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STATUTORY INSTRUMENTS

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**2016 No. 246**

**SOCIAL SECURITY**

**The Social Security Benefits Up-rating Regulations 2016**

*Made* - - - - 25th February 2016

*Laid before Parliament* 1st March 2016

*Coming into force* - - 11th April 2016

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 113(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(1) and sections 155(3), 189(1), (4) and (5) and 191 of the Social Security Administration Act 1992(2).

These Regulations contain only provisions in consequence of an order under section 150A(3) of the Social Security Administration Act 1992(4).

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Social Security Benefits Up-rating Regulations 2016 and come into force on 11th April 2016.

(2) In these Regulations, “the Up-rating Order” means the Social Security Benefits Up-rating Order 2016(5).

**Exceptions relating to payment of additional benefit by virtue of the Up-rating Order**

2. Section 155(3) of the Social Security Administration Act 1992 (effect of alteration of rates of benefit under Parts 2 to 5 of the Social Security Contributions and Benefits Act 1992) shall not apply if a question arises as to either—

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- (1) 1992 c.4. Section 113(1) was amended by paragraph 38 of Schedule 24 to the Civil Partnership Act 2004 (c.33). Section 175(1) and (4) was amended by paragraph 29(2) and (4) respectively of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2) (“the 1999 Act”).
- (2) 1992 c.5. Section 189(1) was amended by section 86 of, and paragraph 109(a) of Schedule 7 and Schedule 8 to, the Social Security Act 1998 (c.14) (“the 1998 Act”), paragraph 57(2) of Schedule 3 to the 1999 Act and Schedule 6 to the Tax Credits Act 2002 (c.21). Section 189(4) was amended by section 86 of, and paragraph 109(c) of Schedule 7 and Schedule 8 to, the 1998 Act and article 4 of, and Part 1 of the Schedule to, S.I. 2013/252. Section 189(5) was amended by section 86 of, and paragraph 109(d) of Schedule 7 and Schedule 8 to, the 1998 Act. Section 191 is cited for the meaning assigned to the word “prescribed” and was amended by paragraph 10 of Schedule 5 to the Welfare Reform Act 2007 (c.5).
- (3) Section 150A was inserted by section 5(1) of the Pensions Act 2007 (c.22).
- (4) By virtue of section 172(1) and (3) of, and paragraph 3 of Schedule 7 to, the Social Security Administration Act 1992, there is no requirement to consult the Social Security Advisory Committee in respect of these Regulations.
- (5) S.I. 2016/230.

(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 Social Security Act 1998<sup>(6)</sup>.

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

3. Regulation 5 of the Social Security Benefit (Persons Abroad) Regulations 1975<sup>(7)</sup> (application of disqualification in respect of up-rating of benefit) shall apply to any additional benefit payable by virtue of the Up-rating Order.

### **Revocation**

4. Regulations 2 and 3 of the Social Security Benefits Up-rating Regulations 2015<sup>(8)</sup> are revoked.

Signed by authority of the Secretary of State for Work and Pensions.

25th February 2016

*Altmann*  
Minister of State,  
Department for Work and Pensions

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<sup>(6)</sup> 1998 c.14.  
<sup>(7)</sup> S.I. 1975/563; amending instruments are S.I. 1977/342, 1979/1432, 1989/1642, 1990/621, 1992/1700, 1994/1832, 2000/2876, 2005/1551 and 2877 and 2010/788.  
<sup>(8)</sup> S.I. 2015/496.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

This instrument contains only provisions made in consequence of an order under section 150A of the Social Security Administration Act 1992 (c.5).

Regulation 2 provides that where a question has arisen about the effect of the Social Security Benefits Up-rating Order 2016 (S.I. 2016/230) on a benefit already in payment, the altered rates will not apply until that question is determined by the Secretary of State, the First-tier Tribunal or the Upper Tribunal.

Regulation 3 applies the provisions of regulation 5 of the Social Security Benefit (Persons Abroad) Regulations 1975 (S.I. 1975/563) so as to restrict the application of the increases specified in the Social Security Benefits Up-rating Order 2016 in cases where the beneficiary is not ordinarily resident in Great Britain.

Regulation 4 revokes regulations 2 and 3 of the Social Security Benefits Up-rating Regulations 2015 (S.I. 2015/496).

An impact assessment has not been published for this instrument as it has no impact on business and civil society organisations.