



# Social Security Administration (Northern Ireland) Act 1992

## 1992 CHAPTER 8

### PART X

#### COMPUTATION OF BENEFITS

#### **135 Effect of alteration of rates of benefit under Parts II to V of Contributions and Benefits Act.**

- (1) This section has effect where the rate of any benefit to which this section applies is altered—
- by a statutory provision made subsequent to this Act;
  - by an order under section 132 [<sup>F1</sup>, 132A] or 133 above; or
  - in consequence of any such statutory provision or order altering any maximum rate of benefit;

and in this section “the commencing date” means the date fixed for payment of benefit at an altered rate to commence.

- (2) This section applies to benefit under Part II, III, IV or V of the Contributions and Benefits Act.
- (3) Subject to such exceptions or conditions as may be prescribed, where—
- the weekly rate of a benefit to which this section applies is altered to a fixed amount higher or lower than the previous amount; and
  - before the commencing date an award of that benefit has been made (whether before or after the making of the relevant statutory provision),

except as respects any period falling before the commencing date, the benefit shall become payable at the altered rate without any claim being made for it in the case of an increase in the rate of benefit or any review of the award in the case of a decrease, and the award shall have effect accordingly.

- (4) Where—

*Status: Point in time view as at 24/03/2018. This version of this provision has been superseded.*

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- (a) the weekly rate of a benefit to which this section applies is altered; and
- (b) before the commencing date (but after that date is fixed) an award is made of the benefit,

the award either may provide for the benefit to be paid as from the commencing date at the altered rate or may be expressed in terms of the rate appropriate at the date of the award.

- (5) Where in consequence of the making of a statutory provision altering the rate of disablement pension, regulations are made varying the scale of disablement gratuities, the regulations may provide that the scale as varied shall apply only in cases where the period taken into account by the assessment of the extent of the disablement in respect of which the gratuity is awarded begins or began after such day as may be prescribed.

- (6) Subject to such exceptions or conditions as may be prescribed, where—

- (a) for any purpose of any statutory provision the weekly rate at which a person contributes to the cost of providing for a child [<sup>F2</sup>or qualifying young person], or to the maintenance of an adult dependant, is to be calculated for a period beginning on or after the commencing date for an increase in the weekly rate of benefit; but
- (b) account is to be taken of amounts referable to the period before the commencing date,

those amounts shall be treated as increased in proportion to the increase in the weekly rate of benefit.

- [<sup>F3</sup>(7) So long as sections 35 and 36 of the National Insurance Act (Northern Ireland) 1966 (graduated retirement benefit) continue in force by virtue of regulations made under Schedule 3 to the Social Security (Consequential Provisions) Act 1975 or under Schedule 3 to the Consequential Provisions Act, regulations may make provision for applying the provisions of this section—

- (a) to the amount of graduated retirement benefit payable for each unit of graduated contributions,
- (b) to increases of such benefit under any provisions made by virtue of Article 26(1)(a) of the Pensions Order or section 62(1)(a) of the Contributions and Benefits Act, and
- (c) to any addition under section 36(1) of the National Insurance Act (Northern Ireland) 1966 (addition to weekly rate of retirement pension for [<sup>F4</sup>widows, widowers and surviving civil partners] ) to the amount of such benefit.]

#### Textual Amendments

- F1** Word in s. 135(1)(b) inserted (with effect in accordance with s. 5(3)(4) of the amending Act) by [Pensions Act \(Northern Ireland\) 2008 \(c. 1\), Sch. 1 para. 21](#)
- F2** Words in s. 135(6) inserted (10.4.2006) by [Child Benefit Act 2005 \(c. 6\), s. 6\(2\), Sch. 1 para. 49](#)
- F3** S. 135(7) inserted (19.12.1995) by [S.I. 1995/3213 \(N.I. 22\), arts. 1\(2\), 165, Sch. 4, para. 3; S.R. 1995/477, art. 2, Sch. Pt. I](#)
- F4** Words in s. 135(7)(c) substituted (5.12.2005) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order \(Northern Ireland\) 2005 \(S.R. 2005/434\), art. 1\(3\), Sch. para. 9](#)

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

- C1** S. 135(3) restricted (12.4.1993) by [S.R. 1993/159, reg. 2](#) (with exceptions as indicated in [S.R. 1994/75, art. 2](#))

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- s. 135(3) restricted (10.4.1995) by S.R. 1995/72, **art. 2**
- s. 135 applied (29.1.1996) by S.R. 1978/105, **reg. 1A** (as inserted by S.R. 1995/483, **art. 2**)
- S. 135(3) restricted (12.4.1999) by S.R. 1999/139, **art. 2**
- C2** S. 135(3) excluded (11.4.2005) by The Guardians Allowance Up-rating Regulations 2005 (S.I. 2005/719), regs. 1(1), **2**
- C3** S. 135(3) restricted (10.4.2006) by The Guardians Allowance Up-rating Regulations 2006 (S.I. 2006/1034), regs. 1(1), **2**
- C4** S. 135(3) restricted (9.4.2007) by The Guardians Allowance Up-rating Regulations 2007 (S.I. 2007/1071), regs. 1(1), **2**
- C5** S. 135(3) excluded (7.4.2008) by The Social Security Benefits Up-rating Regulations (Northern Ireland) 2008 (S.R. 2008/105), regs. 1(1), **2**
- C6** S. 135(3) excluded (7.4.2008) by The Guardians Allowance Up Rating Regulations 2008 (S.I. 2008/840), regs. 1(1), **2**
- C7** S. 135(3) excluded (6.4.2009) by The Guardians Allowance Up-rating Regulations 2009 (S.I. 2009/810), regs. 1(1), **2**
- C8** S. 135(3) restricted (6.4.2009) by The Social Security Benefits Up-rating Regulations (Northern Ireland) 2009 (S.R. 2009/100), regs. 1(1), **2**
- C9** S. 135(3) excluded (12.4.2010) by The Guardians Allowance Up-rating Regulations 2010 (S.I. 2010/1035), regs. 1(1), **2**
- C10** S. 135(3) excluded (12.4.2010) by The Social Security Benefits Up-rating Regulations (Northern Ireland) 2010 (S.R. 2010/119), **regs. 1(1), 2**
- C11** S. 135(3) excluded (11.4.2011) by The Guardians Allowance Up-rating Regulations 2011 (S.I. 2011/1039), regs. 1(1), **2**
- C12** S. 135(3) excluded (9.4.2012) by The Guardians Allowance Up Rating Regulations 2012 (S.I. 2012/845), regs. 1, **2**
- C13** S. 135(3) excluded (8.4.2013) by The Social Security Benefits Up-rating Regulations (Northern Ireland) 2013 (S.R. 2013/70), regs. 1(1), **2**  
S. 135(3) restricted (8.4.2013) by The Guardian's Allowance Up-rating Regulations 2013 (S.I. 2013/746), regs. 1(1), **2**
- C14** S. 135(3) excluded (7.4.2014) by The Social Security Benefits Up-rating Regulations (Northern Ireland) 2014 (S.R. 2014/80), regs. 1(1), **2**
- C15** S. 135(3) excluded (7.4.2014) by The Guardians Allowance Up-rating Regulations 2014 (S.I. 2014/881), regs. 1(1), **2**
- C16** S. 135(3) excluded (6.4.2015) by The Guardians Allowance Up-rating Regulations 2015 (S.I. 2015/545), regs. 1(1), **2**
- C17** S. 135(3) excluded (6.4.2015) by The Social Security Benefits Up-rating Regulations (Northern Ireland) 2015 (S.R. 2015/139), regs. 1(1), **2**
- C18** S. 135(3) excluded (11.4.2016) by The Social Security Benefits Up-rating Regulations (Northern Ireland) 2016 (S.R. 2016/109), regs. 1(1), **2**
- C19** S. 135(3) excluded (10.4.2017) by The Social Security Benefits Up-rating Regulations (Northern Ireland) 2017 (S.R. 2017/60), regs. 1(1), **2**
- C20** S. 135(3) excluded (10.4.2017) by The Guardians Allowance Up-rating Regulations 2017 (S.I. 2017/412), regs. 1(1), **2**
- C21** S. 135(3) excluded (25.9.2017) by The Social Security Benefits Up-rating (No. 2) Regulations (Northern Ireland) 2017 (S.R. 2017/189), regs. 1(1), **2**
- C22** S. 135(3) excluded (24.3.2018) by The Social Security (2017 Benefits Up-rating) Regulations (Northern Ireland) 2018 (S.R. 2018/57), regs. 1(1), **2**

**Status:**

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