
DRAFT STATUTORY INSTRUMENTS

2023 No.

The Social Security Benefits Up-rating Order 2023

PART 1

INTRODUCTION

Citation, extent, commencement and effect

1.—(1) This Order may be cited as the Social Security Benefits Up-rating Order 2023.

(2) This Order extends to England and Wales and Scotland, save for the following provisions which extend to England and Wales only—

- (a) paragraphs (3) and (5) in so far as they provide for the coming into force dates for the provisions mentioned in sub-paragraphs (b) to (f) of this paragraph;
- (b) article 3, in so far as it either states or increases the sums specified in—
 - (i) Part III of Schedule 4 to the Contributions and Benefits Act for attendance allowance, severe disablement allowance, age related addition and carer’s allowance;
 - (ii) Part IV of Schedule 4 to that Act for the increase for a qualifying child payable with severe disablement allowance and with carer’s allowance and for the increase for an adult dependant payable with severe disablement allowance;
 - (iii) Part V of Schedule 4 to that Act;
- (c) article 7, in so far as it specifies the taking into effect dates for the provision made in article 3 as to the sums specified in the provisions referred to in sub-paragraph (b) of this paragraph;
- (d) article 8, in so far as it states the earnings limits in respect of child dependency increases payable with severe disablement allowance;
- (e) article 15; and
- (f) article 16.

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

- (a) this article and articles 2 and 7, on 1st April 2023;
- (b) article 3—
 - (i) in so far as it relates to any increase to which article 7(9)(b) applies, on 1st April 2023; and
 - (ii) for all other purposes, on 10th April 2023;
- (c) articles 4, 5, 6, 12, 13, 14, 15, 16, 19 and 20, on 10th April 2023;
- (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 2023, 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) article 9, on 6th April 2023;

- (f) article 10, on 2nd April 2023, 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 10th April 2023;
- (g) article 11, on 2nd April 2023;
- (h) articles 17 and 18, on 13th April 2023;
- (i) articles 21, 22 and 23, 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 10th April 2023, and for the purpose of this sub-paragraph “benefit week” has the same meaning as in the Income Support Regulations;
- (j) articles 24 and 25, in relation to a case where rent is payable at intervals of a week or any multiple thereof, on 3rd April 2023, and in relation to any other case, on 1st April 2023;
- (k) articles 26, 27 and 28, 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 10th April 2023, and for the purpose of this sub-paragraph “benefit week” has the same meaning as in the JSA Regulations 1996;
- (l) article 29, 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 10th April 2023, and for the purpose of this sub-paragraph “benefit week” has the same meaning as in the JSA Regulations 2013;
- (m) article 30, 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 10th April 2023, and for the purpose of this sub-paragraph “benefit week” has the same meaning as in the State Pension Credit Regulations;
- (n) article 31, 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 10th April 2023, and for the purpose of this sub-paragraph “benefit week” has the same meaning as in the ESA Regulations 2008;
- (o) article 32, 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 10th April 2023, and for the purpose of this sub-paragraph “benefit week” has the same meaning as in the ESA Regulations 2013;
- (p) article 33, 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 10th April 2023(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
- (q) article 34, on 9th May 2023.

(4) In so far as articles 3, 4, 5, 6, 10, 12, 13, 14, 17, 18, 19, 29 and 32 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 33 comes into force for that beneficiary.

- (5) The changes made in the sums specified for rates or amounts of benefit in—
 - (a) articles 3, 4, 5, 6, 12, 13 and 14; and

(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.

(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.

(b) article 26(b), in so far as that sum is 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,
shall take effect for each case on the date specified in relation to that case in article 7.