

**EXPLANATORY MEMORANDUM TO**  
**THE SOCIAL SECURITY (INDUSTRIAL INJURIES) (DEPENDENCY)**  
**(PERMITTED EARNINGS LIMITS) ORDER 2010**

**2010 No. 833**

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. **Purpose of the instrument**

This Order increases the amount a spouse or partner is permitted to earn without the earnings affecting an increase payable for dependent children or qualifying young persons, in respect of Industrial Injuries Disablement Benefit with Unemployability Supplement.

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

None.

4. **Legislative Context**

This Order is made as part of the general annual uprating of the Social Security benefits. It is consequential to the Social Security Benefits Up-rating Order 2010 (the Up-rating Order) and is required annually to complete the uprating exercise. The amount of benefit under the Industrial Injuries Disablement Benefit scheme can be increased where the beneficiary is entitled to Unemployability Supplement and child benefit but that increase is subject to an earnings limit. This order increases the amount that can be earned.

5. **Territorial Extent and Application**

This instrument applies to all of Great Britain.

6. **European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. **Policy Background**

- **What is being done and why**

7.1 Unemployability Supplement is paid with Industrial Injuries Disablement Benefit where a person is incapable of any work as a result of an 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 children or qualifying young persons. 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 such increase. The permitted earnings are increased by 1.5%, in line with rate of increase for Industrial Injuries Disablement Benefit, and is consequential to the Social Security Benefits Up-rating Order 2010.

- **Consolidation**

7.2 Informal consolidation of the instrument will be included in due course in the Department's "the law relating to Social Security" (the Blue Volumes) which are available at no cost to the public on the internet at: <http://www.dwp.gov.uk/advisers/docs/lawvols/bluevol/>

## **8. Consultation**

Consultation is not necessary because there is no policy change; the legislation simply enables our standing commitment to uprate on an annual basis.

## **9. Guidance**

A guidance bulletin detailing new rates will be issued to claim processors in the IIDB Jobcentre Plus offices.

## **10. Impact**

10.1 This instrument has no impact on business, charities or voluntary bodies.

10.2 The impact on the public sector is negligible.

10.3 A full impact assessment has not been prepared for this instrument.

## **11. Regulating small business**

The legislation does not apply to small business.

## **12. Monitoring and Review**

The changes in the payable rate aim to maintain the value of payment in line with the increase for Industrial Injuries Disablement Benefit.

## **13. Contact**

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