

This draft Order supersedes the draft of the same title which was laid before Parliament on 15th February 2010 and published on 16th February 2010. It is being issued free of charge to all known recipients of that draft Order.

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

DRAFT STATUTORY INSTRUMENTS

2011 No.

SOCIAL SECURITY

The Guardian's Allowance Up-rating Order 2011

Made - - - - *****
Coming into force - - *11th April 2011*

Following a review in the tax year ending with 5th April 2011 of the sums specified in section 150(1)(a)(i) and (i) of the Social Security Administration Act 1992(1) (rates of benefits, etc.) the Treasury have determined that the general level of prices in Great Britain was greater at the end of the period under review than it was at the beginning.

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

Accordingly, the Treasury make the following Order in exercise of the powers conferred by sections 150(9) and 189(4) of that Act and now vested in them(2).

Citation and commencement

1. This Order may be cited as the Guardian's Allowance Up-rating Order 2011 and comes into force on 11th April 2011.

Amendment of Schedule 4 to the Social Security Contributions and Benefits Act 1992

2. In paragraph 5 of Part 3 of Schedule 4 to the Social Security Contributions and Benefits Act 1992(3) (weekly rate of guardian's allowance) for "£14.30" substitute "£14.75".

(1) 1992 c. 5.

(2) The functions of the Secretary of State in respect of guardian's allowance under Part 10 of the Social Security Administration Act 1992 ("the Great Britain Administration Act") which are relevant to the making of this Order were transferred to the Treasury by section 49(3) of the Tax Credits Act 2002 (c. 21). Article 3 of this Order contains a statement in relation to child benefit required by section 150(2)(c) of the Great Britain Administration Act. The functions of the Secretary of State in respect of child benefit under part 10 of the Great Britain Administration Act which are relevant to the making of the statement were transferred to the Treasury by section 49(3) of the Tax Credits Act 2002.

(3) 1992 c. 4. This paragraph was last amended by S.I. 2010/978.

Child benefit

3. In regulation 2(1) of the Child Benefit (Rates) Regulations 2006(4)—
- (a) in sub-paragraph (a), “£20.30” remains unchanged; and
 - (b) in sub-paragraph (b), “£13.40” remains unchanged.

Date

Name
Name
Two of the Lords Commissioners for Her
Majesty's Treasury

(4) **S.I. 2006/965:** The rates of child benefit that remain unchanged in regulation 2(1) of the Child Benefit (Rates) Regulations 2006 (“the Rates Regulations”) were inserted by the Child Benefit Up-rating Order 2010 (**S.I. 2010/982**) (“the Up-rating Order”). The Up-rating Order was made by the Treasury in exercise of powers relating to Great Britain contained in sections 150(9) and 189(4) of the Great Britain Administration Act and, in relation to Northern Ireland, the powers contained in sections 132(1) and 165(4) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8) (“the Northern Ireland Administration Act”). Section 132(1) of the Northern Ireland Administration Act provides that, where an Order is made under section 150 of the Great Britain Administration Act, a corresponding Order may be made for Northern Ireland but does not expressly require a statement to be made as is required by section 150(2)(c) of the Great Britain Administration Act. Although the statement contained in Article 3 of this Order is only required by virtue of section 150(2)(c) of the Great Britain Administration Act, the rates of child benefit contained in regulation 2(1) of the Rates Regulations remain unchanged from the amounts inserted by the Up-rating Order in relation to the United Kingdom of Great Britain and Northern Ireland.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made by the Treasury following a review of the general level of prices conducted by them under section 150 of the Social Security Administration Act 1992 (c.5) in the tax year ending 5th April 2011.

The weekly rate of guardian's allowance was last amended by the Guardian's Allowance Up-rating Order 2010 (S.I. 2010/978).

Article 2 increases the weekly rate of guardian's allowance prescribed by paragraph 5 of Part 3 of Schedule 4 to the Social Security Contributions and Benefits Act 1992 (c.4) from £14.30 to £14.75 with effect from 11th April 2011.

Article 3 states that no change is made in relation to the rates of child benefit which were inserted into regulation 2(1) of the Child Benefit (Rates) Regulations 2006 (S.I. 2006/965) by the Child Benefit Up-rating Order 2010 (S.I. 2010/982). The statement is required by virtue of section 150(2) (c) of the Social Security Administration Act 1992.

A full Impact Assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.