
STATUTORY INSTRUMENTS

1990 No. 320

The Social Security Benefits Up-rating Order 1990

PART II

SOCIAL SECURITY BENEFITS

Alterations in rates or amounts of certain benefits under the 1975 Act

3.—(1) In this article, “Schedule 4” means Schedule 4 to the 1975 Act⁽¹⁾.

(2) The sums specified in paragraph (3) below shall be increased from and including the respective dates specified in article 5 below; and Schedule 4 shall accordingly have effect as set out in Schedule 1 to this Order.

(3) The sums mentioned in paragraph (2) above are the sums specified in Parts I, III, IV and V of Schedule 4 (contributory periodical benefits, non-contributory periodical benefits, increase of benefits for dependants and rate or amounts of industrial injuries benefits, respectively), except in Part III the sum specified for age addition.

(4) It is hereby directed that the sums falling to be calculated under section 59B(5)(2) of the 1975 Act (calculation of weekly rate of retirement allowance) shall be increased from a date specified in article 5 below by 7.6 per cent. of their amount apart from this Order.

Increase in rates or amounts of certain benefits under the Pensions Act

4.—(1) The sums specified in paragraphs (2) and (3) below shall be increased from and including the respective dates specified in article 5 below.

(2) In section 6(1)(a) of the Pensions Act (basic pension in a Category A retirement pension)—

(a) so far as the sum is relevant for the purpose of calculating, under section 14(6) of the 1975 Act, the rate of sickness benefit, for the sum of £41.80 there shall be substituted the sum of £45.00;

(b) except so far as is mentioned in sub-paragraph (a) above, for the sum of £43.60 there shall be substituted the sum of £46.90.

(3) It is hereby directed⁽³⁾ that the sums which are—

(a) the additional pensions in the rates of long-term benefits calculated by reference to any final relevant year earlier than the tax year 1989/90,

(1) Schedule 4 was amended by section 21(1) and (2) of, and Schedules 4 and 5 to, the Child Benefit Act 1975 (c. 61), section 22(2) of, and paragraphs 62 and 63 of Schedule 4 to, the Social Security Pensions Act 1975, paragraph 13 of Schedule 1 to the Social Security Act 1979 (c. 18), Schedule 11 to the Social Security Act 1986 (c. 50) and the Social Security Benefits Up-rating Order 1989 (S.I. 1989/43).

(2) Section 59B(5) was inserted in the 1975 Act by the Social Security Act 1988 (c. 7), section 2(1) and amended by the Social Security Act 1989 (c. 24), Schedule 1, paragraph 8(5). See also section 63(1)(ee) of the Social Security Act 1986, inserted by the Social Security Act 1988 (c. 7), section 2(2)(a).

(3) See section 23(2) and (3) of the Social Security Pensions Act 1975 (c. 60), as amended by the Social Security Act 1986, Schedule 10, paragraph 91.

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(b) the increases in the rates of retirement pensions under Schedule 1 to the Pensions Act (increase of pension where pensioner's entitlement 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 1975 Act(4) or section 63 of the 1986 Act, shall in each case be increased by 7.6 per cent. of their amount apart from this Order.

(4) It is hereby directed that sums which are payable by virtue of section 35(6) of the Pensions 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 36(3)), shall be increased by 4.6 per cent. of their amount apart from this order(5).

Dates on which sums specified for rates or amounts of benefit under the 1975 Act or the Pensions Act are increased by this Order

5.—(1) Paragraphs (2) to (8) of this article, which are subject to the provisions of paragraph (9) below, specify the date on which the increases made by this Order in the sums specified for rates or amounts of benefit under the 1975 Act or the Pensions Act shall take effect for each case.

(2) In relation to the case of a person over pensionable age whose entitlement to a Category A retirement pension is deferred and for whom the rate of unemployment benefit, sickness benefit or invalidity pension falls to be calculated in accordance with section 14(6) or 15(4) of the 1975 Act(6), the increases in the sums mentioned in articles 3, 4 and 7 for Category A and B retirement pension and graduated retirement benefit (together with, where appropriate, increases for dependants) shall take effect on 12th April 1990 and in relation to all other cases the increases in such sums shall take effect on 9th April 1990.

(3) The increase in the sums mentioned in Article 4(3)(c) and (4) shall take effect on 9th April 1990.

(4) The increases in the sums specified for the rate of maternity allowance, widowed mother's allowance, widow's pension, Category C and D retirement pension, child's special allowance(7), 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), and guardian's allowance shall in all cases take effect on 9th April 1990.

(5) The increases in the sums specified for the rate of mobility allowance, 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 section 57(5) of the 1975 Act(8), 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 maximum, under section 91(1) of the 1975 Act, of the aggregate of weekly benefit payable for successive accidents, shall in all cases take effect from 11th April 1990.

(4) 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.

(5) See section 63(8) of the Social Security Act 1986 and the Guaranteed Minimum Pensions Increase Order 1990 (S.I. 1990/255).

(6) Section 14(6) is amended by the Social Security Pensions Act 1975, section 65(1), Schedule 4 paragraph 39(b), the Social Security Act 1979 (c. 18), section 21(4), Schedule 3 paragraph 6 and the Social Security Act 1989 (c. 24), Schedule 1 paragraph 4(2) and Schedule 9; and section 15(4) is amended by the Social Security Pensions Act 1975, section 65(1), Schedule 4 paragraph 40(c) and the Social Security Act 1979, section 21(4), Schedule 3 paragraph 7.

(7) Child's special allowance was abolished except for existing beneficiaries as from 6th April 1987 (section 40 of the Social Security Act 1986).

(8) Section 57(5) was repealed by the Social Security Act 1986, section 86, Schedule 11; but saved in certain circumstances by S.I. 1986/1561, regulation 13.

(6) Where a person's weekly rate of Category A or B retirement pension falls to be increased under the provisions of section 28(7) or 29(8) of the 1975 Act(9) by reference to the weekly rate of invalidity allowance to which he was previously entitled, the increase in the sum specified for the appropriate rate of invalidity allowance shall take effect on 9th April 1990, and where it does not fall to be so increased the sum so specified shall take effect on 12th April 1990.

(7) The increases in the sums specified for the rate of unemployment and sickness benefit, invalidity pension and severe disablement allowance (together with, where appropriate, increases for dependants), shall take effect in all cases on 12th April 1990.

(8) The increase in the sums falling to be calculated in accordance with section 59B(5) of the 1975 Act (retirement allowance) shall take effect on 11th April 1990.

(9) In the case of a person who is subject to the provisions of regulations made under section 82(6) (b) or 85(1) of the 1975 Act (suspension or adjustment of benefit for a person undergoing medical or other treatment as an in-patient in a hospital) the increase in the sum mentioned in article 4(2)(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.

Increase in rates of certain benefits under the Industrial Injuries and Diseases (Old Cases) Act 1975

6. In the Industrial Injuries and Diseases (Old Cases) Act 1975(10), the sum of £26.20 referred to in section 2(6)(c) (maximum weekly rate of lesser incapacity allowance supplementing workmen's compensation) and section 7(2)(b) (industrial diseases benefit schemes: weekly rate of allowance payable where disablement is not total) shall be increased; and from and including 11th April 1990 for that sum in section 2(6)(c), and from and including 12th April 1990 for that sum in section 7(2) (b), there shall be substituted the sum of £28.20.

Increase in rate of graduated retirement benefit and increments thereof

7.—(1) In the National Insurance Act 1965(11), the sum of 5.71 pence referred to in section 36(1) (graduated retirement benefit) shall be increased by 7.6 per cent.; and from and including 9th April 1990 the reference in that provision to that sum shall accordingly have effect as a reference to 6.14 pence.

(2) It is hereby directed that the sums which are the increases of graduated retirement benefit under Schedule 2 to the Social Security (Graduated Retirement Benefit) (No. 2) Regulations 1978(12) (increases for deferred retirement) shall be increased by 7.6 per cent. of their amount apart from this Order.

Sum specified for child benefit

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

(a) in paragraph (1), the sum specified is £7.25; and

(b) in paragraph (2), for the sum of £5.20, there shall be substituted the sum of £5.60.

(9) Section 28(7) is amended by the Social Security (No. 2) Act 1980 (c. 39), section 3(3).

(10) 1975 c. 16. Sections 2(6)(c) and 7(2)(b) were amended by the Social Security Benefits Up-rating Order 1989 (S.I. 1989/43).

(11) 1965 c. 51. Section 36 was repealed by the Social Security Act 1973 (c. 38) but subsection (1) is now 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 the Schedule to those Regulations as amended by article 7 of the Social Security Benefits Up-rating Order 1989 (S.I. 1989/43). See also regulation 2 of those Regulations, as amended by regulation 3 of S.I. 1989/893.

(12) S.I. 1978/393.

(13) S.I. 1976/1267; the relevant amending instruments are S.I. 1977/1328, 1980/110 and 1989/43.

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Statutory Sick Pay

9. In section 7(1) of the Social Security and Housing Benefits Act 1982(**14**) (relationship between rates of payment of statutory sick pay and employees' normal weekly earnings) the sums specified in paragraph (a) are £52.10 and £84.00 respectively and the sum specified in paragraph (b) is £36.25.

Statutory Maternity Pay

10. The sum specified in regulation 6 of the Statutory Maternity Pay (General) Regulations 1986(**15**) (lower rate of statutory maternity pay) shall be increased by the substitution for the sum of £36.25 of the sum of £39.25.

Earnings Limits

11. The sums specified in section 41(2B) of the 1975 Act(**16**) (earnings limits in respect of child dependency increases) shall be increased from £95, £12 and £95 to £100, £13 and £100 respectively.

(14) [1982 c. 24](#); section 7(1) was substituted by regulation 2 of the Statutory Sick Pay (Rate of Payment) Regulations 1987 ([S.I. 1987/33](#)).

(15) [S.I. 1986/1960](#).

(16) Section 41(2B) was inserted by the Health and Social Security Act [1984 \(c. 48\)](#), section 13, Schedule 5 paragraph 3(c).