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STATUTORY INSTRUMENTS

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**2020 No. 266**

**SOCIAL SECURITY**

**The Social Security Benefits Up-rating Regulations 2020**

*Made* - - - - *11th March 2020*  
*Laid before Parliament* *12th March 2020*  
*Coming into force* - - *6th April 2020*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 70(8), 90, 113(1), 122(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992 <sup>M1</sup>, sections 5(1)(p), 155(3), 189(1), (4) and (5) and 191 of the Social Security Administration Act 1992 <sup>M2</sup> and sections 53 and 54(5) of the Pensions Act 2014 <sup>M3</sup>.

These Regulations contain provisions in consequence of an order under sections 150 and 150A <sup>M4</sup> of the Social Security Administration Act 1992.

The Social Security Advisory Committee has agreed that proposals in respect of these Regulations should not be referred to it <sup>M5</sup>.

**Marginal Citations**

- M1** 1992 c.4. Section 90 was amended by paragraph 26 of Schedule 8 to the [Welfare Reform and Pensions Act 1999 \(c.30\)](#) and by article 2 of, and paragraphs 1 and 2 of the Schedule to, [S.I. 2002/1457](#). Section 90 was repealed by Schedule 6 to the [Tax Credits Act 2002 \(c.21\)](#) (“the 2002 Act”) in respect of child dependency increases, subject to savings by article 3 of [S.I. 2003/938](#). Section 90 was repealed for remaining purposes by sections 15(1)(b) and 58(2)(a) of, and Part 2 of Schedule 7 to, the [Welfare Reform Act 2009 \(c.24\)](#), subject to a saving by section 15(2)(b) of that Act. 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”). Section 122(1) is cited for the meaning assigned to the word “prescribed”.
- M2** 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 2002 Act. 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 \(c.5\)](#).
- M3** 2014 c.19.
- M4** Section 150A was inserted by section 5(1) of the [Pensions Act 2007 \(c.22\)](#).

*Status: Point in time view as at 12/04/2021.*

*Changes to legislation: There are currently no known outstanding effects for the The Social Security Benefits Up-rating Regulations 2020. (See end of Document for details)*

**M5** Section 173(1)(b) of the [Social Security Administration Act 1992 \(c.5\)](#) provides that proposals in respect of regulations which would otherwise be referable to the Social Security Advisory Committee may not be so referred with the agreement of that Committee.

**Citation, commencement, extent and interpretation**

**1.**—(1) These Regulations may be cited as the Social Security Benefits Up-rating Regulations 2020 and come into force on 6th April 2020.

(2) These Regulations extend to England and Wales and Scotland save for regulations 4 and 5 which extend to England and Wales only.

<sup>F1</sup>(3) .....

**Textual Amendments**

**F1** [Regulations](#) revoked in part (12.4.2021) by [The Social Security Benefits Up-rating Regulations 2021 \(S.I. 2021/312\)](#), [reg. 6](#)

**Commencement Information**

**I1** Reg. 1 in force at 6.4.2020, see reg. 1(1)

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

<sup>F1</sup>**2.** .....

**Textual Amendments**

**F1** [Regulations](#) revoked in part (12.4.2021) by [The Social Security Benefits Up-rating Regulations 2021 \(S.I. 2021/312\)](#), [reg. 6](#)

**Commencement Information**

**I2** Reg. 2 in force at 6.4.2020, see reg. 1(1)

**Persons not ordinarily resident in Great Britain**

<sup>F1</sup>**3.** .....

**Textual Amendments**

**F1** [Regulations](#) revoked in part (12.4.2021) by [The Social Security Benefits Up-rating Regulations 2021 \(S.I. 2021/312\)](#), [reg. 6](#)

**Amendment of the Social Security (Invalid Care Allowance) Regulations 1976**

**4.** In regulation 8(1) of the Social Security (Invalid Care Allowance) Regulations 1976 <sup>M6</sup> (circumstances in which a person is or is not to be treated as gainfully employed) for “£123”, in both places where it occurs, substitute “ £128 ”.

**Commencement Information**

**I3** Reg. 4 in force at 6.4.2020, see reg. 1(1)

**Marginal Citations**

**M6** [S.I. 1976/409](#); relevant amending instruments are [S.I. 1996/2744](#), 2002/2497 and 2019/552.

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

**5.** In paragraph 2B of Schedule 2 to the Social Security Benefit (Dependency) Regulations 1977<sup>M7</sup> (increase of carer's allowance for child dependants)—

- (a) for “£240”, in both places where it occurs, substitute “ £245 ”; and
- (b) for “£32” substitute “ £33 ”.

**Commencement Information**

**I4** Reg. 5 in force at 6.4.2020, see reg. 1(1)

**Marginal Citations**

**M7** [S.I. 1977/343](#). Paragraph 2B was inserted by [S.I. 1984/1699](#); relevant amending instruments are [S.I. 2002/2497](#) and 2019/552.

**Amendment of the Social Security (Claims and Payments) Regulations 1987**

<sup>F1</sup>**6.** .....

**Textual Amendments**

**F1** [Regulations](#) revoked in part (12.4.2021) by [The Social Security Benefits Up-rating Regulations 2021 \(S.I. 2021/312\)](#), [reg. 6](#)

**Revocation**

<sup>F1</sup>**7.** .....

**Textual Amendments**

**F1** [Regulations](#) revoked in part (12.4.2021) by [The Social Security Benefits Up-rating Regulations 2021 \(S.I. 2021/312\)](#), [reg. 6](#)

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

Department for Work and Pensions

*Will Quince*  
Parliamentary Under Secretary of State

**Status:** Point in time view as at 12/04/2021.

**Changes to legislation:** There are currently no known outstanding effects for the The Social Security Benefits Up-rating Regulations 2020. (See end of Document for details)

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## EXPLANATORY NOTE

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

This instrument contains provisions necessary to give full effect to the 2020 benefits and pensions up-rating exercise.

Regulation 2 provides that where a question has arisen about the effect of the Social Security Benefits Up-rating Order 2020 (S.I. 2020/234) 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) and regulation 21 of the State Pension Regulations 2015 (S.I. 2015/173) so as to restrict the application of the increases specified in the Social Security Benefits Up-rating Order 2020 in cases where the beneficiary is not ordinarily resident in Great Britain.

Regulation 4 increases from £123 to £128 the amount which a person eligible for payment of carer's allowance can earn in the immediately preceding week without being deemed to be gainfully employed and, therefore, losing their entitlement to carer's allowance. The Social Security Amendment (Carer's Allowance) Regulations 2002 (S.I. 2002/2497) replace references to "invalid care allowance" with references to "carer's allowance" in certain legislative provisions, but "Invalid Care Allowance" remains part of the title of the Social Security (Invalid Care Allowance) Regulations 1976 (S.I. 1976/409) for statutory purposes.

Regulation 5 raises from £240 to £245, and from £32 to £33, the earnings limit for child dependency increases payable with a carer's allowance. These increases were abolished by section 1(3)(e) of, and Schedule 6 to, the Tax Credits Act 2002 (c.21) but are saved for transitional cases by virtue of article 3 of the Tax Credits Act 2002 (Commencement No. 3 and Transitional Provisions and Savings) Order 2003 (S.I. 2003/938).

Regulation 6 increases from £25.60 to £26.05 the amount allowed for personal expenses for a person in certain accommodation, where that person's benefit is paid to the accommodation provider.

Regulation 7 revokes the Social Security Benefits Up-rating Regulations 2019 (S.I. 2019/552).

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, public or voluntary sector is foreseen.

**Status:**

Point in time view as at 12/04/2021.

**Changes to legislation:**

There are currently no known outstanding effects for the The Social Security Benefits Up-rating Regulations 2020.