
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.