



# Social Security Administration (Northern Ireland) Act 1992

## 1992 CHAPTER 8

### PART XI

#### FINANCE

#### 141 National Insurance Fund.

- (1) The National Insurance Fund shall continue to be maintained under the control and management of the Department.
- (2) Accounts of the National Insurance Fund shall be prepared in such form, and in such manner and at such times, as the Department of Finance and Personnel may direct, and the Comptroller and Auditor General for Northern Ireland shall examine and certify every such account and shall lay copies of it, together with his report on it, before the Assembly.
- (3) Any money in the National Insurance Fund may from time to time be paid over to the Department of Finance and Personnel and be invested by that Department in any such manner for the time being specified in Part II of Schedule 1 to the <sup>M1</sup>Trustee Investments Act 1961 as the Treasury may specify by an order of which a draft has been laid before Parliament.
- (4) The Department of Finance and Personnel shall certify a statement of the securities in which money forming part of the National Insurance Fund is for the time being invested and that statement so certified shall be included with the accounts of that Fund laid before the Assembly under subsection (2) above.

#### Marginal Citations

M1 1961 c. 62.

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*Changes to legislation: Social Security Administration (Northern Ireland) Act 1992, Part XI is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date.*

*Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## 142 Destination of contributions. **N.I.**

- (1) Contributions received by the Department under Part I of the Contributions and Benefits Act shall be paid by it into the National Insurance Fund after deducting from contributions of any class, the appropriate health service allocation in the case of contributions of that class.
- (2) The contributions referred to in subsection (1) above include those paid over to the Department by the Secretary of State under section 16(5) of the Great Britain Contributions and Benefits Act and by the Inland Revenue under paragraph 6(8) of Schedule 1 to the Contributions and Benefits Act.
- (3) The additions paid under section 1(5) of the Contributions and Benefits Act shall be paid, in accordance with any directions given by the Department of Finance and Personnel, into the National Insurance Fund.
- (4) The sums paid to the Department by the Secretary of State under section 16(5) of the Great Britain Contributions and Benefits Act and by the Inland Revenue under paragraphs 6(8)(b) and 7 of Schedule 1 to the Contributions and Benefits Act in respect of interest and penalties recovered by them in connection with contributions of any class shall be paid, in accordance with any directions given by the Department of Finance and Personnel, into the National Insurance Fund.
- (5) In subsection (1) above “the appropriate health service allocation” means—
  - (a) in the case of primary Class 1 contributions, 1.05 per cent. of the amount estimated to be that of [<sup>F1</sup>so much of the earnings in respect of which those contributions were paid as exceeded the lower earnings limit but did not exceed the upper earnings limit];
  - (b) in the case of secondary Class 1 contributions, 0.9 per cent. of the amount estimated to be that of the earnings in respect of which those contributions were paid;
  - (c) in the case of Class 1A contributions, 0.9 per cent. of the amount estimated to be the aggregate of the cash equivalents of the benefits of the cars and car fuel used in calculating those contributions;
  - (d) in the case of Class 2 contributions, 15.5 per cent. of the amount estimated to be the total of those contributions;
  - (e) in the case of Class 3 contributions, 15.5 per cent. of the amount estimated to be the total of those contributions; and
  - (f) in the case of Class 4 contributions, 1.15 per cent. of the amount estimated to be that of the earnings in respect of which those contributions were paid.
- (6) In subsection (5) above “estimated” means estimated by the Department in any manner which the Department considers to be appropriate and which the Department of Finance and Personnel has approved.
- [<sup>F2</sup>(6A) In the case of earners paid other than weekly, the reference in subsection (5)(a) above to the lower or upper earnings limit shall be taken as a reference to the equivalent of that limit prescribed under section 8(3) of the Contributions and Benefits Act.]
- (7) The Department may by order amend any of paragraphs (a) to (e) of subsection (5) above in relation to any tax year, by substituting for the percentage for the time being specified in that paragraph a different percentage.
- (8) No order under subsection (7) above shall substitute a figure which represents an increase or decrease in the appropriate health service allocation of more than—

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- (a) 0.1 per cent. of the relevant earnings, in the case of paragraph (a) or (b);
  - (b) 0.1 per cent. of the relevant aggregate, in the case of paragraph (c);
  - (c) 4 per cent. of the relevant contributions, in the case of paragraph (d) or (e); or
  - (d) 0.2 per cent. of the relevant earnings, in the case of paragraph (f).
- (9) From the health service allocation in respect of contributions of any class there shall be deducted such amount as the Department may estimate to be the portion of the total expenses incurred by it or any other government department in collecting contributions of that class which is fairly attributable to that allocation, and the remainder shall, in the hands of the Department, be taken as paid towards the cost of the health service in Northern Ireland.
- (10) Any amounts deducted in accordance with subsection (9) above shall be paid by the Department into the Consolidated Fund.
- (11) Any estimate by the Department for the purposes of subsection (9) above shall be made in accordance with any directions given by the Department of Finance and Personnel.
- (12) The Department may make regulations modifying this section, in such manner as it thinks appropriate, in relation to the contributions of persons referred to in the following provisions of the Contributions and Benefits Act—
- (a) section 116(2) (H.M. Forces);
  - (b) section 117(1) (mariners, airmen, etc.),
- and in relation to any contributions which are reduced under section 6(5) of that Act.

#### Textual Amendments

- F1** Words in s. 142(5)(a) substituted (*retrospective to 1.7.1992*) by S.I. 1994/765 (N.I. 4), art. 4(1)(3)
- F2** S. 142(6A) inserted (*retrospective to 1.7.1992*) by S.I. 1994/765 (N.I. 4), art 4(2)(3)

#### 142 Destination of contributions. **N.I.**

- (1) Contributions received by the Department under Part I of the Contributions and Benefits Act shall be paid by it into the National Insurance Fund after deducting from contributions of any class, the appropriate health service allocation in the case of contributions of that class.
- (2) The contributions referred to in subsection (1) above include those paid over to the Department by the Secretary of State under section 16(5) of the Great Britain Contributions and Benefits Act and by the Inland Revenue under paragraph 6(8) of Schedule 1 to the Contributions and Benefits Act.
- (3) The additions paid under section 1(5) of the Contributions and Benefits Act shall be paid, in accordance with any directions given by the Department of Finance and Personnel, into the National Insurance Fund.
- (4) The sums paid to the Department by the Secretary of State under section 16(5) of the Great Britain Contributions and Benefits Act and by the Inland Revenue under paragraphs 6(8)(b) and 7 of Schedule 1 to the Contributions and Benefits Act in respect of interest and penalties recovered by them in connection with contributions of any class shall be paid, in accordance with any directions given by the Department of Finance and Personnel, into the National Insurance Fund.

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- (5) In subsection (1) above “the appropriate health service allocation” means—
- (a) in the case of primary Class 1 contributions, 1.05 per cent. of the amount estimated to be that of the earnings in respect of which those contributions were paid at the main primary percentage rate;
  - (b) in the case of secondary Class 1 contributions, 0.9 per cent. of the amount estimated to be that of the earnings in respect of which those contributions were paid;
  - (c) in the case of Class 1A contributions, 0.9 per cent. of the amount estimated to be the aggregate of the cash equivalents of the benefits of the cars and car fuel used in calculating those contributions;
  - (d) in the case of Class 2 contributions, 15.5 per cent. of the amount estimated to be the total of those contributions;
  - (e) in the case of Class 3 contributions, 15.5 per cent. of the amount estimated to be the total of those contributions; and
  - (f) in the case of Class 4 contributions, 1.15 per cent. of the amount estimated to be that of the earnings in respect of which those contributions were paid.
- (6) In subsection (5) above “estimated” means estimated by the Department in any manner which the Department considers to be appropriate and which the Department of Finance and Personnel has approved.
- (7) The Department may by order amend any of paragraphs (a) to (e) of subsection (5) above in relation to any tax year, by substituting for the percentage for the time being specified in that paragraph a different percentage.
- (8) No order under subsection (7) above shall substitute a figure which represents an increase or decrease in the appropriate health service allocation of more than—
- (a) 0.1 per cent. of the relevant earnings, in the case of paragraph (a) or (b);
  - (b) 0.1 per cent. of the relevant aggregate, in the case of paragraph (c);
  - (c) 4 per cent. of the relevant contributions, in the case of paragraph (d) or (e); or
  - (d) 0.2 per cent. of the relevant earnings, in the case of paragraph (f).
- (9) From the health service allocation in respect of contributions of any class there shall be deducted such amount as the Department may estimate to be the portion of the total expenses incurred by it or any other government department in collecting contributions of that class which is fairly attributable to that allocation, and the remainder shall, in the hands of the Department, be taken as paid towards the cost of the health service in Northern Ireland.
- (10) Any amounts deducted in accordance with subsection (9) above shall be paid by the Department into the Consolidated Fund.
- (11) Any estimate by the Department for the purposes of subsection (9) above shall be made in accordance with any directions given by the Department of Finance and Personnel.
- (12) The Department may make regulations modifying this section, in such manner as it thinks appropriate, in relation to the contributions of persons referred to in the following provisions of the Contributions and Benefits Act—
- (a) section 116(2) (H.M. Forces);
  - (b) section 117(1) (mariners, airmen, etc.),
- and in relation to any contributions which are reduced under section 6(5) of that Act.

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### 143 General financial arrangements. **N.I.**

- (1) There shall be paid out of the National Insurance Fund—
  - (a) benefit under Part II of the Contributions and Benefits Act;
  - (b) guardian’s allowance;
  - (c) Christmas bonus if the relevant qualifying benefit is payable out of that Fund;
  - (d) any sum falling to be paid by or on behalf of the Department under regulations relating to statutory sick pay or statutory maternity pay;
  - (e) any expenses of the Department in making payments under section 81, 93 or 95 above to the extent that it estimates that those payments relate to sums paid into the National Insurance Fund.
- (2) There shall be paid out of money appropriated by Measure—
  - (a) any administrative expenses of the Department or any other government department in carrying into effect the Contributions and Benefits Act or this Act;
  - (b) benefit under Part III of that Act, other than guardian’s allowance;
  - (c) benefit under Part V of that Act;
  - (d) any expenses of the Department in making payments under sections 81, 93 or 95 above to the extent that it estimates that those payments relate to sums paid into the Consolidated Fund;except in so far as they may be required by any enactment to be paid or borne in some other way.
- (3) The administrative expenses referred to in subsection (2)(a) above include those in connection with any inquiry undertaken on behalf of the Department with a view to obtaining statistics relating to the operation of Parts I to VI and XI of the Contributions and Benefits Act.
- (4) Any sums required by [<sup>F3</sup>any person] for the purpose of paying any secondary Class 1 contributions [<sup>F4</sup>, or any Class 1A contributions,] which are payable by him in respect of an earner in consequence of the earner’s employment in an office of which the emoluments are payable out of the Consolidated Fund shall be paid out of that Fund.
- (5) Any expenditure in respect of the payment of interest or repayment supplements under or by virtue of paragraph 6 of Schedule 1 to the Contributions and Benefits Act or paragraph 6 of Schedule 2 to that Act shall be defrayed out of the National Insurance Fund in accordance with any directions given by the Department of Finance and Personnel.

#### Textual Amendments

- F3** S. 143(4) to have effect (*retrospectively*) as if for “a secondary Class 1 contributor” there were substituted “any person” by S.I. 1998/1506 (N.I. 10), arts. 1(3), 62(1)
- F4** S. 143(4) to have effect (*retrospectively*) as if after “any secondary Class 1 contributions” there were inserted “, or any Class 1A contributions,” by S.I. 1998/1506 (N.I. 10), arts. 1(3), 62(1)

### 143 General financial arrangements. **N.I.**

- (1) There shall be paid out of the National Insurance Fund—
  - (a) benefit under Part II of the Contributions and Benefits Act;

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- (b) guardian's allowance;
  - (c) Christmas bonus if the relevant qualifying benefit is payable out of that Fund;
  - (d) any sum falling to be paid by or on behalf of the Department under regulations relating to statutory sick pay or statutory maternity pay;
  - (e) any expenses of the Department in making payments under section 81, 93 or 95 above to the extent that it estimates that those payments relate to sums paid into the National Insurance Fund.
- (2) There shall be paid out of money appropriated by Measure—
- (a) any administrative expenses of the Department or any other government department in carrying into effect the Contributions and Benefits Act or this Act;
  - (b) benefit under Part III of that Act, other than guardian's allowance;
  - (c) benefit under Part V of that Act;
  - (d) any expenses of the Department in making payments under sections 81, 93 or 95 above to the extent that it estimates that those payments relate to sums paid into the Consolidated Fund;
- except in so far as they may be required by any enactment to be paid or borne in some other way.
- (3) The administrative expenses referred to in subsection (2)(a) above include those in connection with any inquiry undertaken on behalf of the Department with a view to obtaining statistics relating to the operation of Parts I to VI and XI of the Contributions and Benefits Act.
- (4) Any sums required by a secondary Class 1 contributor for the purpose of paying any secondary Class 1 contributions which are payable by him in respect of an earner in consequence of the earner's employment in an office of which the emoluments are payable out of the Consolidated Fund shall be paid out of that Fund.
- (5) Any expenditure in respect of the payment of interest or repayment supplements under or by virtue of paragraph 6 of Schedule 1 to the Contributions and Benefits Act or paragraph 6 of Schedule 2 to that Act shall be defrayed out of the National Insurance Fund in accordance with any directions given by the Department of Finance and Personnel.

#### **144 Destination of repayments, etc.**

- (1) Subject to the following provisions of this section, so far as it relates to payments out of money appropriated by Measure, any sum recovered by the Department under or by virtue of this Act shall be paid into the Consolidated Fund.
- (2) So far as any such sum relates to a payment out of the National Insurance Fund, it shall be paid into that Fund.
- (3) So far as any such sum relates to a payment out of the social fund, it shall be paid into that fund.
- (4) Sums repaid by virtue of paragraph 1(3)(e) of Schedule 6 to this Act as it has effect for the purposes of regulations under paragraph 2 of Schedule 8 to the Contributions and Benefits Act shall be paid into the Consolidated Fund.
- (5) There shall be paid into the National Insurance Fund—
  - (a) fees so payable under regulations made by virtue of section 60(2)(b) above;

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- (b) sums recovered by the Department under regulations made by virtue of paragraph 2 or 4 of Schedule 8 to the Contributions and Benefits Act making provision corresponding to that made by or by virtue of section 69 above.
- (6) Any sums [<sup>F5</sup>recovered by the Department under section 13A above or paid to it] in pursuance of section 78 above shall be paid—
- (a) into the Consolidated Fund to the extent that it estimates that those sums relate to payments out of money appropriated by Measure; and
- (b) into the National Insurance Fund to the extent that it estimates that they relate to payments out of that Fund.
- [<sup>F6</sup>(7) Any sums received by the Department under regulations made by virtue of section 13A(2)(b) above shall be paid into the Consolidated Fund.]
- [<sup>F7</sup>(7) Any sums repaid to the Department in pursuance of section 119(1) of the 1975 Act (which related to the effect of adjudication and was repealed subject to a saving in relation to certain reviews and appeals) shall—
- (a) be paid by it into the Consolidated Fund in so far as they represent benefit which under section 143 above is payable out of money appropriated for the purpose and not out of the National Insurance Fund; and
- (b) otherwise, be paid by it into that Fund.]

#### Textual Amendments

- F5** Words in s. 144(6) substituted(*retrospectively*) (11.6.1992) for specified purposes by S.I. 1992/1309 (N.I. 9), art. 3(2), **Sch. para. 2(1)**.
- F6** S. 144(7) added(*retrospectively*) (11.6.1992) for specified purposes by S.I. 1992/1309 (N.I. 9), art. 3(2), **Sch. para. 2(2)**.
- F7** S. 144(7) inserted at the end of s. 144(*temp.*)(1.7.1992) by Social Security (Consequential Provisions) (Northern Ireland) Act 1992 (c. 9), ss. 6, 7(2), Sch. 4, Pt. I, paras. 1,14.

#### 144 Destination of repayments, etc. **N.I.**

- (1) Subject to the following provisions of this section, so far as it relates to payments out of money appropriated by Measure, any sum recovered by the Department under or by virtue of this Act shall be paid into the Consolidated Fund.
- (2) So far as any such sum relates to a payment out of the National Insurance Fund, it shall be paid into that Fund.
- (3) So far as any such sum relates to a payment out of the social fund, it shall be paid into that fund.
- (4) Sums repaid by virtue of paragraph 1(3)(e) of Schedule 6 to this Act as it has effect for the purposes of regulations under paragraph 2 of Schedule 8 to the Contributions and Benefits Act shall be paid into the Consolidated Fund.
- (5) There shall be paid into the National Insurance Fund—
- (a) fees so payable under regulations made by virtue of section 60(2)(b) above;
- (b) sums recovered by the Department under regulations made by virtue of paragraph 2 or 4 of Schedule 8 to the Contributions and Benefits Act making provision corresponding to that made by or by virtue of section 69 above.

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- (6) Any sums paid to the Department in pursuance of section 78 above shall be paid—
- (a) into the Consolidated Fund to the extent that it estimates that those sums relate to payments out of money appropriated by Measure; and
  - (b) into the National Insurance Fund to the extent that it estimates that they relate to payments out of that Fund.

#### **145 Adjustments between National Insurance Fund and Consolidated Fund.**

- (1) There shall be made out of the National Insurance Fund into the Consolidated Fund or out of money appropriated by Measure into the National Insurance Fund such payments by way of adjustment as the Department determines (in accordance with any directions given by the Department of Finance and Personnel) to be appropriate in consequence of the operation of any statutory provision relating to—
- (a) family credit;
  - (b) disability working allowance;
  - (c) statutory sick pay;
  - (d) statutory maternity pay; or
  - (e) the repayment or offsetting of benefit as defined in section 121 of the Contributions and Benefits Act or other payments.
- (2) Where any such payments as are specified in subsection (3) below fall to be made by way of adjustment, then, subject to subsection (4) below,—
- (a) the amount of the payments to be made shall be taken to be such, and
  - (b) payments on account of them shall be made at such times and in such manner, as may be determined by the Department in accordance with any directions given by the Department of Finance and Personnel.
- (3) The payments mentioned in subsection (2) above are the following, that is to say—
- (a) any such payments falling to be made by way of adjustment under subsection (1)(a) to (d) above;
  - (b) any such payments falling to be made by way of adjustment in consequence of the operation of any enactment or regulations relating to child benefit—
    - (i) out of the National Insurance Fund into the Consolidated Fund, or
    - (ii) into the National Insurance Fund out of money appropriated by Measure; and
  - (c) any such payments falling to be made by way of adjustment in circumstances other than those mentioned in subsection (1) or paragraph (b) above—
    - (i) out of the National Insurance Fund either to the Department or another government department or into the Consolidated Fund; or
    - (ii) into the National Insurance Fund out of money appropriated by Measure.
- (4) In relation to payments falling within paragraph (a) or (c) of subsection (3) above, subsection (2) above only applies in such cases or classes of case as may be specified by the Department by order.
- (5) There shall be paid out of the National Insurance Fund into the Consolidated Fund, at such times and in such manner as the Department of Finance and Personnel may direct, such sums as the Department may estimate (in accordance with any directions given



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by the Department of Finance and Personnel) to be the amount of the administrative expenses incurred as mentioned in section 143(2)(a) above, excluding—

- (a) expenses attributable to the carrying into effect of provisions of the Contributions and Benefits Act or this Act relating to the benefits which by virtue of section 143(2) above are payable out money appropriated by Measure; and
- (b) any other category of expenses which the Department of Finance and Personnel may direct, or any enactment may require, to be excluded from the Department's estimate under this subsection;

but none of the administrative expenses of the Christmas bonus shall be excluded from that estimate by virtue of paragraph (a) or (b) above.

#### **146 The social fund.**

- (1) The fund known as the social fund shall continue in being by that name.
- (2) The social fund shall continue to be maintained under the control and management of the Department and payments out of it shall be made by the Department.
- (3) The Department shall make payments into the social fund of such amounts, at such times and in such manner as the Department may with the approval of the Department of Finance and Personnel determine.
- (4) Accounts of the social fund shall be prepared in such form, and in such manner and at such times, as the Department of Finance and Personnel may direct, and the Comptroller and Auditor General for Northern Ireland shall examine and certify every such account and shall lay copies of it, together with his report, before the Assembly.
- (5) The Department shall prepare an annual report on the social fund.
- (6) A copy of every such report shall be laid before the Assembly.

#### **147 Allocations from social fund.**

- (1) The Department shall allocate amounts for payments from the social fund such as are mentioned in section 134(1)(b) of the Contributions and Benefits Act.
- (2) The Department may specify the amounts either as sums of money or by reference to money falling into the social fund on the repayment or partial repayment of loans, or partly in the former and partly in the latter manner.
- (3) Allocations—
  - (a) may be for payments by a particular social fund officer or group of social fund officers;
  - (b) may be of different amounts for different purposes;
  - (c) may be made at such time or times as the Department considers appropriate; and
  - (d) may be in addition to any other allocation to the same officer or group of officers or for the same purpose.
- (4) The Department may at any time re-allocate amounts previously allocated, and subsections (2) and (3) above shall have effect in relation to a re-allocation as they have effect in relation to an allocation.

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- (5) The Department may give general directions to social fund officers or groups of social fund officers, or to any class of social fund officers, with respect to the control and management by social fund officers or groups of social fund officers of the amounts allocated to them under this section.

#### **148 Adjustments between social fund and other sources of finance.**

- (1) There shall be made—
- (a) out of the social fund into the Consolidated Fund or the National Insurance Fund;
  - (b) into the social fund out of money appropriated by Measure or the National Insurance Fund,

such payments by way of adjustment as the Department determines (in accordance with any directions of the Department of Finance and Personnel) to be appropriate in consequence of any statutory provision relating to the repayment or offsetting of a benefit under the Contributions and Benefits Act.

- (2) Where in any other circumstances payments fall to be made by way of adjustment—
- (a) out of the social fund into the Consolidated Fund or the National Insurance Fund; or
  - (b) into the social fund out of money appropriated by Measure or the National Insurance Fund,

then, in such cases or classes of case as may be specified by the Department by order, the amount of the payments to be made shall be taken to be such, and payments on account of it shall be made at such times and in such manner, as may be determined by the Department in accordance with any direction given by the Department of Finance and Personnel.

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