



# Social Security Act 1981

## 1981 CHAPTER 33

### 1 Up-rating orders

(1) In section 125 of the Social Security Act 1975 (duty to increase rate of certain benefits) the following subsection is substituted for subsection (3)—

“(3) If on any such review the Secretary of State concludes that any of the sums in question will not have retained their value on the date mentioned in paragraph (a)(i) below, he shall—

(a) make, or cause to be made, in each House of Parliament a statement specifying—

(i) the date which he proposes as the date on which the up-rating order to be made in pursuance of the review will come into operation ;

(ii) the percentage by which those sums would, in his opinion, have to be increased in order to restore their value as at that date ; and

(iii) the increase in those sums (which shall, in respect of each of them, be an increase which represents at least the percentage increase specified in the statement in accordance with subparagraph (ii) above) which he proposes to provide for in the up-rating order; and

(b) in due course prepare and lay before each House of Parliament the draft of an up-rating order increasing those sums to the extent specified in the statement in accordance with paragraph (a)(iii).”.

(2) In section 126A of the Act of 1975 (up-rating of increments in guaranteed minimum pensions) the following subsection is substituted for subsection (2)—

“(2) If on any such review the Secretary of State concludes that those sums will not have retained their value on the date mentioned in paragraph (a)(i), he shall—

(a) make, or cause to be made, in each House of Parliament a statement specifying—

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*Status: This is the original version (as it was originally enacted).*

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- (i) the date which he proposes as the date on which the order to be made under this section in pursuance of the review will come into operation;
    - (ii) the percentage by which the aggregate amount of those sums would, in his opinion, have to be increased in order to restore its value at that date ; and
    - (iii) the increase in the Category A or Category B pension (which shall, in respect of each of them, be an increase in the sums in question which represents at least the percentage increase specified in the statement in accordance with subparagraph (ii) above) which he proposes to provide for in the order; and
  - (b) in due course prepare and lay before each House of Parliament the draft of an order increasing the Category A or Category B pension to the extent specified in the statement in accordance with paragraph (a) (iii).”
- (3) In calculating the increases to be specified in the statement made under section 125(3) and 126A(2) in the tax year 1980-81, the Secretary of State shall—
- (a) determine the increases that would, in his opinion, have been provided for by the Social Security Benefits Up-rating Order 1980 if the percentage by reference to which those increases were calculated had been 15.5 per cent, and not 16.5 per cent.; and
  - (b) treat the order of 1980 as if it had provided for the increases so determined.
- (4) This section shall have effect, in the tax year 1981-82, as if it had been in force at the time when the statement following the review carried out under those sections in the tax year 1980-81 was made in each House of Parliament; and that statement shall be taken to have complied with the requirements of section 125(3) or, as the case may be, 126A(2) as substituted by this section.
- (5) Nothing in this section shall be taken to prejudice the operation of—
- (a) section 17(4) of the Child Benefit Act 1975 (provision for reductions to take account of increases in child benefit); or
  - (b) section 1 of the Social Security (No. 2) Act 1980 (reduction of compulsory up-rating of certain benefits).