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DRAFT STATUTORY INSTRUMENTS

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**1998 No.**

**The Social Security Benefits Up-rating Order 1998**

**PART I**

**INTRODUCTION**

**Citation and commencement**

1.—(1) This Order may be cited as the Social Security Benefits Up-rating Order 1998.

(2) Subject to paragraphs (3) and (4) of this article, this Order shall come into force for the purposes of—

- (a) articles 1, 2, 6, 22 and 27, on 1st April 1998;
- (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 1998, 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 5th April 1998;
- (d) articles 3 to 5, 7, 9, 11, 12 and 13, on 6th April 1998;
- (e) articles 14 and 15, on 9th April 1998;
- (f) articles 16, 17 and 26, on 7th April 1998;
- (g) articles 18, 19 and 20, 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 6th April 1998, and for the purpose of this sub-paragraph, “benefit week” has the same meaning as in the Income Support Regulations;
- (h) article 21, in relation to a case where rent is payable at intervals of a week or any multiple thereof, on 6th April 1998, and in relation to any other case, on 1st April 1998;
- (i) articles 23, 24, and 25, 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 6th April 1998, and for the purpose of this sub-paragraph, “benefit week” has the same meaning as in the Jobseeker’s Allowance Regulations.

(3) 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
- (b) by article 23(c) of this Order in so far as it is relevant for the purposes referred to in article 6(11) of this Order,

shall take effect for each case on the date specified in relation to that case in article 6 of this Order.

(4) Subject to paragraph (6) of this article, any provision of this Order which is due to come into force on the same day as any provision of the Regulations listed in paragraph (5) of this article shall come into force immediately after that provision of those Regulations.

- (5) The Regulations referred to in paragraph (4) above are—
- (a) The Social Security (Non-Dependant Deductions) Regulations 1996(1); and
  - (b) The Social Security (Lone Parents) (Amendment) Regulations 1997(2).

(6) To the extent that article 21 of this Order comes into force on the same day as any provision of the Social Security (Lone Parents) (Amendment) Regulations 1997, that article shall come into force immediately before that provision of those Regulations.

## Interpretation

2. In this Order, unless the context otherwise requires—

“the Computation of Earnings Regulations” means the Social Security Benefit (Computation of Earnings) Regulations 1996(3);

“the Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992(4);

“the Council Tax Benefit Regulations” means the Council Tax Benefit (General) Regulations 1992(5);

“the Disability Working Allowance Regulations” means the Disability Working Allowance (General) Regulations 1991(6);

“the Family Credit Regulations” means the Family Credit (General) Regulations 1987(7);

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987(8);

“the Income Support Regulations” means the Income Support (General) Regulations 1987(9);

“the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations 1996(10); and

“the Pension Schemes Act” means the Pension Schemes Act 1993(11).

## 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.

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- (1) S.I.1996/2518.
  - (2) S.I. 1997/1790.
  - (3) S.I. 1996/2745.
  - (4) 1992 c. 4.
  - (5) S.I. 1992/1814; the relevant amending instruments are S.I. 1993/688 and 2118, 1994/1924, 1996/462, 1510, 1803, 2518 and 2545 and 1997/543.
  - (6) S.I. 1991/2887; the relevant amending instruments are S.I. 1992/2155, 1993/2119, 1995/482 and 1339, 1996/2545 and 1997/543 and 806.
  - (7) S.I. 1987/1973; the relevant amending instruments are S.I. 1988/660, 1992/2155, 1993/2119, 1995/1339, 1996/2545 and 1997/543 and 806.
  - (8) S.I. 1987/1971; the relevant amending instruments are S.I. 1988/1444, 1989/416 and 1017, 1990/546 and 1775, 1991/1599, 1992/50 and 1326, 1993/2118, 1994/578, 1996/462, 1803, 2518 and 2545 and 1997/543.
  - (9) S.I. 1987/1967; the relevant amending instruments are S.I. 1988/663, 910, 999, 1228, 1445 and 2022, 1989/534, 1034 and 1678, 1990/547, 1776 and 2324, 1992/50, 1326 and 3147, 1993/2119, 1994/527, 1995/516, 1613, 2287 and 2927, 1996/206, 1803, 2518 and 2545 and 1997/543, 1790, 2197 and 2604.
  - (10) S.I. 1996/207; the relevant amending instruments are S.I. 1996/1516, 1517, 1803, 2518, 2538 and 2545 and 1997/543 and 1790.
  - (11) 1993 c. 48.

(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 of that Act.

### **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 3.6 per cent. of their amount apart from this Order.

(3) In section 44(4) of the Contributions and Benefits Act(12) (basic pension in a Category A retirement pension)—

- (a) for the sum of £59.90 there shall be substituted the sum of £62.05; and
- (b) for the sum of £62.45 there shall be substituted the sum of £64.70.

(4) It is hereby directed(13) 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 1997-98;
- (b) the increases in the rates of retirement pensions under Schedule 5 to the Contributions and Benefits Act(14) (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(15), section 63 of the Social Security Act 1986(16), or section 150(1)(e) of the Social Security Administration Act 1992(17),

shall in each case be increased by 3.6 per cent. of their amount apart from this Order.

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

5.—(1) It is hereby directed(18) that 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) of that Act), shall be increased by—

- (a) 3.6 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(19); and

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

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

(14) Schedule 5 was amended by the Pension Schemes Act 1993 (c. 43), Schedule 8, paragraph 42; the Social Security (Incapacity for Work) Act 1994, Schedule 1, paragraph 40; and the Pensions Act 1995 (c. 26), Schedule 4, paragraph 21 and Schedule 7.

(15) 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.

(16) 1986 c. 50. Section 63 was repealed by Schedule 1 to the Social Security (Consequential Provisions) Act 1992 (c. 6).

(17) 1992 c. 5.

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

(19) See section 151(4) of the Social Security Administration Act 1992. Under section 151(4) where an increment under section 15(1) of the Pension Schemes Act is increased by an order under section 109 of that Act, the increase that would

- (b) 0.6 per cent. of their amount apart from this Order where the increase under section 15(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) of this article, which are subject to the provisions of paragraphs (10) and (11) 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 of this Order for the rates of Category A and Category B retirement pension and graduated retirement benefit together with, where appropriate, increases for dependants, shall take effect on 6th April 1998.

(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(20), the increases in the sums mentioned in articles 3, 4 and 11 of this Order for Category A and Category B retirement pension and graduated retirement benefit together with, where appropriate, increases for dependants, shall take effect on 9th April 1998.

(4) The increases in the sums mentioned in articles 4(4)(c) and 5(2) shall take effect on 6th April 1998.

(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(21), 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 6th April 1998.

(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 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 8th April 1998.

(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(22) 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 6th April 1998.

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otherwise fall to be made by this Order is reduced by the amount of the increase under section 109. Section 109 of the Pension Schemes Act was amended by section 55 of the Pensions Act 1995 (c. 26). The Guaranteed Minimum Pensions Increase Order 1998 (S.I. .... ) provides for an increase of 3 per cent. where the increase under section 15(1) is attributable to the tax years 1988-89 and subsequent tax years up to and including 1996-97.

(20) Section 30B was inserted by section 2(1) of the Social Security (Incapacity for Work) Act 1994 (c. 18) and amended by paragraph 21(3) of Schedule 4 to the Pensions Act 1995 (c. 26).

(21) 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).

(22) Section 47(1) was amended by paragraph 13 of Schedule 1 to the Social Security (Incapacity for Work) Act 1994 (c. 18); section 48C was inserted by paragraph 3 of Schedule 4 to the Pensions Act 1995 (c. 26).

(8) The increases in the sums specified for the rate of incapacity benefit and severe disablement allowance (together with, where appropriate, increases for dependants) shall take effect in all cases on 9th April 1998.

(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 8th April 1998.

(10) In the case of a person who is subject to the provisions of regulations made under section 73(1)(b) of the Social Security Administration Act 1992<sup>(23)</sup> (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.

(11) The increases in the sums specified in articles 3 and 23(c) of this Order, 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<sup>(24)</sup>, shall take effect—

- (a) except in a case where sub-paragraph (b) below applies, on the first day of the first benefit week to commence for the beneficiary on or after 6th April 1998;
- (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 1998,

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

### **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 £37.35 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 8th April 1998 for that sum in paragraph 2(6)(c), and from and including 9th April 1998 for that sum in paragraph 6(2)(b), there shall be substituted the sum of £38.70.

### **Earnings Limits**

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

- (a) for the sum of £135 in both places where it occurs there shall be substituted the sum of £140; and
- (b) for the sum of £17 there shall be substituted the sum of £18.

### **Statutory Sick Pay**

9. In section 157(1) of the Contributions and Benefits Act (rate of payment of statutory sick pay) for the sum of £55.70 there shall be substituted the sum of £57.70.

<sup>(23)</sup> Section 73(1) was amended by paragraph 49 of Schedule 2 to the Jobseekers Act 1995 (c. 18).

<sup>(24)</sup> See sections 82(3)(a), 83(2)(b) and 84(2)(b) of the Contributions and Benefits Act, regulations 8 and 10(2) of, and paragraph 7 of Schedule 2 to, the Social Security Benefit (Dependency) Regulations 1977 (S.I. 1977/343), and regulation 10 of the Social Security (Incapacity Benefit—Increases for Dependants) Regulations 1994 (S.I. 1994/2945). Relevant amending instruments are S.I. 1984/1698 and 1699, 1989/523 and 1642, 1992/3041, 1994/2945 and 1996/1345.

### Statutory Maternity Pay

**10.** In regulation 6 of the Statutory Maternity Pay (General) Regulations 1986(**25**) (lower rate of statutory maternity pay) for the sum of £55.70 there shall be substituted the sum of £57.70.

### Increase in rate of graduated retirement benefit

**11.**—(1) In the National Insurance Act 1965(**26**) the sum of 8.11 pence referred to in section 36(1) (graduated retirement benefit) shall be increased by 3.6 per cent.; and from and including 6th April 1998 the reference in that provision to that sum shall have effect as a reference to 8.40 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(**27**) (increases for deferred retirement) shall be increased by 3.6 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 (additions for widows and widowers) shall be increased by 3.6 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(**28**) (rate of benefit)—

- (a) in paragraph (1)(a), for the sum of £49.50 there shall be substituted the sum of £51.30;
- (b) in paragraph (1)(b), for the sum of £33.10 there shall be substituted the sum of £34.30;
- (c) in paragraph (1)(c), for the sum of £13.15 there shall be substituted the sum of £13.60;
- (d) in paragraph (2)(a), for the sum of £34.60 there shall be substituted the sum of £35.85; and
- (e) in paragraph (2)(b), for the sum of £13.15 there shall be substituted the sum of £13.60.

### Sums specified for child benefit

**13.** In regulation 2(1) of the Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations 1976(**29**) (weekly rates of child benefit)—

- (a) in sub-paragraph (a)(i), for the sum of £11.05 there shall be substituted the sum of £11.45;
- (b) in sub-paragraph (a)(ii), the sum specified is £17.10; and
- (c) in sub-paragraph (b), for the sum of £9.00 there shall be substituted the sum of £9.30.

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

**14.** In the Social Security (Incapacity Benefit) Regulations 1994(**30**), in regulation 10(2)—

- (a) in sub-paragraph (a), for the sum of £13.15 there shall be substituted the sum of £13.60; and
- (b) in sub-paragraph (b), for the sum of £6.60 there shall be substituted the sum of £6.80.

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(25) S.I. 1986/1960; relevant amending instrument is S.I. 1997/543.

(26) 1965 c. 51. Sections 36 and 37 were repealed by the Social Security Act 1973 (c. 38) but are 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 Schedule 1 to those Regulations; relevant amending instrument is S.I. 1989/1642. See also regulation 2 of those Regulations, which was substituted by S.I. 1995/2606.

(27) S.I. 1978/393; relevant amending instrument is S.I. 1989/1642.

(28) S.I. 1991/2890; relevant amending instruments are S.I. 1993/1939 and 1997/543.

(29) S.I. 1976/1267; relevant amending instruments are S.I. 1977/1328, 1991/502, 1996/1803 and 1997/543.

(30) S.I. 1994/2946; relevant amending instrument is S.I. 1997/543.

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

**15.** In the Social Security (Incapacity Benefit) (Transitional) Regulations 1995(**31**), in regulation 1 g(2)—

- (a) in sub-paragraph (a), for the sum of £13.15 there shall be substituted the sum of £13.60;
- (b) in sub-paragraph (b), for the sum of £8.30 there shall be substituted the sum of £8.60; and
- (c) in sub-paragraph (c), for the sum of £4.15 there shall be substituted the sum of £4.30.

## **PART III**

### **FAMILY CREDIT, DISABILITY WORKING ALLOWANCE, INCOME SUPPORT, HOUSING BENEFIT AND COUNCIL TAX BENEFIT**

#### **Family Credit**

**16.**—(1) In the Family Credit Regulations—

- (a) in regulation 46(4) (determination of appropriate maximum family credit) the capital sum prescribed is £3,000;
- (b) in regulation 46(4), (5) and (6), the amount specified for the credit in respect of a child or young person is NIL;
- (c) in regulation 47(1)(**32**) (applicable amount), for the sum of £77.15 there shall be substituted the sum of £79.00; and
- (d) subject to paragraph (2) of this article, in Schedule 4 (determination of maximum family credit), the sums prescribed shall be as set out in Schedule 2 to this Order.

(2) In Schedule 4 to the Family Credit Regulations as it has effect by virtue of regulation 10(3) of the Income-related Benefits and Jobseeker's Allowance (Personal Allowances for Children and Young Persons) (Amendment) Regulations 1996(**33**) (transitional provisions)—

- (a) in paragraph 2(b) for the sum of £19.95 there shall be substituted the sum of £20.45;
- (b) in paragraph 3(a) for the sum of £24.80 there shall be substituted the sum of £25.40; and
- (c) in paragraph 3(b) for the sum of £34.70 there shall be substituted the sum of £35.55.

#### **Disability Working Allowance**

**17.**—(1) In the Disability Working Allowance Regulations—

- (a) in regulation 51(4) (determination of appropriate maximum disability working allowance) the capital sum prescribed is £3,000;
- (b) in regulation 51(4), (5) and (6), the amount specified for the allowance in respect of a child or young person is NIL;
- (c) in regulation 52(1)(**34**) (applicable amount)—
  - (i) in sub-paragraph (a), for the sum of £57.85 there shall be substituted the sum of £59.25;
  - (ii) in sub-paragraph (b), for the sum of £77.15 there shall be substituted the sum of £79.00; and

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(31) S.I. 1995/310; relevant amending instrument is S.I. 1997/543.

(32) Relevant amending instrument is S.I. 1992/2155.

(33) S.I. 1996/2545; relevant amending instrument is S.I. 1997/806.

(34) Relevant amending instrument is S.I. 1992/2155.

(d) subject to paragraph (2) of this article, in Schedule 5 (determination of appropriate maximum disability working allowance) the sums prescribed shall be as set out in Schedule 3 to this Order.

(2) In Schedule 5 to the Disability Working Allowance Regulations as it has effect by virtue of regulation 10(3) of the Income-related Benefits and Jobseeker's Allowance (Personal Allowances for Children and Young Persons) (Amendment) Regulations 1996 (transitional provisions)—

- (a) in paragraph 3(b) for the sum of £19.95 there shall be substituted the sum of £20.45;
- (b) in paragraph 4(a) for the sum of £24.80 there shall be substituted the sum of £25.40; and
- (c) in paragraph 4(b) for the sum of £34.70 there shall be substituted the sum of £35.55.

### **Applicable amounts for Income Support**

**18.**—(1) The sums relevant to the calculation of an applicable amount as specified in the Income Support Regulations shall be the sums set out in the following provisions of this article and Schedules 4 to 8 to this Order; and for this purpose references in this article to a numbered regulation or Schedule are, unless the context otherwise requires, references to the regulation of, or the 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), (b)(ii) and (iii), (c)(ii) and (d)(i), in paragraph 14(a) of Part III of Schedule 2, and in paragraph 1(2) of Part I of Schedule 4, 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 4 to this Order.

(4) In paragraph 3 of Part II of Schedule 2(**35**) (applicable amounts: family premium)—

- (a) in sub-paragraph (1)(a) the sum specified is £5.75; and
- (b) in sub-paragraph (1)(b) for the sum of £10.80 there shall be substituted the sum of £11.05.

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

(6) In paragraph 18 of Schedule 3(**36**) (housing costs: non-dependant deductions)—

- (a) in sub-paragraph (1)(a) for the sum of £39.00 there shall be substituted the sum of £45.00;
- (b) in sub-paragraph (1)(b) the sum specified is £7.00;
- (c) in sub-paragraph (2)(a) the sum specified is £78.00;
- (d) in sub-paragraph (2)(b) for the sum of £13.00 there shall be substituted the sum of £16.00 and the sums of 578.00 and £16.00 remain the same;
- (e) in sub-paragraph (2)(c) for the sum of £17.00 there shall be substituted the sum of £22.00 and the sums of £116.00 and £152.00 remain the same;
- (f) in sub-paragraph (2)(d) for the sums of £150.00 and £32.00 there shall be substituted the sums of £152.00 and £36.00 respectively, and the sum of £200.00 remains the same; and
- (g) in sub-paragraph (2)(e) for the sum of £36.00 there shall be substituted the sum of £41.00 and the sums of £200.00 and £250.00 remain the same.

(7) In paragraph 6(2) of Schedule 4, for the sum of £240.00 there shall be substituted the sum of £247.00 and, subject to paragraph (2) of this article, those other sums relevant to the calculation of an applicable amount which are specified in Schedule 4 (applicable amounts of persons in residential care and nursing homes) shall be as set out in Schedule 6 to this Order.

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(35) Relevant amending instruments are S.I. [1996/1803](#) and [1997/1790](#).

(36) Schedule 3 was substituted by S.I. [1995/1613](#); relevant amending instruments are S.I. [1995/2927](#), [1996/2518](#) and [1997/543](#).



(8) 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 7 to this Order.

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

### **Income Support Transitional Protection**

**19.** Sums which are special transitional additions to income support payable in accordance with regulation 15 of the Income Support (Transitional) Regulations 1987<sup>(37)</sup> shall be increased by 2.4 per cent. of their amount apart from this Order.

### **The Relevant Sum for Income Support**

**20.** In section 126(7) of the Contributions and Benefits Act<sup>(38)</sup> (trade disputes: the relevant sum) the substituted sum is £27.00.

### **Applicable amounts for Housing Benefit**

**21.**—(1) As from a date determined in accordance with article 1 of this Order, 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 9 and 10 to this Order; and for this purpose references in this article to a numbered regulation or Schedule are, unless the context otherwise requires, references to the regulation of, or the Schedule to, the Housing Benefit Regulations bearing that number.

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

(3) In regulation 18(1)<sup>(39)</sup> (patients)—

(a) in sub-paragraphs (a), (b) and (d)(ii), for the sum of £15.60 there shall be substituted the sum of £16.20 in each case;

(b) in sub-paragraphs (c)(i) and (d)(i), for the sum of £12.50 there shall be substituted the sum of £12.95 in each case; and

(c) in sub-paragraph (c)(ii), for the sum of £31.20 there shall be substituted the sum of £32.40.

(4) In regulation 63<sup>(40)</sup> (non-dependant deductions)—

(a) in paragraph (1)(a) for the sum of £39.00 there shall be substituted the sum of £45.00;

(b) in paragraph (2)(b) for the sum of £13.00 there shall be substituted the sum of £16.00;

(c) in paragraph (2)(c) for the sum of £17.00 there shall be substituted the sum of £22.00;

(d) in paragraph (2)(d) for the sum of £33.00 there shall be substituted the sum of £36.00; and

(e) in paragraph (2)(e) for the sum of £36.00 there shall be substituted the sum of £41.00.

(5) In paragraph 1A of Part I of Schedule 1<sup>(41)</sup> (ineligible service charges), for the sums of £17.55, £17.55, £8.85, £11.65, £11.65, £5.85 and £2.10 there shall be substituted the sums of £17.95, £17.95, £9.05, £11.95, £11.95, £6.00 and £2.15 respectively.

(6) Subject to paragraph (7) of this article, the sums specified in Part I of Schedule 2 (applicable amounts: personal allowances) shall be as set out in Schedule 9 to this Order.

<sup>(37)</sup> S.I. 1987/1969; relevant amending instruments are S.I. 1988/521 and 670, 1989/1626 and 1991/1600.

<sup>(38)</sup> See section 126(8) of the Contributions and Benefits Act.

<sup>(39)</sup> Relevant amending instrument is S.I. 1996/1803.

<sup>(40)</sup> Relevant amending instruments are S.I. 1990/546, 1992/50, 1996/2518 and 1997/543.

<sup>(41)</sup> Paragraph 1A was inserted by S.I. 1988/1444 and amended by S.I. 1989/416, 1997/65 and 1997/543

(7) In paragraph 2(d) of Schedule 2 as it has effect by virtue of regulation 10(1) of the Income-related Benefits and Jobseeker's Allowance (Personal Allowances for Children and Young Persons) (Amendment) Regulations 1996<sup>(42)</sup> (transitional provisions) for the sum of £38.90 there shall be substituted the sum of £39.85.

(8) In paragraph 3 of Part II of Schedule 2<sup>(43)</sup> (applicable amounts: family premium)—

(a) in sub-paragraph (a) the sum specified is £22.05; and

(b) in sub-paragraph (b) for the sum of £10.80 there shall be substituted the sum of £11.05.

(9) The sums specified in Part IV of Schedule 2 (applicable amounts: premiums) shall be as set out in Schedule 10 to this Order.

### **Applicable amounts for Council Tax Benefit**

**22.**—(1) The sums relevant to the calculation of an applicable amount as specified in the Council Tax Benefit Regulations shall be the sums set out in the following provisions of this article and Schedules 11 and 12 to this Order; and for this purpose references in this article to a numbered regulation or Schedule are, unless the context otherwise requires, references to the regulation of, or the Schedule to, the Council Tax Benefit Regulations bearing that number.

(2) In regulations 8(b), 9(c) and paragraph 15(a) of Part III of Schedule 1 (applicable amounts), the sum specified is in each case &3, 000.

(3) In regulation 10(1)<sup>(44)</sup> (patients)—

(a) in sub-paragraphs (a), (b) and (d)(ii), for the sum of £15.60 there shall be substituted the sum of £16.20 in each case;

(b) in sub-paragraphs (c)(i) and (d)(i), for the sum of £12.50 there shall be substituted the sum of £12.95 in each case; and

(c) in sub-paragraph (c)(ii), for the sum of £31.20 there shall be substituted the sum of £32.40.

(4) In regulation 52<sup>(45)</sup> (non-dependant deductions)—

(a) in paragraph (1)(a) for the sum of £4.00 there shall be substituted the sum of £6.00.

(b) in paragraph (1)(b) for the sum of £1.50 there shall be substituted the sum of £2.00;

(c) in paragraph (2)(b) for the sum of £3.00 there shall be substituted the sum of £4.00; and

(d) in paragraph (2)(c) for the sum of 63.50 there shall be substituted the sum of £5.00.

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

(6) In paragraph 3 of Part II of Schedule 1<sup>(46)</sup> (applicable amounts: family premium)—

(a) in sub-paragraph (a) the sum specified is £22.05; and

(b) in sub-paragraph (b) for the sum of £10.80 there shall be substituted the sum of £11.05.

(7) The sums specified in Part IV of Schedule 1 (applicable amounts: premiums) shall be as set out in Schedule 12 to this Order.

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<sup>(42)</sup> S.I. [1996/2545](#); relevant amending instrument is S.I. [1997/543](#).

<sup>(43)</sup> Relevant amending instrument is S.I. [1996/1803](#).

<sup>(44)</sup> Relevant amending instruments are S.I. [1993/688](#) and [1996/1803](#).

<sup>(45)</sup> Relevant amending instruments are S.I. [1996/2518](#) and [1997/543](#).

<sup>(46)</sup> Relevant amending instrument is S.I. [1996/1803](#).

## PART IV

### JOBSEEKER'S ALLOWANCE

#### **Increase in age-related amounts of contribution-based Jobseeker's Allowance**

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

- (a) in sub-paragraph (a) for the sum of £29.60 there shall be substituted the sum of £30.30;
- (b) in sub-paragraph (b) for the sum of £38.90 there shall be substituted the sum of £39.85; and
- (c) in sub-paragraph (c) for the sum of £49.15 there shall be substituted the sum of £50.35.

#### **Applicable amounts for Jobseeker's Allowance**

**24.**—(1) The sums relevant to the calculation of an applicable amount as specified in the Jobseeker's Allowance Regulations shall be the sums set out in the following provisions of this article and Schedules 13 to 17 to this Order; and for this purpose references in this article to a numbered regulation or Schedule are, unless the context otherwise requires, references to the regulation of, or the 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), (b)(ii) and (iii), (c)(ii) and (d)(i), in paragraph 16(a) of Part III of Schedule 1, and in paragraph 1(2) of Schedule 4, 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 13 to this Order.

(4) In paragraph 4 of Part II of Schedule 1(47) (applicable amounts: family premium)—

- (a) in sub-paragraph (1)(a) the sum specified is £15.75; and
- (b) in sub-paragraph (1)(b) for the sum of £10.80 there shall be substituted the sum of £11.05.

(5) The sums specified in Part IV of Schedule 1 (applicable amounts: weekly amounts of premiums) shall be as set out in Schedule 14 to this Order.

(6) In paragraph 17 of Schedule 2(48) (housing costs: non-dependant deductions)—

- (a) in sub-paragraph (1)(a) for the sum of £39.00 there shall be substituted the sum of £45.00;
- (b) in sub-paragraph (1)(b) the sum specified is £7.00;
- (c) in sub-paragraph (2)(a) the sum specified is £78.00;
- (d) in sub-paragraph (2)(b) for the sum of £13.00 there shall be substituted the sum of £16.00 and the sums of £78.00 and &116.00 remain the same;
- (e) in sub-paragraph (2)(c) for the sum of £17.00 there shall be substituted the sum of £22.00 and the sums of £116.00 and £152.00 remain the same;
- (f) in sub-paragraph (2)(d) for the sum of £150.00 and £32.00 there shall be substituted the sums of £152.00 and £36.00 respectively, and the sum of £200.00 remains the same; and
- (g) in sub-paragraph (2)(e) for the sum of £36.00 there shall be substituted the sum of £41.00 and the sums of £200.00 and £250.00 remain the same.

(7) Subject to paragraph (2) of this article, those sums relevant to the calculation of an applicable amount which are specified in Schedule 4 (applicable amounts of persons in residential care and nursing homes) shall be as set out in Schedule 15 to this Order.

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(47) Relevant amending instruments are S.I. 1996/1803 and 1997/1790.

(48) Relevant amending instruments are S.I. 1996/2518 and 1997/543.

(8) Those sums relevant to the calculation of an applicable amount which are specified in Schedule 5 (applicable amounts in special cases) shall be as set out in Schedule 16 to this Order.

(9) The sums specified in any provision of the Jobseeker's Allowance Regulations set out in column (1) of Schedule 17 to this Order are the sums set out in column (2) of that Schedule.

#### **The Prescribed Sum for Jobseeker's Allowance**

**25.** In regulation 172 of the Jobseeker's Allowance Regulations<sup>(49)</sup> (trade disputes: prescribed sum) the substituted sum is £27.00.

## **PART V**

### **TRANSITIONAL PROVISIONS AND REVOCATION**

#### **Transitional Provisions**

**26.** Notwithstanding the increases of the sums payable in respect of family credit and disability working allowance made by articles 16 and 17 of this Order, where a period of entitlement to family credit or disability working allowance is running at 7th April 1998, the rate at which it is payable shall be the weekly rate in force for the period prior to 7th April 1998 until the end of the period of entitlement.

#### **Revocation**

**27.** The Social Security Benefits Up-rating Order 1997<sup>(50)</sup> is hereby revoked.

Signed by authority of the Secretary of State for Social Security. 1998

Minister of State,  
Department of Social Security

We consent,

1998

Two of the Lords Commissioners of Her  
Majesty's Treasury

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<sup>(49)</sup> See section 15(6) and (7) of the Jobseekers Act 1995 (c. 18).

<sup>(50)</sup> S.I. 1997/543.