
STATUTORY INSTRUMENTS

2004 No. 552

The Social Security Benefits Up-rating Order 2004

PART III

INCOME SUPPORT, HOUSING BENEFIT AND COUNCIL TAX BENEFIT

Applicable amounts for Income Support

16.—(1) The sums relevant to the calculation of an applicable amount as specified in the Income Support Regulations shall be the sums set out in the following provisions of this article and Schedules 2 to 5 to this Order; and for this purpose references in this article to a numbered regulation or Schedule are, unless the context otherwise requires, references to the regulation of, or the Schedule to, the Income Support Regulations bearing that number.

(2) In—

- (a) regulations 17(1)(b), 18(1)(c), 21(1) and 71(1)(a)(ii) and (d)(i); and
- (b) paragraphs 13A(2)(a) and 14(a) of Part III of Schedule 2,

the sum specified is in each case £3,000.

(3) The sums specified in Part I of Schedule 2(1) (applicable amounts: personal allowances) shall be as set out in Schedule 2 to this Order.

(4) In paragraph 3 of Part II of Schedule 2(2) (applicable amounts: family premium)—

- (a) in sub-paragraph (1)(a) for “£15.90” substitute “£15.95”; and
- (b) in sub-paragraph (1)(b) for “£15.75” substitute “£15.95”.

(5) The sums specified in Part IV of Schedule 2(3) (applicable amounts: weekly amounts of premiums) shall be as set out in Schedule 3 to this Order.

(6) In paragraph 18 of Schedule 3(4) (housing costs: non-dependant deductions)—

- (a) in sub-paragraph (1)(a) “£47.75” remains unchanged;
- (b) in sub-paragraph (1)(b) “£7.40” remains unchanged;
- (c) in sub-paragraph (2)(a) for “£92.00” substitute “£97.00”;
- (d) in sub-paragraph (2)(b)—
 - (i) for “£92.00” substitute “£97.00”;
 - (ii) for “£137.00” substitute “£144.00”;
 - (iii) “£17.00” remains unchanged;

(e) in sub-paragraph (2)(c)—

- (i) for “£137.00” substitute “£144.00”;

(1) Relevant amending instrument is [S.I. 1996/206](#).

(2) Relevant amending instruments are [S.I. 1996/1803](#), [1998/766](#) and [1999/2555](#).

(3) Relevant amending instruments are [S.I. 1996/1803](#), [2000/2239](#) and [2003/526](#).

(4) Schedule 3 was substituted by [S.I. 1995/1613](#); relevant amending instruments are [S.I. 1995/2927](#), [1996/2518](#) and [1999/3178](#).

- (ii) for “£177.00” substitute “£186.00”;
- (iii) “£23.35” remains unchanged;
- (f) in sub-paragraph (2)(d)—
 - (i) for “£177.00” substitute “£186.00”;
 - (ii) for “£235.00” substitute “£247.00”;
 - (iii) “£38.20” remains unchanged; and
- (g) in sub-paragraph (2)(e)—
 - (i) for “£235.00” substitute “£247.00”;
 - (ii) for “£293.00” substitute “£308.00”;
 - (iii) “£43.50” remains unchanged.
- (7) Those sums relevant to the calculation of an applicable amount which are specified in Schedule 7 (applicable amounts in special cases)—
 - (a) which are amended by this Order shall be as set out in Part I of Schedule 4 to this Order; and
 - (b) which are not increased by this Order are the sums set out in Part II of that Schedule.
- (8) The sums specified in any provision of the Income Support Regulations set out in column (1) of Schedule 5 to this Order are the sums set out in column (2) of that Schedule.
- (9) In paragraph 19(b) of Schedule 9(5) (sums to be disregarded in the calculation of income other than earnings) for “£9.65” substitute “£9.80”.

Income Support Transitional Protection

17. It is hereby directed(6) that the sums which are special transitional additions to income support payable in accordance with regulation 15 of the Income Support (Transitional) Regulations 1987(7) (special transitional addition) shall be increased by 1.8 per cent. of their amount apart from this Order.

The Relevant Sum for Income Support

18. In section 126(7) of the Contributions and Benefits Act(8) (trade disputes: the relevant sum) for “£29.50” substitute “£30.00”.

Housing Benefit

19.—(1) As from a date determined in accordance with article 1 of this Order, the sums relevant to the calculation of an applicable amount as specified in the Housing Benefit Regulations shall be the sums set out in the following provisions of this article and Schedules 6 and 7 to this Order; and for this purpose references in this article to a numbered regulation or Schedule are, unless the context otherwise requires, references to the regulation of, or the Schedule to, the Housing Benefit Regulations bearing that number.

(2) In—

- (a) regulations 16(b) and 17(c); and
- (b) paragraphs 13A(2)(a) and 14(a) of Part III of Schedule 2 (applicable amounts),

the sum specified is in each case £3,000.

(5) Relevant amending instruments are [S.I. 1994/527](#) and [1995/516](#).

(6) See section 151(6) of the Administration Act.

(7) [S.I. 1987/1969](#); relevant amending instruments are [S.I. 1988/521](#) and [670](#), [1989/1626](#) and [1991/1600](#).

(8) See section 126(8) of the Contributions and Benefits Act.

- (3) In regulation 18(1)(9) (patients)—
- (a) in sub-paragraphs (a), (b) and (d)(ii) for “£19.35” substitute “£19.90” in each case;
 - (b) in sub-paragraphs (c)(i) and (d)(i) for “£15.50” substitute “£15.90” in each case; and
 - (c) in sub-paragraph (c)(ii) for “£38.70” substitute “£39.80”.
- (4) In regulation 21(1A)(10) (calculation of income on a weekly basis)—
- (a) in sub-paragraph (a) for “£94.50” substitute “£135.00”; and
 - (b) in sub-paragraph (b) for “£140” substitute “£200”.
- (5) In regulation 63(11) (non-dependant deductions)—
- (a) in paragraph (1)(a) “£47.75” remains unchanged;
 - (b) in paragraph (1)(b) “£7.40” remains unchanged;
 - (c) in paragraph (2)(a) for “£92.00” substitute “£97.00”;
 - (d) in paragraph (2)(b)—
 - (i) for “£92.00” substitute “£97.00”;
 - (ii) for “£137.00” substitute “£144.00”;
 - (iii) “£17.00” remains unchanged;
 - (e) in paragraph (2)(c)—
 - (i) for “£137.00” substitute “£144.00”;
 - (ii) for “£177.00” substitute “£186.00”;
 - (iii) “£23.35” remains unchanged;
 - (f) in paragraph (2)(d)—
 - (i) for “£177.00” substitute “£186.00”;
 - (ii) for “£235.00” substitute “£247.00”;
 - (iii) “£38.20” remains unchanged; and
 - (g) in paragraph (2)(e)—
 - (i) for “£235.00” substitute “£247.00”;
 - (ii) for “£293.00” substitute “£308.00”;
 - (iii) “£43.50” remains unchanged.
- (6) In paragraph 1A of Part I of Schedule 1(12) (ineligible service charges), for “£19.50”, “£19.50”, “£9.85”, “£12.95”, “£12.95”, “£6.55” and “£2.40” substitute “£19.85”, “£19.85”, “£10.05”, “£13.20”, “£13.20”, “£6.65” and “£2.45” respectively.
- (7) In paragraph 5 of Part II of Schedule 1(13) (payments in respect of fuel charges)—
- (a) in sub-paragraph (2)(a) for “£9.65” substitute “£9.80”; and
 - (b) in sub-paragraph (2)(b) and (d) for “£1.15” substitute “£1.20”.
- (8) The sums specified in Part I of Schedule 2(14) (applicable amounts: personal allowances) shall be as set out in Schedule 6 to this Order.
- (9) In paragraph 3 of Part II of Schedule 2(15) (applicable amounts: family premium)—

(9) Relevant amending instruments are [S.I. 1996/1803](#) and [2432](#).

(10) Paragraph (1A) was inserted by [S.I. 1997/2793](#) and amended by [S.I. 2001/1864](#).

(11) Relevant amending instruments are [S.I. 1990/546](#), [1992/50](#) and [1996/2518](#).

(12) Paragraph 1A was inserted by [S.I. 1988/1444](#) and amended by [S.I. 1989/416](#) and [1997/65](#).

(13) Relevant amending instrument is [S.I. 1988/1444](#).

(14) Relevant amending instruments are [S.I. 1996/2545](#) and [1999/2555](#).

(15) Relevant amending instruments are [S.I. 1996/1803](#) and [1998/766](#).

- (a) in sub-paragraph (1)(a) “£22.20” remains unchanged;
- (b) in sub-paragraph (1)(b) for “£15.75” substitute “£15.95”; and
- (c) in sub-paragraph (1A)(16) for “£10.45” substitute “£10.50”.

(10) The sums specified in Part IV of Schedule 2(17) (applicable amounts: premiums) shall be as set out in Schedule 7 to this Order.

(11) In paragraph 16(1) and (3)(c) of Schedule 3(18) (sums to be disregarded in the calculation of earnings) for “£11.90” substitute “£12.32”.

(12) In Schedule 4 (sums to be disregarded in the calculation of income other than earnings)—

- (a) in paragraph 20(b)(19) for “£9.65” substitute “£9.80”; and
- (b) in paragraph 58(20) for “£11.90” substitute “£12.32”.

Housing Benefit for certain persons over the qualifying age for State Pension Credit

20.—(1) This article applies to persons to whom regulation 2 of the Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003(21) (“the 2003 Regulations”) applies and references in this article to the Housing Benefit Regulations are to the Housing Benefit Regulations as modified by the 2003 Regulations in their application to those persons.

(2) As from a date determined in accordance with article 1 of this Order, the sums relevant to the calculation of an applicable amount as specified in the Housing Benefit Regulations shall be the sums set out in the following provisions of this article and Schedules 8 and 9 to this Order; and for this purpose references in this article to a numbered regulation or Schedule are, unless the context otherwise requires, references to the regulation of, or the Schedule to, the Housing Benefit Regulations bearing that number.

(3) In regulation 16(3)(a)(22) (applicable amounts) “20 per cent.” remains unchanged.

(4) In regulation 26(3) (calculation of income on a weekly basis)—

- (a) in sub-paragraph (a) for “£94.50” substitute “£135.00”; and
- (b) in sub-paragraph (b) for “£140” substitute “£200”.

(5) The sums specified in Part I of Schedule 2A (applicable amounts: personal allowances) shall be as set out in Schedule 8 to this Order.

(6) In paragraph 3 of Part II of Schedule 2A (applicable amounts: family premium)—

- (a) in sub-paragraph (1) for “£15.75” substitute “£15.95”; and
- (b) in sub-paragraph (2) for “£10.45” substitute “£10.50”.

(7) The sums specified in Part IV of Schedule 2A (applicable amounts: amounts of premiums specified in Part III) shall be as set out in Schedule 9 to this Order.

(8) In paragraph 9(1) and (3)(c) of Schedule 3A(23) (sums disregarded from claimant’s earnings) for “£11.90” substitute “£12.32”.

(9) In paragraph 21 of Schedule 4A(24) (amounts to be disregarded in the calculation of income other than earnings) for “£11.90” substitute “£12.32”.

(16) Paragraph 3(1A) was inserted by [S.I. 2002/2402](#).

(17) Relevant amending instruments are [S.I. 1996/1803](#) and [2000/2239](#).

(18) Paragraph 16 was substituted by [S.I. 2002/2402](#) and amended by [S.I. 2003/770](#).

(19) Relevant amending instrument is [S.I. 1994/578](#).

(20) Paragraph 58 was substituted by [S.I. 1996/462](#) and amended by [S.I. 2002/2402](#) and [2003/770](#).

(21) [S.I. 2003/325](#).

(22) Relevant amending instruments are [S.I. 2003/1195](#) and [2275](#).

(23) Relevant amending instrument is [S.I. 2003/2275](#).

(24) Relevant amending instrument is [S.I. 2003/2275](#).

Council Tax Benefit

21.—(1) The sums relevant to the calculation of an applicable amount as specified in the Council Tax Benefit Regulations shall be the sums set out in the following provisions of this article and Schedules 10 and 11 to this Order; and for this purpose references in this article to a numbered regulation or Schedule are, unless the context otherwise requires, references to the regulation of, or the Schedule to, the Council Tax Benefit Regulations bearing that number.

(2) In—

(a) regulations 8(b) and 9(c); and

(b) paragraphs 14A(2)(a) and 15(a) of Part III of Schedule 1 (applicable amounts),
the sum specified is in each case £3,000.

(3) In regulation 10(1)(**25**) (patients)—

(a) in sub-paragraphs (a), (b) and (d)(ii) for “£19.35” substitute “£19.90” in each case;

(b) in sub-paragraphs (c)(i) and (d)(i) for “£15.50” substitute “£15.90” in each case; and

(c) in sub-paragraph (c)(ii) for “£38.70” substitute “£39.80”.

(4) In regulation 13(1A)(**26**) (calculation of income on a weekly basis)—

(a) in sub-paragraph (a) for “£94.50” substitute “£135.00”; and

(b) in sub-paragraph (b) for “£140” substitute “£200”.

(5) In regulation 52(**27**) (non-dependant deductions)—

(a) in paragraph (1)(a) “£6.95” remains unchanged;

(b) in paragraph (1)(b) “£2.30” remains unchanged;

(c) in paragraph (2)(a) for “£137.00” substitute “£144.00”;

(d) in paragraph (2)(b)—

(i) for “£137.00” substitute “£144.00”;

(ii) for “£235.00” substitute “£247.00”;

(iii) “£4.60” remains unchanged; and

(e) in paragraph (2)(c)—

(i) for “£235.00” substitute “£247.00”;

(ii) for “£293.00” substitute “£308.00”;

(iii) “£5.80” remains unchanged.

(6) The sums specified in Part I of Schedule 1(**28**) (applicable amounts: personal allowances) shall be as set out in Schedule 10 to this Order.

(7) In paragraph 3 of Part II of Schedule 1(**29**) (applicable amounts: family premium)—

(a) in sub-paragraph (1)(a) “£22.20” remains unchanged;

(b) in sub-paragraph (1)(b) for “£15.75” substitute “£15.95”; and

(c) in sub-paragraph (1A)(**30**) for “£10.45” substitute “£10.50”.

(25) Relevant amending instruments are [S.I. 1993/688](#) and [1996/1803](#).

(26) Paragraph (1A) was inserted by [S.I. 1997/2793](#) and amended by [S.I. 2001/1864](#).

(27) Relevant amending instruments are [S.I. 1996/2518](#) and [2003/526](#).

(28) Relevant amending instrument is [S.I. 1999/2555](#).

(29) Relevant amending instruments are [S.I. 1996/1803](#) and [1998/766](#).

(30) Paragraph 3(1A) was inserted by [S.I. 2002/2402](#).

(8) The sums specified in Part IV of Schedule 1(**31**) (applicable amounts: premiums) shall be as set out in Schedule 11 to this Order.

(9) In paragraph 1 of Schedule 2 (amount of alternative maximum council tax benefit)—

- (a) in sub-paragraph (2)(b)(i) for “£137.00” substitute “£144.00”;
- (b) in sub-paragraph (2)(b)(ii) for “£137.00” and “£177.00” substitute “£144.00” and “£186.00” respectively.

(10) In paragraph 16(1) and (3)(c) of Schedule 3(**32**) (sums to be disregarded in the calculation of earnings) for “£11.90” substitute “£12.32”.

(11) In Schedule 4 (sums to be disregarded in the calculation of income other than earnings)—

- (a) in paragraph 20(b)(**33**) for “£9.65” substitute “£9.80”; and
- (b) in paragraph 57(**34**) for “£11.90” substitute “£12.32”.

Council Tax Benefit for certain persons over the qualifying age for State Pension Credit

22.—(1) This article applies to persons to whom regulation 12 of the Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003 (“the 2003 Regulations”) applies and references in this article to the Council Tax Benefit Regulations are to the Council Tax Benefit Regulations as modified by the 2003 Regulations in their application to those persons.

(2) The sums relevant to the calculation of an applicable amount as specified in the Council Tax Benefit Regulations shall be the sums set out in the following provisions of this article and Schedules 12 and 13 to this Order; and for this purpose references in this article to a numbered regulation or Schedule are, unless the context otherwise requires, references to the regulation of, or the Schedule to, the Council Tax Benefit Regulations bearing that number.

(3) In regulation 8(3)(a)(**35**) (applicable amounts) “20 per cent.” remains unchanged.

(4) In regulation 18(3) (calculation of income on a weekly basis)—

- (a) in sub-paragraph (a) for “£94.50” substitute “£135.00”; and
- (b) in sub-paragraph (b) for “£140” substitute “£200”.

(5) The sums specified in Part I of Schedule 1A (applicable amounts: personal allowances) shall be as set out in Schedule 12 to this Order.

(6) In paragraph 3 of Part II of Schedule 1A (applicable amounts: family premium)—

- (a) in sub-paragraph (1) for “£15.75” substitute “£15.95”; and
- (b) in sub-paragraph (2) for “£10.45” substitute “£10.50”.

(7) The sums specified in Part IV of Schedule 1A (amounts of premiums specified in Part III) shall be as set out in Schedule 13 to this Order.

(8) In paragraph 9(1) and (3)(c) of Schedule 3A(**36**) (sums disregarded from claimant’s earnings) for “£11.90” substitute “£12.32”.

(9) In paragraph 21 of Schedule 4A(**37**) (amounts to be disregarded in the calculation of income other than earnings) for “£11.90” substitute “£12.32”.

(31) Relevant amending instruments are [S.I. 1996/1803](#) and [2000/2239](#).

(32) Paragraph 16 was substituted by [S.I. 2002/2402](#) and amended by [S.I. 2003/770](#).

(33) Relevant amending instrument is [S.I. 1994/578](#).

(34) Paragraph 57 was substituted by [S.I. 1996/462](#) and amended by [S.I. 2002/2402](#) and [2003/770](#).

(35) Relevant amending instruments are [S.I. 2003/1195](#) and [2275](#).

(36) Relevant amending instrument is [S.I. 2003/2275](#).

(37) Relevant amending instrument is [S.I. 2003/2275](#).

