

**EXPLANATORY MEMORANDUM TO THE
SOCIAL SECURITY (INDUSTRIAL INJURIES) (DEPENDENCY)
(PERMITTED EARNINGS LIMITS) ORDER 2005**

2005 No. 633

1. This explanatory memorandum has been prepared by the Department for Work and Pensions and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 These regulations increase the amount a spouse or partner is permitted to earn without the earnings affecting a child dependants increase payable in respect of Industrial Injuries Disablement Benefit with Unemployability Supplement. They are a consequence of the Social Security Benefits Up-rating Order 2005.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1 These regulations are made as part of the general annual uprating of the Social Security benefits. Paragraph 4 (4) of Schedule 7 to the Social Security Contributions and Benefits Act 1992 provides the conditions for receipt of a child dependency increase in Industrial Injuries Disablement Benefit with Unemployability Supplement. Paragraph 4 (5) of Schedule 7 allows the Secretary of State to increase the permitted earnings limit for the child dependency increase.

5. Extent

5.1 This instrument applies to all of Great Britain.

6. European Convention on Human Rights

6.1 Not applicable.

7. Policy Background

Unemployability Supplement is paid with Industrial Injuries Disablement Benefit where a person is incapable of any work as a result of their accident or disease and is likely to be permanently incapable of any work. In addition to personal benefit, a person in receipt of Unemployability Supplement can also receive an increase for any child dependants. This Order increases the amount that the spouse or partner, of a person in receipt of Industrial Injuries Disablement Benefit with Unemployability Supplement, is permitted to earn before it affects any child dependant's increase. The permitted earnings are increased by 3.1% and this is based on the Retail Price Index,

in September 2004: the same indicator of inflation for the main Social Security benefits. This Order is a consequence of the annual up-rating for the main Social Security benefits.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 The impact on the public sector is to add to programme expenditure but no additional administration costs will be incurred.

9. Contact

9.1 Caroline Vincent at the Department for Work and Pensions Tel: 01253 333046 or e-mail: Caroline.D.Vincent@Jobcentreplus.gsi.gov.uk can answer any queries regarding the instrument.