
STATUTORY INSTRUMENTS

1991 No. 2910

**SOCIAL SECURITY
TERMS AND CONDITIONS OF EMPLOYMENT**

The Social Security Benefits Up-rating (No. 2) Order 1991

Made - - - - 19th December 1991

Coming into force in accordance with article 1(2)

Whereas, the Secretary of State for Social Security having made a review under section 63(1) of the Social Security Act 1986(1), a draft of the following Order was laid before Parliament in accordance with the provisions of section 63(2) and section 83(3)(d) of that Act and approved by resolution of each House of Parliament;

Now, therefore, the Secretary of State for Social Security, with the consent of the Treasury(2), in exercise of the powers conferred upon him by section 63 of the Social Security Act 1986, and of all other powers enabling him in that behalf, hereby makes the following Order:

PART I

Introduction

Citation and commencement

1.—(1) This Order may be cited as the Social Security Benefits Up-rating (No. 2) Order 1991.

(2) This Order shall come into force for the purposes of—

- (a) articles 1, 2, 17 and 18(1) and (2)(a) on 1st April 1992;
- (b) articles 9 and 18(2)(b) on 6th April 1992;
- (c) article 10 on 5th April 1992;
- (d) articles 3, 4, 5, 6, 7, 8 and 11 on 6th April 1992;
- (e) article 12 on 7th April 1992;

(1) 1986 c. 50; subsection (1)(ee) was inserted in section 63 by the Social Security Act 1988 (c. 7), section 2(2)(b); section 63(7) was amended by the Social Security Act 1988, Schedule 5; section 63(10) was modified, and section 63(10A) inserted by regulation 2 of the Social Security Act 1986 (Consequential) Amendment Regulations 1988 (S.I. 1988/961); section 63(13)(b) was amended by the Social Security Act 1989 (c. 24), Schedule 8, paragraph 15(2).

(2) See section 83(5) of the Social Security Act 1986.

- (f) articles 13, 14 and 15, in so far as they relate to a particular beneficiary, on the first day of the first benefit week to commence for that beneficiary on or after 6th April 1992, and for the purpose of this and the next following sub-paragraph, “benefit week” has the same meaning as in the Income Support Regulations;
 - (g) article 16(7), in so far as the sums specified are relevant for the purposes of paragraph 9(2) (a) of Schedule 3 to the Income Support Regulations, on the first day of the benefit week to commence for the beneficiary on or after 6th April 1992;
 - (h) except in a case to which sub-paragraph (g) applies, article 16 on 1st April 1992.
- (3) The increases made by this Order in the sums specified for rates or amounts of benefit under the 1975 Act or the Pensions Act shall take effect for each case on the date specified in relation to that case in article 5 of the Order.

Interpretation

2. In this Order, unless the context otherwise requires—
- “the 1975 Act” means the Social Security Act 1975(3);
 - “the 1986 Act” means the Social Security Act 1986;
 - “the Pensions Act” means the Social Security Pensions Act 1975(4);
 - “the Community Charge Benefits Regulations” means the Community Charge Benefits (General) Regulations 1989(5);
 - “the Family Credit Regulations” means the Family Credit (General) Regulations 1987(6);
 - “the Income Support Regulations” means the Income Support (General) Regulations 1987(7);
 - and
 - “the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987(8).

PART II

Social Security Benefits

Alterations in rates or amounts of certain benefits under the 1975 Act

- 3.—(1) In this article, “Schedule 4” means Schedule 4 to the 1975 Act(9).
- (2) The sums specified in paragraph (3) below shall be increased from and including the respective dates specified in article 5 below; and Schedule 4 shall accordingly have effect as set out in Schedule 1 to this Order.
- (3) The sums mentioned in paragraph (2) above are the sums specified in Parts I, III, IV and V of Schedule 4 (contributory periodical benefits, non-contributory periodical benefits, increase of

(3) 1975 c. 14.

(4) 1975 c. 60.

(5) S.I. 1989/1321, the relevant amending instruments are S.I. 1990/1773 and 1991/503 and 1599.

(6) S.I. 1987/1973, the relevant amending instruments are S.I. 1988/660 and 1991/503.

(7) S.I. 1987/1967, the relevant amending instruments are S.I. 1988/663, 910, 999, 1228 and 1445 and 1989/534, 1034 and 1678 and 1990/547, 1776 and 2324 and 1991/236, 503 and 1559.

(8) S.I. 1987/1971, the relevant amending instruments are S.I. 1988/1444 and 1989/416 and 1017 and 1990/546 and 1775 and 1991/503 and 1599.

(9) Schedule 4 was amended by section 21(1) and (2) of, and Schedules 4 and 5 to, the Child Benefit Act 1975 (c. 61), section 22(2) of, and paragraphs 62 and 63 of Schedule 4 to the Social Security Pensions Act 1975, paragraph 13 of Schedule 1 to the Social Security Act 1979 (c. 18), Schedule 11 to the Social Security Act 1986 (c. 50) and the Social Security Benefits Up-rating Order 1991 (S.I. 1991/503).

benefits for dependants and rate or amount of industrial injuries benefit, respectively), except in Part III the sums specified for age addition and mobility allowance.

(4) The sums falling to be calculated under section 59B(5)(10) of the 1975 Act (calculation of weekly rate of retirement allowance) shall be increased from a date specified in article 5 below by 4.1 per cent. of their amount apart from this Order.

Increase in rates or amounts of certain benefits under the Pensions Act

4.—(1) The sums specified in paragraphs (2) and (3) below shall be increased from and including the respective dates specified in article 5 below.

(2) In section 6(1)(a) of the Pensions Act (basic pension in a Category A retirement pension)—

- (a) so far as the sum is relevant for the purpose of calculating under section 14(6) of the 1975 Act the rate of sickness benefit, for the sum of £49.90 there shall be substituted the sum of £51.95;
- (b) except so far as mentioned in sub-paragraph (a) above, for the sum of £52.00 there shall be substituted the sum of £54.15.

(3) It is hereby directed(11) that the sums which are—

- (a) the additional pensions in the rate of long-term benefits calculated by reference to any final relevant year earlier than the tax year 1991/92,
- (b) the increases in the rates of retirement pensions under Schedule 1 to the Pensions Act (increase of pension where pensioner's entitlement deferred), and
- (c) payable to a pensioner as part of his Category A or Category B retirement pension by virtue of an order made under section 126A of the 1975 Act(12) or section 63 of the 1986 Act,

shall in each case be increased by 4.1 per cent. of their amount apart from this Order.

(4) Sums which are payable by virtue of section 35(6) of the Pensions Act (which provides for increases in a person's guaranteed minimum pension if payment of his occupational pension is postponed after he attains pensionable age) to a person who is also entitled to a Category A or Category B retirement pension (including sums payable by virtue of section 36(3)), shall be increased by—

- (a) 4.1 per cent. of their amount apart from this Order where the increase under section 35(6) is attributable to earnings factors for the tax year 1987—88 and earlier tax years, and
- (b) 1.1 per cent. of their amount apart from this Order where the increase under section 35(6) is attributable to earnings factors for the tax year 1988—89 and subsequent tax years(13).

Dates on which sums specified for rates or amounts of benefit under the 1975 Act or the Pensions Act are increased by this Order

5.—(1) Paragraphs (2) to (8) of this article, which are subject to the provisions of paragraph (9) below, specify the date on which the increases made by this Order in the sums specified for rates or amounts of benefit under the 1975 Act or the Pensions Act shall take effect for each case.

(2) In relation to the case of a person over pensionable age whose entitlement to a Category A retirement pension is deferred and for whom the rate of unemployment benefit, sickness benefit or

(10) Section 59B(5) was inserted in the 1975 Act by the Social Security Act 1988 (c. 7), section 2(1) and amended by the Social Security Act 1989 (c. 24), Schedule 1, paragraph 8(5).

(11) See section 23(2) and (3) of the Social Security Pensions Act 1975 (c. 60), as amended by the Social Security Act 1986, Schedule 10, paragraph 91.

(12) Section 126A was inserted by section 12 of the Social Security Act 1979 (c. 18) and repealed by the Social Security Act 1986, section 86, Schedule 11.

(13) See section 63(7) and (8) of the Social Security Act 1986 and the Guaranteed Minimum Pensions Increase (No. 2) Order 1991 (S.I. 1991/). Subsection (7) provides for the increases to be paid as part of a Category A or Category B retirement pension.

invalidity pension falls to be calculated in accordance with section 14(6) or 15(4) of the 1975 Act(14) , the increases in the sums mentioned in articles 3, 4 and 7 for Category A and B retirement pension and graduated retirement benefit (together with, where appropriate, increases for dependants) shall take effect on 9th April 1992 and in relation to all other cases the increases in such sums shall take effect on 6th April 1992.

(3) The increases in the sums mentioned in article 4(3)(c) and (4) shall take effect on 6th April 1992.

(4) The increases in the sums specified for the rate of maternity allowance, widowed mother's allowance, widow's pension, Category C and D retirement pension, child's special allowance(15) , attendance allowance, invalid care allowance (except in a case where the Secretary of State has made arrangements for it to be paid on a Wednesday) (together with, where appropriate, increases for dependants), and guardian's allowance shall in all cases take effect on 6th April 1992.

(5) The increases in the sums specified for the rate of invalid care allowance (in a case where the Secretary of State has made arrangements for it to be paid on a Wednesday) (together with, where appropriate, increases for dependants), disablement benefit (together with increases of disablement pension), maximum disablement gratuity under section 57(5) of the 1975 Act(16) , industrial death benefit by way of widow's and widower's pension and allowance in respect of children (together with, where appropriate, increases for dependants) and maximum, under section 91(1) of the 1975 Act, of the aggregate of weekly benefit payable for successive accidents, shall in all cases take effect from and including 8th April 1992.

(6) Where a person's weekly rate of Category A or B retirement pension falls to be increased under the provisions of section 28(7) or 29(8) of the 1975 Act(17) by reference to the weekly rate of invalidity allowance to which he was previously entitled, the increase in the sum specified for the appropriate rate of invalidity allowance shall take effect on 6th April 1992 and where it does not fall to be so increased the sum so specified shall take effect on 9th April 1992.

(7) The increases in the sums specified for the rate of unemployment and sickness benefit, invalidity pension and severe disablement allowance (together with, where appropriate, increase for dependants) shall take effect in all cases on 9th April 1992.

(8) The increase in the sums falling to be calculated in accordance with section 59B(5) of the 1975 Act (retirement allowance) shall take effect on 8th April 1992.

(9) In the case of a person who is subject to the provisions of regulations made under section 85(1) (b) of the 1975 Act (adjustment of benefit for persons undergoing medical or other treatment as an in-patient in a hospital) the increase in the sum mentioned in article 4(2)(b) of this Order shall take effect in that case on the day on which the increase in the benefit payable to him apart from those Regulations takes effect.

Increase in rates of certain benefits under the Industrial Injuries and Diseases (Old Cases) Act 1975

6. In the Industrial Injuries and Diseases (Old Cases) Act 1975(18) the sum of £31.25 referred to in section 2(6)(c) (maximum weekly rate of lesser incapacity allowance supplementing workmen's compensation) and section 7(2)(b) (industrial diseases benefit schemes: weekly rate of allowance

(14) Section 14(6) is amended by the Social Security Pensions Act 1975 (c. 60), section 65(1), Schedule 4, paragraph 39(b), the Social Security Act 1979 (c. 18), section 21(4), Schedule 3, paragraph 6 and the Social Security Act 1989 (c. 24), Schedule 1, paragraph 4(2) and Schedule 9; and section 15(4) is amended by the Social Security Pensions Act 1975, section 65(1), Schedule 4, paragraph 40(c) and the Social Security Act 1979, section 21(4), Schedule 3, paragraph 7.

(15) Child's special allowance was abolished except for existing beneficiaries as from 6th April 1987 (section 40 of the Social Security Act 1986).

(16) Section 57(5) was repealed by the Social Security Act 1986 (c. 50), section 86, Schedule 11; except where the claim for benefit was made before 1.10.86 — see the 1986 Act, Schedule 3, paragraph 3(3).

(17) Section 28(7) is amended by the Social Security (No. 2) Act 1980 (c. 39) section 3(3).

(18) 1975 c. 16. Sections 2(6)(c) and 7(2)(b) were amended by the Social Security Benefits Up-rating Order 1991 (S.I. 1991/503).

payable where disablement is not total) shall be increased; and from and including 8th April 1992 for that sum in section 2(6)(c), and from and including 9th April 1992 for that sum in section 7(2)(b), there shall be substituted the sum of £32.55.

Increase in rate of graduated retirement benefit and increments thereof

7.—(1) In the National Insurance Act 1965(19) the sum of 6.81 pence referred to in section 36(1) (graduated retirement benefit) shall be increased by 4.1 per cent.; and from and including 6th April 1992 the reference in that provision to that sum shall accordingly have effect as a reference to 7.09 pence.

(2) The sums which are the increases of graduated retirement benefit under Schedule 2 to the Social Security (Graduated Retirement Benefit) (No. 2) Regulations 1978(20) (increases for deferred retirement) shall be increased by 4.1 per cent. of their amount apart from this Order.

Sum specified for child benefit

8. In regulation 2 of the Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations 1976(21) (weekly rates of child benefit)—

- (a) in sub-paragraph (a) of paragraph (1), the sum specified is £9.65;
- (b) in sub-paragraph (b) of paragraph (1), the sum specified is £7.80; and
- (c) in paragraph 2, the sum specified is £5.85.

Statutory Sick Pay

9. In section 7(1) of the Social Security and Housing Benefits Act 1982(22) (relationship between rates of payment of statutory sick pay and employees' normal weekly earnings) the sums specified in paragraph (a) are £52.50 and £185.00 respectively and the sum specified in paragraph (b) is £43.50.

Statutory Maternity Pay

10. In regulation 6 of the Statutory Maternity Pay (General) Regulations 1986(23) (lower rate of statutory maternity pay) for the sum of £44.50 there shall be substituted the sum of £46.30.

Earnings Limits

11. In section 41(2B) of the 1975 Act(24) (earnings limits in respect of child dependency increases) for the sums £110, £14 and £110 there shall be substituted the sums of £115, £15 and £115 respectively.

(19) 1965 c. 51. Section 36 was repealed by the Social Security Act 1973 (c. 38) but subsection (1) is now continued in force by regulation 3 of the Social Security (Graduated Retirement Benefit) (No. 2) Regulations 1978 (S.I. 1978/393), in the modified form set out in the Schedule to those Regulations as amended by Article 7 of the Social Security Benefits Up-rating Order 1991 (S.I. 1991/503). See also regulation 2 of those Regulations as amended by regulation 3 of S.I. 1989/893 and 1991/.

(20) S.I. 1978/393 amended by S.I. 1989/1642.

(21) S.I. 1976/1267; the relevant amending instruments are S.I. 1977/1328, 1980/110, 1991/502 and 503 and 1991/1595.

(22) 1982 c. 24; section 7(1) was substituted by regulation 2 of the Statutory Sick Pay (Rate of Payment) Order 1991 (S.I. 1991/506).

(23) S.I. 1986/1960.

(24) Section 41(2B) was inserted by the Health and Social Security Act 1984 (c. 48), section 13, Schedule 5, paragraph 3(c).

PART III

Family Credit, Income Support, Housing Benefit and Community Charge Benefits

Family Credit

12. In the Family Credit Regulations—

- (a) in regulation 46(4) (determination of appropriate maximum family credit), the capital sum prescribed is £3,000;
- (b) in regulation 46(4), (5) and (6), the amount specified for the credit in respect of a child or young person is NIL;
- (c) in regulation 47 (applicable amount of family credit), for the sum of £62.25 there shall be substituted the sum of £66.60;
- (d) in paragraph 19 of Schedule 2 (sums to be disregarded in calculating income), in sub-paragraph (b) for the sum of £8.05 there shall be substituted the sum of £8.60; and
- (e) in Schedule 4 (determination of maximum family credit), the sums prescribed shall be increased so as to have effect as set out in Schedule 2 to this Order.

Applicable amounts for Income Support

13.—(1) As from 6th April 1992 the sums relevant to the calculation of an applicable amount as specified in the Income Support Regulations shall be the sums set out in the following provisions of this article and the Schedules thereto; and for this purpose references in this article to a numbered regulation or Schedule are, unless the context otherwise requires, references to the regulations of or Schedules to the Income Support Regulations bearing that number.

(2) In regulations 17(1)(b), 18(1)(c), 21(1) and 71(1)(a)(ii), (b)(ii) and (iii), (c)(ii) and (d)(i), in paragraph 14(a) of Part III of Schedule 2, and in paragraph 1(2) of Part I of Schedule 4, the sum specified is in each case £3,000.

(3) The sums specified in Part I of Schedule 2 (applicable amounts: personal allowances) shall be increased; and accordingly that Part of Schedule 2 shall have effect as set out in Schedule 3 to this Order.

(4) In paragraph 3 of Part II of Schedule 2 (family premium) for the sum of £8.70 there shall be substituted the sum of £9.30.

(5) The sums specified in Part IV of Schedule 2 (weekly amounts of premiums) shall be increased; and accordingly that Part of Schedule 2 shall have effect as set out in Schedule 4 to this Order.

(6) The sums specified in paragraph 11(1) of Schedule 3(**25**) (housing costs: non-dependant deductions) are £13.50 and £5.70.

(7) The sum specified in paragraph 11(2) of Schedule 3(**26**) (low income threshold) is £62.15.

(8) Those sums relevant to the calculation of an applicable amount which are specified in Schedule 4 (applicable amounts of persons in residential care and nursing homes) shall be increased; and accordingly those paragraphs in Schedule 4 where such a sum is specified shall have effect as set out in Part I of Schedule 5 to this Order.

(9) In paragraph 6(2) of Schedule 4, for the sum of £185.00 there shall be substituted the sum of £205.00 and, subject to that substitution and except as provided in paragraphs (2) and (8) of this article, the sums specified in Schedule 4 are those set out in Part II of Schedule 5 to this Order.

(25) Schedule 3, paragraph 11(1) was substituted by regulation 18(e)(i) of [S.I. 1990/547](#).

(26) Sub-paragraph (2) was substituted by [S.I. 1990/1776](#), regulation 9(d).

(10) Those sums relevant to the calculation of an applicable amount which are specified in Schedule 7 (applicable amounts in special cases) shall be increased; and accordingly those paragraphs in Schedule 7 where such a sum is specified shall have effect as set out in Part I of Schedule 6 to this Order.

(11) Except as provided in paragraph (10) above, the sums specified in Schedule 7 are those set out in Part II of Schedule 6 to this Order.

(12) The sums specified in any provision of the Income Support Regulations set out in column (1) of Schedule 7 to this Order are the sums set out in column (2) of that Schedule.

(13) In paragraph 19 of Schedule 9 (sums to be disregarded in calculating income), in sub-paragraph (b) for the sum of £8.05 there shall be substituted the sum of £8.60.

Income Support Transitional Protection

14. Sums which are special transitional additions to income support payable in accordance with regulation 15 of the Income Support (Transitional) Regulations 1987⁽²⁷⁾ shall be increased by 7.0 per cent. of the amount apart from this Order.

The Relevant Sum for Income Support

15. In section 23(5)(b) of the 1986 Act⁽²⁸⁾ (trade disputes; the relevant sum) the substituted sum is £22.50.

Applicable amounts for Housing Benefit

16.—(1) As from a date determined in accordance with article 1 of this Order, the sums relevant to the calculation of an applicable amount and specified in the Housing Benefit Regulations shall be the sums set out in the following provisions of this article and Schedules 8 and 9 to this Order; and for this purpose references in this article to a numbered regulation or Schedule are, unless the context otherwise requires, references to the regulations of and Schedules to the Housing Benefit Regulations bearing that number.

(2) In regulations 16(b) and 17(c) (applicable amounts), the sum specified is in each case £3,000.

(3) In regulation 18(1) (patients), for the sum of £13.00 in sub-paragraphs (a), (b) and (d)(ii), there shall be substituted the sum of £13.55, for the sum of £10.40 in sub-paragraph (c)(i) and (d) (i) there shall be substituted the sum of £10.85 and for the sum of £26.00 in sub-paragraph (c)(ii) there shall be substituted the sum of £27.10.

(4) The sums specified in regulation 63(1)⁽²⁹⁾ (non-dependant deductions), are £13.50 and £5.70.

(5) The sum specified in regulation 63(2)⁽³⁰⁾ (low income threshold), is £62.15.

(6) In paragraph 1A⁽³¹⁾ of Part I of Schedule 1, for the sums £14.20, £14.20, £7.15, £9.45, £9.45, £4.70 and £1.75 there shall be substituted the sums respectively, £15.20, £15.20, £7.65, £10.10, £10.10, £5.05 and £1.85.

(7) In paragraph 5(2) of Part II of Schedule 1, for the sums £8.05, £1.00, £0.65 and £1.00 there shall be substituted the sums respectively, £8.60, £1.05, £0.70 and £1.05.

⁽²⁷⁾ [S.I. 1987/1969](#); additions to income support may be included in the Order under section 63 of the Social Security Act 1986 by virtue of the modification made by regulation 2 of [S.I. 1988/961](#).

⁽²⁸⁾ Stated in accordance with the Social Security Act 1986 (c. 50), section 23(7).

⁽²⁹⁾ Regulation 63(1) was amended by regulation 10(a) of [S.I. 1990/546](#).

⁽³⁰⁾ Regulation 63(2) was amended by regulation 10(b) of [S.I. 1990/546](#).

⁽³¹⁾ Paragraph 1A was added by regulation 7(b) of [S.I. 1988/1444](#).

(8) The sums specified in Part I of Schedule 2 (applicable amounts: personal allowances) shall be increased; and accordingly that Part of Schedule 2 shall have effect as set out in Schedule 8 to this Order.

(9) In paragraph 3 of Part II of Schedule 2(32), for the sum of £8.70 there shall be substituted the sum of £9.30.

(10) The sums specified in Part IV of Schedule 2 (applicable amounts: premiums) shall be increased; and accordingly that Part of Schedule 2 shall have effect as set out in Schedule 9 to this Order.

(11) In paragraph 20 of Schedule 4 (sums to be disregarded in calculation of income) in sub-paragraph (b) for the sum of £8.05 there shall be substituted the sum of £8.60.

Applicable amounts for Community Charge Benefits

17.—(1) As from 1st April 1992 the sums relevant to the calculation of an applicable amount and specified in the Community Charge Benefits Regulations shall be the sums set out in the following provisions of this article and in Schedules 10 and 11 to this Order; and for this purpose references in this article to a numbered regulation or Schedule are, unless the context otherwise requires, references to the regulations of and Schedules to the Community Charge Benefits Regulations bearing that number.

(2) In regulation 7(b) and 8(c) (applicable amounts) the sum specified is in each case £3,000.

(3) In regulation 9(1) (patients), for the sum of £13.00 in sub-paragraphs (a), (b) and (d)(ii), there shall be substituted the sum of £13.55, for the sum of £10.40 in sub-paragraphs (c) and (d)(i) there shall be substituted the sum of £10.85 and for the sum of £26.00 in paragraph (c)(ii) there shall be substituted the sum of £27.10.

(4) The sums specified in Part I of Schedule 1 (applicable amounts: personal allowances) shall be increased; and accordingly that Part of Schedule 1 shall have effect as set out in Schedule 10 to this Order.

(5) In paragraph 3 of Part II of Schedule 1(33), for the sum of £8.70 there shall be substituted the sum of £9.30.

(6) The sums specified in Part IV of Schedule 1 (applicable amounts: premiums) shall be increased; and accordingly that Part of Schedule 1 shall have effect as set out in Schedule 11 to this Order.

(7) In paragraph 20 of Schedule 3 (sums disregarded in calculation of income other than earnings), for the sum of £8.05 there shall be substituted the sum of £8.60.

PART IV

Revocations

Revocations

18.—(1) Articles 3 to 11 and 14 to 18 of and Schedules 1 and 3 to 11 to the Social Security Benefits Up-rating Order 1991(34) are hereby revoked in relation to any particular case as from the date on which the rates or amounts of benefit specified in this Order in relation to that benefit take effect in relation to that case.

(32) Paragraph 3 was amended by regulation 15(c) of S.I. 1991/1599.

(33) Paragraph 3 was amended by regulation 30(c) of S.I. 1991/1599.

(34) S.I. 1991/503.

(2) The following provisions are hereby revoked—

- (a) the whole of the Social Security Benefits Up-rating Order 1990⁽³⁵⁾ , in so far as not previously revoked; and
- (b) the whole of the Social Security Benefits Up-rating Order 1989⁽³⁶⁾ , in so far as not previously revoked.

Signed by authority of the Secretary of State for Social Security.

18th December 1991

Nicholas Scott
Minister of State,
Department of Social Security

We consent,

19th December 1991

Irvine Patnick

Thomas Sackville
Two of the Lords Commissioners of Her
Majesty's Treasury

⁽³⁵⁾ S.I. 1990/320.

⁽³⁶⁾ S.I. 1989/43.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

Article 3(2)

SCHEDULE 4 TO THE 1975 ACT AS AMENDED BY THIS ORDER

“SCHEDULE 4

RATES OF BENEFITS, GRANTS AND INCREASES FOR DEPENDANTS

PART I

contributory periodical benefits (sections 14—31)

<i>Description of benefits</i>	<i>Weekly rate</i>
1. Unemployment or sickness benefit (section 14).	(a) unemployment benefit £43.10 (b) sickness benefit £41.20
3. Invalidity allowance (section 16).	(a) higher rate £11.55 (b) middle rate £7.20 (c) lower rate £3.60 (the appropriate rate being determined in accordance with section 16(2)(37)).
4. Maternity allowance (section 22).	£42.25
9. Category B retirement pension where section 29(7)(a)(i) applies(38) .	£32.55
10. Child’s special allowance (section 31).	£10.85

PART IA(**39**)

widow’s payment

Widow’s payment (section 24).	£1000.00
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PART III

non-contributory periodical benefits (sections 34—40)

<i>Description of benefit</i>	<i>Weekly rate</i>
1. Attendance allowance (section 35).	(a) higher rate £43.35 (b) lower rate £28.95

(37) Section 16(2) was amended by paragraph 10 of Schedule 1 to the Social Security Act 1979 (c. 18).

(38) Paragraph 9 was substituted by the Social Security Pensions Act 1975 (c. 60), section 65(1), Schedule 4, paragraph 62.

(39) Part 1A was inserted in Schedule 4 as from 11th April 1988 by section 36(2) of the Social Security Act 1986 (c. 50).

<i>Description of benefit</i>	<i>Weekly rate</i>		
	(the appropriate rate being determined in accordance with section 35(3)(40)).		
2. Severe disablement allowance (section 36).			£32.55
2A. Age related addition (section 36A)(41) .	(a)	higher rate	£11.55
	(b)	middle rate	£7.20
	(c)	lower rate	£3.60
	(the appropriate rate being determined in accordance with section 36A(1)).		
3. Invalid care allowance (section 37).			£32.55
3A. Mobility allowance (section 37A)(42) .			£29.10
4. Guardian's allowance (section 38).			£10.85
5. Category C retirement pension (section 39).	(a)	lower rate	£19.45
	(b)	higher rate	£32.55
	(the appropriate rate being determined in accordance with section 39(2)).		
5A. Category D retirement pension (section 39(43)).	The higher rate for Category C retirement pensions under paragraph 5 above.		
6. Age addition (to a pension of any category, and otherwise under section 40).			£0.25

(40) Section 35(3) was amended by section 2(4) of the Social Security Act 1979 (c. 18).

(41) Paragraph 2A was inserted by the Social Security Act 1990 (c. 27), section 2(2).

(42) Paragraph 3A was inserted by the Social Security Pensions Act 1975 (c. 60), section 22(2). Section 37A is repealed with effect from 6th April 1992. See the Disability Living Allowance and Disability Working Allowance Act 1991 (Commencement No. 2) Order 1991 (S.I. 1991/2617 (c. 75)).

(43) Paragraph 5A was inserted by section 12(2) of the Social Security Act 1985 (c. 53).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

PART IV

increases for dependants (sections 41—49)

<i>Benefit to which increase applies</i>	<i>Increase for qualifying child</i>	<i>Increase for adult dependant</i>
(1)	(2)	(3)
	£	£
1. Unemployment sickness benefit—	or —	
(a) unemployment benefit, where the beneficiary is under pensionable age		
26.60		
(b) unemployment benefit, where the beneficiary is over pensionable age	10.85	32.55
(c) sickness benefit, where the beneficiary is under pensionable age	—	25.50
(d) sickness benefit, where the beneficiary is over pensionable age	10.85	31.20
2. Invalidity pension [
10.85		
32.55		
3. Maternity allowance	—	25.50
5. Widowed mother's allowance	10.85	—
6. Category A or B retirement pension [10.85	32.55
7. Category C retirement pension	10.85	19.45
8. Child's special allowance	10.85	—
9. Severe disablement allowance	10.85	19.45
10. Invalid care allowance	10.85	19.45

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PART V

rate or amount of industrial injuries benefit

<i>Description of benefit, etc.</i>	<i>Rate or amount</i>
2. Maximum disablement gratuity under section 57(5).	£5,870.00
3. Disablement pension under section 57(6) (weekly rates).	For the several degrees of disablement set out in column (1) of the following Table, the respective amounts in that Table using— (a) column (2) for any period during which the beneficiary is over the age of 18 or is entitled to an increase of benefit in respect of a child or adult dependant; (b) column (3) for any period during which the beneficiary is not over the age of 18 and not so entitled:

TABLE

<i>Degree of disablement</i>	<i>Amount</i>	
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
<i>Per cent.</i>	<i>£</i>	<i>£</i>
100	88.40	54.15
90	79.56	48.74
80	70.72	43.32
70	61.88	37.91
60	53.04	32.49
50	44.20	27.08
40	35.36	21.66
30	26.52	16.25
20	17.68	10.83

4. Unemployability supplement under section 58 (increase of weekly rate of disablement pension).

5. Increase under section 59 of weekly rate of unemployability supplement (early onset of incapacity for work).

(a) if on the qualifying date the beneficiary was under the age of 35, or if that date fell before 5th July 1948 £11.55

(aa) if head (a) above does not apply and on the qualifying date the beneficiary was under the age of 40 and he had not attained pensionable age before 6th April 1979 £11.55

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<i>Description of benefit, etc.</i>	<i>Rate or amount</i>
	(b) if heads (a) and (aa) above do not apply and on the qualifying date the beneficiary was under the age of 45 £7.20
	(bb) if heads (a), (aa) and (b) above do not apply and on the qualifying date the beneficiary was under the age of 50 and had not attained pensionable age before 6th April 1979 £7.20
	(c) in any other case >£3.60
7. Maximum increase under section 61 of weekly rate of disablement pension where constant attendance needed.	(a) except in cases of exceptionally severe disablement £35.40
	(b) in any case £70.80
8. Increase under section 63 of weekly rate of disablement pension (exceptionally severe disablement).	£35.40
10. Increase under section 64 of weekly rate of disablement pension (dependent children).	£10.85
12. Increase under section 66(2) of weekly rate of disablement pension (adult dependant).	£32.55
13. Widow's pension under section 68 (weekly rates)—	£57.65(44)
(a) initial rate	
(b) higher permanent rate	£54.15
(c) lower permanent rate	30 per cent. of the higher of the sums specified in section 6(1)(a) of the Pensions Act.
14. Widower's pension under section 69 (weekly rate).	£54.15
15. Weekly rate of allowance under section 70 in respect of children.	In respect of each qualifying child £10.85
16. Maximum under section 91(1) of aggregate of weekly benefit payable for successive accidents.	(a) for any period during which the beneficiary is over the age of 18 or is entitled to an increase of benefit in respect of a child or adult dependant£88.40
	(b) for any period during which the beneficiary is not over the age of 18 and not so entitled£54.15"

(44) Section 68 is repealed in relation to deaths occurring on or after 11th April 1988 (see the Social Security Act 1988 (c. 7), section 2, Schedule 1, paragraph 2); the initial rate relates only to the period of 26 weeks next following the date of the deceased's death (section 68(1) of the Social Security Act 1975). The rate stated is therefore the rate applicable for the 26 weeks following 10th April 1988.

SCHEDULE 2

Article 12

SCHEDULE 4 TO THE FAMILY CREDIT REGULATIONS AS AMENDED BY THIS ORDER

“SCHEDULE 4

DETERMINATION OF MAXIMUM FAMILY CREDIT:
ADULT, CHILD AND YOUNG PERSON CREDITS

(1) <i>Adult, child, young person</i>	(2) <i>Amount of Credit</i>
1. Adult	£41.00.
2. Child—	
aged less than 11 years;	£10.40;
aged not less than 11 but less than 16 years.	£17.25.
3. Young person—	
aged not less than 16 but less than 18 years;	£21.45;
aged not less than 18 but less than 19 years.	£29.90. ”

SCHEDULE 3

Article 13(3)

PART I OF SCHEDULE 2 TO THE INCOME SUPPORT
REGULATIONS AS AMENDED BY THIS ORDER

“SCHEDULE 2

APPLICABLE AMOUNTS

PART I

personal allowances

1. The weekly amounts specified in column (2) below in respect of each person or couple specified in column (1) shall be the weekly amounts specified for the purposes of regulations 17(1) and 18(1) (applicable amounts and polygamous marriages).

(1) <i>Person or Couple</i>	(2) <i>Amount</i>
(1) Single claimant aged—	
(a) except where head (b) or (c) of this sub-paragraph applies, less than 18;	(a) (1) £25.55;
(b) less than 18 who falls within any of the circumstances specified in Part II of Schedule 1A or who, had he been a registered person, would fall	(b) £33.60;

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(1) <i>Person or Couple</i>	(2) <i>Amount</i>
within any of those circumstances, and who—	
(i) is eligible for income support under regulation 13A; or	
(ii) is the subject of a direction under section 20(4A) of the Act;	
(c) less than 18 who satisfies the condition in paragraph 11(a);	(c) £33.60;
(d) not less than 18 but less than 25;	(d) £33.60;
(e) not less than 25.	(e) £42.45.
(2) Lone parent aged—	
(a) except where head (b) or (c) of this sub-paragraph applies, less than 18;	(a) (2) £25.55;
(b) less than 18 who falls within any of the circumstances specified in Part II of Schedule 1A or who, had he been a registered person, would fall within any of those circumstances, and who—	(b) £33.60;
(i) is eligible for income support under regulation 13A; or	
(ii) is the subject of a direction under section 20(4A) of the Act;	
(c) less than 18 who satisfies the condition in paragraph 11(a);	(c) £33.60;
(d) not less than 18.	(d) £42.45.
(3) Couple—	
(a) Where both members are aged less than 18 and—	(a) (3) £50.60.
and—	
(i) at least one of them is treated as responsible for a child; or	
(ii) had they not been members of a couple, each would be eligible for income support under regulation 13A (circumstances in which a person aged 16 or 17 is eligible for income support); or	
(iii) they are married and each member is either a registered person or a person to whom Part I of Schedule 1A applies; or	

(1) <i>Person or Couple</i>	(2) <i>Amount</i>
(iv) there is a direction under section 20(4A) of the Act (income support avoid severe hardship) in respect of each member; or	
(v) there is a direction under section 20(4A) of the Act in respect of one of them and the other is eligible for income support under regulation 13A;	
(aa) where both members are aged less than 18 and sub-paragraph (3)(a) does not apply but one member of the couple falls within any of the circumstances specified in Part II of Schedule 1A or who, had he been a registered person, would fall within any of those circumstances and that member—	(aa) (3) £33.60;
(i) is eligible for income support under regulation 13A; or	
(ii) is the subject of a direction under section 20(4A) of the Act;	
(b) where both members are aged less than 18 and sub-paragraph (3)(a) or (aa) above does not apply but one member of the couple—	(b) £25.55;
(i) is eligible for income support under regulation 13A; or	
(ii) is the subject of a direction under section 20(4A);	
(c) where both members are aged not less than 18;	(c) £66.60;
(d) where one member is aged not less than 18 and the other member is a person under 18 who—	(d) £66.60;
(i) is eligible for income support under regulation 13A; or	
(ii) is the subject of a direction under section 20(4A);	
(e) where one member is aged not less than 18 but less than 25 and the other member is a person under 18 who—	(e) £33.60;
(i) is not eligible for income support under regulation 13A; or	

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(1) <i>Person or Couple</i>	(2) <i>Amount</i>
(ii) is not the subject of a direction under section 20(4A);	
(f) where one member is aged not less than 25 and the other member is a person under 18 who—	(f) 42.45.
(i) is not eligible for income support under regulation 13A; and	
(ii) is not the subject of a direction under section 20(4A).	

2. The weekly amounts specified in column (2) below in respect of each person specified in column (1) shall be the weekly amounts specified for the purposes of regulations 17(1)(b) and 18(1)(c).

(1) <i>Child or Young Person</i>	(2) <i>Amount</i>
Person aged—	
(a) less than 11;	(a) £14.55;
(b) not less than 11 but less than 16;	(b) £21.40;
(c) not less than 16 but less than 18;	(c) £25.55;
(d) not less than 18.	(d) £33.60.”

SCHEDULE 4

Article 13(5)

PART IV OF SCHEDULE 2 TO THE INCOME SUPPORT REGULATIONS AS AMENDED BY THIS ORDER

“PART IV

weekly amounts of premiums specified in part iii

<i>Premium</i>	<i>Amount</i>
15. —	(1) £4.75.
(1) Lone parent premium.	
(2) Pensioner premium for persons aged under 75—	
(a) where the claimant satisfies the condition in paragraph 9(a);	(a) (2) £14.70;
(b) where the claimant satisfies the condition in paragraph 9(b).	(b) £22.35.

<i>Premium</i>	<i>Amount</i>
(2A) Pensioner premium for persons aged 75 and over—	
(a) where the claimant satisfies the condition in paragraph 9A(a);	(a) (2A) £16.65;
(b) where the claimant satisfies the condition in paragraph 9A(b).	(b) £25.00.
(3) Higher Pensioner Premium—	
(a) where the claimant satisfies the condition in paragraph 10(1)(a) or (b);	(a) (3) £20.75;
(b) where the claimant satisfies the condition in paragraph 10(2)(a) or (b).	(b) £29.55.
(4) Disability Premium—	
(a) where the claimant satisfies the condition in paragraph 11(a);	(a) (4) £17.80;
(b) where the claimant satisfies the condition in paragraph 11(b).	(b) £25.55.
(5) Severe Disability Premium—	
(a) where the claimant satisfies the condition in paragraph 13(2)(a);	(a) (5) £32.55;
(b) where the claimant satisfies the condition in paragraph 13(2)(b)—	
(i) if there is someone in receipt of an invalid care allowance or if he or any partner satisfies that condition only by virtue of paragraph 13(3A) (45) ;	(b) (i) £32.55;
(ii) if no-one is in receipt of such an allowance.	(ii) £65.10.
(6) Disabled Child Premium.	(6) £17.80 in respect of each child or young person in respect of whom the conditions specified in paragraph 14 are satisfied.
(7) Carer Premium (46) .	(7) £11.55 in respect of each person who satisfied the condition specified in paragraph 14ZA.”

(45) Words added by regulation 29(e) of S.I. 1988/663.

(46) Sub-paragraph (7) was introduced by S.I. 1990/1776, regulation 8(e).

SCHEDULE 5

Article 13(8) and (9)

APPLICABLE AMOUNTS OF PERSONS IN RESIDENTIAL CARE AND NURSING HOMES

PART I

provisions in schedule 4 to the income support regulations as amended by this order

Residential care homes

6.—(1) Subject to sub-paragraph (2) and paragraphs 8 to 11, where the accommodation provided for the claimant is a residential care home for persons in need of personal care by virtue of—

- (a) old age, the appropriate amount shall be £175.00 per week;
- (b) past or present mental disorder but excluding mental handicap, the appropriate amount shall be £185.00 per week;
- (c) past or present drug or alcohol dependence, the appropriate amount shall be £185.00 per week;
- (d) mental handicap, the appropriate amount shall be £215.00 per week;
- (e) physical disablement, the appropriate amount shall be—
 - (i) in the case of a person to whom paragraph 8 applies, £245.00 per week, or
 - (ii) in any other case, £175.00 per week; or
- (f) any condition not falling within sub-paragraphs (a) to (e) above, the appropriate amount shall be £175.00 per week.

Nursing homes

7. Subject to paragraphs 8 to 11, where the accommodation provided for the claimant is a nursing home for persons in need of personal care by virtue of—

- (a) past or present mental disorder but excluding mental handicap, the appropriate amount shall be £270.00 per week;
- (b) mental handicap, the appropriate amount shall be £275.00 per week;
- (c) past or present drug or alcohol dependence, the appropriate amount shall be £270.00 per week;
- (d) physical disablement, the appropriate amount shall be—
 - (i) in the case of a person to whom paragraph 8 applies, £305.00 per week, or
 - (ii) in any other case, £270.00 per week;
- (e) terminal illness, the appropriate amount shall be £280.00 per week; or
- (f) any condition not falling within sub-paragraphs (a) to (e), the appropriate amount shall be £270.00 per week.

11.—(1) Where the accommodation provided for the claimant is a residential care home or a nursing home which is, in either case, situated in the Greater London area and the actual charge for that accommodation exceeds the appropriate amount in his case by virtue of the preceding paragraphs of this Schedule, that amount shall be increased by any excess up to—

- (a) in the case of a residential care home, £25.00;

(b) in the case of a nursing home, £35.00⁽⁴⁷⁾ .

Personal allowances

13. The allowance for personal expenses for the claimant and each member of his family referred to in paragraph 1(1)(b) shall be—

- (a) for the claimant £12.20, and if he has a partner, for his partner, £12.20;
- (b) for a young person aged 18, £12.20;
- (c) for a young person aged under 18 but over 16, £8.50;
- (d) for a child aged under 16 but over 11, £7.35;
- (e) for a child aged under 11, £5.00.

PART II

other sums specified in schedule 4 to the income support regulations

<i>Paragraph in Schedule 4</i>		<i>Specified sum</i>	
2(2)(b)(i)	increases for meals	daily	£1.10
2(2)(b)(ii)	increases for meals	daily	£1.55
2(2)(b)(iii)	increases for meals	daily	£1.55
6(2)	pension age and above	weekly	£205.00

SCHEDULE 6

Article 13(10) and (11)

APPLICABLE AMOUNTS IN SPECIAL CASES

PART I

provisions in schedule 7 to the income support regulations as amended by this order

(1)	(2)
Patients	(a) (a) £13.55 plus any amount applicable under regulation 17(1)(e), (f) or (g); ⁽⁴⁸⁾
1. Subject to paragraphs 2, 2A, 3 and 18, a person who has been a patient for a period of more than six weeks and who is—	
(a) a single claimant;	
(b) (b) a lone parent;	(b) (b) £13.55 plus any amounts applicable to him under regulation 17(1)(b), (c), (e), (f) or (g) or under regulation 17(1)(d) because

⁽⁴⁷⁾ Paragraph 11 was amended by S.I. 1991/544, regulation 2.

⁽⁴⁸⁾ Paragraph 1 of column (2) was amended by S.I. 1988/1445 regulation 23, and Schedule 1, paragraph 15(a), and S.I. 1990/547, regulation 21(a).

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(1)	(2)
	of paragraph 8 or 14 of Schedule 2 (applicable amounts);
<p>(c) (c) a member of a couple—</p> <p>(i) where only one of the couple is a patient or, where both members of the couple are patients but only one has been a patient for that period;</p> <p>(ii) where both members of the couple have been a patient for that period;</p> <p>(d) (d) a member of a polygamous marriage—</p> <p>(i) where at least one member of the polygamous marriage is not a patient or has not been a patient for more than that period;</p> <p>(ii) where all the members of the polygamous marriage have been patients for more than that period.</p>	<p>(c) (i) the amount applicable in respect of both of them under regulation 17(1) reduced by £10.85;</p> <p>(ii) £27.10 plus any amounts which may be applicable under regulation 17(1)(b), (c), (e), (f) or (g) or under regulation 17(1)(d) because of paragraph 14 of Schedule 2;</p> <p>(d) (i) the applicable amount under regulation 18 (polygamous marriages) shall be reduced by £10.85 in respect of each such member who is a patient;</p> <p>(ii) the applicable amount shall be £13.55 in respect of each member plus any amounts applicable under regulation 18(1)(c), (d), (f), (g) or (h), or (e) because of his satisfying the condition specified in paragraph 14 of Schedule 2.</p>
<p>2. A single claimant who has been a patient for a continuous period of more than 52 weeks, where—</p> <p>(a) (a) the following conditions are satisfied—</p> <p>(i) a person has been appointed to act for him under regulation 33 of the Social Security (Claims and Payments) Regulations 1987(49) (persons unable to act); and</p> <p>(ii) his income support is payable to an administrative officer of the hospital or other institution either as or at the request of the person so appointed; and</p> <p>(iii) a registered medical practitioner treating him certifies that all or part of his income support</p>	<p>(a) (a) Such amount (if any) not exceeding £10.85 as is reasonable having regard to the views of the hospital staff and the patient’s relatives if available as to the amount necessary for his personal use;</p>

(49) S.I. 1987/1968.

(1)	(2)
cannot be used by him or on his behalf; or	
(b) (b) those conditons are not satisfied.	(b) (b) £10.85.
<p>2A. A single claimant who is detained under the provisions of the Mental Health Act 1983⁽⁵⁰⁾ or the Mental Health (Scotland) Act 1984⁽⁵¹⁾ and who immediately before his detention under either of those Acts was a prisoner.</p> <p>3. Subject to paragraph 18—</p> <p>(a) (a) a claimant who is not a patient and who is a member of a family of which another member is a child or young person who has been a patient for a period of more than 12 weeks; or</p> <p>(b) (b) where the person is a member of a family and paragraph 1 applies to him and another member of the family who is a child or young person has been a patient for a period of more than 12 weeks.</p>	<p>2A. £10.85.</p> <p>(a) (a) The amount applicable to him under regulation 17(1) or 18 except that the amount applicable under regulation 17(1)(b) or 18(1)(c) in respect of the child or young person referred to in Column (1) of this paragraph shall be £10.85 instead of an amount determined in accordance with paragraph 2 of Schedule 2; or</p> <p>(b) (b) the amount applicable to him under paragraph 1 except that the amount applicable under regulation 17(1)(b) or 18(1)(c) in respect of the child or young person referred to in Column (1) of this paragraph shall be £10.85 instead of an amount determined in accordance with paragraph 2 of Schedule 2.</p>

Single claimants temporarily in local authority accommodation

10A. Except where paragraph 10B(4) applies, a single claimant who is temporarily in accommodation referred to in any of sub-paragraphs (a) to (d) (excluding heads (i) and (ii) of sub-paragraph (d)) of the definition of residential accommodation in regulation 21(3) (special cases).

10A. £54.15 of which £43.30 is in respect of the cost of the accommodation and £10.85 for personal expenses plus any amounts applicable under regulation 17(1)(e), (f) or (g).

Couples and members of polygamous marriages where one member is or all are temporarily in local authority accommodation

10B. —

(1) A claimant who is a member of a couple and temporarily separated from his partner

10B. —

(1) The aggregate of the amount applicable for the member who remains in the home

⁽⁵⁰⁾ 1983 c. 20.

⁽⁵¹⁾ 1984 c. 36.

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(1)	(2)
<p>where one of them is living in the home while the other is in accommodation referred to in any of sub-paragraphs (a) to (d) (excluding heads (i) and (ii) of sub-paragraph (d)) of the definition of residential accommodation in regulation 21(3) (special cases).</p> <p>(2) A claimant who is a member of a polygamous marriage and who is temporarily separated from a partner of his where one is, or some are, living in the home while one is, or some are, in accommodation referred to in sub-paragraph (1).</p> <p>(3) A claimant who is a member of a couple or a member of a polygamous marriage where both members of that couple or all the members of that marriage are in accommodation referred to in sub-paragraph (1).</p> <p>(4) A claimant who is a member of a couple or of a polygamous marriage to whom regulation 16(1) (members of the household) does not apply by virtue of sub-paragraph (3) (c) of that regulation where the member is in accommodation referred to in sub-paragraph (1).</p>	<p>calculated as if he were a single claimant under regulation 17(1), 19 or 21 and in respect of the other member £54.15 of which £43.30 is in respect of the cost of the accommodation and £10.85 for personal expenses.</p> <p>(2) The aggregate of the amount applicable, for the members of the polygamous marriage who remain in the home, under regulation 18 and in respect of each member not in the home £54.15 of which £43.30 is in respect of the accommodation and £10.85 for personal expenses.</p> <p>(3) For each member of that couple or marriage £54.15 of which £43.30 is in respect of the accommodation and £10.85 for personal expenses plus, if appropriate, the amount applicable under regulation 17(1)(e), (f) or (g) or 18(1)(f), (g) or (h).</p> <p>(4) £54.15 of which £43.30 is in respect of the accommodation and £10.85 for personal expenses.</p>

Lone parents who are in residential accommodation temporarily

10C. A claimant who is a lone parent who has entered residential accommodation temporarily.

10C. £54.15 of which £43.30 is in respect of accommodation and £10.85 for personal expenses, plus—

- (a) in respect of each child or young person who is a member of his family, the amount in respect of him prescribed in paragraph 2(a), (b), (c) or (d) of Schedule 2 or under this Schedule as appropriate; and
- (b) any amount which would be applicable to the claimant if he were not temporarily living away from the dwelling occupied as his home, under regulation 17(1)(c), (e), (f) or (g), or (d) in so far as that amount relates to the lone parent premium under paragraph 8 of Schedule 2.

Persons in residential accommodation

13. —

13. —

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(1)	(2)
(1) Subject to sub-paragraph (2), a person in or only temporarily absent from residential accommodation who is—	(1) Any amount applicable under regulation 17(1)(f) or (g) or 18(1)(g) or (h), plus—
(a) (a) a single claimant;	(b) (b) the amount specified in sub-paragraph (a) of this column;
(a) (a) £54.15 of which £43.30 is in respect of the cost of the residential accommodation and £10.85 for personal expenses;	(c) (c) twice the amount specified in sub-paragraph (a) of this column;
(b) (b) a lone parent;	(d) (d) the appropriate amount in respect of him prescribed in paragraph 2 of Schedule 2 (applicable amounts);
(c) (c) one of a couple;	(e) (e) the amount specified in sub-paragraph (a) of this column multiplied by the number of members of the polygamous marriage in or only temporarily absent from that accommodation.
(d) (d) a child or young person;	
(e) (e) a member of a polygamous marriage.	

(2) A single claimant who has become a patient and whose residential accommodation was provided by and managed by a local authority.

(2) Any amount applicable under regulation 17(1)(f) or (g), plus £10.85.

Polish Resettlement

13A. A claimant for whom accommodation is provided under section 3 of, and Part II of the Schedule to, the Polish Resettlement Act 1947 (provision of accommodation in camps).

13A. —

- (1) The aggregate of—
 - (a) the weekly charge for the accommodation provided for him, or if he is a member of a family, for him and his family subject to the maximum determined in accordance with sub-paragraph (2); and
 - (b) a weekly amount for personal expenses for him or, if he is a member of a family, for him and for each member of his family determined in accordance with sub-paragraph (3).
- (2) The maximum referred to in sub-paragraph (1)(a) shall be—

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(1)	(2)
	<ul style="list-style-type: none"> (a) in the case of a single claimant, £175.00; (b) in the case of a claimant who is a member of a family the aggregate of the following amounts— <ul style="list-style-type: none"> (i) in respect of the claimant, £175.00; (ii) in respect of each member of his family who lives in the accommodation aged under 11, 1P times the amount specified in paragraph 2(a) of Schedule 2; (iii) in respect of each member of his family aged not less than 11 who lives in the accommodation, £175.00; and (iv) where the claimant is a lone parent, in respect of each member of the family who does not live in the accommodation, the amount which would be applicable in respect of that member under Schedule 2. (3) The amount for personal expenses referred to in sub-paragraph (1)(b) shall be— <ul style="list-style-type: none"> (a) for the claimant, £16.15; (b) for his partner, £16.15; (c) for a young person aged 18, £14.50; (d) for a young person aged under 18 but over 16, £8.50; (e) for a child aged under 16 but over 11, £7.35; (f) for a child aged under 11, £5.00. (4) The maximum amount in respect of a member of a family aged under 11 calculated in the manner referred to in sub-paragraph (1)(b)(ii) shall be rounded to the nearest multiple of 5p by treating an odd amount of 2.5p or more as 5p and by disregarding an odd amount of less than 2.5p.

Persons in residential care or nursing homes who become patients

18. (52) A claimant to whom regulation 19 (persons in residential care or nursing homes)

(a) (i) The amount which would be applicable under regulation 19 as if the claimant or the

(52) Paragraph 18 was amended by S.I. 1988/663, regulation 33(d), S.I. 1988/1445, regulation 23 and Schedule 1, paragraph 1, and S.I. 1989/534, Schedule 1, paragraph 13(h) and (i).

(1)	(2)
applies immediately before he or a member of his family became a patient where—	member of the family who is a patient were resident in the accommodation to which regulation 19 applies;
(a) he or any member of his family has been a patient for a period of six weeks or less and the claimant—	
(i) continues to be liable to meet the weekly charge for the accommodation without reduction in respect of himself or that member of his family who is a patient;	
(ii) continues to be liable to meet the weekly charge for the accommodation but at a reduced rate;	(ii) the amount which would be applicable under regulation 19 having taken into account the reduced charge, as if the claimant or the member of the family who is a patient were resident in the accommodation to which regulation 19 applies;
(iii) is a single claimant and is likely to return to the accommodation, but has ceased to be liable to meet the weekly charge for that accommodation; or	(iii) the amount applicable to him (if any) under paragraph 2(2) of Schedule 4 (meal allowances) plus the amount in respect of him as an allowance for personal expenses under paragraph 13 of Schedule 4 as if he were residing in the accommodation to which regulation 19 applies plus any amount applicable under regulation 17(1)(f);
(iv) is a single claimant who ceases to be liable to meet the weekly charge for the accommodation, and who is unlikely to return to the accommodation;	(iv) the amount which would be applicable to him under regulation 17(1);
(b) he or his partner has been a patient for a period of more than six weeks and the patient is—	(b) (i) £13.55, plus any amount applicable under regulation 17(1)(f), plus either the amount prescribed in paragraph 16 in respect of any retaining fee he is liable to pay for the accommodation or the amount applicable by virtue of regulation 17(1)(e), but not both;
(i) a single claimant;	
(ii) a lone parent;	(ii) where one or more children or young persons remain in the accommodation, the amount applicable to the family as if regulation 19, having taken into account any reduction in charge, continued to apply to all the members of the family except that where the lone parent is the patient no amount shall be applicable in respect of him under paragraph 2(2) of

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(1)	(2)
<p>(iii) one of a couple or polygamous marriage and one of that couple or marriage is not a patient or has been a patient for six weeks or less;</p>	<p>Schedule 4 (meals allowances) and for the amount in respect of the allowance for personal expenses prescribed by paragraph 13 of Schedule 4, there shall be substituted the amount £13.55;—where all the children or young persons are absent from the accommodation, £13.55 plus any amounts applicable to him under regulation 17(1)(b), (c), (d) or (f) plus, if appropriate, either the amount applicable under Column (2) of paragraph 16(a) or the amount applicable by virtue of regulation 17(1)(e) (housing costs) but not both;—where one or more children or young persons are also patients and have been so for more than 12 weeks, in respect of those children and young persons remaining in the accommodation and the lone parent patient the amount specified in case one of Column (2) of sub-paragraph (b)(ii) save that the child or young person who has been a patient for more than 12 weeks shall be disregarded as a member of the family in assessing the amount applicable under regulation 19, and in respect of each such child or young person there shall be added the amount of £10.85;</p> <p>(iii) where the members of the family not patients remain in the accommodation, the amount applicable to the family as if regulation 19 having taken into account any reduction in charge, continued to apply to all the members of the family except that in respect of the member of the couple or polygamous marriage who has been a patient for more than six weeks no amount shall be applicable in respect of him under paragraph 2(2) of Schedule 4 and for the amount in respect of the allowance for personal expenses prescribed by paragraph 13 of Schedule 4 there shall be substituted the amount of £13.55;—where one or more children or young persons are also patients and have been so for more than 12 weeks, in respect of those children and young persons and the member of the couple or polygamous marriage who has been a patient for more than six weeks no amount shall be applicable</p>

(1)	(2)
(iv) one of a couple or polygamous marriage where all the members of that couple or marriage are patients and have been so for more than six weeks;	in respect of him under paragraph 2(2) of Schedule 4 and for the amount in respect of the allowance for personal expenses prescribed by paragraph 13 of Schedule 4 there shall be substituted the amount of £13.55;—where one or more children or young persons are also patients and have been so for more than 12 weeks, in respect of those children and young persons and the member of the couple or polygamous marriage remaining in the accommodation the amount specified in case one of Column (2) of sub-paragraph (b)(iii) save that the child or young person who has been a patient for more than 12 weeks shall be disregarded as a member of the family in assessing the amount applicable under regulation 19 and in respect of each such child or young person there shall be added the amount of £10.85; (iv) where there is no child or young person in the family £13.55 in respect of each member of the couple or polygamous marriage, plus any amount applicable under regulation 17(1)(f) or 18(1)(g), plus either the amount prescribed in paragraph 16 in respect of any retaining fee for the accommodation he is liable to pay or the amount applicable by virtue of regulation 17(1)(e) or 18(1)(f), but not both;— where there is a child or young person remaining in the accommodation, the amount which would be applicable in respect of the family as if regulation 19 having taken into account any reduction in charge continued to apply to all the members of the family except that in respect of each member of the couple or polygamous marriage no amount shall be applicable in respect of him under paragraph 2(2) of Schedule 4, and for the amount in respect of the allowance for personal expenses prescribed by paragraph 13 of Schedule 4 in respect of each member there shall be substituted the amount of £13.55;— where there is a child or young person in the family but no child or young person remains in the accommodation, the amount applicable under paragraph

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(1)	(2)
	1(c) or 1(d) as is appropriate plus either the amount applicable under Column (2) of paragraph 16(a) or the amount applicable by virtue of regulation 17(1) (e) or 18(1)(f) but not both;— where one or more children or young persons are also patients and have been so for more than 12 weeks, in respect of those children and young persons remaining in the accommodation and the members of the couple or polygamous marriage, the amount specified in case two of Column (2) of sub-paragraph (b)(iv) save that the child or young person who has been a patient for more than 12 weeks shall be disregarded as a member of the family in assessing the amount applicable under regulation 19, and in respect of each such child or young person there shall be added the amount of £10.85;
(c) (c) a child or young person who has been a patient for a period of more than 12 weeks.	(c) (c) the amount applicable under regulation 19 as if that child or young person was not a member of the family plus an amount of £10.85 in respect of that child or young person.

PART II

other sums specified in schedule 7 to the income support regulations

<i>Paragraph in Column (2) of Schedule 7</i>	<i>Specified Sum</i>
7. (members of Religious Orders)	Nil
8. (prisoners)	Nil
16. (persons temporarily absent from a residential care or a nursing home)	80 per cent.
17. (persons from abroad)	Nil

SCHEDULE 7

Article 13(12)

OTHER APPLICABLE AMOUNTS SPECIFIED IN THE INCOME SUPPORT REGULATIONS

<i>Provisions in Income Support Regulations</i>	<i>Specified Sum</i>
Regulation 22(1)	Weekly applicable amount to be reduced by a sum equivalent to 40 per cent. of the relevant amount.

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<i>Provisions in Income Support Regulations</i>	<i>Specified Sum</i>
Regulation 22(2)(a)	£200.
Regulation 22(2)	Weekly applicable amount to be reduced by a sum equivalent to 20 per cent. of the relevant amount.
Regulation 71(1)(a)(i)	90 per cent. of the amount applicable or, as the case may be, of the reduced applicable amount.
Regulation 71(1)(b)(i)	90 per cent. of the amount of the allowance for personal expenses or, as the case may be, of the reduced amount.
Regulation 71(1)(c)(i)	90 per cent. of the amount in respect of personal expenses.
Regulation 71(1)(c)(iii)	80 per cent. of the applicable amount in special cases.
Regulation 71(1)(d)(53)	90 per cent. of the applicable amount.
Schedule 3, paragraph 6(1B)(54)	The relevant fraction of the applicable amount is the amount calculated by the formula $\frac{A}{A+B}$
Schedule 3, paragraph 7(1) (a) and (b)(i) and (2)	100 per cent. of the eligible interest.
Schedule 3, paragraph 7(1) (b)(ii), (2)(a), and (6)	50 per cent. of the eligible interest.
Schedule 3, paragraph 7(4)(55)	The weekly amount of the eligible interest is the amount calculated by the formula $\frac{A \times B}{52}$

(53) Inserted by [S.I. 1988/633](#), regulation 25(b).

(54) Paragraph 6(1B) was inserted by [S.I. 1991/236](#), regulation 12(b).

(55) Paragraph 7(4) was substituted by [S.I. 1990/1776](#).

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SCHEDULE 8

Article 16(8)

PART I OF SCHEDULE 2 TO THE HOUSING BENEFIT REGULATIONS AMENDED BY THIS ORDER

“SCHEDULE 2

APPLICABLE AMOUNTS

PART I

personal allowances

1. The amounts specified in column (2) below in respect of each person or couple specified in column (1) shall be the amounts specified for the purposes of regulations 16(a) and 17(a) and (b)—

(1) <i>Person or Couple</i>	(2) <i>Amount</i>
(1) Single claimant aged—	(1)
(b) less than 25;	(b) £33.60;
(c) not less than 25.	(c) £42.45.
(2) Lone parent aged—	(a) (2) £33.60;
(a) less than 18;	
(b) not less than 18.	(b) £42.45.
(3) Couple—	(a) (3) £50.60;
(a) where both members are aged less than 18;	
(b) where at least one member is aged not less than 18.	(b) £66.60.

2. The amounts specified in column (2) below in respect of each person specified in column (1) shall be the amounts specified for the purposes of regulations 16(b) and 17(c)—

(1) <i>Child or Young Person</i>	(2) <i>Amount</i>
Person aged—	
(a) less than 11;	(a) £14.55;
(b) not less than 11 but less than 16;	(b) £21.40;
(c) not less than 16 but less than 18;	(c) £25.55;
(d) not less than 18.	(d) £33.60.”

SCHEDULE 9

Article 16(10)

PART IV OF SCHEDULE 2 TO THE HOUSING BENEFIT
REGULATIONS AS AMENDED BY THIS ORDER

“PART IV

amounts of premiums specified in part iii

<i>Premium</i>	<i>Amount</i>
15. —	1. £10.60.
(1) Lone Parent Premium	
(2) Pensioner Premium for persons aged under 75—	(a) £14.70;
(a) where the claimant satisfies the condition in paragraph 9(a);	
(b) where the claimant satisfies the condition in paragraph 9(b).	(b) £22.35.
(2A) Pensioner Premium for persons aged 75 and over—	(a) £16.65;
(a) where the claimant satisfies the condition in paragraph 9A(a);	
(b) where the claimant satisfies the condition in paragraph 9A(b).	(b) £25.00.
(3) Higher Pensioner Premium—	(a) £20.75;
(a) where the claimant satisfies the condition in paragraph 10(1)(a) or (b);	
(b) where the claimant satisfies the condition in paragraph 10(2)(a) or (b).	(b) £29.55.
(4) Disability Premium—	(a) £17.80;
(a) where the claimant satisfies the condition in paragraph 11(a);	
(b) where the claimant satisfies the condition in paragraph 11(b).	(b) £25.55.
(5) Severe Disability Premium—	(a) £32.55;
(a) where the claimant satisfies the condition in paragraph 13(2)(a);	
(b) where the claimant satisfies the condition in paragraph 13(2)(b)—	
(i) in a case where there is someone in receipt of an invalid care allowance;	(b) (i) £32.55;

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<i>Premium</i>	<i>Amount</i>
(ii) in a case where there is no-one in receipt of such an allowance.	(ii) £65.10.
(6) Disabled Child Premium.	6. £17.80 in respect of each child or young person in respect of whom the condition specified in paragraph 14 of Part III of this Schedule is satisfied.
(7) Carer Premium ⁽⁵⁶⁾ .	7. £11.55 in respect of each person who satisfies the condition specified in paragraph 14ZA.”

SCHEDULE 10

Article 17(4)

PART I OF SCHEDULE 1 TO THE COMMUNITY CHARGE BENEFITS REGULATIONS AS AMENDED BY THIS ORDER

“SCHEDULE 1

APPLICABLE AMOUNTS

PART I

personal allowances

1. The amounts specified in column (2) below in respect of each person or couple specified in column (1) shall be the amounts specified for the purposes of regulations 7(a) and 8(a) and (b)—

(1) <i>Person or Couple</i>	(2) <i>Amount</i>
(1) Single claimant aged—	(a) (1) £33.60
(a) not less than 18 but less than 25;	
(b) not less than 25.	(b) £42.45
(2) Lone parent	(2) £42.45
(3) Couple	(3) £66.60

2. The amounts specified in column (2) below in respect of each person specified in column (1) shall be the amounts specified for the purposes of regulations 7(b) and 8(c)—

(1) <i>Child or Young Person</i>	(2) <i>Amount</i>
Person aged—	(a) £14.55
(a) less than 11;	
(b) not less than 11 but less than 16;	(b) £21.40

⁽⁵⁶⁾ Sub-paragraph (7) inserted by regulation 9(e) of [S.I. 1990/1775](#).

(1) <i>Child or Young Person</i>	(2) <i>Amount</i>
(c) not less than 16 but less than 18;	(c) £25.55
(d) not less than 18.	(d) £33.60”

SCHEDULE 11

Article 17(6)

PART IV OF SCHEDULE 1 TO THE COMMUNITY CHARGE
BENEFITS REGULATIONS AS AMENDED BY THIS ORDER

“SCHEDULE 1

APPLICABLE AMOUNTS

PART IV

amounts of premiums specified in part iii

<i>Premium</i>	<i>Amount</i>
17. —	(1) £10.60
(1) Lone parent premium	
(2) Pensioner Premium for persons under 75—	(2)
(a) where the claimant satisfies the condition in paragraph 9(a);	(a) £14.70
(b) where the claimant satisfies the condition in paragraph 9(b).	(b) £22.35
(3) Pensioner Premium for persons 75 or over—	(3)
(a) where the claimant satisfies the condition in paragraph 10(a);	(a) £16.65
(b) where the claimant satisfies the condition in paragraph 10(b).	(b) £25.00
(4) Higher Pensioner Premium—	(4)
(a) where the claimant satisfies the condition in paragraph 11(1)(a) or (b);	(a) £20.75
(b) where the claimant satisfies the condition in paragraph 11(2)(a) or (b).	(b) £29.55
(5) Disability Premium—	
(5)	
(a) where the claimant satisfies the condition in paragraph 12(a);	(a) £17.80

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<i>Premium</i>	<i>Amount</i>
(b) where the claimant satisfies the condition in paragraph 12(b).	(b) £25.55
(6) Severe Disability Premium—	(6)
(a) where the claimant satisfies the condition in paragraph 14(2)(a);	(a) £32.55
(b) where the claimant satisfies the condition in paragraph 14(2)(b)—	(b) (i) £32.55
(i) in a case where there is someone in receipt of an invalid care allowance;	
(ii) in a case where there is no-one in receipt of such an allowance.	(ii) £65.10
(7) Disabled Child Premium	(7) £17.80 in respect of each child or young person in respect of whom the condition specified in paragraph 15 of Part III of this Schedule is satisfied.
(8) Carer Premium ⁽⁵⁷⁾	(8) £11.55 in respect of each person who satisfies the condition specified in paragraph 15A.”

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, a draft of which has been laid before and approved by resolution of each House of Parliament, is made as a consequence of a review under section 63(1) of the Social Security Act 1986 (“the 1986 Act”) and includes details of the sums mentioned in that section.

Part I relates to the citation, commencement and interpretation. Part II relates to non-means tested benefits. Article 3 alters the benefits and increases of benefit (except age addition and mobility allowance) specified in Parts I, III, IV and V of Schedule 4 to the Social Security Act 1975 (“the 1975 Act”). Article 4 increases the rates and amounts of certain benefits under Part II of the Social Security Pensions Act 1975 (“the Pensions Act”) (including increases of Category A or B retirement pensions payable by reference to the increases of increments in guaranteed minimum pensions payable by virtue of section 35(6) of that Act). Article 5 specifies the dates from which the sums specified for rates or amounts of benefit under the 1975 Act or the Pensions Act are altered. Article 6 increases the rates laid down in the Industrial Injuries and Diseases (Old Cases) Act 1975 for the maximum weekly rate of lesser incapacity allowance supplementing workmen’s compensation and the weekly rate of allowance under the Industrial Diseases Schemes where disablement is not total. Article 7 increases the rate of graduated retirement benefit under the National Insurance Act 1965.

⁽⁵⁷⁾ Sub-paragraph (8) inserted by regulation 11(e) of [S.I. 1990/1773](#).

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Article 8 sets out the weekly rate of child benefit and one parent benefit. Article 9 specifies the weekly rates of statutory sick pay payable as from 6th April 1992. Article 10 increases the lower rate of statutory maternity pay and article 11 specifies earnings limits for child dependency increases.

Part III of the Order relates to family credit, income support, housing benefit and community charge benefits. Article 12 and Schedule 2 specify the applicable amount for family credit and the amount of the credits for an adult, child or young person which determines a family's maximum family credit and other miscellaneous amounts.

Article 13 states the amount of sums relevant to the applicable amount for the purposes of income support. Article 13(3) and Schedule 3 set out the personal allowances; article 13(5) and Schedule 4 set out the premiums; article 13(8) and (9) and Schedule 5 set out the amounts relevant to the beneficiaries in residential care and nursing homes; article 13(10) and Schedule 6 set out the amounts relevant to special cases; and article 13(12) and Schedule 7 set out other miscellaneous amounts. Article 14 provides for the percentage increase of sums payable by way of special transitional additions to income support. Article 15 states the sum by which any income support of a person involved in a trade dispute is reduced.

Article 16 states the amount of the sums relevant to the applicable amount for the purposes of housing benefit. Article 16(8) and Schedule 8 set out the personal allowances and article 16(10) and Schedule 9 set out the premiums.

Article 17 states the amount of the sums relevant to the applicable amount for the purposes of community charge benefits. Article 17(4) and Schedule 10 set out the personal allowances and article 17(6) and Schedule 11 set out the premiums. Article 18 contains revocations.

In accordance with section 63(11) of the Social Security Act 1986, a copy of the report of the Government Actuary (Cm. 1779) giving his opinion on the likely effect on the National Insurance Fund of the making of this Order was laid before Parliament with the draft Order.