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DRAFT STATUTORY INSTRUMENTS

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**2010 No.**

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

**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)(1) and 14(2)(a)(2) 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(3) (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(4) (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(5) (applicable amounts: weekly amounts of premiums) shall be as set out in Schedule 3 to this Order.

(6) In paragraph 18 of Schedule 3(6) (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.

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

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

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

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

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

(6) 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(7) that the sums which are special transitional additions to income support payable in accordance with regulation 15 of the Income Support (Transitional) Regulations 1987(8) (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(9) (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(10) (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(11) (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;

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

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

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

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

(11) 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(12) (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)(13) 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(14) (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.

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

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

(14) 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(15) (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(16) (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(17) (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(18) (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)(19) and (3)(c) of Schedule 3 (sums to be disregarded in the calculation of earnings) for "£16.85" substitute "£17.10".

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

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

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

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

(19) 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(**20**) (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(**21**) (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.

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

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