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STATUTORY RULES OF NORTHERN IRELAND

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**2005 No. 82**

**The Social Security Benefits Up-rating Order (Northern Ireland) 2005**

**PART I**

**INTRODUCTION**

**Citation, commencement and effect**

**1.—(1)** This Order may be cited as the Social Security Benefits Up-rating Order (Northern Ireland) 2005 and, subject to paragraph (2), shall come into operation for the purposes of –

- (a) Articles 1, 2 and 6 on 1st April 2005;
- (b) Article 8, in so far as it relates to a particular beneficiary, on the first day of the first benefit week to commence for that beneficiary on or after 1st April 2005 and, for the purpose of this sub-paragraph, “benefit week” has the same meaning as in the Computation of Earnings Regulations;
- (c) Article 10 on 3rd April 2005, except for the purpose of determining the rate of maternity allowance in accordance with section 35A(1) of the Contributions and Benefits Act<sup>(1)</sup> for which purpose it shall come into operation on 11th April 2005;
- (d) Article 11 on 3rd April 2005;
- (e) Article 9 on 6th April 2005;
- (f) Articles 3 to 5, 7, 12, 13 and 24 on 11th April 2005;
- (g) Articles 14, 15 and 25 on 14th April 2005;
- (h) Articles 16 to 18, in so far as they relate to a particular beneficiary, on the first day of the first benefit week to commence for that beneficiary on or after 11th April 2005 and, for the purpose of this sub-paragraph, “benefit week” has the same meaning as in the Income Support Regulations;
- (i) Articles 19 and 20, in relation to a case where rent is payable at intervals of a week or any multiple thereof, on 4th April 2005, and in relation to any other case, on 1st April 2005; and
- (j) Articles 21 to 23, in so far as they relate to a particular beneficiary, on the first day of the first benefit week to commence for that beneficiary on or after 11th April 2005 and, for the purpose of this sub-paragraph, “benefit week” has the same meaning as in the Jobseeker’s Allowance Regulations.

**(2)** The increases made –

- (a) in the sums specified for rates or amounts of benefit under the Contributions and Benefits Act or the Pension Schemes Act; and

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<sup>(1)</sup> Section 35A was inserted by Article 50(3) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)) and subsection (1) was substituted by section 4(1)(a) of the Social Security Act (Northern Ireland) 2002 (c. 10 (N.I.))

(b) by Article 21(c), in so far as it is relevant for the purposes referred to in Article 6(11), shall take effect for each case on the date specified in relation to that case in Article 6.

## Interpretation

### 2. In this Order –

“the Administration Act” means the Social Security Administration (Northern Ireland) Act 1992;

“the Contributions and Benefits Act” means the Social Security Contributions and Benefits (Northern Ireland) Act 1992(2);

“the Pension Schemes Act” means the Pension Schemes (Northern Ireland) Act 1993(3);

“the Computation of Earnings Regulations” means the Social Security Benefit (Computation of Earnings) Regulations (Northern Ireland) 1996(4);

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations (Northern Ireland) 1987(5);

“the Income Support Regulations” means the Income Support (General) Regulations (Northern Ireland) 1987(6);

“the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations (Northern Ireland) 1996(7);

“the State Pension Credit Regulations” means the State Pension Credit Regulations (Northern Ireland) 2003(8).

(2) The Interpretation Act (Northern Ireland) 1954(9) shall apply to this Order as it applies to an Act of the Assembly.

## PART II

### SOCIAL SECURITY BENEFITS AND PENSIONS

#### Rates or amounts of certain benefits under the Contributions and Benefits Act

3.—(1) The sums specified in paragraph (2) shall be increased from and including the respective dates specified in Article 6 so that Schedule 4 to the Contributions and Benefits Act (rates of benefit, etc.), except paragraph 5 of Part III of that Schedule (guardian’s allowance), has effect as set out in Schedule 1.

(2) The sums mentioned in paragraph (1) are the sums specified in Parts I, III, IV and V of Schedule 4 to the Contributions and Benefits Act except, in –

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(2) 1992 c. 7

(3) 1993 c. 49

(4) S.R. 1996 No. 520

(5) S.R. 1987 No. 461; relevant amending rules are S.R. 1988 No. 314, S.R. 1992 No. 549, S.R. 1994 No. 88, S.R. 1996 Nos. 93 and 448, S.R. 1997 Nos. 3, 4, 22 and 515, S.R. 1998 Nos. 73 and 112, S.R. 1999 Nos. 298 and 382, S.R. 2000 Nos. 260 and 367, S.R. 2001 No. 259, S.R. 2002 No. 323, S.R. 2003 Nos. 1, 196, 197, 261, 338 and 418 and S.R. 2004 Nos. 47 and 82

(6) S.R. 1987 No. 459; relevant amending rules are S.R. 1988 Nos. 146, 318 and 431, S.R. 1989 Nos. 139 and 249, S.R. 1990 Nos. 131, 213 and 346, S.R. 1994 No. 77, S.R. 1995 Nos. 86, 301 and 434, S.R. 1996 Nos. 199, 288 and 476, S.R. 1997 Nos. 3 and 165, S.R. 1998 Nos. 81 and 112, S.R. 1999 Nos. 371(C. 28), 382 and 472 (C. 36), S.R. 2000 Nos. 4, 71, 260 and 367, S.R. 2001 No. 406, S.R. 2002 Nos. 132 and 323, S.R. 2003 Nos. 191 and 261 and S.R. 2004 Nos. 82 and 461

(7) S.R. 1996 No. 198; relevant amending rules are S.R. 1996 Nos. 288, 356, 358 and 476, S.R. 1997 No. 3, S.R. 1998 No. 112, S.R. 1999 Nos. 382 and 428 (C. 32), S.R. 2000 Nos. 71, 260, 350 and 367, S.R. 2001 Nos. 120 and 406, S.R. 2002 Nos. 132, 267 and 323, S.R. 2003 Nos. 261 and 267 and S.R. 2004 Nos. 82 and 461

(8) S.R. 2003 No. 28; relevant amending rules are S.R. 2003 Nos. 261 and 421 and S.R. 2004 Nos. 82 and 461

(9) 1954 c. 33 (N.I.)

- (a) Part I, the sum specified for child's special allowance;
- (b) Part III, the sum specified for –
  - (i) guardian's allowance, and
  - (ii) age addition to a pension of any category, and otherwise under section 79 of that Act;
- (c) Part IV, the sums specified in column (2) (increase for qualifying child); and
- (d) Part V, the sums specified for the increase in disablement pension for dependent children, widow's pension (initial rate) and death benefit allowance in respect of children.

### **Rates or amounts of certain pensions or allowances under the Contributions and Benefits Act**

4.—(1) The sums specified in paragraphs (2) to (5) shall be increased from and including the respective dates specified in Article 6.

(2) The sums falling to be calculated under paragraph 13(4) of Schedule 7 to the Contributions and Benefits Act (calculation of weekly rate of a beneficiary's retirement allowance) shall be increased by 3·1 per cent. of their amount apart from this Order.

(3) In section 44(4) of the Contributions and Benefits Act(10) (basic pension of Category A retirement pension) –

- (a) for “£71·15” there shall be substituted “£73·35”; and
- (b) for “£79·60” there shall be substituted “£82·05”.

(4) It is hereby directed that the sums which are –

- (a) the additional pensions in long-term benefits calculated by reference to any final relevant year earlier than the tax year 2004-05 shall be increased by 3·1 per cent. of their amount apart from this Order;
- (b) the increases in the rates of retirement pensions under Schedule 5 to the Contributions and Benefits Act(11) (increase of pension where entitlement is deferred) shall be increased by 3·1 per cent. of their amount apart from this Order; and
- (c) payable to a pensioner as part of his Category A or Category B retirement pension by virtue of an order made under section 120 of the Social Security (Northern Ireland) Act 1975(12), Article 64 of the Social Security (Northern Ireland) Order 1986(13) or section 132 of the Administration Act shall be increased by 3·1 per cent. of their amount apart from this Order.

(5) The sums which are shared additional pensions under section 55A of the Contributions and Benefits Act(14), and the sums which are increases in the rates of such pensions under section 55C of that Act, shall in each case be increased by 3·1 per cent. of their amount apart from this Order.

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(10) Section 44(4) was substituted by Article 64 of the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)).

(11) Schedule 5 was amended by paragraph 36 of Schedule 7 to the Pension Schemes (Northern Ireland) Act 1993, paragraph 40 of Schedule 1 to the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12)), paragraph 18(12) to (18) of Schedule 2 to the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22)) and section 35(1) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.)).

(12) 1975 c. 15; section 120 was repealed by Schedule 1 to the Social Security (Consequential Provisions) (Northern Ireland) Act 1992 (c. 9)

(13) S.I. 1986/1888 (N.I. 18); Article 64 was repealed by Schedule 1 to the Social Security (Consequential Provisions) (Northern Ireland) Act 1992

(14) Sections 55A and 55C were inserted by paragraph 3 of Schedule 6 to the Welfare Reform and Pensions (Northern Ireland) Order 1999; section 55A was amended by section 37(3) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000

### **Rates or amounts of certain benefits under the Pension Schemes Act**

5.—(1) It is hereby directed that the sums specified in paragraph (2) shall be increased from and including the respective dates specified in Article 6.

(2) Sums which are payable by virtue of section 11(1) of the Pension Schemes Act (increase of guaranteed minimum where commencement of guaranteed minimum pension is postponed) to a person who is also entitled to a Category A or Category B retirement pension (including sums payable by virtue of section 13(2) of that Act) shall be increased by –

- (a) 3·1 per cent. of their amount apart from this Order where the increase under section 11(1) is attributable to earnings factors for the tax year 1987-88 and earlier tax years<sup>(15)</sup>; and
- (b) 0·1 per cent. of their amount apart from this Order where the increase under section 11(1) is attributable to earnings factors for the tax years 1988-89 to 1996-97 inclusive.

### **Dates on which sums specified for rates or amounts of benefit under the Contributions and Benefits Act or the Pension Schemes Act are increased by this Order**

6.—(1) Paragraphs (2) to (9), which are subject to the provisions of paragraphs (10) and (11), specify the date on which the increases made by this Order in the sums specified for rates or amounts of benefit under the Contributions and Benefits Act or the Pension Schemes Act shall take effect for each case.

(2) Subject to paragraph (3), any increases in the sums specified in Articles 3, 4 and 12 for Category A and Category B retirement pension and graduated retirement benefit together with, where appropriate, increases for dependants, shall take effect on 11th April 2005.

(3) In the case of a person over pensionable age whose entitlement to a Category A retirement pension is deferred and for whom the rate of short-term incapacity benefit falls to be calculated in accordance with section 30B(3) of the Contributions and Benefits Act<sup>(16)</sup>, any increases in the sums mentioned in Articles 3, 4 and 12 for Category A and Category B retirement pension and graduated retirement benefit together with, where appropriate, any increases for dependants, shall take effect on 14th April 2005.

(4) The increases in the sums mentioned in Articles 4(4)(c) and 5(2) shall take effect on 11th April 2005.

(5) Any increases in the sums specified for the rate of maternity allowance, widowed mother's allowance and widowed parent's allowance, Category C and Category D retirement pension, child's special allowance<sup>(17)</sup>, attendance allowance and carer's allowance (except in a case where the Department has made arrangements for it to be paid on a Wednesday) together with, in each case where appropriate, increases for dependants, shall in all cases take effect on 11th April 2005.

(6) Any increases in the sums specified for the rate of carer's allowance in a case where the Department has made arrangements for it to be paid on a Wednesday, together with, where appropriate, increases for dependants, disablement benefit together with increases of disablement pension, maximum disablement gratuity under paragraph 9(2) of Schedule 7 to the Contributions and Benefits Act, industrial death benefit by way of widow's and widower's pension and allowance in respect of children together with, where appropriate, increases for dependants, and the maximum of the aggregate of weekly benefit payable for successive accidents under section 107(1) of that Act, shall in all cases take effect on 13th April 2005.

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(15) See section 132(4) of the Social Security Administration (Northern Ireland) Act 1992 as amended by paragraph 41(c) of Schedule 7 to the Pension Schemes (Northern Ireland) Act 1993; see also the Guaranteed Minimum Pensions Increase Order (Northern Ireland) 2005 (S.R. 2005 No. 81)

(16) Section 30B was inserted by Article 4(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 and amended by paragraph 18(3) of Schedule 2 to the Pensions (Northern Ireland) Order 1995 and paragraph 21 of Schedule 8 to the Welfare Reform and Pensions (Northern Ireland) Order 1999

(17) Child's special allowance was abolished except for existing beneficiaries as from 6th April 1987; see section 56(6) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992

(7) In any case where a person's weekly rate of Category A or Category B retirement pension falls to be increased under the provisions of section 47(1) or 48C(2) of the Contributions and Benefits Act(18), by reference to the weekly rate of invalidity allowance or age addition to long-term incapacity benefit to which he was previously entitled, any increase in such sum shall take effect on 11th April 2005.

(8) The increases in the sums specified for the rate of incapacity benefit and severe disablement allowance together with, where appropriate, any increases for dependants, shall take effect in all cases on 14th April 2005.

(9) The increases in the sums falling to be calculated in accordance with paragraph 13(4) of Schedule 7 to the Contributions and Benefits Act (retirement allowance) shall take effect on 13th April 2005.

(10) In the case of a person who is subject to the provisions of regulations made under section 71(1)(b) of the Administration Act(19) (adjustment of benefit for persons undergoing medical or other treatment as an in-patient in a hospital) the increase in the sum mentioned in Article 4(3)(b) shall take effect in that case on the day on which the increase in the benefit payable to him apart from those regulations takes effect.

(11) Any increases in the sums specified in Articles 3 and 21(c), in so far as those sums are relevant for the purposes of establishing whether the rate of any benefit is not to be increased in respect of an adult dependant because the earnings of the dependant exceed a specified amount, shall take effect –

- (a) except in a case where sub-paragraph (b) applies, on the first day of the first benefit week to commence for the beneficiary on or after 11th April 2005;
- (b) in a case where regulation 7(b) of the Computation of Earnings Regulations (date on which earnings are treated as paid) applies, on the first day of the first benefit week to commence for the beneficiary on or after 1st April 2005,

and for the purposes of this paragraph “benefit week” has the same meaning as in regulation 2(1) of the Computation of Earnings Regulations.

### **Workmen's compensation**

7. In paragraph 2(6)(c) of Schedule 8 to the Contributions and Benefits Act (maximum weekly rate of lesser incapacity allowance supplementing workmen's compensation) for “£44·35” there shall be substituted “£47·70”.

### **Earnings limits**

8. In section 80(4) of the Contributions and Benefits Act(20) (earnings limits in respect of child dependency increases) –

- (a) in paragraph (a) for “£165” there shall be substituted “£170”; and
- (b) in paragraph (b) for “£165” and “£21” there shall be substituted “£170” and “£22” respectively.

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(18) Section 47(1) was amended by paragraph 13 of Schedule 1 to the Social Security (Incapacity for Work) (Northern Ireland) Order 1994; *see also* regulation 23 of S.R. 1995 No. 35; section 48C was inserted by paragraph 3(1) of Schedule 2 to the Pensions (Northern Ireland) Order 1995 and amended by paragraph 6 of Schedule 8 and paragraph 11 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 and sections 33(12) and 35(1) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000

(19) Section 71(1) was amended by paragraph 32(2) of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15))

(20) Section 80 was repealed by Schedule 6 to the Tax Credits Act 2002 (c. 21); *see also* Article 2 of S.R. 2003 No. 212 which saves the repealed provision in certain circumstances

### Statutory sick pay

9. In section 153(1) of the Contributions and Benefits Act (rate of payment) for “£66·15” there shall be substituted “£68·20”.

### Statutory maternity pay

10. In regulation 6 of the Statutory Maternity Pay (General) Regulations (Northern Ireland) 1987(21) (prescribed rate of statutory maternity pay) for “£102·80” there shall be substituted “£106·00”.

### Statutory paternity pay and statutory adoption pay

11. In the Statutory Paternity Pay and Statutory Adoption Pay (Weekly Rates) Regulations (Northern Ireland) 2002(22) –

- (a) in regulation 2(a) (weekly rate of payment of statutory paternity pay) for “£102·80” there shall be substituted “£106·00”; and
- (b) in regulation 3(a) (weekly rate of payment of statutory adoption pay) for “£102·80” there shall be substituted “£106·00”.

### Graduated retirement benefit

12.—(1) The sum of 9·63 pence referred to in section 35(1) of the National Insurance Act (Northern Ireland) 1966(23) (graduated retirement benefit) shall be increased by 3·1 per cent. and accordingly the reference in that provision to that sum shall have effect as a reference to 9·93 pence.

(2) The sums which are the increases of graduated retirement benefit under Schedule 2 to the Social Security (Graduated Retirement Benefit) (No. 2) Regulations (Northern Ireland) 1978(24) (increases for deferred entitlement to a Category A or Category B retirement pension) shall be increased by 3·1 per cent. of their amount apart from this Order.

(3) The sums which are the additions under section 36(1) of the National Insurance Act (Northern Ireland) 1966 (special provision as to graduated retirement benefit for widows and widowers) shall be increased by 3·1 per cent. of their amount apart from this Order.

### Disability living allowance

13. In regulation 4 of the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992(25) (rate of benefit) –

- (a) in paragraph (1)(a) for “£58·80” there shall be substituted “£60·60”;
- (b) in paragraph (1)(b) for “£39·35” there shall be substituted “£40·55”;
- (c) in paragraph (1)(c) for “£15·55” there shall be substituted “£16·05”;
- (d) in paragraph (2)(a) for “£41·05” there shall be substituted “£42·30”; and
- (e) in paragraph (2)(b) for “£15·55” there shall be substituted “£16·05”.

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(21) S.R. 1987 No. 30; regulation 6 was substituted by regulation 2(3) of S.R. 2002 No. 354

(22) S.R. 2002 No. 380; relevant amending rules are S.R. 2004 Nos. 82 and 111

(23) 1966 c. 6 (N.I.); sections 35 and 36 were repealed by the Social Security Act 1973 (c. 38) but are continued in force by regulation 2 of the Social Security (Graduated Retirement Benefit) (No. 2) Regulations (Northern Ireland) 1978 (S.R. 1978 No. 105)

(24) S.R. 1978 No. 105; relevant amending regulations are S.R. 1989 No. 373

(25) S.R. 1992 No. 32; relevant amending rules are S.R. 1993 No. 340 and S.R. 2004 No. 82

### Age addition to long-term incapacity benefit

14. In regulation 9(2) of the Social Security (Incapacity Benefit) Regulations (Northern Ireland) 1994(26) (increase in rate of incapacity benefit where beneficiary is under prescribed age on the qualifying date) –

- (a) in sub-paragraph (a) for “£15·55” there shall be substituted “£16·05”; and
- (b) in sub-paragraph (b) for “£7·80” there shall be substituted “£8·05”.

### Transitional invalidity allowance in long-term incapacity benefit cases

15. In regulation 18(2) of the Social Security (Incapacity Benefit) (Transitional) Regulations (Northern Ireland) 1995(27) (rate of long-term incapacity benefit in transitional cases) –

- (a) in sub-paragraph (a) for “£15·55” there shall be substituted “£16·05”;
- (b) in sub-paragraph (b) for “£10·00” there shall be substituted “£10·30”; and
- (c) in sub-paragraph (c) for “£5·00” there shall be substituted “£5·15”.

## PART III

### INCOME SUPPORT AND HOUSING BENEFIT

#### Applicable amounts for income support

16.—(1) The sums relevant to the calculation of an applicable amount as specified in the Income Support Regulations(28) shall be the sums set out in the following provisions of this Article and Schedules 2 to 5 to this Order; and for this purpose a reference in this Article to a numbered regulation or Schedule is a reference to the regulation of, or Schedule to, the Income Support Regulations bearing that number.

(2) In regulations 17(1)(b), 18(1)(c), 21(1) and 71(1)(a)(ii) and (d)(i) and paragraphs 13A(2)(a)(29) and 14(a) of Part III of Schedule 2, the sum specified is in each case £3,000.

(3) The sums specified in Part I of Schedule 2 (applicable amounts: personal allowances) shall be as set out in Schedule 2 to this Order.

(4) In paragraph 3 of Part II of Schedule 2(30) (applicable amounts: family premium) –

- (a) in sub-paragraph (1)(a) for “£15·95” there shall be substituted “£16·10”; and
- (b) in sub-paragraph (1)(b) for “£15·95” there shall be substituted “£16·10”.

(5) The sums specified in Part IV of Schedule 2 (applicable amounts: weekly amounts of premiums) shall be as set out in Schedule 3 to this Order.

(6) In paragraph 18 of Schedule 3(31) (housing costs: non-dependant deductions) –

- (a) in sub-paragraph (1) the sums of £47·75 and £7·40 remain the same;

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(26) S.R. 1994 No. 461; relevant amending rule is S.R. 2004 No. 82

(27) S.R. 1995 No. 35; relevant amending rule is S.R. 2004 No. 82

(28) See S.R. 2003 No. 195 which omits provisions relating to children and young persons and makes transitional arrangements in connection with the introduction of child tax credit

(29) Paragraph 13A was inserted by regulation 2(c)(ii) of S.R. 2000 No. 367 and amended by regulation 24(5)(f) of S.R. 2003 No. 191 and regulation 3(3) of S.R. 2003 No. 261

(30) Paragraph 3 was amended by regulation 18 of S.R. 1988 No. 318, regulation 5(4)(a) of S.R. 1996 No. 288 and regulation 8 of S.R. 1998 No. 112

(31) Schedule 3 was substituted by Schedule 1 to S.R. 1995 No. 301 and paragraph 18 was amended by regulation 2(3)(j) of S.R. 1995 No. 434, regulation 3 of S.R. 1997 No. 3, regulation 3 of S.R. 1997 No. 165, Article 7(2) of S.R. 1999 No. 472 (C. 36) and regulation 24(6)(e) of S.R. 2003 No. 191

- (b) in sub-paragraph (2)(a) for “£97·00” there shall be substituted “£101·00”;
- (c) in sub-paragraph (2)(b) for “£97·00” and “£144·00” there shall be substituted “£101·00” and “£150·00” respectively and the sum of £17·00 remains the same;
- (d) in sub-paragraph (2)(c) for “£144·00” and “£186·00” there shall be substituted “£150·00” and “£194·00” respectively and the sum of £23·35 remains the same;
- (e) in sub-paragraph (2)(d) for “£186·00” and “£247·00” there shall be substituted “£194·00” and “£258·00” respectively and the sum of £38·20 remains the same; and
- (f) in sub-paragraph (2)(e) for “£247·00” and “£308·00” there shall be substituted “£258·00” and “£322·00” respectively and the sum of £43·50 remains the same.

(7) Those sums relevant to the calculation of an applicable amount which are specified in Schedule 7 (applicable amounts in special cases) shall be as set out in Schedule 4 to this Order.

(8) The sums specified in any provision of the Income Support Regulations set out in column (1) of Schedule 5 to this Order are the sums set out in column (2) of that Schedule.

(9) In paragraph 19(b) of Schedule 9(32) (sums to be disregarded in the calculation of income other than earnings) for “£9·80” there shall be substituted “£10·55”.

### **Income support transitional protection**

17. Sums which are special transitional additions to income support payable in accordance with regulation 15 of the Income Support (Transitional) Regulations (Northern Ireland) 1987(33) shall be increased by 1 per cent. of their amount apart from this Order.

### **Relevant sum for income support**

18. In section 125(7) of the Contributions and Benefits Act (trade disputes) for “£30·00” there shall be substituted “£30·50”.

### **Housing benefit**

19.—(1) The sums relevant to the calculation of an applicable amount as specified in the Housing Benefit Regulations shall be the sums set out in the following provisions of this Article and Schedules 6 and 7 to this Order; and for this purpose a reference in this Article to a numbered regulation or Schedule is a reference to the regulation of, or Schedule to, the Housing Benefit Regulations bearing that number.

(2) In regulations 16(b) and 17(c) and paragraphs 13A(2)(a)(34) and 14(a) of Part III of Schedule 2 the sum specified is in each case £3,000.

(3) In regulation 18(1)(35) (patients) –

- (a) in sub-paragraphs (a), (b) and (d)(ii) for “£19·90” there shall be substituted “£20·50”;
- (b) in sub-paragraphs (c)(i) and (d)(i) for “£15·90” there shall be substituted “£16·40”;
- (c) in sub-paragraph (c)(ii) for “£39·80” there shall be substituted “£41·00”.

(4) In regulation 21(1A)(36) (calculation of income on a weekly basis) –

- (a) in sub-paragraph (a) for “£135·00” there shall be substituted “£175·00”;
- (b) in sub-paragraph (b) for “£200” there shall be substituted “£300”.

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(32) Paragraph 19 was substituted by regulation 4(9)(b) of S.R. 1994 No. 77 and amended by regulation 2(12)(c) of S.R. 1995 No. 86

(33) S.R. 1987 No. 460; relevant amending regulations are S.R. 1988 Nos. 132 and 153, S.R. 1989 No. 371 and S.R. 1991 No. 341

(34) Paragraph 13A was inserted by regulation 3(b)(ii) of S.R. 2000 No. 367 and amended by regulation 4(5) of S.R. 2003 No. 261

(35) Regulation 18(1) was amended by regulation 7(c) of S.R. 1996 No. 448 and regulation 4(3) of S.R. 2003 No. 261

(36) Paragraph (1A) was inserted by regulation 2(3) of S.R. 1997 No. 515 and amended by regulation 2 of S.R. 2001 No. 259



- (5) In regulation 63 (non-dependant deductions) –
- (a) in paragraph (1) the sums of £47.75, £6.95, £7.40 and £2.30 remain the same; and
  - (b) in paragraph (2) –
    - (i) in sub-paragraph (a) for “£97.00” there shall be substituted “£101.00”,
    - (ii) in sub-paragraph (b) for “£97.00” and “£144.00” there shall be substituted “£101.00” and “£150.00” respectively and the sum of £17.00 remains the same,
    - (iii) in sub-paragraph (c) for “£144.00” and “£186.00” there shall be substituted “£150.00” and “£194.00” respectively and the sum of £23.35 remains the same,
    - (iv) in sub-paragraph (ca)(37) for “£186.00” and “£247.00” there shall be substituted “£194.00” and “£258.00” respectively and the sum of £38.20 remains the same,
    - (v) in sub-paragraph (cb) for “£247.00” and “£308.00” there shall be substituted “£258.00” and “£322.00” respectively and the sum of £43.50 remains the same,
    - (vi) in sub-paragraph (d)(38) for “£144.00” there shall be substituted “£150.00”,
    - (vii) in sub-paragraph (e)(39) for “£144.00” and “£247.00” there shall be substituted “£150.00” and “£258.00” respectively and the sum of £4.60 remains the same, and
    - (viii) in sub-paragraph (f) for “£247.00” and “£308.00” there shall be substituted “£258.00” and “£322.00” respectively and the sum of £5.80 remains the same.
- (6) In Schedule 1 (ineligible service charges) –
- (a) in paragraph 1A(40) for “£19.85”, “£19.85”, “£10.05”, “£13.20”, “£13.20” and “£6.65” there shall be substituted “£20.05”, “£20.05”, “£10.15”, “£13.35”, “£13.35” and “£6.70” respectively and the sum of £2.45 remains the same; and
  - (b) in paragraph 5 –
    - (i) in sub-paragraph (2)(a) for “£9.80” there shall be substituted “£10.55”,
    - (ii) in sub-paragraph (2)(b) and (d) for “£1.20” there shall be substituted “£1.25”, and
    - (iii) in sub-paragraph (2)(c) for “£0.80” there shall be substituted “£0.85”.
- (7) The sums specified in Part I of Schedule 2(41) (applicable amounts: personal allowances) shall be as set out in Schedule 6 to this Order.
- (8) In paragraph 3 of Part II of Schedule 2(42) (applicable amounts: family premium) –
- (a) in sub-paragraph (1)(a) the sum of £22.20 remains the same;
  - (b) in sub-paragraph (1)(b) for “£15.95” there shall be substituted “£16.10”; and
  - (c) in sub-paragraph (1A) the sum of £10.50 remains the same.
- (9) The sums specified in Part IV of Schedule 2(43) (applicable amounts: amounts of premiums) shall be as set out in Schedule 7 to this Order.

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(37) Sub-paragraphs (ca) and (cb) were inserted by regulation 2(b) of [S.R. 1997 No. 3](#)

(38) Sub-paragraph (d) was added by regulation 7(b)(iii) of [S.R. 1992 No. 549](#)

(39) Sub-paragraphs (e) and (f) were added by regulation 2(c) of [S.R. 1997 No. 3](#)

(40) Paragraph 1A was inserted by regulation 7(b) of [S.R. 1988 No. 314](#) and sub-paragraphs (2) and (3) were amended by regulation 14 of [S.R. 1997 No. 22](#)

(41) Part I was substituted by Schedule 1 to [S.R. 1998 No. 73](#) and amended by regulation 2(1)(b) of [S.R. 1999 No. 382](#)

(42) In paragraph 3 sub-paragraph (1) was amended by regulation 6(a) of [S.R. 1997 No. 4](#), regulation 5(a) of [S.R. 1998 No. 112](#) and paragraph 9(a) of Schedule 2 to [S.R. 2003 No. 1](#) and sub-paragraph (1A) was inserted by paragraph 9(b) of Schedule 2 to [S.R. 2003 No. 1](#)

(43) Part IV was substituted by Schedule 2 to [S.R. 1998 No. 73](#) and amended by regulation 4(2)(c) of [S.R. 2000 No. 260](#), regulation 3(b)(iii) of [S.R. 2000 No. 367](#) and paragraph 1 of the Schedule to [S.R. 2002 No. 323](#)

(10) In paragraph 16(1) and (3)(c) of Schedule 3(44) (sums to be disregarded in the calculation of earnings) for “£12·32” there shall be substituted “£14·50”.

(11) In Schedule 4 (sums to be disregarded in the calculation of income other than earnings) –

(a) in paragraph 22(b)(45) for “£9·80” there shall be substituted “£10·55”; and

(b) in paragraph 61(46) for “£12·32” there shall be substituted “£14·50”.

### **Housing benefit for certain persons over the qualifying age for state pension credit**

**20.**—(1) This Article applies to persons to whom regulation 2 of the Housing Benefit (State Pension Credit) Regulations (Northern Ireland) 2003(47) (“the 2003 Regulations”) applies and references in this Article to the Housing Benefit Regulations are to those Regulations as modified by the 2003 Regulations in their application to those persons.

(2) The sums relevant to the calculation of an applicable amount as specified in the Housing Benefit Regulations shall be the sums set out in the following provisions of this Article and Schedules 8 and 9 to this Order; and for this purpose a reference in this Article to a numbered regulation or Schedule is a reference to the regulation of, or Schedule to, the Housing Benefit Regulations bearing that number.

(3) In regulation 16(3)(a)(48) (applicable amounts) “20 per cent.” remains the same.

(4) In regulation 26(3) (calculation of income on a weekly basis) –

(a) in sub-paragraph (a) for “£135·00” there shall be substituted “£175·00”; and

(b) in sub-paragraph (b) for “£200” there shall be substituted “£300”.

(5) The sums specified in Part I of Schedule 2A(49) (applicable amounts: personal allowances) shall be as set out in Schedule 8 to this Order.

(6) In paragraph 3 of Part II of Schedule 2A (applicable amounts: family premium) –

(a) in sub-paragraph (1) for “£15·95” there shall be substituted “£16·10”; and

(b) in sub-paragraph (2) the sum of £10·50 remains the same.

(7) The sums specified in Part IV of Schedule 2A (applicable amounts: amounts of premiums specified in Part III) shall be as set out in Schedule 9 to this Order.

(8) In paragraph 9(1) and (3)(c) of Schedule 3A(50) (sums disregarded from claimant’s earnings) for “£12·32” there shall be substituted “£14·50”.

(9) In paragraph 22 of Schedule 4A(51) (amounts to be disregarded in the calculation of income other than earnings) for “£12·32” there shall be substituted “£14·50”.

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(44) Paragraph 16 was substituted by paragraph 10 of Schedule 2 to [S.R. 2003 No. 1](#) and amended by regulation 2(a) of [S.R. 2003 No. 196](#) and regulation 2(2) of [S.R. 2004 No. 47](#)

(45) Paragraph 22 was substituted by regulation 11(a) of [S.R. 1994 No. 88](#)

(46) Paragraph 61 was substituted by regulation 4 of [S.R. 1996 No. 93](#), and amended by regulation 6 of [S.R. 1999 No. 298](#), paragraph 11(b) of Schedule 2 to [S.R. 2003 No. 1](#), regulation 2(b) of [S.R. 2003 No. 196](#), regulation 3(3) of [S.R. 2003 No. 338](#) and regulation 2(3) of [S.R. 2004 No. 47](#)

(47) [S.R. 2003 No. 197](#); relevant amending regulations are [S.R. 2003 Nos. 261 and 418](#)

(48) Paragraph 16(3)(a) was amended by regulation 4(2)(b) of [S.R. 2003 No. 261](#)

(49) Schedule 2A was inserted by regulation 6(2) of [S.R. 2003 No. 197](#)

(50) Schedule 3A was inserted by paragraph 1(a) of Schedule 2 to [S.R. 2003 No. 197](#) and paragraph 9 was amended by regulation 2(14)(a) of [S.R. 2003 No. 418](#)

(51) Schedule 4A was inserted by paragraph 1(b) of Schedule 2 to [S.R. 2003 No. 197](#) and paragraph 22 was amended by regulation 2(14)(b)(ii) of [S.R. 2003 No. 418](#)

## PART IV

### JOBSEEKER'S ALLOWANCE

#### Age-related amounts of contribution-based jobseeker's allowance

21. In regulation 79(1) of the Jobseeker's Allowance Regulations (weekly amounts of contribution-based jobseeker's allowance) –

- (a) in sub-paragraph (a) for “£33·50” there shall be substituted “£33·85”;
- (b) in sub-paragraph (b) for “£44·05” there shall be substituted “£44·50”; and
- (c) in sub-paragraph (c) for “£55·65” there shall be substituted “£56·20”.

#### Applicable amounts for jobseeker's allowance

22.—(1) The sums relevant to the calculation of an applicable amount as specified in the Jobseeker's Allowance Regulations(52) shall be the sums set out in the following provisions of this Article and Schedules 10 to 15 to this Order; and for this purpose a reference in this Article to a numbered regulation or Schedule is a reference to the regulation of, or Schedule to, the Jobseeker's Allowance Regulations bearing that number.

(2) In regulations 83(b), 84(1)(c), 85(1) and 148(1)(a)(ii) and (d)(i) and paragraphs 15A(2)(a)(53) and 16(a) of Part III of Schedule 1 the sum specified is in each case £3,000.

(3) The sums specified in Part I of Schedule 1 (applicable amounts: personal allowances) shall be as set out in Schedule 10 to this Order.

(4) In paragraph 4 of Part II of 7(54) (applicable amounts: family premium) –

- (a) in sub-paragraph (1)(a) for “£15·95” there shall be substituted “£16·10”; and
- (b) in sub-paragraph (1)(b) for “£15·95” there shall be substituted “£16·10”.

(5) The sums specified in Part IV of Schedule 1 (applicable amounts: weekly amounts of premiums) shall be as set out in Schedule 11 to this Order.

(6) The sums specified in Part IVB of Schedule 1(55) (applicable amounts: weekly amounts of premiums for joint-claim couples) shall be as set out in Schedule 12 to this Order.

(7) In paragraph 17 of Schedule 2(56) (housing costs: non-dependant deductions) –

- (a) in sub-paragraph (1) the sums of £47·75 and £7·40 remain the same;
- (b) in sub-paragraph (2)(a) for “£97·00” there shall be substituted “£101·00”;
- (c) in sub-paragraph (2)(b) for “£97·00” and “£144·00” there shall be substituted “£101·00” and “£150·00” respectively and the sum of £17·00 remains the same;
- (d) in sub-paragraph (2)(c) for “£144·00” and “£186·00” there shall be substituted “£150·00” and “£194·00” respectively and the sum of £23·35 remains the same;
- (e) in sub-paragraph (2)(d) for “£186·00” and “£247·00” there shall be substituted “£194·00” and “£258·00” respectively and the sum of £38·20 remains the same; and

(52) See S.R. 2003 No. 195 which omits provisions relating to children and young persons and makes transitional arrangements in connection with the introduction of child tax credit

(53) Paragraph 15A was inserted by regulation 4(c)(ii) of S.R. 2000 No. 367 and amended by regulation 5(3) of S.R. 2003 No. 261

(54) Paragraph 4 was amended by regulation 9(4)(a) of S.R. 1996 No. 288 and regulation 10 of S.R. 1998 No. 112

(55) Part IVB was inserted by paragraph 53(4) of Schedule 2 to S.R. 2000 No. 350 and amended by regulation 4(c)(vi) of S.R. 2000 No. 367, regulation 2(7) of S.R. 2001 No. 120 and paragraph 1 of the Schedule to S.R. 2002 No. 323

(56) Sub-paragraphs (1) and (2) were amended by regulation 3 of S.R. 1997 No. 3, Article 9(5)(l) of S.R. 1999 No. 428 (C. 32) and regulation 32(c) of S.R. 2003 No. 191

(f) in sub-paragraph (2)(e) for “£247·00” and “£308·00” there shall be substituted “£258·00” and “£322·00” respectively and the sum of £43·50 remains the same.

(8) Those sums relevant to the calculation of an applicable amount which are specified in Schedule 4 (applicable amounts in special cases) shall be as set out in Schedule 13 to this Order.

(9) Those sums relevant to the calculation of an applicable amount which are specified in Schedule 4A<sup>(57)</sup> (applicable amounts of joint-claim couples in special cases) shall be as set out in Schedule 14 to this Order.

(10) In paragraph 20(b) of Schedule 6 (sums to be disregarded in the calculation of income other than earnings) for “£9·80” there shall be substituted “£10·55”.

(11) The sums specified in any provision of the Jobseeker’s Allowance Regulations set out in column (1) of Schedule 15 to this Order are the sums set out in column (2) of that Schedule.

### **Prescribed sum for jobseeker’s allowance**

**23.** In regulation 170 of the Jobseeker’s Allowance Regulations (trade disputes: prescribed sum) for “£30·00” there shall be substituted “£30·50”.

## **PART V**

### **STATE PENSION CREDIT**

#### **State pension credit**

**24.**—(1) The sums as specified in the State Pension Credit Regulations shall be the sums set out in the following provisions of this Article and Schedule 16 to this Order; and for this purpose a reference in this Article to a numbered regulation or Schedule is a reference to the regulation of, or Schedule to, the State Pension Credit Regulations bearing that number.

(2) In regulation 6 (amount of the guarantee credit) –

- (a) in paragraph (1)(a) for “£160·95” there shall be substituted “£167·05”;
- (b) in paragraph (1)(b) for “£105·45” there shall be substituted “£109·45”;
- (c) in paragraph (5)(a) for “£44·15” there shall be substituted “£45·50”;
- (d) in paragraph (5)(b) for “£88·30” there shall be substituted “£91·00”; and
- (e) in paragraph (8) for “£25·55” there shall be substituted “£25·80”.

(3) In regulation 7 (savings credit) –

- (a) in paragraph (1)(a), (b) and (c) “60 per cent.,” “60 per cent.” and “40 per cent.” respectively remain the same; and
- (b) in paragraph (2) for “£79·60” and “£127·25” there shall be substituted “£82·05” and “£131·20” respectively.

(4) In paragraph 14 of Schedule 2 (housing costs: persons residing with the claimant) –

- (a) in sub-paragraph (1) the sums of £47·75 and £7·40 remain the same;
- (b) in sub-paragraph (2)(a)<sup>(58)</sup> for “£97·00” there shall be substituted “£101·00”;
- (c) in sub-paragraph (2)(b) for “£97·00” and “£144·00” there shall be substituted “£101·00” and “£150·00” respectively and the sum of £17·00 remains the same;

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<sup>(57)</sup> Schedule 4A was inserted by paragraph 57 of Schedule 2 to [S.R. 2000 No. 350](#)

<sup>(58)</sup> Sub-paragraph (2) was amended by regulation 2(9)(b) of [S.R. 2003 No. 421](#)

- (d) in sub-paragraph (2)(c) for “£144·00” and “£186·00” there shall be substituted “£150·00” and “£194·00” respectively and the sum of £23·35 remains the same;
  - (e) in sub-paragraph (2)(d) for “£186·00” and “£247·00” there shall be substituted “£194·00” and “£258·00” respectively and the sum of £38·20 remains the same; and
  - (f) in sub-paragraph (2)(e) for “£247·00” and “£308·00” there shall be substituted “£258·00” and “£322·00” respectively and the sum of £43·50 remains the same.
- (5) In Schedule 3 (special groups) –
- (a) in paragraph 1 (polygamous marriages) –
    - (i) in sub-paragraph (5), which substitutes regulation 6(1), for “£160·95” and “£55·50” there shall be substituted “£167·05” and “£57·60” respectively, and
    - (ii) in sub-paragraph (7), which substitutes regulation 7(2), for “£127·25” there shall be substituted “£131·20”; and
  - (b) in paragraph 2(2)(a)(59) (further provisions in the case of patients) “20 per cent.” remains the same.
- (6) The sums specified in any provision of the State Pension Credit Regulations set out in column (1) of Schedule 16 to this Order are the sums set out in column (2) of that Schedule.

## PART VI REVOCATION

### Revocation

25. The Social Security Benefits Up-rating Order (Northern Ireland) 2004(60) is hereby revoked.

Sealed with the Official Seal of the Department for Social Development on 10th March 2005.

L.S.

*John O'Neill*  
A senior officer of the  
Department for Social Development

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(59) Paragraph 2(2)(a) was amended by regulation 7(3)(b)(i) of S.R. 2003 No. 261  
(60) S.R. 2004 No. 82