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STATUTORY INSTRUMENTS

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**1996 No. 599**

**The Social Security Benefits Up-rating Order 1996**

**PART II**

**SOCIAL SECURITY BENEFITS AND PENSIONS**

**Increase in rates or amounts of certain benefits under the Contributions and Benefits Act**

**3.—(1)** The sums specified in paragraph (2) below shall be increased from and including the respective dates specified in article 6 below so as to have effect as set out in Schedule 1 to this Order.

(2) The sums mentioned in paragraph (1) above are the sums specified in Parts I, III, IV and V of Schedule 4 to the Contributions and Benefits Act (contributory periodical benefits, non-contributory periodical benefits, increases for dependants and rates of industrial injuries benefit), except in Part III the sum specified for age addition to a pension of any category, and otherwise under section 79.

**Increase in rates or amounts of certain pensions or allowances under the Contributions and Benefits Act**

**4.—(1)** The sums specified in paragraphs (2), (3) and (4) below shall be increased from and including the respective dates specified in article 6 below.

(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 3.9 per cent. of their amount apart from this Order.

(3) In section 44(4) of the Contributions and Benefits Act<sup>(1)</sup> (basic pension in a Category A retirement pension)—

- (a) for the sum of £56.45 there shall be substituted the sum of £58.65; and
- (b) for the sum of £58.85 there shall be substituted the sum of £61.15.

(4) It is hereby directed<sup>(2)</sup> 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 1995/96;
- (b) the increases in the rates of retirement pensions under Schedule 5 to the Contributions and Benefits Act (increase of pension where entitlement is deferred); 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 126A of the Social Security Act 1975<sup>(3)</sup> or section 63 of the Social Security Act 1986<sup>(4)</sup>,

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(1) Section 44(4) was amended from 13th April 1995 by paragraph 11 of Schedule 1 to the Social Security (Incapacity for Work) Act 1994 (c. 18).

(2) See section 151(1) of the Social Security Administration Act 1992.

(3) 1975 c. 14; section 126A was inserted by section 12 of the Social Security Act 1979 (c. 18) and repealed by the Social Security Act 1986, section 86, Schedule 11.

(4) 1986 c. 50. Section 63 was repealed from 1st July 1992 by Schedule 1 to the Social Security (Consequential Provisions) Act 1992 (c. 6).

shall in each case be increased by 3.9 per cent. of their amount apart from this Order.

### **Increase in rates or amounts of certain benefits under the Pension Schemes Act**

5.—(1) The sums specified in paragraph (2) below shall be increased from and including the respective dates specified in article 6 below.

(2) Sums which are payable by virtue of section 15(1) of the Pension Schemes Act (which provides for increases in a person's guaranteed minimum pension if payment of his occupational pension is postponed after he attains pensionable age) to a person who is also entitled to a Category A or Category B retirement pension (including sums payable by virtue of section 17(2) and (3)), shall be increased by—

- (a) 3.9 per cent. of their amount apart from this Order where the increase under section 15(1) is attributable to earnings factors for the tax year 1987—88 and earlier tax years<sup>(5)</sup>, and
- (b) 0.9 per cent. of their amount apart from this Order where the increase under section 15(1) is attributable to earnings factors for the tax year 1988—89 and subsequent tax years<sup>(6)</sup>.

### **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) of this article, which are subject to the provisions of paragraph (10) below, 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) below, the increases in the sums specified in articles 3, 4 and 11 for the rates of Category A or Category B retirement pension and graduated retirement benefit together with, where appropriate, increases for dependants, shall take effect on 8th April 1996.

(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 unemployment benefit or short-term incapacity benefit<sup>(7)</sup> falls to be calculated in accordance with sections 25(5) or 30B(3)<sup>(8)</sup> of the Contributions and Benefits Act, the increases in the sums mentioned in articles 3, 4 and 11 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 1996.

(4) The increases in the sums mentioned in articles 4(4)(c) and 5(2) shall take effect on 8th April 1996.

(5) The increases in the sums specified for the rate of maternity allowance, widowed mother's allowance, widow's pension, Category C and Category D retirement pension, child's special allowance<sup>(9)</sup>, attendance allowance, invalid care allowance (except in a case where the Secretary of State has made arrangements for it to be paid on a Wednesday), together with, in each case where appropriate, increases for dependants, and guardian's allowance shall in all cases take effect on 8th April 1996.

(6) The increases in the sums specified for the rate of invalid care allowance (in a case where the Secretary of State 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

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(5) See section 151(4) of the Social Security Administration Act 1992. Under section 151(4) the percentage increase for the tax year 1988—89 and subsequent tax years shall be the amount that would have been specified under this Order, but for subsection (4), less the increase in the retail price index or 3%, whichever is less. The increase in the retail price index for the period under review is 3.9%.

(6) See the Guaranteed Minimum Pensions Increase Order 1996 S.I. 1996/.

(7) Incapacity benefit was introduced from 13th April 1995 by the Social Security (Incapacity for Work) Act 1994 (c. 18).

(8) Section 30B was inserted by section 2(1) of the Social Security (Incapacity for Work) Act 1994 (c. 18).

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

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 the Contributions and Benefits Act, shall in all cases take effect on 10th April 1996.

(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 50(2) of the Contributions and Benefits Act(10) by reference to the weekly rate of invalidity allowance or age addition to long term incapacity benefit to which he was previously entitled the increase in such sum shall take effect on 8th April 1996.

(8) The increases in the sums specified for the rate of unemployment benefit, incapacity benefit and severe disablement allowance (together with, where appropriate, increases for dependants) shall take effect in all cases on 11th April 1996.

(9) The increase 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 10th April 1996.

(10) In the case of a person who is subject to the provisions of regulations made under section 73(1)(b) of the Administration Act (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) of this Order 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.

### **Increase in rates of certain workmen's compensation and industrial diseases benefits in respect of employment before 5th July 1948**

7. In Schedule 8 to the Contributions and Benefits Act the sum of £35.25 referred to in paragraph 2(6)(c) (maximum weekly rate of lesser incapacity allowance supplementing workmen's compensation) and paragraph 6(2)(b) (industrial diseases benefit schemes: weekly rate of allowance payable where disablement is not total) shall be increased; and from and including 10th April 1996 for that sum in paragraph 2(6)(c), and from and including 11th April 1996 for that sum in paragraph 6(2)(b), there shall be substituted the sum of £36.60.

### **Earnings Limits**

8. In section 80(4) of the Contributions and Benefits Act (earnings limits in respect of child dependency increases) the sum specified in paragraph (a) is £130 and the sums specified in paragraph (b) are £17 and £130 respectively.

### **Statutory Sick Pay**

9. In section 157(1) of the Contributions and Benefits Act (rate of payment of statutory sick pay) the sum specified is £54.55.

### **Statutory Maternity Pay**

10. In regulation 6 of the Statutory Maternity Pay (General) Regulations 1986(11) (lower rate of statutory maternity pay) the sum specified is £54.55.

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(10) Section 47(1) was amended by paragraph 13 of Schedule 1 to the Social Security (Incapacity for Work) Act 1994 (c. 18) from 13th April 1995 and section 50(2) was amended by paragraph 40 of Schedule 8 to the Pension Schemes Act 1993 (c. 48). See also regulation 23 of S.I. 1995/310.

(11) S.I. 1986/1960.

### **Increase in rate of graduated retirement benefit**

**11.**—(1) In the National Insurance Act 1965(**12**) the sum of 7.64 pence referred to in section 36(1) (graduated retirement benefit) shall be increased by 3.9 per cent.; and from and including 8th April 1996 the reference in that provision to that sum shall have effect as a reference to 7.94 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 1978(**13**) (increases for deferred retirement) shall be increased by 3.9 per cent. of their amount apart from this Order.

(3) The sums which are the additions under section 37(1) of the National Insurance Act 1965(**14**) (additions for widows and widowers) shall be increased by 3.9 per cent. of their amount apart from this Order.

### **Increase in rates of Disability Living Allowance**

**12.** In regulation 4 of the Social Security (Disability Living Allowance) Regulations 1991(**15**) (rate of benefit)—

- (a) in sub-paragraph (a) of paragraph (1), for the sum of £46.70 there shall be substituted the sum of £48.50;
- (b) in sub-paragraph (b) of paragraph (1), for the sum of £31.20 there shall be substituted the sum of £32.40;
- (c) in sub-paragraph (c) of paragraph (1), for the sum of £12.40 there shall be substituted the sum of £12.90;
- (d) in sub-paragraph (a) of paragraph (2), for the sum of £32.65 there shall be substituted the sum of £33.90; and
- (e) in sub-paragraph (b) of paragraph (2), for the sum of £12.40 there shall be substituted the sum of £12.90.

### **Sum specified for child benefit**

**13.** In regulation 2 of the Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations 1976(**16**) (weekly rates of child benefit)—

- (a) in sub-paragraph (a) of paragraph (1), for the sum of £10.40 there shall be substituted the sum of £10.80;
- (b) in sub-paragraph (b) of paragraph (1), for the sum of £8.45 there shall be substituted the sum of £8.80; and
- (c) in paragraph (2), the sum specified is £6.30.

### **Increase in rates of age addition to long-term incapacity benefit**

**14.** In the Social Security (Incapacity Benefit) Regulations 1994(**17**), in paragraph (2) of regulation 10—

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- (12) 1965 c. 51. Section 36 was repealed by the Social Security Act 1973 (c. 38) but subsection (1) is now continued in force by regulation 3 of the Social Security (Graduated Retirement Benefit) (No. 2) Regulations 1978 (S.I. 1978/393), in the modified form set out in the Schedule to those Regulations as amended by article 11 of the Social Security Benefits Up-rating Order 1995 (S.I. 1995/559). See also regulation 2 of those Regulations as amended by regulation 3 of S.I. 1989/893, and S.I. 1991/2707.
  - (13) S.I. 1978/393 amended by S.I. 1989/1642.
  - (14) See section 131(2) and (3) of the Pensions Act 1995 (c. 26) and S.I. 1995/2606.
  - (15) S.I. 1991/2890, the relevant amending instruments are S.I. 1993/1939 and 1995/559.
  - (16) S.I. 1976/1267, the relevant amending instruments are S.I. 1977/1328, 1980/110, 1991/502, 543 and 1595, 1993/965 and 1995/559.
  - (17) S.I. 1994/2946, the relevant amending instrument is S.I. 1995/559.

- (a) in sub-paragraph (a), for the sum of £12.40 there shall be substituted the sum of £12.90; and
- (b) in sub-paragraph (b), for the sum of £6.20 there shall be substituted the sum of £6.45.

**Increase in rates of transitional invalidity allowance in long-term incapacity benefit cases**

**15.** In the Social Security (Incapacity Benefit) (Transitional) Regulations 1995<sup>(18)</sup>, in paragraph (2) of regulation 18—

- (a) in sub-paragraph (a), for the sum of £12.40 there shall be substituted the sum of £12.90;
- (b) in sub-paragraph (b), for the sum of £7.80 there shall be substituted the sum of £8.10; and
- (c) in sub-paragraph (c), for the sum of £3.90 there shall be substituted the sum of £4.05.

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<sup>(18)</sup> S.I. 1995/310, the relevant amending instrument is S.I. 1995/559.