
STATUTORY INSTRUMENTS

1992 No. 469

SOCIAL SECURITY

The Social Security Benefits Up-rating Regulations 1992

Made - - - - *3rd March 1992*
Laid before Parliament *11th March 1992*
Coming into force - - *6th April 1992*

The Secretary of State for Social Security, in exercise of the powers conferred by sections 17(1)(a), 49(b), 58(3), 82(5) and 166(1) to (3) of, and Schedule 20 to, the Social Security Act 1975⁽¹⁾ and section 64(2) of the Social Security Act 1986⁽²⁾, and of all other powers enabling him in that behalf, by this instrument, which contains only provisions in consequence of an order under section 63 of the Act of 1986, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security Benefits Up-rating Regulations 1992 and shall come into force on 6th April 1992.

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

“the Act” means the Social Security Act 1975;

“the 1986 Act” means the Social Security Act 1986;

“the up-rating order” means the Social Security Benefits Up-rating (No. 2) Order 1991⁽³⁾.

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

2. Section 64(2) of the 1986 Act shall not apply if a question arises as to either—

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

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

until the question has been determined in accordance with the provisions of the Act.

(1) 1975 c. 14; section 58(3) ceased to have effect on 6th April 1987 except in relation to certain beneficiaries – see section 39 of and paragraph 4 of Schedule 3 to the Social Security Act 1986 (c. 50), and S.I.1987/354, article 2 and Schedule 1. Schedule 20 is cited because of the meanings ascribed to the words “Prescribe” and “Regulations”.

(2) 1986 c. 50.

(3) S.I. 1991/2910.

Persons not ordinarily resident in Great Britain

3. Regulation 5 of the Social Security Benefit (Persons Abroad) Regulations 1975(4) (application of disqualification in respect of up-rating of benefits) shall apply to any additional benefit payable by virtue of the up-rating order.

Amendment of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983

4. Regulation 3 of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983(5) (persons deemed to be incapable of work) shall be further amended by the substitution in paragraph (3) for “£39.00” of “£40.50”.

Amendment of the Social Security (General Benefit) Regulations 1982

5. Regulation 16 of the Social Security (General Benefit) Regulations 1982(6) (earnings level for the purpose of unemployability supplement) shall be further amended by the substitution for “£2028.00” of “£2106.00”.

Earnings limit

6. The sums specified in paragraph 2B of Schedule 2 to the Social Security Benefit (Dependency) Regulations 1977(7) (prescribed circumstances for increase of invalid care allowance) shall be increased from £110, £14 and £110 to £115, £15 and £115 respectively.

Revocations

7. The Social Security Benefits Up-rating Regulations 1991(8) and Regulation 46 of the Social Security (General Benefit) Regulations 1982(9) are hereby revoked.

Signed by authority of the Secretary of State for Social Security.

3rd March 1992

Nicholas Scott
Minister of State,
Department of Social Security

(4) S.I. 1975/563; the relevant amending instruments are S.I. 1977/342, 1979/1432, 1988/435, 1989/1642 and 1990/621.

(5) S.I. 1983/1598; the relevant amending instruments are S.I. 1987/688 and 1991/545.

(6) S.I. 1982/1408; the relevant amending instrument is S.I. 1991/545. Unemployability Supplement is only payable to those beneficiaries in receipt of it immediately before 6th April 1987 – see Social Security Act 1986, section 39, Schedule 3, paragraph 4 and S.I. 1987/354, article 2, Schedule 1.

(7) S.I. 1977/343; the relevant amending instrument is S.I. 1991/545.

(8) S.I. 1991/545.

(9) S.I. 1982/1408.

EXPLANATORY NOTE

(This note is not part of the Regulations)

This instrument contains only provisions in consequence of an order under section 63 of the Social Security Act 1986 (up-rating of benefits). Accordingly, by virtue of paragraph 8 of Schedule 16 to the Social Security Act 1975 and paragraph 12(2) of Schedule 3 to the Social Security Act 1980 (c. 30), the Secretary of State has not referred proposals to make the regulations contained in this instrument to the Industrial Injuries Advisory Council or to the Social Security Advisory Committee. Paragraph 8 and paragraph 12(2), mentioned above, were amended by the Social Security Act 1986, section 86 and Schedule 10, paragraphs 90 and 99 respectively.

Regulation 2 provides that where a question has arisen about the effect of the up-rating order on a benefit already in payment the altered rates will not apply until the question is determined by an adjudicating authority.

Regulation 3 applies the provisions of regulation 5 of the Social Security Benefit (Persons Abroad) Regulations 1975 so as to restrict the application of the increases specified in the up-rating order in cases where the beneficiary lives abroad.

Regulation 4 raises from £39.00 to £40.50 the earnings limit which applies to those undertaking work in certain circumstances while receiving sickness or invalidity benefit.

Regulation 5 raises from £2028.00 to £2106.00 a year the earnings limit which applies to unemployability supplement.

Regulation 6 specifies earnings limits for child dependency increases payable with invalid care allowance.

Regulation 7 contains revocations consequential upon the coming into force of these regulations.