12.2013) by [The Armed Forces and Reserve Forces \(Compensation Scheme\) \(Consequential Provisions: Primary Legislation\) \(Northern Ireland\) Order 2013 \(S.I. 2013/3233\)](#), arts. 1, [2\(4\)\(b\)](#)
- F12** Words in s. 146(2) repealed (31.10.2016) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), [Sch. 12 Pt. 6](#); S.R. 2016/234, art. 3(3)
- F13** Definition in s. 146(2) inserted (16.12.1995) by S.I. 1995/3213 (N.I. 22), [arts. 1\(3\)](#), 129(3)(a)
- F14** Definition in s. 146(2) substituted (16.12.1995) by S.I. 1995/3213 (N.I. 22), arts. 1(3), 123, [Sch. 2 Pt. III para. 9\(b\)](#)
- F15** S. 146(2): definition of "the qualifying age for state pension credit" inserted (2.12.2002 for certain purposes, 6.10.2003 in so far as not already in force) by [State Pension Credit Act \(Northern Ireland\) 2002 \(c. 14 \(N.I.\)\)](#), ss. 14, 21(2), [Sch. 2 para. 7\(b\)](#); S.R. 2002/366, [art. 2\(1\)\(I\)](#); S.R. 2003/373, [art. 2](#)
- F16** Words in s. 146(2) inserted (27.10.2008) by [Welfare Reform Act \(Northern Ireland\) 2007 \(c. 2\)](#), s. 60(1), [Sch. 3 para. 3\(11\)\(b\)](#); S.R. 2008/276, art. 2(2)(d), Sch. Pt. 2
- F17** Words in s. 146(2) substituted (13.8.2010) by [Welfare Reform Act \(Northern Ireland\) 2010 \(c. 13\)](#), ss. [30\(3\)](#), 36(1)(m)
- F18** Words in s. 146(2) substituted (6.4.2016) by [Pensions Act \(Northern Ireland\) 2015 \(c. 5\)](#), s. 53(3), [Sch. 12 para. 71](#)
- F19** S. 146(2): definition of "state pension credit" inserted (2.12.2002 for certain purposes, 6.10.2003 in so far as not already in force) by [State Pension Credit Act \(Northern Ireland\) 2002 \(c. 14 \(N.I.\)\)](#), ss. 14, 21(2), [Sch. 2 para. 7\(b\)](#); S.R. 2002/366, [art. 2\(1\)\(I\)](#); S.R. 2003/373, [art. 2](#)
- F20** Words in s. 146(2) substituted (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. 201\(2\)\(a\)](#) (with Sch. 7)
- F21** S. 146(2): word in definition in sub-para.(b) repealed (16.12.1995) by S.I. 1995/3213 (N.I. 22), arts. 1(3), 168, [Sch. 5 Pt. II](#)
- F22** S. 146(2): word and sub-para.(v) inserted (16.12.1995) in para.(b) of the definition of "unemployability supplement or allowance" by S.I. 1995/3213 (N.I. 22), [arts. 1\(3\)](#), 129(3)(c)
- F23** Words in s. 146(2) repealed (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. 201(2)(b), [Sch. 8 Pt. 1](#) (with Sch. 7)
- F24** Words in s. 146(2) substituted (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. 201\(3\)](#) (with Sch. 7)
- F25** Words in s. 146(2) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), [Sch. 24 para. 102\(2\)\(a\)](#); S.I. 2005/3255, art. 2(1), Sch.
- F26** Words in s. 146(2) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), [Sch. 24 para. 102\(2\)\(b\)](#); S.I. 2005/3255, art. 2(1), Sch.
- F27** Words in s. 146(2) substituted (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. 201\(4\)](#) (with Sch. 7)
- F28** S. 146(3) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), [Sch. 24 para. 102\(3\)](#); S.I. 2005/3255, art. 2(1), Sch.

#### Marginal Citations

- M1** S.I.1983/136.  
**M2** 1939 c. 82.  
**M3** 1947 c. 19.  
**M4** 1917 c. 51.  
**M5** 1939 c. 83.  
**M6** 1939 c. 83.  
**M7** 1947 c. 19.

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**M8** 1980 c. 9.

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