

2023 No. 266

SOCIAL SECURITY

The Social Security Revaluation of Earnings Factors Order 2023

<i>Made</i> - - - -	<i>6th March 2023</i>
<i>Laid before Parliament</i>	<i>8th March 2023</i>
<i>Coming into force</i> - -	<i>6th April 2023</i>

In accordance with section 148(2) of the Social Security Administration Act 1992(a), the Secretary of State for Work and Pensions has reviewed the general level of earnings obtaining in Great Britain.

The Secretary of State has concluded, having regard to earlier orders made under section 148(b) of that Act, that earnings factors(c) for the relevant tax years have not, during the period taken into account for that review, maintained their value in relation to the general level of earnings.

Accordingly, the Secretary of State makes this Order in exercise of the powers conferred by sections 148(3) and (4) and 189(4) and (5) of the Social Security Administration Act 1992(d).

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- (a) 1992 c. 5 (“the Administration Act”). Section 148(2) was amended by section 37 of the Child Support, Pensions and Social Security Act 2000 (c. 19) (“the 2000 Act”).
- (b) Section 148(7) of the Administration Act was amended by paragraph 27 of Schedule 8 to the Pension Schemes Act 1993 (c. 48) (“the 1993 Act”). Section 148(7)(b) provides that orders under section 21 (revaluation of earnings factors) of the Social Security Pensions Act 1975 (c. 60) are to be treated as orders under section 148. Relevant orders are therefore S.I. 1979/832, 1980/728, 1981/598, 1982/607, 1983/655, 1984/581, 1985/688, 1986/809, 1987/861, 1988/867, 1989/805, 1990/1412, 1991/1108, 1992/1102, 1993/1159, 1994/1105, 1995/1070, 1996/1133, 1997/1117, 1998/1137, 1999/1235, 2000/1365, 2001/631, 2002/519, 2003/517, 2004/262, 2005/216, 2006/496, 2007/781, 2008/730, 2009/608, 2010/470, 2011/475, 2012/187, 2013/527, 2014/367, 2015/187, 2016/205, 2017/287, 2018/271, 2019/376, 2020/193, 2021/267 and 2022/216.
- (c) *See* in respect of additional pensions sections 22 and 23 of the Social Security Contributions and Benefits Act 1992 (c. 4) (“the Contributions and Benefits Act”). Section 22 was amended by paragraph 22 of Schedule 2 to the Jobseekers Act 1995 (c. 18), paragraph 61 of Schedule 7 to the Social Security Act 1998 (c. 14) (“the 1998 Act”), section 30(1) of the 2000 Act, paragraph 7 of Schedule 1 to the National Insurance Contributions Act 2002 (c. 19) (“the 2002 Act”), paragraph 9(3) and (4) of Schedule 3 to the Welfare Reform Act 2007 (c. 5), section 12(1) of, and paragraphs 9 and 33 of Schedule 1 to, the Pensions Act 2007 (c. 22), section 3(2) of, and paragraph 2 of Schedule 1 to, the National Insurance Contributions Act 2008 (c. 16) (“the 2008 Act”) and paragraph 6 of Schedule 12, and paragraph 5 of Schedule 16, to the Pensions Act 2014 (c. 19) (“the 2014 Act”). Section 23 was amended by paragraph 36 of Schedule 8 to the 1993 Act, section 134(1) of the Pensions Act 1995 (c. 26) (“the 1995 Act”), paragraph 8 of Schedule 1 to the 2002 Act and paragraph 3(2) and (3) of Schedule 1 to the 2008 Act. *See also* in respect of guaranteed minimum pensions section 14 of the 1993 Act, as amended by paragraph 27 of Schedule 5, and Part 3 of Schedule 7, to the 1995 Act, paragraph 38 of Schedule 1 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), paragraph 22(1) and (3) of Schedule 11 to the Proceeds of Crime Act 2002 (c. 29) and paragraphs 1 and 15 of Schedule 13 to the 2014 Act. *See also* paragraphs 4(2), 8(4) and 9(4) of Schedule 4B to the Contributions and Benefits Act under which flat rate accrual amounts of additional state pension are to be increased by reference to the percentage figure specified for 2015-2016 in orders under section 148 of the Administration Act. *See also* paragraph 2(6) of each of Schedules 8 and 10 to the 2014 Act under which old state scheme pension debits and credits are to be increased by reference to percentage figures specified in orders under section 148 of the Administration Act.
- (d) Relevant amendments to section 189 of the Administration Act are made by paragraph 109 of Schedule 7, and Schedule 8, to the 1998 Act and S.I. 2013/252.

Citation, commencement and extent

1.—(1) This Order may be cited as the Social Security Revaluation of Earnings Factors Order 2023 and comes into force on 6th April 2023.

(2) This Order extends to England and Wales and Scotland.

Revaluation of earnings factors

2. Earnings factors for the tax years specified in the Schedule to this Order in so far as they are relevant—

(a) to the calculation of—

(i) the additional pension in the rate of any long-term benefit; or

(ii) any guaranteed minimum pension(a); or

(b) to any other calculation required under Part 3 of the Pension Schemes Act 1993(b) (including that Part as modified by or under any other enactment),

are directed(c) to be increased by the percentage of their amount shown opposite those tax years in that Schedule.

Rounding of fractional amounts

3. Where any earnings factor relevant to the calculation specified in article 2(a)(i), as increased in accordance with this Order, would not but for this article be expressed as a whole number of pounds, it is to be so expressed by rounding down any fraction of a pound less than one half and rounding up any other fraction of a pound.

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

6th March 2023

Laura Trott
Parliamentary Under Secretary of State
Department for Work and Pensions

SCHEDULE

Article 2

Percentage increase of earnings factors for specified tax years

<i>Tax year</i>	<i>Percentage increase</i>
1978-1979	1029.5
1979-1980	897.0
1980-1981	732.9
1981-1982	597.6
1982-1983	533.6
1983-1984	488.3
1984-1985	444.7
1985-1986	411.0
1986-1987	369.2
1987-1988	336.9
1988-1989	301.9

(a) Earnings factors for any year after 1996-1997 are not relevant to the calculation of any guaranteed minimum pension: section 14(8) of the 1993 Act as amended by paragraph 27(b) of Schedule 5 to the 1995 Act.

(b) 1993 c. 48.

(c) See section 148(4) of the Administration Act.

<i>Tax year</i>	<i>Percentage increase</i>
1989-1990	262.7
1990-1991	238.1
1991-1992	207.0
1992-1993	188.3
1993-1994	174.6
1994-1995	166.3
1995-1996	155.1
1996-1997	148.1
1997-1998	136.3
1998-1999	125.9
1999-2000	116.8
2000-2001	104.0
2001-2002	96.1
2002-2003	88.0
2003-2004	81.5
2004-2005	74.9
2005-2006	68.0
2006-2007	62.5
2007-2008	56.1
2008-2009	49.8
2009-2010	45.3
2010-2011	43.5
2011-2012	40.3
2012-2013	37.8
2013-2014	35.4
2014-2015	34.2
2015-2016	32.2
2016-2017	29.6
2017-2018	26.3
2018-2019	22.7
2019-2020	19.3
2020-2021	14.7
2021-2022	11.8
2022-2023	7.0

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made following a review under section 148 (revaluation of earnings factors) of the Social Security Administration Act 1992 (c. 5).

This Order applies to earnings factors relevant to the calculation of additional pension in any long-term benefit or of any guaranteed minimum pension or to any other calculation required under Part 3 of the Pension Schemes Act 1993 (c. 48) (“the 1993 Act”). Article 2 provides that, for those purposes, earnings factors for the tax years specified in the Schedule to this Order are to be increased by the percentage of their amount specified in that Schedule; the effect is that earnings factors for those years are revalued at 2022-2023 earnings levels.

Accruals of additional state pension ended with the introduction of new state pension on 6th April 2016. Revaluation of earnings factors is still required for inherited additional state pension in certain circumstances (see sections 48B and 51 of the Social Security Contributions and Benefits Act 1992 (c. 4) (“the Contributions and Benefits Act”).

The percentages specified in this Order for the tax years from and including 2000-2001 are used in the revaluation of old state scheme pension debits and credits (awarded under section 49(1) of the Welfare Reform and Pensions Act 1999 (c. 30)) in accordance with sections 13 and 14 of, and paragraph 2(6) of each of Schedules 8 and 10 to, the Pensions Act 2014 (c. 19). The percentage specified for 2015-2016 is used to increase flat rate accrual amounts of additional state pension in accordance with paragraphs 4(2), 8(4) and 9(4) of Schedule 4B to the Contributions and Benefits Act.

Accruals of guaranteed minimum pensions ended on 6th April 1997 by virtue of section 14(8) of the 1993 Act. Revaluation of earnings factors is still required for guaranteed minimum pensions which are not yet in payment.

Article 3 of this Order provides for rounding fractional amounts for earnings factors relevant to the calculation of the additional pension in the rate of any long-term benefit. By virtue of section 23(2) of the Contributions and Benefits Act, rounding is not required for the purpose of calculating guaranteed minimum pensions.

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

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