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SCOTTISH STATUTORY INSTRUMENTS

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**2023 No. 110**

**The Social Security Up-rating (Scotland) Order 2023**

**Citation, commencement and interpretation**

- 1.—(1) This Order may be cited as the Social Security Up-rating (Scotland) Order 2023.
- (2) Subject to paragraphs (3) and (4), this Order comes into force on 1 April 2023.
- (3) Article 2 comes into force, 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 1 April 2023.
- (4) Articles 3, 4, 5, 6(1)(b), 7, 8 and 9 come into force on 10 April 2023.
- (5) In this Order—
- “the 1992 Act” means the Social Security Contributions and Benefits Act 1992(1),
- “benefit week” has the same meaning as in regulation 2(1) of the Social Security Benefit (Computation of Earnings) Regulations 1996(2).

**Earnings limits**

2. In section 80(4) of the 1992 Act(3) (earnings limits in respect of child dependency increases)—
- (a) for “£255.00”, in both places where it occurs, substitute “£280.00”,
- (b) for “£34.00” substitute “£37.00”.

**Rate of attendance allowance and date on which changes take effect**

- 3.—(1) In the table in Part III of schedule 4 (non-contributory periodical benefits) of the 1992 Act(4)—
- (a) in paragraph (a) of entry 1 (higher weekly rate of attendance allowance), for “£92.40” substitute “£101.75”,
- (b) in paragraph (b) of entry 1 (lower weekly rate of attendance allowance), for “£61.85” substitute “£68.10”.
- (2) The increases made by paragraph (1) take effect on 10 April 2023.

**Rate of severe disablement allowance and age related addition and date on which changes take effect**

- 4.—(1) In the table in Part III of schedule 4 (non-contributory periodical benefits) of the 1992 Act(5)—
- (a) in entry 2 (weekly rate of severe disablement allowance), for “£83.75” substitute “£92.20”,

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(1) 1992 c. 4.

(2) S.I. 1996/2745. Regulation 2(1) is relevantly amended by S.I. 1999/3178 and S.I. 2016/267.

(3) Section 80 was repealed by paragraph 6 of schedule 6 of the Tax Credits Act 2002 (c. 21). Article 3 of S.I. 2003/938 saves the repealed provision in certain circumstances. Section 80(4) is relevantly and most recently amended by S.S.I. 2022/128.

(4) Entry 1 is relevantly and most recently amended by S.S.I. 2022/128.

(5) Entries 2 and 3 are relevantly and most recently amended by S.S.I. 2022/128.

- (b) in entry 3—
- (i) in paragraph (a) (higher weekly rate of the age related addition), for “£12.55” substitute “£13.80”,
  - (ii) in paragraph (b) (middle weekly rate of the age related addition), for “£6.95” substitute “£7.65”,
  - (iii) in paragraph (c) (lower weekly rate of the age related addition), for “£6.95” substitute “£7.65”.
- (2) The increases made by paragraph (1) take effect on 10 April 2023.

**Mandatory restatement and increase of rates of carer’s allowance and date on which changes take effect**

- 5.—(1) In schedule 4 (rates of benefits) of the 1992 Act(6)—
- (a) in entry 4 of the table in Part III (weekly rate of carer’s allowance), for “£69.70” substitute “£76.75”,
  - (b) in the second column of entry 9 of the table in Part IV (increase for qualifying child for carer’s allowance), “11.35” remains unchanged.
- (2) The increase made by paragraph (1)(a) takes effect on 10 April 2023, subject to paragraph (3).
- (3) Where arrangements have been made by or on behalf of the Scottish Ministers for carer’s allowance to be paid on a Wednesday, the increase takes effect on 12 April 2023.

**Mandatory restatement and increase of rates for dependants payable with severe disablement allowance and date on which change takes effect**

- 6.—(1) In entry 8 of the table in Part IV of schedule 4 (increases for dependants)(7) of the 1992 Act—
- (a) in the second column (increase for qualifying child for severe disablement allowance), “11.35” remains unchanged,
  - (b) in the third column (increase for adult dependant for severe disablement allowance), for “£41.20” substitute “45.35”.
- (2) The increase made by paragraph (1)(b) takes effect on 13 April 2023.

**Rates of industrial injuries benefit and date on which changes take effect**

- 7.—(1) The sums specified in Part V of schedule 4(8) (rates of industrial injuries benefit) of the 1992 Act are amended so that Part V has effect as set out in the schedule of this Order.
- (2) The increases made by paragraph (1) take effect on 10 April 2023 except those set out in the following entries in the schedule—
- (a) entry 1 (the weekly rates of disablement pension),
  - (b) entry 4 (the maximum of aggregate of weekly benefit payable for successive accidents under section 107(1) of the 1992 Act),
  - (c) entries 7, 8 and 12 (increases in disablement pension and industrial death benefit in respect of dependants),

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(6) Entry 4 of the table in Part III of schedule 4 of the 1992 Act is relevantly amended by [S.I. 2002/1457](#) and [S.I. 2014/516](#) and most recently amended by [S.S.I. 2022/128](#) and entry 9 of that table in the Part IV of that schedule is relevantly and most recently amended by [S.S.I. 2019/102](#).

(7) Entry 8 is relevantly amended by [S.S.I. 2022/128](#).

(8) Part V of schedule 4 is relevantly amended by section 65(2) and (3) of the Welfare Reform Act 2012 (c. 5), paragraph 15(3) of schedule 1 of the Child Benefit Act 2005 (c. 6) and [S.S.I. 2022/128](#).

- (d) entry 9 (the maximum disablement gratuity under paragraph 9(2) of schedule 7 of the 1992 Act),
- (e) entries 10 and 11 (the weekly rates of industrial death benefit by way of widow's and widower's pension),

which take effect on 12 April 2023.

#### **Rate of disability living allowance**

**8.** In regulation 4 (rate of benefit) of the Social Security (Disability Living Allowance) Regulations 1991<sup>(9)</sup>—

- (a) in paragraph (1)(a), for “£92.40” substitute “£101.75”,
- (b) in paragraph (1)(b), for “£61.85” substitute “£68.10”,
- (c) in paragraph (1)(c), for “£24.45” substitute “£26.90”,
- (d) in paragraph (2)(a), for “£64.50” substitute “£71.00”,
- (e) in paragraph (2)(b), for “£24.45” substitute “£26.90”.

#### **Rate of personal independence payment**

**9.** In regulation 24 (rate of personal independence payment) of the Social Security (Personal Independence Payment) Regulations 2013<sup>(10)</sup>—

- (a) in paragraph (1)(a), for “£61.85” substitute “£68.10”,
- (b) in paragraph (1)(b), for “£92.40” substitute “£101.75”,
- (c) in paragraph (2)(a), for “£24.45” substitute “£26.90”,
- (d) in paragraph (2)(b), for “£64.50” substitute “£71.00”.

St Andrew's House,  
Edinburgh  
23rd March 2023

*BEN MACPHERSON*  
Authorised to sign by the Scottish Ministers

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<sup>(9)</sup> S.I. 1991/2890. Regulation 4 is relevantly amended by S.I. 1993/1939 and S.S.I. 2022/128.

<sup>(10)</sup> S.I. 2013/377. Regulation 24 is relevantly amended by S.S.I. 2022/128.