

**2001 No. 910**

**SOCIAL SECURITY**

**The Social Security Benefits Up-rating Regulations 2001**

<i>Made</i> - - - -	<i>12th March 2001</i>
<i>Laid before Parliament</i>	<i>19th March 2001</i>
<i>Coming into force</i>	<i>9th April 2001</i>

The Secretary of State for Social Security, in exercise of the powers conferred by sections 30E(1), 90, 113(1), 122(1), 171D, 171G(2), 175(1) to (4) of, and paragraph 2(3) of Schedule 7 to, the Social Security Contributions and Benefits Act 1992(a), and sections 155(3), 189(1), (3) and (4) and 191 of the Social Security Administration Act 1992(b), 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 2001 and shall come into force on 9th April 2001.

(2) In these Regulations—

“the Administration Act” means the Social Security Administration Act 1992; and

“the Up-rating Order” means the Social Security Benefits Up-rating (No. 2) Order 2000(c).

**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—

(a) the weekly rate at which the benefit is payable by virtue of the Up-rating Order, or

(b) whether the conditions for 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.

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(a) 1992 c. 4. Section 90 has been amended by section 70 of, and paragraph 26 of Schedule 8 to, the Welfare Reform and Pensions Act 1999 (c. 30). Section 171D was inserted by section 6(1) of the Social Security (Incapacity for Work) Act 1994 (c. 18). Sections 122(1) and 171G(2) are cited for the meaning assigned to the word “prescribe”.

(b) 1992 c. 5. Section 191 is cited for the meaning assigned to the word “prescribe”.

(c) S.I. 2001/207.

### **Persons not ordinarily resident in Great Britain**

3. Regulation 5 of the Social Security Benefit (Persons Abroad) Regulations 1975(a) (application of disqualification in respect of up-rating of benefit) 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(b) (earnings level for the purpose of unemployability supplement) for the sum of “£3,094” substitute the sum of “£3,146”.

### **Amendment of the Social Security (Incapacity Benefit) Regulations 1994**

5. In regulation 8 of the Social Security (Incapacity Benefit) Regulations 1994(c) (limit of earnings from councillor’s allowance) for the sum of “£59.50” substitute the sum of “£60.50”.

### **Amendment of the Social Security (Incapacity for Work) (General) Regulations 1995**

6. In regulation 17(2)(a) of the Social Security (Incapacity for Work) (General) Regulations 1995(d) (weekly limit in relation to exempt work) for the sum of “£59.50” substitute the sum of “£60.50”.

### **Amendment of the Social Security Benefit (Dependency) Regulations 1977**

7. In paragraph 2B of Schedule 2 to the Social Security Benefit (Dependency) Regulations 1977(e) (increase of invalid care allowance for child dependants)—

- (a) for the sum of “£145” in both places where it occurs, substitute the sum of “£150”; and
- (b) for the sum of “£19” substitute the sum of “£20”.

### **Revocations**

8. The Social Security Benefits Up-rating Regulations 1999(f) (to the extent that they remain in force), the Social Security Benefits Up-rating Regulations 2000(g), the Social Security Benefits Up-rating and Miscellaneous Increases Regulations 2000(h) and the Social Security (Therapeutic Earnings Limits) Amendments Regulations 2000(i) are hereby revoked.

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

12th March 2001

*Jeff Rooker*  
Minister of State,  
Department of Social Security

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(a) 1975/563; relevant amending instruments are S.I. 1977/342, 1979/1432, 1988/435, 1989/1642, 1990/621, 1992/1700, 1994/1832 and 2000/2876.  
(b) 1982/1408; relevant amending instrument is S.I. 2000/2028.  
(c) S.I. 1994/2946; relevant amending instrument is S.I. 2000/2028.  
(d) 1995/311; relevant amending instrument is S.I. 2000/2028.  
(e) S.I. 1977/343; paragraph 2B was inserted by S.I. 1984/1699; relevant amending instrument is S.I. 1999/858.  
(f) S.I. 1999/858.  
(g) S.I. 2000/526.  
(h) S.I. 2000/527.  
(i) S.I. 2000/2028.

## 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 paragraph 3 of Schedule 7 to that Act, the Secretary of State has not referred these Regulations to the Social Security Advisory Committee.

Regulation 2 provides that where a question has arisen about the effect of the Social Security Benefits Up-rating (No. 2) Order 2000 (S.I. 2001/207) (“the Up-rating Order”) on a benefit already in payment, the altered rates will not apply until that question is determined by the Secretary of State, an appeal tribunal or a commissioner.

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 increase specified in the Up-rating Order in cases where the beneficiary lives abroad.

Regulation 4 raises from £3,094 to £3,146 per year the earnings limit which applies to unemployment supplement.

Regulation 5 raises from £59.50 to £60.50 per week the limit of earnings from a councillor’s allowance in relation to incapacity benefit. This figure is also relevant for the purposes of severe disablement allowance by virtue of regulation 8A of the Social Security (Severe Disablement Allowance) Regulations 1984 (S.I. 1984/1303).

Regulation 6 raises from £59.50 to £60.50 per week the earnings limit which applies to incapacity for work.

Regulation 7 raises from £145 to £150 and from £19 to £20 the earnings limits for child dependency increases payable with invalid care allowance.

Regulation 8 contains revocations consequential upon the coming into force of these Regulations.

These Regulations do not impose any costs on business.

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The Social Security Benefits Up-rating Regulations 2001

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