
 STATUTORY INSTRUMENTS

1979 No. 1278

SOCIAL SECURITY

**The Social Security Benefits Up-rating
Regulations 1979**

Made - - - - - 11th October 1979
Laid before Parliament 22nd October 1979
Coming into Operation 12th November 1979

The Secretary of State for Social Services, in exercise of the powers conferred upon him by sections 17(2)(a), 36(9)(b), 58(3) and 131 of, and paragraph 2(1) of Schedule 14 to, the Social Security Act 1975(a) and of all other powers enabling him in that behalf, by this instrument, which contains only provisions in consequence of the Social Security Benefits Up-rating Order 1979(b), hereby makes the following regulations which, by virtue of section 139(2) of, and paragraph 17 of Schedule 15 to, the Social Security Act 1975, are not subject to the requirements of section 139(1) of that Act for prior reference to the National Insurance Advisory Committee:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security Benefits Up-rating Regulations 1979 and shall come into operation on 12th November 1979.

(2) In these regulations, unless the context otherwise requires—

“the Act” means the Social Security Act 1975;

“the up-rating order” means the Social Security Benefits Up-rating Order 1979.

Conditions relating to payment of additional benefit under awards made before the appointed or prescribed day

2. Where an award of any benefit under Chapters I to III of Part II of the Act has been made before the day appointed or prescribed for the payment of the benefit in question at the rate provided in or by virtue of the up-rating order (hereafter in this regulation referred to as “the increased rate”), paragraphs 1 and 2 of Schedule 14 to the Act (effect of any such award) shall, unless the period to which the award relates has ended before that day or the award, in accordance with the provisions of sub-paragraph (2) of the said paragraph 2, provides for the payment of the benefit at the increased rate as from that day, have effect subject to the condition that if a question arises as to:—

(a) the weekly rate at which the benefit is payable by virtue of the up-rating order; or

 (a) 1975 c. 14.

(b) S.I. 1979/993.

(b) whether the conditions for the receipt of the benefit at the increased rate are satisfied,

the benefit shall be or continue to be payable at the weekly rate specified in the award until that question shall have been determined in accordance with the provisions of the Act.

Amendment of the Social Security (Non-Contributory Invalidity Pension) Regulations 1975

3. Regulation 12 of the Social Security (Non-Contributory Invalidity Pension) Regulations 1975(a) (disqualification for non-contributory invalidity pension) shall be further amended by the substitution in paragraph (d)(iii) for “£11.00” of “£13.00”.

Amendment of the Social Security (Industrial Injuries) (Benefit) Regulations 1975

4. Regulation 8 of the Social Security (Industrial Injuries) (Benefit) Regulations 1975(b) (earnings level for the purposes of unemployability supplement under section 58 of the Act) shall be further amended by the substitution for “£572” of “£676”.

Persons not ordinarily resident in Great Britain

5. Regulation 5 of the Social Security Benefit (Persons Abroad) Regulations 1975(c) (application of disqualification in respect of up-rating of benefit) shall apply to any additional benefit payable by virtue of the up-rating order.

Revocation

6. The Social Security Benefits Up-rating Regulations 1978(d) are hereby revoked.

Patrick Jenkin,

Secretary of State for Social Services.

11th October 1979.

(a) S.I. 1975/1058; relevant amending instrument is S.I. 1978/1123.

(b) S.I. 1975/559; relevant amending instrument is S.I. 1978/1123.

(c) S.I. 1975/563; relevant amending instrument is S.I. 1977/342.

(d) S.I. 1978/1123.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations are made in consequence of the Social Security Benefits Up-rating Order 1979. They specify circumstances in which the rate of benefit which is awarded before the date from which altered rates become payable is not automatically altered by virtue of paragraph 2 of Schedule 14 to the Social Security Act 1975. They apply the provisions of regulation 5 of the Social Security Benefit (Persons Abroad) Regulations 1975, relating to the position of persons who are absent from and not ordinarily resident in Great Britain when the weekly rate of certain benefits is increased, to the increases of benefit provided by virtue of the up-rating order. The Regulations also amend the Social Security (Non-Contributory Invalidity Pension) Regulations 1975 so as to raise to £13 a week, and the Social Security (Industrial Injuries) (Benefit) Regulations 1975 so as to raise to £676 a year, the earnings limits in respect of work which a person may do in certain circumstances while in receipt of benefit to which those Regulations apply.

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