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STATUTORY INSTRUMENTS

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**2021 No. 162**

**The Social Security Benefits Up-rating Order 2021**

**PART 6**

**EMPLOYMENT AND SUPPORT ALLOWANCE**

**Applicable amounts for the ESA Regulations 2008**

**31.**—(1) The sums that are relevant to the calculation of an applicable amount as specified in the ESA Regulations 2008 shall be the sums set out in this article and Schedules 11 and 12 to this Order; and unless stated otherwise, any reference in this article to a numbered Schedule is a reference to the Schedule to the ESA Regulations 2008 bearing that number.

(2) The sums specified in Part 1 of Schedule 4(1) (prescribed amounts) shall be as set out in paragraph 1 of Schedule 11 to this Order except in cases referred to in paragraph (3).

(3) In cases falling within paragraphs 2 to 7 of Schedule 2 to the ESA and UC Regulations 2017, the sums specified in paragraph 1 of Schedule 4 to the ESA Regulations 2008 shall be as set out in paragraph 2 of Schedule 11 to this Order.

(4) The sums specified in Part 3 of Schedule 4(2) (weekly amount of premiums specified in Part 2) shall be as set out in paragraph 1 of Schedule 12 to this Order.

(5) In cases falling within paragraphs 2 to 7 of Schedule 2 to the ESA and UC Regulations 2017, the sums specified in paragraph 11(1) of Schedule 4 to the ESA Regulations 2008 shall be as set out in paragraph 2 of Schedule 12 to this Order.

(6) In Part 4 of Schedule 4 (the component)—

(a) in cases falling within paragraphs 2 to 7 of Schedule 2 to the ESA and UC Regulations 2017, in paragraph 12 for “£29.55” substitute “£29.70”; and

(b) in paragraph 13(3) for “£39.20” substitute “£39.40”.

(7) In paragraph 12 of Schedule 6(4) (general provisions applying to housing costs) as it has effect in a case falling within regulation 20 of the LMI Regulations 2017(5)—

(a) in sub-paragraph (4) “£100,000” remains unchanged;

(b) in sub-paragraph (12)(b)(6) “£150,000” remains unchanged; and

(c) in sub-paragraph (12)(c) “£125,000” remains unchanged.

(8) In paragraph 19 of Schedule 6(7) (housing costs: non-dependant deductions)—

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(1) Relevant amending instruments are [S.I. 2008/2428](#), [2009/2655](#), [2011/2428](#) and [2020/234](#). Paragraph 1 of Schedule 4 was also amended by [S.I. 2017/204](#) and 581 but the amendments do not apply where any of the circumstances in paragraphs 2 to 7 of Schedule 2 to [S.I. 2017/204](#) apply.

(2) Relevant amending instruments are [S.I. 2008/2428](#), [2015/457](#) and [2020/234](#).

(3) Relevant amending instrument is [S.I. 2020/234](#).

(4) *See* [S.I. 2008/3195](#) which modifies paragraph 12(4) so that it applies as if the reference to “£100,000” were to “£200,000” in relation to certain persons.

(5) Relevant amending instrument is [S.I. 2018/307](#).

(6) Relevant amending instrument is [S.I. 2008/2428](#).

(7) Relevant amending instruments are [S.I. 2016/242](#) and [2020/234](#).

- (a) in sub-paragraph (1)(a) for “£102.35” substitute “£102.85”;
- (b) in sub-paragraph (1)(b) for “£15.85” substitute “£15.95”;
- (c) in sub-paragraph (2)(a) “£149.00” remains unchanged;
- (d) in sub-paragraph (2)(b)—
  - (i) for “£36.45” substitute “£36.65”;
  - (ii) “£149.00” remains unchanged; and
  - (iii) “£217.00” remains unchanged;
- (e) in sub-paragraph (2)(c)—
  - (i) for “£50.05” substitute “£50.30”;
  - (ii) “£217.00” remains unchanged; and
  - (iii) “£283.00” remains unchanged;
- (f) in sub-paragraph (2)(d)—
  - (i) for “£81.90” substitute “£82.30”;
  - (ii) “£283.00” remains unchanged; and
  - (iii) “£377.00” remains unchanged; and
- (g) in sub-paragraph (2)(e)—
  - (i) for “£93.25” substitute “£93.70”;
  - (ii) “£377.00” remains unchanged; and
  - (iii) “£469.00” remains unchanged.

### **Prescribed amount for the ESA Regulations 2013**

- 32.**—(1) In regulation 62 of the ESA Regulations 2013 (prescribed amounts)—
- (a) in paragraph (1)(a) and (b)(i)(**8**) for “£74.35” substitute “£74.70”;
  - (b) in paragraph (1)(b)(ii)(**9**) for “£58.90” substitute “£59.20”; and
  - (c) in paragraph (2)(**10**) for “£39.20” substitute “£39.40”.
- (2) In regulation 62(2) of the ESA Regulations 2013 (prescribed amounts), as it has effect in cases falling within paragraphs 2 to 7 of Schedule 2 to the ESA and UC Regulations 2017(**11**)—
- (a) in sub-paragraph (a) for “£29.55” substitute “£29.70”; and
  - (b) in sub-paragraph (b) for “£39.20” substitute “£39.40”.
- (3) In regulation 62 of the ESA Regulations 2013 (prescribed amounts) as modified by paragraph 12 of Schedule 2 to the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2010(**12**) as that paragraph is modified by paragraph 21(10) of Schedule 4 to the Welfare Reform Act 2012 (Commencement

(8) Relevant amending instruments are [S.I. 2015/30](#), [2017/204](#) and [581](#) and [2020/234](#).

(9) Relevant amending instruments are [S.I. 2015/30](#), [2017/204](#) and [581](#) and [2020/234](#).

(10) Relevant amending instruments are [S.I. 2017/204](#) and [2020/234](#).

(11) Regulation 62(2) was substituted by regulation 3 of [S.I. 2017/204](#) but that amendment does not apply where any of the circumstances in paragraphs 2 to 7 of Schedule 2 to that S.I. apply. Relevant amending instruments are [S.I. 2015/30](#) and [2020/234](#).

(12) [S.I. 2010/1907](#) (“the 2010 Regulations”). The 2010 Regulations modify the ESA Regulations 2008 for the purpose of the conversion of awards of incapacity benefit, income support and severe disablement allowance to employment and support allowance under the ESA Regulations 2008.

No. 9 and Transitional and Transitory Provisions and Commencement No. 8 and Savings and Transitional Provisions (Amendment) Order 2013(13)—

- (a) in paragraph (1)(a)(i) and (ii)(aa) for “£74.35” substitute “£74.70”; and
- (b) in paragraph (1)(a)(ii)(bb) for “£58.90” substitute “£59.20”.

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(13) [S.I. 2013/983](#). The Welfare Reform Act 2012 (Commencement No. 9 and Transitional and Transitory Provisions and Commencement No. 8 and Savings and Transitional Provisions (Amendment)) Order 2013 modifies the 2010 Regulations so that they refer to a modified form of the ESA Regulations 2013 for the purpose of the conversion of awards of incapacity benefit and severe disablement allowance to employment and support allowance under the ESA Regulations 2013.