

*Draft Order laid before Parliament under sections 150(2A), 150A(2) and 190(1)(a) of the Social Security Administration Act 1992 for approval by resolution of each House of Parliament.*

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## DRAFT STATUTORY INSTRUMENTS

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**2010 No. 000**

# SOCIAL SECURITY

## TERMS AND CONDITIONS OF EMPLOYMENT

### The Social Security Benefits Up-rating Order 2010

Made - - - - 2010

Coming into force in accordance with Article 1

The Secretary of State for Work and Pensions has made a review as required by section 150(1) of the Social Security Administration Act 1992(1) and it appeared to the Secretary of State that the general level of prices was no greater at the end of the period under review than it was at the beginning of the period.

The Secretary of State for Work and Pensions has also made a review as required by section 150A(1) of that Act(2) and it appeared to the Secretary of State that the general level of earnings was greater at the end of the period under review than it was at the beginning of the period.

A draft of this Order was laid before Parliament in accordance with sections 150(2A), 150A(2) and 190(1)(a) of that Act, and approved by a resolution of each House.

The Treasury(3) has consented to the making of this Order.

Accordingly, the Secretary of State for Work and Pensions in exercise of the powers conferred by sections 150(4), 150A, 151(5) and 189(1), (4) and (5)(6) of the Social Security Administration Act 1992 makes the following Order.

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(1) 1992 c. 5 (“the Administration Act”). Section 150 was amended by paragraph 28 of Schedule 8 to the Pension Schemes Act 1993 (c. 48) (“the 1993 Act”), sections 2(3) and 9(4) of the Social Security (Incapacity for Work) Act 1994 (c. 18) (“the 1994 Act”), paragraph 64 of Schedule 2 to the Jobseekers Act 1995 (c. 18) (“the 1995 Act”), section 131(2) of the Pensions Act 1995 (c. 26), paragraph 24 of Schedule 12 to the Welfare Reform and Pensions Act 1999 (c. 30) (“the 1999 Act”), paragraph 16 of Schedule 2 to the State Pension Credit Act 2002 (c. 16) (“the 2002 Act”), paragraph 35 of Schedule 3, and Schedule 6, to the Tax Credits Act 2002 (c. 21) (“the Tax Credits Act”), paragraph 14 of Schedule 7 to the Employment Act 2002 (c. 22), paragraph 21 of Schedule 11 to the Pensions Act 2004 (c. 35), section 6(1) to (4) of, and paragraph 21 of Schedule 1 to, the Pensions Act 2007 (c. 22), paragraph 10(21) of Schedule 3 to the Welfare Reform Act 2007 (c. 5), paragraph 8 of the Schedule to S.I. 2005/2053 and by article 2 of S.I. 2006/2839. See also section 4(8) of the 1994 Act and regulation 18(3) of S.I. 1995/310. Section 150 was temporarily modified by section 23 of the Welfare Reform Act 2009 (c. 24) so that it has effect as if it included a subsection (2A) which enables the Secretary of State by order to up-rate social security benefits even if the general level of prices has not increased. The effect of section 150 was modified in relation to incapacity benefit and severe disablement allowance by S.I. 2008/3270.

(2) Section 150A was inserted by section 5(1) of the Pensions Act 2007.

(3) See section 189(8) of the Administration Act.

(4) The functions of the Secretary of State under section 150, so far as relating to child benefit and guardian’s allowance, were transferred to the Commissioners of Inland Revenue by section 50(1) of the Tax Credits Act. The functions of those Commissioners were transferred to the Commissioners for Her Majesty’s Revenue and Customs by section 5 of the Commissioners for Revenue and Customs Act 2005 (c. 11). Section 50 of that Act provides that in so far as appropriate in

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consequence of section 5 a reference to the Commissioners of Inland Revenue (in whatever terms) is to be read as a reference to the Commissioners for Her Majesty's Revenue and Customs.

- (5) Section 151 was amended by paragraph 29 of Schedule 8 to the 1993 Act, section 130(2) of the Pensions Act 1995 and paragraph 22 of Schedule 11 to the Pensions Act 2004.
- (6) Section 189(1) was amended by paragraph 109 of Schedule 7, and Schedule 8, to the [Social Security Act 1998](#) ("the 1998 Act") (c. 14), paragraph 57 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2) and Schedule 6 to the Tax Credits Act.