
DRAFT STATUTORY INSTRUMENTS

2019 No.

The Social Security Benefits Up-rating Order 2019

PART 1

INTRODUCTION

Citation, extent, commencement and effect

1.—(1) This Order may be cited as the Social Security Benefits Up-rating Order 2019.

(2) This Order extends to England and Wales and Scotland, save for article 3, which, in so far as it increases the sums specified for carer’s allowance in Parts III and IV of Schedule 4 to the Contributions and Benefits Act, extends to England and Wales only.

(3) Subject to paragraphs (4) and (5), this Order shall come into force for the purposes of—

- (a) this article and articles 2, 7, 23 and 24 on 1st April 2019;
- (b) article 3—
 - (i) in so far as it relates to any increase to which article 7(9)(b) applies, on 1st April 2019, and
 - (ii) for all other purposes, on 8th April 2019;
- (c) articles 4, 5, 6, 12, 13, 14, 15, 16, 19 and 20, on 8th April 2019;
- (d) 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 2019, and for the purpose of this sub-paragraph “benefit week” has the same meaning as in regulation 2(1) of the Computation of Earnings Regulations;
- (e) articles 9, 17 and 18, on 6th April 2019;
- (f) article 10, on 7th April 2019, except for the purpose of determining the rate of maternity allowance in accordance with section 35A(1)(1) of the Contributions and Benefits Act (appropriate weekly rate of maternity allowance under section 35), for which purpose it shall come into force on 8th April 2019;
- (g) article 11, on 7th April 2019;
- (h) articles 21 and 22, 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 8th April 2019, and for the purpose of this sub-paragraph “benefit week” has the same meaning as in the Income Support Regulations;
- (i) article 25, 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 8th April 2019, and for the purpose of this sub-paragraph “benefit week” has the same meaning as in the Jobseeker’s Allowance Regulations;

(1) Section 35A was inserted by section 53 of the 1999 Act. Subsection (1) was substituted by section 48 of the Employment Act 2002 (c. 22). The rate of maternity allowance is linked to the prescribed rate of statutory maternity pay set out in regulation 6 of S.I. 1986/1960.

- (j) article 26, 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 8th April 2019, and for the purpose of this sub-paragraph “benefit week” has the same meaning as in the State Pension Credit Regulations;
- (k) article 27, 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 8th April 2019, and for the purpose of this sub-paragraph “benefit week” has the same meaning as in the ESA Regulations 2008;
- (l) article 28, 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 8th April 2019, and for the purpose of this sub-paragraph “benefit week” has the same meaning as in the ESA Regulations 2013;
- (m) article 29, in so far as it relates to a particular beneficiary, on the first day of the first assessment period to commence for that beneficiary on or after 8th April 2019⁽²⁾, and for the purpose of this sub-paragraph “assessment period” has the same meaning as in section 7(2) of the Welfare Reform Act 2012⁽³⁾; and
- (n) article 30, on 7th May 2019.

(4) In so far as articles 3, 4, 5, 6, 10, 12, 13, 14, 17, 18, 19 and 28 relate to a beneficiary in favour of whom an award of universal credit is in force, those articles shall come into force for the purposes of determining the beneficiary’s unearned income in relation to that award on the same day as article 29 comes into force for that beneficiary.

(5) The changes made in the sums specified for rates or amounts of benefit in articles 3, 4, 5, 6, 12, 13 and 14 shall take effect for each case on the date specified in relation to that case in article 7.

Interpretation

2. In this Order—

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

“the Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992⁽⁵⁾;

“the ESA Regulations 2008” means the Employment and Support Allowance Regulations 2008⁽⁶⁾ ;

“the ESA Regulations 2013” means the Employment and Support Allowance Regulations 2013⁽⁷⁾;

“the ESA and UC Regulations 2017” means the Employment and Support Allowance and Universal Credit (Miscellaneous Amendments and Transitional and Savings Provisions) Regulations 2017⁽⁸⁾;

“the Housing Benefit Regulations” means the Housing Benefit Regulations 2006⁽⁹⁾ ;

(2) See [S.I. 2014/2888](#) which amends section 150(10) of the Administration Act and also inserts section 150(10ZA) and (10ZB) into that Act so that it aligns with the monthly assessment period cycle in universal credit.

(3) 2012 c. 5.

(4) [S.I. 1996/2745](#); relevant amending instrument is [S.I. 2002/842](#).

(5) 1992 c. 4 (“the Contributions and Benefits Act”).

(6) [S.I. 2008/794](#); relevant amending instruments are [S.I. 2008/2428](#), [2015/457](#), [2016/242](#), [2017/260](#) and [2018/281](#).

(7) [S.I. 2013/379](#); relevant amending instruments are [S.I. 2017/204](#) and [260](#) and [2018/281](#).

(8) [S.I. 2017/204](#).

(9) [S.I. 2006/213](#); relevant amending instruments are [S.I. 2006/718](#), [2007/2868](#), [2008/1082](#) and [2428](#), [2009/2608](#), [2010/793](#), [2015/457](#), [1754](#) and [1857](#), [2016/242](#), [2017/204](#) and [260](#) and [2018/281](#).

“the Housing Benefit (SPC) Regulations” means the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 **(10)** ;

“the Income Support Regulations” means the Income Support (General) Regulations 1987**(11)** ;

“the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations 1996**(12)** ;

“the Pensions Act” means the Pensions Act 2014**(13)**;

“the Pension Schemes Act” means the Pension Schemes Act 1993**(14)** ;

“the State Pension Credit Regulations” means the State Pension Credit Regulations 2002**(15)** ; and

“the Universal Credit Regulations” means the Universal Credit Regulations 2013**(16)**.

(10) S.I. 2006/214; relevant amending instruments are S.I. 2006/718, 2007/2869, 2008/3157, 2010/793, 2015/457, 1754 and 1857, 2016/242, 2017/260 and 2018/281.

(11) S.I. 1987/1967; relevant amending instruments are S.I. 1990/1776, 1994/527, 1995/1613 and 2927, 1996/206, 1803, 2431, 2518 and 2545, 1998/766, 1999/2555 and 3178, 2000/636 and 2629, 2001/3767, 2002/2497 and 3019, 2003/455, 2004/2327, 2006/718, 2007/719, 2011/674 and 2425, 2014/516, 2015/457, 2016/242, 2017/204 and 260 and 2018/281.

(12) S.I. 1996/207; relevant amending instruments are S.I. 1996/1516, 1803, 2518 and 2545, 1998/766, 1999/2555 and 2860, 2000/1978, 2239 and 2629, 2001/518, 2003/455 and 511, 2004/2327, 2006/718, 2007/719 and 2618, 2009/1488, 2011/674, 2013/388, 2014/516, 2015/457, 2016/242, 2017/260 and 2018/281.

(13) 2014 c. 19.

(14) 1993 c. 48; relevant amending instrument is S.I. 2005/2050.

(15) S.I. 2002/1792; relevant amending instruments are S.I. 2002/3197, 2004/2327, 2006/2378, 2015/457 and 1754, 2016/242, 2017/260 and 2018/281 and 676.

(16) S.I. 2013/376; relevant amending instruments are S.I. 2015/30, 457 and 1754, 2017/260 and 2018/65 and 281.