
STATUTORY INSTRUMENTS

1995 No. 580

SOCIAL SECURITY

The Social Security Benefits Up-rating Regulations 1995

<i>Made</i>	- - - -	<i>7th March 1995</i>
<i>Laid before Parliament</i>		<i>14th March 1995</i>
<i>Coming into force</i>		
	<i>except regulation 7</i>	<i>10th April 1995</i>
	<i>regulation 7</i>	<i>13th April 1995</i>

The Secretary of State for Social Security, in exercise of the powers conferred by sections 30E(1), 57(1)(a)(ii), 90(b), 113(1)(a), 122(1) and 175(1) to (4) of, and paragraph 2(3) of Schedule 7 to, the Social Security Contributions and Benefits Act 1992(1) and sections 155(3), 189(1), (3) and (4) and section 191 of the Social Security Administration Act 1992(2), and of all other powers enabling him in that behalf, by this instrument, which contains only provisions in consequence of an order under section 150 of the Social Security Administration Act 1992, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security Benefits Up-rating Regulations 1995 and shall come into force as follows —

- (a) except for regulation 7, on 10th April 1995; and
- (b) regulation 7 on 13th April 1995.

(2) In these Regulations, unless the context otherwise requires—

- “the Administration Act” means the Social Security Administration Act 1992; and
- “the up-rating order” means the Social Security Benefits Up-rating Order 1995(3).

Exceptions relating to payment of additional benefit under awards made before the commencing date

2. Section 155(3) of the Administration Act (effect of alteration of rates of benefit under Parts II to V of the Contributions and Benefits Act) shall not apply if a question arises as to either —

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- (1) 1992 c. 4. Section 30E was inserted by the Social Security (Incapacity for Work) Act 1994 (c. 18), section 3(1). Section 122(1) is cited because of the meaning it ascribes to the word “prescribe”.
 - (2) 1992 c. 5. Section 191 is cited because of the meaning it ascribes to the word “prescribe”.
 - (3) S.I.1995/559.

(a) the weekly rate at which the benefit is payable by virtue of the up-rating order; or
 (b) whether the conditions for the receipt of the benefit at the altered rate are satisfied,
 until that question has been determined in accordance with the provisions of the Administration Act.

Persons not ordinarily resident in Great Britain

3. Regulation 5 of the Social Security Benefit (Persons Abroad) Regulations 1975(4) (application of disqualification in respect of up-rating of benefits) shall apply to any additional benefit payable by virtue of the up-rating order.

Amendment of the Social Security (General Benefit) Regulations 1982

4. In regulation 16 of the Social Security (General Benefit) Regulations 1982(5) (earnings level for the purpose of unemployability supplement) for the sum of “£2236.00” there shall be substituted the sum of “£2288.00”.

Amendment of the Social Security Benefit (Dependency) Regulations 1977

5. In paragraph 2B of Schedule 2 to the Social Security Benefit (Dependency) Regulations 1977(6) (prescribed circumstances for increase of invalid care allowance) —

- (a) in sub-paragraph (a) for the sum of “£120” there shall be substituted the sum of “£125”; and
- (b) in sub-paragraph (b) for the sum of “£120” there shall be substituted the sum of “£125”.

Amendment of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983

6. In paragraph (3) of regulation 3 of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983(7) (persons deemed to be incapable of work), for the sum of “£43.00” there shall be substituted the sum of “£44.00”.

Amendment of the Social Security (Incapacity Benefit) Regulations 1994

7. In regulation 8 of the Social Security (Incapacity Benefit) Regulations 1994(8) (limit of earnings from councillor’s allowance), for the sum of “£43.00” there shall be substituted the sum of “£44.00”.

Revocation

8. The Social Security Benefits Up-rating Regulations 1994(9) are hereby revoked.

(4) S.I. 1975/563. The relevant amending instruments are S.I. 1977/342, 1979/1432, 1988/435, 1989/1642, 1990/621, 1992/1700 and 1994/1832.
 (5) S.I. 1982/1408. The relevant amending instrument is S.I. 1994/559. Unemployability supplement is only payable to those beneficiaries in receipt of it immediately before 6th April 1987— see Social Security Contributions and Benefits Act 1992, section 106, and Schedule 7, paragraph 1.
 (6) S.I. 1977/343. The relevant amending instruments are S.I. 1984/1699 and 1993/723.
 (7) S.I. 1983/1598. The relevant amending instruments are S.I. 1987/688 and 1994/559.
 (8) S.I. 1994/2946.
 (9) S.I. 1994/559.

Signed by authority of the Secretary of State for Social Security.

7th March 1995

William Hague
Minister of State,
Department of Social Security

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

This instrument contains only provisions in consequence of an order under section 150 of the Social Security Administration Act 1992 (up-rating of benefits). Accordingly, by virtue of paragraphs 3 and 12 of Schedule 7 to that Act, the Secretary of State has not referred these Regulations to the Social Security Advisory Committee or to the Industrial Injuries Advisory Council.

Regulation 2 provides that where a question has arisen about the effect of the up-rating order (defined in regulation 1(2) of these Regulations) on a benefit already in payment the altered rates will not apply until that question is determined by an adjudicating authority.

Regulation 3 applies the provisions of regulation 5 of the Social Security Benefit (Persons Abroad) Regulations 1975 so as to restrict the application of the increases specified in the up-rating order in cases where the beneficiary lives abroad.

Regulation 4 raises from £2236.00 to £2288.00 a year the earnings limit which applies to unemployment supplement.

Regulation 5 raises from £120.00 to £125.00 one of the earnings limits for child dependency increases payable with invalid care allowance.

Regulation 6 raises from £43.00 to £44.00 the earnings limit which applies to those undertaking work in certain circumstances while receiving sickness or invalidity benefit. Because sickness and invalidity benefit will be replaced by incapacity benefit from 13th April 1995 this provision will have effect only for the period 10th April to 12th April 1995.

Regulation 7 raises from £43.00 to £44.00 the limit of earnings from a councillor's allowance in relation to incapacity benefit.

Regulation 8 contains a revocation consequential upon the coming into force of these Regulations. These Regulations do not impose any costs on business.