

Order made by the Department for Communities and laid before the Assembly under section 51(4)(c) of the Pensions Act (Northern Ireland) 2015 for the approval of the Assembly before the expiration of six months from the date of its coming into operation

STATUTORY RULES OF NORTHERN IRELAND

2016 No. 353

SOCIAL SECURITY

The Pensions (2015 Act) (Consequential Amendments) Order (Northern Ireland) 2016

Made - - - - 27th September 2016

Coming into operation in accordance with Article 1

The Department for Communities⁽¹⁾ makes the following Order in exercise of the powers conferred by section 50 of the Pensions Act (Northern Ireland) 2015⁽²⁾.

Citation and commencement

1. This Order may be cited as the Pensions (2015 Act) (Consequential Amendments) Order (Northern Ireland) 2016 and shall come into operation—

- (a) for the purposes of this Article and Articles 2 and 3, on 28th September 2016; and
- (b) for the purposes of Article 4, immediately after paragraph 6 of Schedule 3 to the Welfare Reform (Northern Ireland) Order 2015⁽³⁾ comes into operation.

Amendment of the Administration Act

2.—(1) The Administration Act is amended in accordance with paragraphs (2) to (6).

(2) In section 139(5) (effect of alteration in the component rates of income support)—

- (a) in the definition of “alteration”, in paragraph (b)(ii) after “132A”⁽⁴⁾ insert “, 132B”;
- (b) in the definition of “applicable sums”⁽⁵⁾—
 - (i) for “section 132 or 132A” substitute “section 132, 132A or 132B”; and

(1) See section 1(7) of the [Departments Act \(Northern Ireland\) 2016 \(c. 5 \(N.I.\)\)](#)

(2) [2015 \(c. 5 \(N.I.\)\)](#)

(3) [S.I. 2015/2006 \(N.I. 1\)](#)

(4) Paragraph (b) of the definition of “alteration” was amended by paragraph 23(a) of Schedule 1 to the [Pensions Act \(Northern Ireland\) 2008 \(c. 1 \(N.I.\)\)](#)

(5) The definition of “applicable sums” was substituted by paragraph 23(b) of Schedule 1 to the Pensions Act (Northern Ireland) 2008

- (ii) for “section 150 or 150A” substitute “section 150, 150A or 151A”; and
- (c) in the definition of “benefit income”(6), after paragraph (a) insert—
 - “(zaa) state pension under Part 1 of the Pensions Act (Northern Ireland) 2015;”.
- (3) In section 139A(5)(7) (effect of alteration of rates of a jobseeker’s allowance)—
 - (a) in the definition of “alteration”, in paragraph (b)(8) for “section 132 or 132A” substitute “section 132, 132A or 132B”; and
 - (b) in the definition of “benefit income”(9), after paragraph (a) insert—
 - “(zaa) state pension under Part 1 of the Pensions Act (Northern Ireland) 2015;”.
- (4) In section 139B(10) (effect of alterations affecting state pension credit)—
 - (a) in subsection (4)(a)(11) after “section 150, 150A” insert “, 151A”; and
 - (b) in subsection (6)—
 - (i) in the definition of “alteration”, in paragraph (b)(12) for “section 132, 132A” substitute “section 132, 132A, 132B”; and
 - (ii) after the definition of “alteration” insert—
 - ““applicable sums” has the same meaning as in section 139 above;” and
 - (iii) in the definition of “benefit income”(13), after “Contributions and Benefits Act” insert “, state pension under Part 1 of the Pensions Act (Northern Ireland) 2015”.
- (5) In section 139C(6)(14) (effect of alteration of rates of an employment and support allowance)
 - (a) in the definition of “alteration”, in paragraph (b)(15) for “section 132, 132A” substitute “section 132, 132A, 132B”; and
 - (b) in the definition of “benefit income”(16), after “Contributions and Benefits Act” insert “, state pension under Part 1 of the Pensions Act (Northern Ireland) 2015”.
- (6) In section 139D(17) (effect of alterations affecting universal credit)—
 - (a) in subsection (4)(a) after “section 150, 150A” insert “, 151A”; and
 - (b) in subsection (6)—
 - (i) in the definition of “alteration”, in paragraph (b) for “section 132, 132A” substitute “section 132, 132A, 132B”; and
 - (ii) in the definition of “applicable sums”—
 - (aa) for “section 132, 132A” substitute “section 132, 132A, 132B”; and

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- (6) Paragraph (a) of the definition of “benefit income” was amended by paragraph 15 of Schedule 9 to the Welfare Reform (Northern Ireland) Order 2015
 - (7) Section 139A was inserted by Article 26 of the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15))
 - (8) Paragraph (b) of the definition of “alteration” was amended by paragraph 24 of Schedule 1 to the Pensions Act (Northern Ireland) 2008
 - (9) Paragraph (a) of the definition of “benefit income” was amended by paragraph 16 of Schedule 9 to the Welfare Reform (Northern Ireland) Order 2015
 - (10) Section 139B was inserted by paragraph 15 of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.))
 - (11) Subsection (4)(a) was amended by paragraph 25(a) of Schedule 1 to the Pensions Act (Northern Ireland) 2008
 - (12) Paragraph (b) of the definition of “alteration” was amended by paragraph 25(b) of Schedule 1 to the Pensions Act (Northern Ireland) 2008
 - (13) The definition of “benefit income” was amended by paragraph 17 of Schedule 9 to the Welfare Reform (Northern Ireland) Order 2015
 - (14) Section 139C was inserted by paragraph 4(20) of Schedule 3 to the Welfare Reform Act (Northern Ireland) 2007 (c. 2 (N.I.))
 - (15) Paragraph (b) of the definition of “alteration” was amended by paragraph 26 of Schedule 1 to the Pensions Act (Northern Ireland) 2008
 - (16) The definition of “benefit income” was amended by paragraph 18 of Schedule 9 to the Welfare Reform (Northern Ireland) Order 2015
 - (17) Section 139D was inserted by paragraph 19 of Schedule 2 to the Welfare Reform (Northern Ireland) Order 2015

- (bb) for “section 150, 150A” substitute “section 150, 150A, 151A”, and
(iii) in the definition of “benefit income” after “Contributions and Benefits Act” insert “, state pension under Part 1 of the Pensions Act (Northern Ireland) 2015”.

Amendment of the Social Security (Northern Ireland) Order

3. In paragraph 17 of Schedule 3 to the Social Security (Northern Ireland) Order 1998(18) (decisions against which an appeal lies) after “section 22(5)” insert “or 5ZA”.

Amendment of the Welfare Reform (Northern Ireland) Order

4. In paragraph 6 of Schedule 3 to the Welfare Reform (Northern Ireland) Order 2015 (abolition of benefits; consequential amendments)—

- (a) for “section 132, 132A” substitute “section 132, 132A, 132B”; and
(b) for “section 150, 150A” substitute “section 150, 150A, 151A”.

Sealed with the Official Seal of the Department for Communities on 27th September 2016

Anne McCleary
A senior officer of the Department for
Communities

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to the Social Security Administration (Northern Ireland) Act 1992 (“the Administration Act”) and the Social Security (Northern Ireland) Order 1998 (“the 1998 Order”) which are consequential on the introduction of State Pension for persons reaching pensionable age on or after 6 April 2016 by the Pensions Act (Northern Ireland) 2015.

Article 2 amends sections 139 to 139D of the Administration Act. These provisions provide for an up-rated amount of certain payments to be taken into account in the calculation of income support, income-based jobseeker’s allowance, income-related employment and support allowance, state pension credit and universal credit. The amendments provide that where the rate of the relevant income-related benefit is to be altered because the rate of State Pension in payment to the recipient or their partner is to be up-rated, this alteration will be made automatically without the need for a further decision by the Department.

Article 3 amends paragraph 17 of Schedule 3 to the 1998 Order to provide for a right of appeal against a decision as to whether a person is to be credited with earnings or contributions for the purposes of entitlement to the State Pension under regulations made under section 22(5ZA) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992.

Article 4 makes a consequential amendment to a provision in the Welfare Reform (Northern Ireland) Order 2015.