



# Social Security Administration Act 1992

## 1992 CHAPTER 5

### PART XI

#### COMPUTATION OF BENEFITS

#### **155 Effect of alteration of rates of benefit under Parts II to V of Contributions and Benefits Act**

- (1) This section has effect where the rate of any benefit to which this section applies is altered—
  - (a) by an Act subsequent to this Act;
  - (b) by an order under section 150 or 152 above; or
  - (c) in consequence of any such Act or order altering any maximum rate of benefit; and in this section “the commencing date” means the date fixed for payment of benefit at an altered rate to commence.
- (2) This section applies to benefit under Part II, III, IV or V of the Contributions and Benefits Act.
- (3) Subject to such exceptions or conditions as may be prescribed, where—
  - (a) the weekly rate of a benefit to which this section applies is altered to a fixed amount higher or lower than the previous amount; and
  - (b) before the commencing date an award of that benefit has been made (whether before or after the passing of the relevant Act or the making of the relevant order),

except as respects any period falling before the commencing date, the benefit shall become payable at the altered rate without any claim being made for it in the case of an increase in the rate of benefit or any review of the award in the case of a decrease, and the award shall have effect accordingly.

- (4) Where—
  - (a) the weekly rate of a benefit to which this section applies is altered; and

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- (b) before the commencing date (but after that date is fixed) an award is made of the benefit,  
the award either may provide for the benefit to be paid as from the commencing date at the altered rate or may be expressed in terms of the rate appropriate at the date of the award.
- (5) Where in consequence of the passing of an Act, or the making of an order, altering the rate of disablement pension, regulations are made varying the scale of disablement gratuities, the regulations may provide that the scale as varied shall apply only in cases where the period taken into account by the assessment of the extent of the disablement in respect of which the gratuity is awarded begins or began after such day as may be prescribed.
- (6) Subject to such exceptions or conditions as may be prescribed, where—
- (a) for any purpose of any Act or regulations the weekly rate at which a person contributes to the cost of providing for a child, or to the maintenance of an adult dependant, is to be calculated for a period beginning on or after the commencing date for an increase in the weekly rate of benefit; but
  - (b) account is to be taken of amounts referable to the period before the commencing date,  
those amounts shall be treated as increased in proportion to the increase in the weekly rate of benefit.
- (7) So long as sections 36 and 37 of the National Insurance Act 1965 (graduated retirement benefit) continue in force by virtue of regulations made under Schedule 3 to the Social Security (Consequential Provisions) Act 1975 or under Schedule 3 to the Consequential Provisions Act, regulations may make provision for applying the provisions of this section to the amount of graduated retirement benefit payable for each unit of graduated contributions and to increases of such benefit under any provisions made by virtue of section 24(1)(b) of the Pensions Act or section 62(1)(a) of the Contributions and Benefits Act.

## **156 Computation of Category A retirement pension with increase under s.52(3) of Contributions and Benefits Act**

Where a person is entitled to a Category A retirement pension with an increase under section 52(3) of the Contributions and Benefits Act in the additional pension and the circumstances are such that—

- (a) the deceased spouse to whose contributions that increase is referable died during that part of the tax year which precedes the date on which the order under section 150 above comes into force (“the initial up-rating order”); and
- (b) the deceased spouse’s final relevant year for the purposes of section 44 of the Contributions and Benefits Act is the tax year immediately preceding that in which the death occurred,

then, in determining the amount of the additional pension which falls to be increased by the initial up-rating order, so much of that pension as is attributable to the increase under section 52(3) of the Contributions and Benefits Act shall be disregarded.

### **157 Effect of alteration of rates of child benefit**

- (1) Subsections (3) and (4) of section 155 above shall have effect where there is an increase in the rate or any of the rates of child benefit as they have effect in relation to the rate of benefit to which that section applies.
- (2) Where in connection with child benefit—
  - (a) any question arises in respect of a period after the date fixed for the commencement of payment of child benefit at an increased rate—
    - (i) as to the weekly rate at which a person is contributing to the cost of providing for a child; or
    - (ii) as to the expenditure that a person is incurring in respect of a child; and
  - (b) in determining that question account falls to be taken of contributions made or expenditure incurred for a period before that date,  
the contributions made or expenditure incurred before that date shall be treated as increased in proportion to the increase in the rate of benefit.

### **158 Treatment of excess benefit as paid on account of child benefit**

- (1) In any case where—
  - (a) any benefit as defined in section 122 of the Contributions and Benefits Act or any increase of such benefit (“the relevant benefit or increase”) has been paid to a person for a period in respect of a child; and
  - (b) subsequently child benefit for that period in respect of the child becomes payable at a rate which is such that, had the relevant benefit or increase been awarded after the child benefit became payable, the rate of the relevant benefit or increase would have been reduced,then, except in so far as regulations otherwise provide, the excess shall be treated as paid on account of child benefit for that period in respect of the child.
- (2) In subsection (1) above “the excess” means so much of the relevant benefit or increase as is equal to the difference between—
  - (a) the amount of it which was paid for the period referred to in that subsection; and
  - (b) the amount of it which would have been paid for that period if it had been paid at the reduced rate referred to in paragraph (b) of that subsection.

### **159 Effect of alteration in the component rates of income support**

- (1) Subject to such exceptions and conditions as may be prescribed, where—
  - (a) an award of income support is in force in favour of any person (“the recipient”); and
  - (b) there is an alteration in any of the relevant amounts, that is to say—
    - (i) any of the component rates of income support;
    - (ii) any of the other sums specified in regulations under Part VII of the Contributions and Benefits Act; or
    - (iii) the recipient’s benefit income; and
  - (c) the alteration affects the computation of the amount of income support to which the recipient is entitled,

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then subsection (2) or (3) below (as the case may be) shall have effect.

- (2) Where, in consequence of the alteration in question, the recipient becomes entitled to an increased or reduced amount of income support (“the new amount”), then, as from the commencing date, the amount of income support payable to or for the recipient under the award shall be the new amount, without any further decision of an adjudication officer, and the award shall have effect accordingly.
- (3) Where, notwithstanding the alteration in question, the recipient continues on and after the commencing date to be entitled to the same amount of income support as before, the award shall continue in force accordingly.
- (4) In any case where—
- (a) there is an alteration in any of the relevant amounts; and
  - (b) before the commencing date (but after that date is fixed) an award of income support is made in favour of a person,

the award either may provide for income support to be paid as from the commencing date, in which case the amount shall be determined by reference to the relevant amounts which will be in force on that date, or may provide for an amount determined by reference to the amounts in force at the date of the award.

- (5) In this section—
- “alteration” means—
- (a) in relation to—
  - (b) the component rates of income support; or
  - (ii) any other sums specified in regulations under Part VII of the Contributions and Benefits Act,

their alteration by or under any enactment whether or not contained in that Part; and

- (b) in relation to a person’s benefit income, the alteration of any of the sums referred to in section 150 above—

- (i) by any enactment; or
- (ii) by an order under section 150 or 152 above,

to the extent that any such alteration affects the amount of his benefit income;

“benefit income”, in relation to any person, means so much of his income as consists of—

- (a) benefit under the Contributions and Benefits Act, other than income support; or
- (b) a war disablement pension or war widow’s pension;

“the commencing date” in relation to an alteration, means the date on which the alteration comes into force in the case of the person in question;

“component rate”, in relation to income support, means the amount of—

- (a) the sum referred to in section 126(5)(b)(i) and (ii) of the Contributions and Benefits Act; or
- (b) any of the sums specified in regulations under section 135(1) of that Act; and

“relevant amounts” has the meaning given by subsection (1)(b) above.

## **160 Implementation of increases in income support due to attainment of particular ages**

- (1) This section applies where—
  - (a) an award of income support is in force in favour of a person (“the recipient”); and
  - (b) there is a component which becomes applicable, or applicable at a particular rate, in his case if he or some other person attains a particular age.
- (2) If, in a case where this section applies, the recipient or other person attains the particular age referred to in paragraph (b) of subsection (1) above and, in consequence,  
—
  - (a) the component in question becomes applicable, or applicable at a particular rate, in the recipient’s case (whether or not some other component ceases, for the same reason, to be applicable, or applicable at a particular rate, in his case); and
  - (b) after taking account of any such cessation, the recipient becomes entitled to an increased amount of income support,then, except as provided by subsection (3) below, as from the day on which he becomes so entitled, the amount of income support payable to or for him under the award shall be that increased amount, without any further decision of an adjudication officer, and the award shall have effect accordingly.
- (3) Subsection (2) above does not apply in any case where, in consequence of the recipient or other person attaining the age in question, some question arises in relation to the recipient’s entitlement to any benefit under the Contributions and Benefits Act, other than—
  - (a) the question whether the component concerned, or any other component, becomes or ceases to be applicable, or applicable at a particular rate, in his case; and
  - (b) the question whether, in consequence, the amount of his income support falls to be varied.
- (4) In this section “component”, in relation to a person and his income support, means any of the sums specified in regulations under section 135(1) of the Contributions and Benefits Act.