



# Social Security Administration (Northern Ireland) Act 1992

## 1992 CHAPTER 8

### PART X

#### COMPUTATION OF BENEFITS

##### [<sup>F1</sup>139C Effect of alteration of rates of an employment and support allowance

- (1) Subject to such exceptions and conditions as may be prescribed, subsection (2) or (3) below shall have effect where—
  - (a) an award of an employment and support allowance is in force in favour of any person (“the recipient”), and
  - (b) an alteration—
    - (i) in any component of the allowance,
    - (ii) in the recipient's benefit income, or
    - (iii) in the recipient's war disablement or war widow's or widower's pension,affects the computation of the amount of the employment and support allowance to which he is entitled.
- (2) Where, as a result of the alteration, the amount of the employment and support allowance to which the recipient is entitled is increased or reduced, then, as from the commencing date, the amount of the employment and support allowance payable in the case of the recipient under the award shall be the increased or reduced amount, without any further decision of the Department; and the award shall have effect accordingly.
- (3) Where, notwithstanding the alteration, the recipient continues on and after the commencing date to be entitled to the same amount by way of an employment and support allowance as before, the award shall continue in force accordingly.
- (4) Subsection (5) below applies where a statement mentioned in section 159C(4) of the Great Britain Administration Act is made.

*Status: Point in time view as at 14/12/2009. This version of this provision has been superseded.*

*Changes to legislation: Social Security Administration (Northern Ireland) Act 1992, Section 139C is up to date with all changes known to be in force on or before 14 July 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)*

- (5) If, in a case where this subsection applies, an award of an employment and support allowance is made in favour of a person before the proposed commencing date (within the meaning of section 159C(4) of the Great Britain Administration Act) and after the date on which the statement is made, the award—
- (a) may provide for the employment and support allowance to be paid as from the proposed commencing date (within the meaning of that section) at a rate determined by reference to the amounts of the items referred to in subsection (1)(b)(i) to (iii) above which will be in force on that date, or
  - (b) may be expressed in terms of the amounts of those items in force at the date of the award.
- (6) In this section—
- “alteration” means—
    - (a) in relation to any component of an employment and support allowance, its alteration by or under any enactment;
    - (b) in relation to a person's benefit income, the alteration of any of the applicable sums by any enactment or an order under section 132 <sup>[F2, 132A]</sup> or 133 above to the extent that any such alteration affects the amount of his benefit income;
    - (c) in relation to a person's war disablement pension or war widow's or widower's pension, its alteration by or under any enactment;
  - “applicable sums” has the same meaning as in section 139 above;
  - “benefit income”, in relation to a person, means so much of his income as consists of benefit under the Contributions and Benefits Act;
  - “the commencing date”, in relation to an alteration, means the date on which the alteration comes into force in relation to the recipient;
  - “component”, in relation to an employment and support allowance, means any of the sums specified in regulations under Part 1 of the Welfare Reform Act (Northern Ireland) 2007 which are relevant in calculating the amount payable by way of an employment and support allowance;
  - “war disablement pension” and “war widow's or widower's pension” have the same meaning as in section 139B above.]

#### **Textual Amendments**

- F1** S. 139C inserted (27.10.2008) by [Welfare Reform Act \(Northern Ireland\) 2007 \(c. 2\)](#), s. 60(1), [Sch. 3 para. 4\(20\)](#); S.R. 2008/276, art. 2(2)(d), Sch. Pt. 2
- F2** Words in s. 139C 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. 26](#)

**Status:**

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**Changes to legislation:**

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