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STATUTORY INSTRUMENTS

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**1994 No. 559**

**SOCIAL SECURITY**

**The Social Security Benefits Up-rating Regulations 1994**

*Made* - - - - *7th March 1994*  
*Laid before Parliament* *14th March 1994*  
*Coming into force* - - *11th April 1994*

The Secretary of State for Social Security, in exercise of the powers conferred by sections 57(1)(a) (ii), 113(1)(a), 122(1) and 175(1) to (4) of, and paragraph 2(3) of Schedule 7 to, the Social Security Contributions and Benefits Act 1992(1) and sections 155(3), 189(1), (3) and (4) and section 191 of the Social Security Administration Act 1992(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 150 of the Social Security Administration Act, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Social Security Benefits Up-rating Regulations 1994 and shall come into force on 11th April 1994.

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

“the Administration Act” means the Social Security Administration Act 1992;

“the up-rating order” means the Social Security Benefits Up-rating Order 1994(3).

**Exceptions relating to payment of additional benefit under awards made before the commencing date**

2. Section 155(3) of the Administration 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 Administration Act.

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(1) 1992 c. 4. Section 122(1) of the Social Security Contributions and Benefits Act 1992 is cited because of the meaning it ascribes to the word “prescribe”.

(2) 1992 c. 5. Section 191 of the Social Security Administration Act 1992 is cited because of the meaning it ascribes to the word “prescribe”.

(3) S.I.1994/542.

### **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 “£42.00” of “£43.00”.

### **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 “£2184.00” of “£2236.00”.

### **Revocation**

6. The Social Security Benefits Up-rating Regulations 1993(7) are hereby revoked.

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

7th March 1994

*Nicholas Scott*  
Minister of State,  
Department of Social Security

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(4) S.I. 1975/563; the relevant amending instruments are S.I. 1977/342, 1979/1432, 1988/435, 1989/1642, 1990/621 and 1992/1700.

(5) S.I. 1983/1598; the relevant amending instruments are S.I. 1987/688 and 1993/723.

(6) S.I. 1982/1408; the relevant amending instrument is S.I. 1993/723. Unemployability Supplement is only payable to those beneficiaries in receipt of it immediately before 6th April 1987 — see Social Security Contributions and Benefits Act 1992, section 106, and Schedule 7, paragraph 1.

(7) S.I. 1993/723.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

This instrument contains only provisions in consequence of an order under section 150 of the Social Security Administration Act 1992 (up-rating of benefits). Accordingly, by virtue of paragraphs 3 and 12 of Schedule 7 to the Social Security Administration Act 1992, the Secretary of State has not referred these Regulations to the Social Security Advisory Committee or to the Industrial Injuries Advisory Council.

Regulation 2 provides that where a question has arisen about the effect of the up-rating order (defined in regulation 1(2) of these Regulations) 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 £42.00 to £43.00 the earnings limit which applies to those undertaking work in certain circumstances while receiving sickness or invalidity benefit.

Regulation 5 raises from £2184.00 to £2236.00 a year the earning limit which applies to unemployability supplement.

Regulation 6 contains a revocation consequential upon the coming into force of these Regulations. These Regulations do not impose any costs on business.