
DRAFT STATUTORY INSTRUMENTS

2010 No.

The Social Security Benefits Up-rating Order 2010

PART 1

INTRODUCTION

Citation, commencement and effect

- 1.—(1) This Order may be cited as the Social Security Benefits Up-rating Order 2010.
- (2) Subject to paragraph (3), this Order shall come into force for the purposes of—
- (a) this article and articles 2, 6, 21, 22 and 28 on 1st April 2010;
 - (b) article 8, in so far as it relates to a particular beneficiary, on the first day of the first benefit week to commence for that beneficiary on or after 1st April 2010, and for the purpose of this sub-paragraph “benefit week” has the same meaning as in regulation 2(1) of the Computation of Earnings Regulations;
 - (c) article 3—
 - (i) in so far as it relates to any increase to which article 6(9)(b) applies, on 1st April 2010, and
 - (ii) for all other purposes, on 12th April 2010;
 - (d) articles 4, 5, 7, 12 and 13, on 12th April 2010;
 - (e) article 9, on 6th April 2010;
 - (f) article 10, on 4th April 2010, except for the purpose of determining the rate of maternity allowance in accordance with section 35A(1)(1) of the Contributions and Benefits Act(2), for which purpose it shall come into force on 12th April 2010;
 - (g) article 11, on 4th April 2010;
 - (h) articles 14 and 15, on 15th April 2010;
 - (i) articles 16 to 18, 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 12th April 2010, and for the purpose of this sub-paragraph “benefit week” has the same meaning as in the Income Support Regulations;
 - (j) articles 19 and 20, in relation to a case where rent is payable at intervals of a week or any multiple thereof, on 5th April 2010, and in relation to any other case, on 1st April 2010;
 - (k) articles 23 to 25, in so far as they relate to a particular beneficiary—
 - (i) for the purposes of article 23(c), in so far as it relates to an increase to which article 6(9)(b) applies, on 1st April 2010, and

(1) Section 35A was inserted by section 53 of the 1999 Act. Subsection (1) was substituted by section 48 of the Employment Act 2002. The rate of maternity allowance is linked to the prescribed rate of statutory maternity pay set out in regulation 6 of S.I. 1986/1960.

(2) 1992 c. 4 (“the Contributions and Benefits Act”).

- (ii) for all other purposes, on the first day of the first benefit week to commence for that beneficiary on or after 12th April 2010, and for the purposes of this head “benefit week” has the same meaning as in the Jobseeker’s Allowance Regulations;
 - (l) article 26, in so far as it relates to a particular beneficiary, on the first day of the first benefit week to commence for that beneficiary on or after 12th April 2010, and for the purpose of this sub-paragraph “benefit week” has the same meaning as in the State Pension Credit Regulations; and
 - (m) article 27, in so far as it relates to a particular beneficiary, on the first day of the first benefit week to commence for that beneficiary on or after 12th April 2010, and for the purpose of this sub-paragraph “benefit week” has the same meaning as in the Employment and Support Allowance Regulations.
- (3) The changes made—
- (a) in the sums specified for rates or amounts of benefit under the Contributions and Benefits Act; and
 - (b) by article 23(c) in so far as it is relevant for the purposes referred to in article 6(9),
- shall take effect for each case on the date specified in relation to that case in article 6.

Interpretation

2. In this Order—

- “the Administration Act” means the Social Security Administration Act 1992;
- “the Computation of Earnings Regulations” means the Social Security Benefit (Computation of Earnings) Regulations 1996(3);
- “the Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992;
- “the Council Tax Benefit Regulations” means the Council Tax Benefit Regulations 2006(4);
- “the Council Tax Benefit (SPC) Regulations” means the Council Tax Benefit (Persons who have attained the qualifying age for State Pension Credit) Regulations 2006(5);
- “the Employment and Support Allowance Regulations” means the Employment and Support Allowance Regulations 2008(6);
- “the Housing Benefit Regulations” means the Housing Benefit Regulations 2006(7);
- “the Housing Benefit (SPC) Regulations” means the Housing Benefit (Persons who have attained the qualifying age for State Pension Credit) Regulations 2006(8);
- “the Income Support Regulations” means the Income Support (General) Regulations 1987(9);
- “the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations 1996(10);

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- (3) S.I. 1996/2745; the relevant amending instrument is S.I. 2002/842.
 - (4) S.I. 2006/215; the relevant amending instruments are S.I. 2006/588 and 718, 2008/1042, 1082 and 2428 and 2009/497 and 2608.
 - (5) S.I. 2006/216; the relevant amending instruments are S.I. 2006/718, 2008/1082 and 3157 and 2009/497.
 - (6) S.I. 2008/794; the relevant amending instruments are S.I. 2008/2428 and 3195 and 2009/497, 2655 and 3228.
 - (7) S.I. 2006/213; the relevant amending instruments are S.I. 2006/718, 2007/2868, 2008/1082 and 2428 and 2009/497 and 2608.
 - (8) S.I. 2006/214; the relevant amending instruments are S.I. 2006/718, 2007/2869, 2008/3157 and 2009/497.
 - (9) S.I. 1987/1967; the relevant amending instruments are S.I. 1990/1168 and 1776, 1995/516, 1613 and 2927, 1996/206, 1803, 2518 and 2545, 1998/766, 1999/2555, 3109 and 3178, 2000/2629, 2001/3651, 2002/2497 and 3019, 2003/455, 2004/2327 and 2825, 2005/3360, 2006/718, 2007/719, 2008/3195 and 2009/497 and 3228.
 - (10) S.I. 1996/207; the relevant amending instruments are S.I. 1996/1516, 1803, 2518 and 2545, 1998/766, 1999/2555 and 2860, 2000/636, 1978 and 2629, 2001/518 and 3651, 2003/455 and 511, 2004/2327 and 2825, 2005/2877, 2006/718, 2007/719, 2008/698, 1554 and 3195 and 2009/497, 1488, 1575 and 3228.

“the Pension Schemes Act” means the Pension Schemes Act 1993(11); and
“the State Pension Credit Regulations” means the State Pension Credit Regulations 2002(12).

PART 2

SOCIAL SECURITY BENEFITS AND PENSIONS

Rates or amounts of certain benefits under the Contributions and Benefits Act

- 3.—(1) From and including the respective dates specified in article 6—
- (a) the sums specified in paragraph (2) shall be increased; and
 - (b) the sums specified in paragraph 3(a) and (b) of Part III of Schedule 4 to the Contributions and Benefits Act (age related addition – higher and middle rates) shall be reduced(13),

so that Schedule 4 to the Contributions and Benefits Act (contributory periodical benefits, non-contributory periodical benefits and rates of industrial injuries benefit), except paragraph 5 of Part III of that Schedule (guardian’s allowance), has effect as set out in Schedule 1 to this Order.

(2) The sums mentioned in paragraph (1) are the sums specified in Parts I, III and V of Schedule 4 to the Contributions and Benefits Act except, in—

- (a) Part III, the sums specified for age related addition (higher and middle rates) and age addition to a pension of any category and otherwise under section 79 of that Act; and
- (b) Part V, the sums specified for the increases under paragraph 3 of Schedule 7 to the Contributions and Benefits Act of the weekly rate of unemployability supplement, the increase in disablement pension for dependent children, widow’s pension (initial rate) and death benefit allowance in respect of children and qualifying young persons(14).

Rates or amounts of certain pensions and allowances under the Contributions and Benefits Act

4.—(1) The sums specified in paragraphs (2) and (3) shall be increased from and including the respective dates specified in article 6.

(2) The sums falling to be calculated under paragraph 13(4) of Schedule 7 to the Contributions and Benefits Act (calculation of weekly rate of a beneficiary’s retirement allowance) shall be increased by 1.5 per cent.

(3) In section 44(4) of the Contributions and Benefits Act(15) (basic pension in a Category A retirement pension)—

- (a) for “£86.20” substitute “£87.75”; and
- (b) for “£95.25” substitute “£97.65”.

(4) The sums which are—

- (a) additional pensions in long-term benefits calculated by reference to any final relevant year earlier than the tax year 2009-2010;

(11) 1993 c. 48. Relevant amending instrument is [S.I. 2005/2050](#).

(12) [S.I. 2002/1792](#); the relevant amending instruments are [S.I. 2002/3197](#), [2004/2327](#) and [2825](#), [2005/3360](#), [2006/588](#) and [2378](#), [2007/2618](#), [2008/3195](#) and [2009/497](#).

(13) See [S.I. 2008/3270](#) which modifies the effect of section 150 of the Administration Act so that these rates may be reduced.

(14) Part V of Schedule 4 to the Contributions and Benefits Act was amended by paragraph 15 of Schedule 1 to the Child Benefit Act 2005 (c. 6) (“the 2005 Act”).

(15) Section 44(4) was substituted by section 68 of the 1998 Act.

- (b) increases in the rates of retirement pensions under Schedule 5 to the Contributions and Benefits Act(16) (pension increase or lump sum where entitlement to retirement pension is deferred);
- (c) lump sums to which surviving spouses or civil partners will become entitled under paragraph 7A of that Schedule(17) on becoming entitled to a Category A or Category B retirement pension (entitlement to lump sum where pensioner’s deceased spouse or civil partner has deferred entitlement); and
- (d) payable to a pensioner as part of their Category A or Category B retirement pension by virtue of an order made under section 126A of the Social Security Act 1975(18), section 63 of the Social Security Act 1986(19) or section 150(1)(e) of the Administration Act,

shall in each case remain unchanged.

(5) The sums which, under—

- (a) section 55A of the Contributions and Benefits Act(20), are shared additional pensions; and
- (b) paragraph 2 of Schedule 5A to the Contributions and Benefits Act(21), are increases in the rates of such pensions,

shall in each case remain unchanged.

Rates or amount of certain benefits under the Pension Schemes Act

5. Sums which are payable by virtue of section 15(1) of the Pension Schemes Act (which provides for increases in a person’s guaranteed minimum pension if payment of their occupational pension is postponed after they attain 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 17(2)(22) and (3) of that Act) remain unchanged.

Dates on which sums specified for rates or amounts of benefits under the Contributions and Benefits Act are changed by this Order

6.—(1) Paragraphs (2) to (8), which are subject to the provisions of paragraph (9), specify the date on which the changes made by this Order in the sums specified for rates or amounts of benefit under the Contributions and Benefits Act shall take effect for each case.

(2) Subject to paragraph (3), any increases in the sums mentioned in articles 3 and 4 for Category A and Category B retirement pension shall take effect on 12th April 2010.

(3) In the case of a person over pensionable age—

- (a) whose entitlement to a Category A retirement pension is deferred; and
- (b) for whom the rate of short-term incapacity benefit falls to be calculated in accordance with section 30B(3) of the Contributions and Benefits Act(23),

(16) Schedule 5 was amended by paragraph 42 of Schedule 8 to the 1993 Act, paragraph 40 of Schedule 1 to the 1994 Act, paragraphs 6 and 21 of Schedule 4, and Schedule 7, to the Pensions Act 1995, section 39 of the Child Support, Pensions and Social Security Act 2000 (c. 19) (“the 2000 Act”), Schedule 6 to the Tax Credits Act, paragraphs 2 to 14 of Schedule 11 to the Pensions Act 2004 (c. 35), paragraphs 19 and 20 of Schedule 1, and Schedule 7, to the Pensions Act 2007 and S.I. 2005/2053.

(17) Paragraph 7A was inserted by paragraph 11 of Schedule 11 to the Pensions Act 2004 and amended by paragraph 5(11) of the Schedule to S.I. 2005/2053.

(18) 1975 c. 14; section 126A was inserted by section 12 of the Social Security Act 1979 (c. 18) and repealed by section 86 of, and Schedule 11 to, the Social Security Act 1986 (c. 50).

(19) Section 63 was repealed by Schedule 1 to the Social Security (Consequential Provisions) Act 1992 (c. 6).

(20) Section 55A was inserted by paragraph 3 of Schedule 6 to the 1999 Act and amended by section 41(3) of the 2000 Act.

(21) Schedule 5A was inserted by paragraph 15 of Schedule 11 to the Pensions Act 2004.

(22) Section 17(2) was amended by paragraph 4(b) of Schedule 1 to S.I. 2005/2050.

(23) Section 30B was inserted by section 2(1) of the 1994 Act. Subsection (3) was amended by paragraph 21(3) of Schedule 4 to the Pensions Act 1995, Schedule 6 to the Tax Credits Act and paragraph 15 of Schedule 24 to the Civil Partnership Act 2004 (c. 33).

any increases in the sums mentioned in articles 3 and 4 for Category A and Category B retirement pensions shall take effect on 15th April 2010.

- (4) Any increases in the sums specified for the rate of—
- (a) Category C and Category D retirement pension;
 - (b) attendance allowance; and
 - (c) carer’s allowance (except in a case where the Secretary of State has made arrangements for it to be paid on a Wednesday),

shall in all cases take effect on 12th April 2010.

- (5) Any increases in the sums specified for—
- (a) the rate of—
 - (i) carer’s allowance in a case where the Secretary of State has made arrangements for it to be paid on a Wednesday,
 - (ii) disablement benefit,
 - (iii) maximum disablement gratuity under paragraph 9(2) of Schedule 7 to the Contributions and Benefits Act,
 - (iv) industrial death benefit by way of widow’s and widower’s pension and allowance in respect of children and qualifying young persons⁽²⁴⁾,
 - (v) the maximum of the aggregate of weekly benefit payable for successive accidents, under section 107(1) of the Contributions and Benefits Act; and
 - (b) any increases in—
 - (i) the benefits referred to in heads (i), (iii) and (iv) of sub-paragraph (a) in respect of dependants, and
 - (ii) disablement pension,

shall in all cases take effect on 14th April 2010.

(6) In any case where a person’s weekly rate of Category A or Category B retirement pension falls to be increased under the provisions of section 47(1) or 48C(2) of the Contributions and Benefits Act⁽²⁵⁾ by reference to the weekly rate of invalidity allowance or age addition to long-term incapacity benefit to which they were previously entitled, any increase in such sum shall take effect on 12th April 2010.

(7) The changes in the sums specified for the rate of incapacity benefit and severe disablement allowance shall take effect in all cases on 15th April 2010.

(8) The increases in the sums falling to be calculated in accordance with paragraph 13(4) of Schedule 7 to the Contributions and Benefits Act (retirement allowance) shall take effect on 14th April 2010.

(9) Any increases in the sums specified in articles 3 and 23(c), in so far as those sums are relevant for the purposes of establishing whether the rate of any benefit is not to be increased in respect of an adult dependant because the earnings of the dependant exceed a specified amount⁽²⁶⁾, shall take effect—

(24) The words “qualifying young persons” were inserted into Schedule 7 to the Contributions and Benefits Act by paragraph 16(2) of Schedule 1 to the 2005 Act.

(25) Section 47(1) was amended by paragraph 13 of Schedule 1 to the 1994 Act. Section 48C was inserted by paragraph 3 of Schedule 4 to the Pensions Act 1995 and amended by [S.I. 2005/2053](#).

(26) See sections 82(3)(a), 83(2)(b) and 84(2)(b) of the Contributions and Benefits Act, regulations 8 and 10(2) of, and paragraph 7 of Schedule 2 to, the Social Security Benefit (Dependency) Regulations 1977 ([S.I. 1977/343](#)) (“the 1977 Regulations”) and regulation 10 of the Social Security (Incapacity Benefit—Increases for Dependants) Regulations 1994 ([S.I. 1994/2945](#)). Relevant amending instruments are [S.I. 1984/1698](#) and [1699](#), [1987/355](#), [1988/554](#), [1989/523](#) and [1642](#), [1992/3041](#), [1994/2945](#),

- (a) except in a case where sub-paragraph (b) applies, on the first day of the first benefit week to commence for the beneficiary on or after 12th April 2010;
- (b) in a case where regulation 7(b) of the Computation of Earnings Regulations (date on which earnings are treated as paid) applies, on the first day of the first benefit week to commence for the beneficiary on or after 1st April 2010,

and for the purpose of this paragraph, “benefit week” has the same meaning as in regulation 2(1) of the Computation of Earnings Regulations.

Increase in rates of certain compensation and industrial diseases benefits in respect of employment before 5th July 1948

7. From and including—

- (a) 14th April 2010, for “£53.10” referred to in paragraph 2(6)(c) of Schedule 8 to the Contributions and Benefits Act(27) (maximum weekly rate of lesser incapacity allowance supplementing workmen’s compensation);
- (b) 15th April 2010, for that sum referred to in paragraph 6(2)(b) of that Schedule(28) (industrial diseases benefit schemes: weekly rate of allowance payable where disablement is not total),

substitute “£53.90”.

Earnings Limits

8. In section 80(4) of the Contributions and Benefits Act(29) (earnings limits in respect of child dependency increases)—

- (a) for “£195.00”, in both places where it occurs, substitute “£200.00”; and
- (b) “£26.00” remains unchanged.

Statutory Sick Pay

9. In section 157(1) of the Contributions and Benefits Act(30) (rate of payment of statutory sick pay) “£79.15” remains unchanged.

Statutory Maternity Pay

10. In regulation 6 of the Statutory Maternity Pay (General) Regulations 1986(31) (prescribed rate of statutory maternity pay) for “£123.06” substitute “£124.88”.

Statutory Paternity Pay and Statutory Adoption Pay

11. In the Statutory Paternity Pay and Statutory Adoption Pay (Weekly Rates) Regulations 2002(32)—

- (a) in regulation 2(a) (weekly rate of payment of statutory paternity pay) for “£123.06” substitute “£124.88”; and

1996/1345 and 2745 and 2002/2497. Paragraph 7 of Schedule 2 to the 1977 Regulations was also amended by section 37 of the Social Security Act 1986.

(27) Relevant amending instrument is [S.I. 2009/497](#).

(28) Relevant amending instrument is [S.I. 2009/497](#).

(29) Section 80 was repealed by Schedule 6 to the Tax Credits Act. Article 3 of [S.I. 2003/938](#) saves the repealed provision in certain circumstances. Relevant amending instrument is [S.I. 2009/497](#).

(30) Relevant amending instrument is [S.I. 2009/497](#).

(31) [S.I. 1986/1960](#); relevant amending instruments are [S.I. 2002/2690](#) and [2009/497](#).

(32) [S.I. 2002/2818](#); relevant amending instruments are [S.I. 2004/925](#) and [2009/497](#).

- (b) in regulation 3(a) (weekly rate of payment of statutory adoption pay) for “£123.06” substitute “£124.88”.

Rate of graduated retirement benefit

12.—(1) The sum of 11.53 pence in section 36(1) of the National Insurance Act 1965(**33**) (graduated retirement benefit) remains unchanged.

(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(**34**) (increases for deferred retirement) remain unchanged.

(3) The sums which are lump sums to which surviving spouses or civil partners will become entitled under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005(**35**) (increases of graduated retirement benefit and lump sums) remain unchanged.

(4) The sums which are the additions under section 37(1) of the National Insurance Act 1965 (additions for widows and widowers) remain unchanged.

Increase in rates of Disability Living Allowance

13. In regulation 4 of the Social Security (Disability Living Allowance) Regulations 1991(**36**) (rate of benefit)—

- (a) in paragraph (1)(a) for “£70.35” substitute “£71.40”;
- (b) in paragraph (1)(b) for “£47.10” substitute “£47.80”;
- (c) in paragraph (1)(c) for “£18.65” substitute “£18.95”;
- (d) in paragraph (2)(a) for “£49.10” substitute “£49.85”; and
- (e) in paragraph (2)(b) for “£18.65” substitute “£18.95”.

Rates of age addition

14.—(1) Subject to paragraph (2), in regulation 10(2) of the Social Security (Incapacity Benefit) Regulations 1994(**37**) (increase in rate of incapacity benefit where beneficiary is under prescribed age on the qualifying date)—

- (a) in sub-paragraph (a) for “£15.65” substitute “£18.65”; and
- (b) in sub-paragraph (b) for “£6.55” substitute “£9.35”.

(2) In the case of a claimant entitled to long-term incapacity benefit, the sums specified in regulation 10(2)(a) and (b)(**38**) shall be reduced to “£15.00” and “£5.80” respectively.

Rates of transitional invalidity allowance

15.—(1) Subject to paragraph (2), in regulation 18(2) of the Social Security (Incapacity Benefit) (Transitional) Regulations 1995(**39**) (rate of long-term incapacity benefit in transitional cases)—

- (a) in sub-paragraph (a) “£18.65” remains unchanged;

(33) 1965 c. 51. Sections 36 and 37 were repealed by the Social Security Act 1973 (c. 38) but are 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 Schedule 1 to those Regulations; relevant amending instruments are S.I. 1989/1642, 1995/2606, 1996/1345, 2005/454 and 3078 and 2009/497. See also regulation 2 of those Regulations, which was substituted by S.I. 1995/2606.

(34) S.I. 1978/393; relevant amending instruments are S.I. 1989/1642 and 2005/454.

(35) S.I. 2005/454; relevant amending instruments are S.I. 2005/2677 and 3078.

(36) S.I. 1991/2890; relevant amending instruments are S.I. 1993/1939 and 2009/497.

(37) S.I. 1994/2946; relevant amending instrument is S.I. 2009/497.

(38) See S.I. 2008/3270 which modifies the effect of section 150 of the Administration Act so that these rates may be reduced.

(39) S.I. 1995/310; relevant amending instrument is S.I. 2009/497.

- (b) in sub-paragraph (b) “£12.00” remains unchanged; and
 - (c) in sub-paragraph (c) “£6.00” remains unchanged.
- (2) In the case of a claimant entitled to long-term incapacity benefit—
- (a) the sums specified in regulation 18(2)(a) and (b)(40) shall be reduced to “£15.00” and “£8.40” respectively; and
 - (b) the sum specified in regulation 18(2)(c) shall be increased to “£5.45”.

PART 3

INCOME SUPPORT, HOUSING BENEFIT AND COUNCIL TAX BENEFIT

Applicable amounts for Income Support

16.—(1) The sums relevant to the calculation of an applicable amount as specified in the Income Support Regulations shall be the sums set out in this article and Schedules 2 to 4 to this Order; and unless stated otherwise any reference in this article to a numbered Schedule is a reference to the Schedule to the Income Support Regulations bearing that number.

(2) In—

- (a) regulations 17(1)(b), 18(1)(c) and 21(1); and
- (b) paragraphs 13A(2)(a)(41) and 14(2)(a)(42) of Part III of Schedule 2,

the sum specified is in each case £3,000.

(3) The sums specified in Part I of Schedule 2(43) (applicable amounts: personal allowances) shall be as set out in Schedule 2 to this Order.

(4) In paragraph 3 of Part II of Schedule 2(44) (applicable amounts: family premium)—

- (a) in sub-paragraph (1)(a) for “£17.30” substitute “£17.40”; and
- (b) in sub-paragraph (1)(b) for “£17.30” substitute “£17.40”.

(5) The sums specified in Part IV of Schedule 2(45) (applicable amounts: weekly amounts of premiums) shall be as set out in Schedule 3 to this Order.

(6) In paragraph 18 of Schedule 3(46) (housing costs: non-dependant deductions)—

- (a) in sub-paragraph (1)(a) “£47.75” remains unchanged;
- (b) in sub-paragraph (1)(b) “£7.40” remains unchanged;
- (c) in sub-paragraph (2)(a) “£120.00” remains unchanged;
- (d) in sub-paragraph (2)(b) “£120.00”, “£178.00” and “£17.00” remain unchanged;
- (e) in sub-paragraph (2)(c) “£178.00”, “£231.00” and “£23.35” remain unchanged;
- (f) in sub-paragraph (2)(d) “£231.00”, “£306.00” and “£38.20” remain unchanged; and
- (g) in sub-paragraph (2)(e) “£306.00”, “£382.00” and “£43.50” remain unchanged.

(40) See S.I. 2008/3270 which modifies the effect of section 150 of the Administration Act so that these rates may be reduced.

(41) Paragraph 13A was inserted by S.I. 2000/2629 and amended by S.I. 2002/3019, 2003/455 and 2007/719.

(42) Relevant amending instrument is S.I. 2007/719.

(43) Relevant amending instruments are S.I. 1990/1168, 1996/206 and 2545, 1999/2555, 2003/455, 2006/718, 2007/719 and 2009/497.

(44) Relevant amending instruments are S.I. 1996/1803, 1998/766, 2003/455 and 2009/497.

(45) Relevant amending instruments are S.I. 1990/1776, 1996/1803, 2000/2239 and 2629, 2002/2497 and 3019 and 2009/497.

(46) Schedule 3 was substituted by S.I. 1995/1613; relevant amending instruments are S.I. 1995/2927, 1996/2518, 1999/3178, 2004/2327 and 2009/497.

(7) The sums specified in any provision of the Income Support Regulations set out in column (1) of Schedule 4 to this Order are the sums set out in column (2) of that Schedule.

Income Support Transitional Protection

17. It is directed⁽⁴⁷⁾ that the sums which are special transitional additions to income support payable in accordance with regulation 15 of the Income Support (Transitional) Regulations 1987⁽⁴⁸⁾ (special transitional addition) shall be increased by 1.8 per cent.

The Relevant Sum for Income Support

18. In section 126(7) of the Contributions and Benefits Act⁽⁴⁹⁾ (trade disputes: the relevant sum) for “£34.50” substitute “£35.00”.

Housing Benefit

19.—(1) The sums relevant to the calculation of an applicable amount as specified in the Housing Benefit Regulations shall be the sums set out in this article and Schedules 5 and 6 to this Order; and unless otherwise stated, any reference in this article to a numbered Schedule is a reference to the Schedule to the Housing Benefit Regulations bearing that number.

(2) In regulation 27(3) (calculation of income on a weekly basis)—

- (a) in sub-paragraph (a) “£175.00” remains unchanged; and
- (b) in sub-paragraph (b) “£300.00” remains unchanged.

(3) In regulation 74⁽⁵⁰⁾ (non-dependant deductions)—

- (a) in paragraph (1)(a) “£47.75” remains unchanged;
- (b) in paragraph (1)(b) “£7.40” remains unchanged;
- (c) in paragraph (2)(a) “£120.00” remains unchanged;
- (d) in paragraph (2)(b) “£120.00”, “£178.00” and “£17.00” remain unchanged;
- (e) in paragraph (2)(c) “£178.00”, “£231.00” and “£23.35” remain unchanged;
- (f) in paragraph (2)(d) “£231.00”, “£306.00” and “£38.20” remain unchanged; and
- (g) in paragraph (2)(e) “£306.00”, “£382.00” and “£43.50” remain unchanged.

(4) In paragraph 2 of Part 1 of Schedule 1 (ineligible service charges), for “£22.95”, “£22.95”, “£11.60”, “£15.25”, “£15.25”, “£7.65” and “£2.80” substitute “£23.35”, “£23.35”, “£11.80”, “£15.50”, “£15.50”, “£7.80” and “£2.85” respectively.

(5) In paragraph 6 of Part 2 of Schedule 1 (payments in respect of fuel charges)—

- (a) in sub-paragraph (2)(a) “£21.55” remains unchanged;
- (b) in sub-paragraph (2)(b) and (d) “£2.50” remains unchanged; and
- (c) in sub-paragraph (2)(c) “£1.75” remains unchanged.

(6) The sums specified in Part 1 of Schedule 3⁽⁵¹⁾ (applicable amounts: personal allowances) shall be as set out in Schedule 5 to this Order.

(7) In paragraph 3 of Part 2 of Schedule 3 (applicable amounts: family premium)—

- (a) in sub-paragraph (1)(a) “£22.20” remains unchanged;

⁽⁴⁷⁾ See section 151(6) of the Administration Act.

⁽⁴⁸⁾ S.I. 1987/1969; relevant amending instruments are S.I. 1988/521 and 670, 1989/1626, 1991/1600 and 2009/497.

⁽⁴⁹⁾ See section 126(8) of the Contributions and Benefits Act.

⁽⁵⁰⁾ Regulation 74 was substituted by S.I. 2007/2868.

⁽⁵¹⁾ Relevant amending instrument is S.I. 2008/1082.

- (b) in sub-paragraph (1)(b) for “£17.30” substitute “£17.40”; and
 - (c) in sub-paragraph (2) “£10.50” remains unchanged.
- (8) The sums specified in Part 4 of Schedule 3 (applicable amounts: premiums) shall be as set out in Schedule 6 to this Order.
- (9) In Part 6 of Schedule 3(52) (amount of components)—
- (a) in paragraph 25 for “£25.50” substitute “£25.95”; and
 - (b) in paragraph 26 for “£30.85” substitute “£31.40”.
- (10) In paragraph 17(1)(53) and (3)(c) of Schedule 4 (sums to be disregarded in the calculation of earnings) for “£16.85” substitute “£17.10”.
- (11) In paragraph 56 of Schedule 5 (sums to be disregarded in the calculation of income other than earnings) for “£16.85” substitute “£17.10”.

Housing Benefit for certain persons over the qualifying age for State Pension Credit

20.—(1) The sums relevant to the calculation of an applicable amount as specified in the Housing Benefit (SPC) Regulations shall be the sums set out in this article and Schedules 7 and 8 to this Order; and unless stated otherwise, any reference in this article to a numbered Schedule is a reference to the Schedule to the Housing Benefit (SPC) Regulations bearing that number.

- (2) In regulation 30(3) (calculation of income on a weekly basis)—
 - (a) in sub-paragraph (a) “£175.00” remains unchanged; and
 - (b) in sub-paragraph (b) “£300.00” remains unchanged.
- (3) In regulation 55(54) (non-dependant deductions)—
 - (a) in paragraph (1)(a) “£47.75” remains unchanged;
 - (b) in paragraph (1)(b) “£7.40” remains unchanged;
 - (c) in paragraph (2)(a) “£120.00” remains unchanged;
 - (d) in paragraph (2)(b) “£120.00”, “£178.00” and “£17.00” remain unchanged;
 - (e) in paragraph (2)(c) “£178.00”, “£231.00” and “£23.35” remain unchanged;
 - (f) in paragraph (2)(d) “£231.00”, “£306.00” and “£38.20” remain unchanged; and
 - (g) in paragraph (2)(e) “£306.00”, “£382.00” and “£43.50” remain unchanged.
- (4) In paragraph 2 of Part 1 of Schedule 1 (ineligible service charges), for “£22.95”, “£22.95”, “£11.60”, “£15.25”, “£15.25”, “£7.65” and “£2.80” substitute “£23.35”, “£23.35”, “£11.80”, “£15.50”, “£15.50”, “£7.80” and “£2.85” respectively.
- (5) In paragraph 6 of Part 2 of Schedule 1 (payments in respect of fuel charges)—
 - (a) in sub-paragraph (2)(a) “£21.55” remains unchanged;
 - (b) in sub-paragraph (2)(b) and (d) “£2.50” remains unchanged; and
 - (c) in sub-paragraph (2)(c) “£1.75” remains unchanged.
- (6) The sums specified in Part 1 of Schedule 3 (applicable amounts: personal allowances) shall be as set out in Schedule 7 to this Order.
- (7) In paragraph 3 of Part 2 of Schedule 3 (applicable amounts: family premium)—
 - (a) in sub-paragraph (1) for “£17.30” substitute “£17.40”; and
 - (b) in sub-paragraph (2) “£10.50” remains unchanged.

(52) Part 6 was inserted by [S.I. 2008/1082](#) (as amended by [S.I. 2008/2428](#)).

(53) Relevant amending instrument is [S.I. 2009/2608](#).

(54) Regulation 55 was substituted by [S.I. 2007/2869](#).

(8) The sums specified in Part 4 of Schedule 3 (applicable amounts: amounts of premiums specified in Part 3) shall be as set out in Schedule 8 to this Order.

(9) In paragraph 9(1) and (3)(c) of Schedule 4 (sums disregarded from claimant's earnings) for "£16.85" substitute "£17.10".

(10) In paragraph 21 of Schedule 5(55) (amounts to be disregarded in the calculation of income other than earnings) for "£16.85" substitute "£17.10".

Council Tax Benefit

21.—(1) The sums relevant to the calculation of an applicable amount as specified in the Council Tax Benefit Regulations shall be the sums set out in this article and Schedules 9 and 10 to this Order; and unless stated otherwise, any reference in this article to a numbered Schedule is a reference to the Schedule to the Council Tax Benefit Regulations bearing that number.

(2) In regulation 17(3) (calculation of income on a weekly basis)—

- (a) in sub-paragraph (a) "£175.00" remains unchanged; and
- (b) in sub-paragraph (b) "£300.00" remains unchanged.

(3) In regulation 58 (non-dependant deductions)—

- (a) in paragraph (1)(a) "£6.95" remains unchanged;
- (b) in paragraph (1)(b) "£2.30" remains unchanged;
- (c) in paragraph (2)(a) "£178.00" remains unchanged;
- (d) in paragraph (2)(b) "£178.00", "£306.00" and "£4.60" remain unchanged; and
- (e) in paragraph (2)(c) "£306.00", "£382.00" and "£5.80" remain unchanged.

(4) The sums specified in Part 1 of Schedule 1(56) (applicable amounts: personal allowances) shall be as set out in Schedule 9 to this Order.

(5) In paragraph 3 of Part 2 of Schedule 1 (applicable amounts: family premium)—

- (a) in sub-paragraph (1)(a) "£22.20" remains unchanged;
- (b) in sub-paragraph (1)(b) for "£17.30" substitute "£17.40"; and
- (c) in sub-paragraph (2) "£10.50" remains unchanged.

(6) The sums specified in Part 4 of Schedule 1 (applicable amounts: premiums) shall be as set out in Schedule 10 to this Order.

(7) In Part 6 of Schedule 1(57) (amount of components)—

- (a) in paragraph 25 for "£25.50" substitute "£25.95"; and
- (b) in paragraph 26 for "£30.85" substitute "£31.40".

(8) In the Table in paragraph 1 of Schedule 2(58) (amount of alternative maximum council tax benefit)—

- (a) in sub-paragraph (2)(b)(i) "£175.00" remains unchanged; and
- (b) in sub-paragraph (2)(b)(ii) "£175.00" and "£228.00" remain unchanged.

(9) In paragraph 16(1)(59) and (3)(c) of Schedule 3 (sums to be disregarded in the calculation of earnings) for "£16.85" substitute "£17.10".

(55) Relevant amending instrument is [S.I. 2008/3157](#).

(56) Relevant amending instrument is [S.I. 2008/1082](#).

(57) Part 6 was inserted by [S.I. 2008/1082](#) (as amended by [S.I. 2008/2428](#)).

(58) Relevant amending instruments are [S.I. 2006/588](#) and [2008/1082](#).

(59) Relevant amending instrument is [S.I. 2009/2608](#).

(10) In paragraph 56 of Schedule 4 (sums to be disregarded in the calculation of income other than earnings) for “£16.85” substitute “£17.10”.

Council Tax Benefit for certain persons over the qualifying age for State Pension Credit

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

(2) In regulation 20(3) (calculation of income on a weekly basis)—

- (a) in sub-paragraph (a) “£175.00” remains unchanged; and
- (b) in sub-paragraph (b) “£300.00” remains unchanged.

(3) In regulation 42 (non-dependant deductions)—

- (a) in paragraph (1)(a) “£6.95” remains unchanged;
- (b) in paragraph (1)(b) “£2.30” remains unchanged;
- (c) in paragraph (2)(a) “£178.00” remains unchanged;
- (d) in paragraph (2)(b) “£178.00”, “£306.00” and “£4.60” remain unchanged; and
- (e) in paragraph (2)(c) “£306.00”, “£382.00” and “£5.80” remain unchanged.

(4) The sums specified in Part 1 of Schedule 1 (applicable amounts: personal allowances) shall be as set out in Schedule 11 to this Order.

(5) In paragraph 3 of Part 2 of Schedule 1 (applicable amounts: family premium)—

- (a) in sub-paragraph (1) for “£17.30” substitute “£17.40”; and
- (b) in sub-paragraph (2) “£10.50” remains unchanged.

(6) The sums specified in Part 4 of Schedule 1 (amounts of premiums specified in Part 3) shall be as set out in Schedule 12 to this Order.

(7) In paragraph 9(1) and (3)(c) of Schedule 2 (sums disregarded from claimant’s earnings) for “£16.85” substitute “£17.10”.

(8) In paragraph 21 of Schedule 3(**60**) (amounts to be disregarded in the calculation of income other than earnings) for “£16.85” substitute “£17.10”.

(9) In the Table in paragraph 1 of Schedule 6(**61**) (amount of alternative maximum council tax benefit)—

- (a) in sub-paragraph (2)(b)(i) “£175.00” remains unchanged; and
- (b) in sub-paragraph (2)(b)(ii) “£175.00” and “£228.00” remain unchanged.

PART 4

JOBSEEKER’S ALLOWANCE

Increase in age-related amounts of contribution-based Jobseeker’s Allowance

23. In regulation 79(1) of the Jobseeker’s Allowance Regulations(**62**) (weekly amounts of contribution-based jobseeker’s allowance)—

(60) Relevant amending instrument is [S.I. 2008/3157](#).

(61) Relevant amending instruments are [S.I. 2006/588](#) and [2008/1082](#).

(62) Relevant amending instrument is [S.I. 2009/497](#).

- (a) in sub-paragraph (a) for “£50.95” substitute “£51.85”;
- (b) in sub-paragraph (b) for “£50.95” substitute “£51.85”; and
- (c) in sub-paragraph (c) for “£64.30” substitute “£65.45”.

Applicable amounts for Jobseeker’s Allowance

24.—(1) The sums relevant to the calculation of an applicable amount as specified in the Jobseeker’s Allowance Regulations shall be the sums set out in this article and Schedules 13 to 16 to this Order; and unless stated otherwise, any reference in this article to a numbered Schedule is a reference to the Schedule to the Jobseeker’s Allowance Regulations bearing that number.

(2) In—

- (a) regulations 83(b), 84(1)(c) and 85(1)(**63**); and
- (b) paragraphs 15A(2)(a)(**64**) and 16(2)(a)(**65**) of Part III of Schedule 1,

the sum specified is in each case £3,000.

(3) The sums specified in Part 1 of Schedule 1(**66**) (applicable amounts: personal allowances) shall be as set out in Schedule 13 to this Order.

(4) In paragraph 4 of Part II of Schedule 1(**67**) (applicable amounts: family premium)—

- (a) in sub-paragraph (1)(a) for “£17.30” substitute “£17.40”; and
- (b) in sub-paragraph (1)(b) for “£17.30” substitute “£17.40”.

(5) The sums specified in Part IV of Schedule 1(**68**) (applicable amounts: weekly amounts of premiums) shall be as set out in Schedule 14 to this Order.

(6) The sums specified in Part IVB of Schedule 1(**69**) (applicable amounts: weekly amounts of premiums for joint-claim couples) shall be as set out in Schedule 15 to this Order.

(7) In paragraph 17 of Schedule 2(**70**) (housing costs: non-dependant deductions)—

- (a) in sub-paragraph (1)(a) “£47.75” remains unchanged;
- (b) in sub-paragraph (1)(b) “£7.40” remains unchanged;
- (c) in sub-paragraph (2)(a) “£120.00” remains unchanged;
- (d) in sub-paragraph (2)(b) “£120.00”, “£178.00” and “£17.00” remain unchanged;
- (e) in sub-paragraph (2)(c) “£178.00”, “£231.00” and “£23.35” remain unchanged;
- (f) in sub-paragraph (2)(d) “£231.00”, “£306.00” and “£38.20” remain unchanged; and
- (g) in sub-paragraph (2)(e) “£306.00”, “£382.00” and “£43.50” remain unchanged.

(8) The sums specified in any provision of the Jobseeker’s Allowance Regulations set out in column (1) of Schedule 16 to this Order are the sums set out in column (2) of that Schedule.

(63) Regulations 83(b) and 84(1)(c) were omitted, and regulation 85(1) was amended, by [S.I. 2003/455](#). Regulation 8 of that S.I. (as amended by [S.I. 2005/2294](#)) makes transitional arrangements in connection with the introduction of child tax credit.

(64) Paragraph 15A was inserted by [S.I. 2000/2629](#) and amended by [S.I. 2003/455](#) and [2007/719](#).

(65) Relevant amending instrument is [S.I. 2007/719](#).

(66) Relevant amending instruments are [S.I. 1996/1516](#) and [2545](#), [1999/2555](#), [2000/1978](#), [2003/455](#) and [2005/2877](#).

(67) Relevant amending instruments are [S.I. 1996/1803](#), [1998/766](#), [2003/455](#) and [2009/497](#).

(68) Relevant amending instruments are [S.I. 1996/1516](#) and [1803](#), [2000/2239](#) and [2629](#) and [2003/455](#) and [511](#).

(69) Part IVB was inserted by [S.I. 2000/1978](#) and amended by [S.I. 2000/2629](#), [2001/518](#) and [2003/511](#).

(70) Relevant amending instruments are [S.I. 1996/2518](#), [1999/2860](#), [2004/2327](#) and [2009/497](#).

The Prescribed Sum for Jobseeker's Allowance

25. In regulation 172 of the Jobseeker's Allowance Regulations(71) (trade disputes: prescribed sum) for "£34.50" substitute "£35.00".

PART 5

STATE PENSION CREDIT

State Pension Credit

26.—(1) The amounts as specified in the State Pension Credit Regulations shall be the amounts set out in this article and Schedule 17 to this Order; and unless stated otherwise, any reference in this article to a numbered Schedule is a reference to the Schedule to the State Pension Credit Regulations bearing that number.

- (2) In regulation 6(72) (amount of the guarantee credit)—
- (a) in paragraph (1)(a) for "£198.45" substitute "£202.40";
 - (b) in paragraph (1)(b) for "£130.00" substitute "£132.60";
 - (c) in paragraph (5)(a) for "£52.85" substitute "£53.65";
 - (d) in paragraph (5)(b) for "£105.70" substitute "£107.30"; and
 - (e) in paragraph (8) for "£29.50" substitute "£30.05".
- (3) In regulation 7(73) (savings credit)—
- (a) in paragraph (1) "60 per cent.", "60 per cent." and "40 per cent." in sub-paragraphs (a), (b) and (c) respectively remain unchanged; and
 - (b) in paragraph (2) for "£96.00" and "£153.40" substitute "£98.40" and "£157.25" respectively.
- (4) In paragraph 14 of Schedule II(74) (persons residing with the claimant)—
- (a) in sub-paragraph (1)(a) "£47.75" remains unchanged;
 - (b) in sub-paragraph (1)(b) "£7.40" remains unchanged;
 - (c) in sub-paragraph (2)(a) "£120.00" remains unchanged;
 - (d) in sub-paragraph (2)(b) "£120.00", "£178.00" and "£17.00" remain unchanged;
 - (e) in sub-paragraph (2)(c) "£178.00", "£231.00" and "£23.35" remain unchanged;
 - (f) in sub-paragraph (2)(d) "£231.00", "£306.00" and "£38.20" remain unchanged; and
 - (g) in sub-paragraph (2)(e) "£306.00", "£382.00" and "£43.50" remain unchanged.
- (5) In paragraph 1 of Schedule III(75) (polygamous marriages)—
- (a) in sub-paragraph (5) for "£198.45" and "£68.45" substitute "£202.40" and "£69.80" respectively; and
 - (b) in sub-paragraph (7) for "£153.40" substitute "£157.25".
- (6) The amounts specified in any provision of the State Pension Credit Regulations set out in column (1) of Schedule 17 to this Order are the amounts set out in column (2) of that Schedule.

(71) See section 15(6) of the Jobseekers Act 1995.

(72) Relevant amending instrument is S.I. 2009/497.

(73) Relevant amending instrument is S.I. 2009/497.

(74) Relevant amending instruments are S.I. 2002/3197, 2004/2327, 2006/2378 and 2009/497.

(75) Relevant amending instruments are S.I. 2002/3197 and 2009/497.

PART 6

EMPLOYMENT AND SUPPORT ALLOWANCE

Applicable amounts for Employment and Support Allowance

27.—(1) The sums relevant to the calculation of an applicable amount as specified in the Employment and Support Allowance Regulations shall be the sums set out in this article and Schedules 18 to 20 to this Order; and unless stated otherwise, any reference in this article to a numbered Schedule is a reference to the Schedule to the Employment and Support Allowance Regulations bearing that number.

(2) The sums specified in Part 1 of Schedule 4(76) (prescribed amounts) shall be as set out in Schedule 18 to this Order.

(3) The sums specified in Part 3 of Schedule 4(77) (weekly amount of premiums specified in Part 2) shall be as set out in Schedule 19 to this Order.

(4) In Part 4 of Schedule 4(78) (the components)—

- (a) in paragraph 12 for “£25.50” substitute “£25.95”; and
- (b) in paragraph 13 for “£30.85” substitute “£31.40”.

(5) In paragraph 19 of Schedule 6(79) (housing costs: non-dependant deductions)—

- (a) in sub-paragraph (1)(a) “£47.75” remains unchanged;
- (b) in sub-paragraph (1)(b) “£7.40” remains unchanged;
- (c) in sub-paragraph (2)(a) “£120.00” remains unchanged;
- (d) in sub-paragraph (2)(b) “£120.00”, “£178.00” and “£17.00” remain unchanged;
- (e) in sub-paragraph (2)(c) “£178.00”, “£231.00” and “£23.35” remain unchanged;
- (f) in sub-paragraph (2)(d) “£231.00”, “£306.00” and “£38.20” remain unchanged; and
- (g) in sub-paragraph (2)(e) “£306.00”, “£382.00” and “£43.50” remain unchanged.

(6) The sums specified in any provision of the Employment and Support Allowance Regulations set out in column (1) of Schedule 20 to this Order are the sums set out in column (2) of that Schedule.

PART 7

REVOCATION

Revocation

28. The Social Security Benefits Up-rating Order 2009(80) is revoked.

(76) Relevant amending instruments are [S.I. 2008/2428](#) and [2009/497](#) and [2655](#).

(77) Relevant amending instruments are [S.I. 2008/2428](#) and [2009/497](#).

(78) Relevant amending instrument is [S.I. 2009/497](#).

(79) Relevant amending instrument is [S.I. 2009/497](#).

(80) [S.I. 2009/497](#).

Draft Legislation: This is a draft item of legislation. This draft has since been made as
a UK Statutory Instrument: The Social Security Benefits Up-rating Order 2010 No. 793

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

Date

Minister of State,
Department for Work and Pensions

We consent,

Date

Two of the Lords Commissioners of Her
Majesty's Treasury