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DRAFT STATUTORY INSTRUMENTS

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**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

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(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.

## 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);

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

“the JSA Regulations 2013” means the Jobseeker’s Allowance Regulations 2013(13);

“the Pensions Act” means the Pensions Act 2014(14);

“the Pension Schemes Act” means the Pension Schemes Act 1993(15);

“the State Pension Credit Regulations” means the State Pension Credit Regulations 2002(16);  
and

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(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, 2009/2655, 2011/2428, 2015/30 and 457, 2016/242, 2017/204, 260 and 581, 2018/281, 2019/480, 2020/234, 2021/162 and 2022/292.

(7) S.I. 2013/379; relevant amending instruments are S.I. 2017/204 and 260, 2018/281, 2019/480, 2020/234, 2021/162 and 2022/292.

(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, 2015/30, 457, 1754 and 1857, 2016/242, 2017/204, 260 and 376, 2018/281, 2019/480, 2020/234, 2021/162 and 2022/292.

(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 1187, 2018/281, 2019/480, 2020/234, 2021/162 and 188 and 2022/292.

(11) S.I. 1987/1967; relevant amending instruments are S.I. 1990/1168 and 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, 2010/641, 2011/674 and 2425, 2013/2536, 2014/516, 2015/30 and 457, 2016/242, 2017/204 and 260, 2018/281, 2019/480, 2020/234, 2021/162 and 2022/292.

(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, 2005/2877, 2006/718, 2007/719 and 2618, 2008/698 and 1554, 2009/1488 and 1575, 2011/674, 2013/388 and 2536, 2014/516, 2015/30 and 457, 2016/242, 2017/260, 2018/281, 2019/480, 2020/234, 2021/162 and 2022/292.

(13) S.I. 2013/378; the relevant amending instrument is S.I. 2022/292.

(14) 2014 c. 19.

(15) 1993 c. 48; relevant amending instrument is S.I. 2005/2050.

(16) S.I. 2002/1792; relevant amending instruments are S.I. 2002/3197, 2004/2327, 2006/2378, 2008/3195, 2015/457 and 1754, 2016/242, 2017/260 and 725, 2018/281 and 676, 2019/480, 2020/234, 2021/162 and 2022/292.

“the Universal Credit Regulations” means the Universal Credit Regulations 2013<sup>(17)</sup>.

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(17) S.I. 2013/376; relevant amending instruments are S.I. 2015/30, 457 and 1754, 2018/65, 2019/480, 2020/234, 2021/162 and 1283 and 2022/292.