1994 No. 75

SOCIAL SECURITY

The Social Security Benefits Up-rating Regulations (Northern Ireland) 1994

Made	*7th March 1994*
Coming into operation . .	*11th April 1994*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 57(1)(*a*)(ii) and 113(1)(*a*) of, and paragraph 2(3) of Schedule 7 to, the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**a**) and section 135(3) of the Social Security Administration (Northern Ireland) Act 1992(**b**) and of all other powers enabling it in that behalf, hereby makes the following regulations which contain only provisions in consequence of an order(**c**) under section 132 of the Social Security Administration (Northern Ireland) Act 1992:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security Benefits Up-rating Regulations (Northern Ireland) 1994 and shall come into operation on 11th April 1994.

(2) In these regulations, unless the context otherwise requires, "the up-rating order" means the Social Security Benefits Up-rating Order (Northern Ireland) 1994(**c**).

Exceptions relating to payment of additional benefit under awards made before the commencing date

2. Section 135(3) of the Social Security Administration (Northern Ireland) Act 1992 shall not apply if a question arises as to either—

(*a*) the weekly rate at which the benefit is payable by virtue of the up-rating order; or

(*b*) whether the conditions for the receipt of the benefit at the altered rate are satisfied,

until the question has been determined in accordance with the provisions of that Act.

(**a**) 1992 c. 7
(**b**) 1992 c. 8
(**c**) S.R. 1994 No. 74

Persons not ordinarily resident in Northern Ireland

3. Regulation 5 of the Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978(**a**) (application of disqualification in respect of up-rating of benefit) shall apply to any additional benefit payable by virtue of the up-rating order.

Amendment of the Social Security (General Benefit) Regulations

4. In regulation 14 of the Social Security (General Benefit) Regulations (Northern Ireland) 1984(**b**) (earnings level for the purpose of unemployability supplement) for "£2,184" there shall be substituted "£2,236".

Amendment of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations

5. In regulation 3(3) of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1984(**c**) (persons deemed to be incapable of work) for "£42·00" there shall be substituted "£43·00".

Revocation

6. The Social Security Benefits Up-rating Regulations (Northern Ireland) 1993(**d**) are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 7th March 1994.

(L.S.) *W. G. Purdy*
Assistant Secretary

(**a**) S.R. 1978 No. 114; relevant amending regulations are S.R. 1979 No. 392, S.R. 1988 No. 77, S.R. 1989 No. 373, S.R. 1990 No. 123 and S.R. 1992 No. 330
(**b**) S.R. 1984 No. 92; relevant amending regulations are S.R. 1993 No. 159
(**c**) S.R. 1984 No. 245; relevant amending regulations are S.R. 1987 No. 221, S.R. 1992 No. 146 and S.R. 1993 No. 159
(**d**) S.R. 1993 No. 159

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations contain only provisions in consequence of an order under section 132 of the Social Security Administration (Northern Ireland) Act 1992 (c. 8) and accordingly, by virtue of section 149(3) of, and paragraph 3 of Schedule 5 to, that Act are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

Regulation 2 provides that where a question has arisen about the effect of the Social Security Benefits Up-rating Order (Northern Ireland) 1994 ("the up-rating order") on a benefit already in payment the altered rates will not apply until the question is determined by an adjudicating authority.

Regulation 3 applies the provisions of regulation 5 of the Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978 so as to restrict the application of the increases specified in the up-rating order in cases where the beneficiary lives abroad.

Regulation 4 raises from £2,184 to £2,236 a year the earnings limit which applies to unemployability supplement.

Regulation 5 raises from £42·00 to £43·00 the earnings limit which applies to those undertaking work in certain circumstances while receiving sickness or invalidity benefit.

Regulation 6 contains a consequential revocation.