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STATUTORY INSTRUMENTS

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**1997 No. 543**

**The Social Security Benefits Up-rating Order 1997**

**Part II**

**SOCIAL SECURITY BENEFITS AND PENSIONS**

**Increase in rates or amounts of certain benefits under the Contributions and Benefits Act**

**3.—(1)** The sums specified in paragraph (2) below shall be increased from and including the respective dates specified in article 6 below so as to have effect as set out in Schedule 1 to this Order.

(2) The sums mentioned in paragraph (1) above are the sums specified in Parts I, III, IV and V of Schedule 4 to the Contributions and Benefits Act (contributory periodical benefits, non-contributory periodical benefits, increases for dependants and rates of industrial injuries benefit), except in Part III the sum specified for age addition to a pension of any category, and otherwise under section 79 of that Act.

**Increase in rates or amounts of certain pensions or allowances under the Contributions and Benefits Act**

**4.—(1)** The sums specified in paragraphs (2), (3) and (4) below shall be increased from and including the respective dates specified in article 6 below.

(2) The sums falling to be calculated under paragraph 13(4) of Schedule 7 to the Contributions and Benefits Act (calculation of weekly rate of a beneficiary's retirement allowance) shall be increased by 2.1 per cent. of their amount apart from this Order.

(3) In section 44(4) of the Contributions and Benefits Act<sup>(1)</sup> (basic pension in a Category A retirement pension)—

- (a) for the sum of £58.65 there shall be substituted the sum of £59.90; and
- (b) for the sum of £61.15 there shall be substituted the sum of £62.45.

(4) It is hereby directed<sup>(2)</sup> that the sums which are—

- (a) the additional pensions in long-term benefits calculated by reference to any final relevant year earlier than the tax year 1996-97;
- (b) the increases in the rates of retirement pensions under Schedule 5 to the Contributions and Benefits Act (increase of pension where entitlement is deferred); and
- (c) payable to a pensioner as part of his Category A or Category B retirement pension by virtue of an order made under section 126A of the Social Security Act 1975<sup>(3)</sup>, section 63 of the Social Security Act 1986<sup>(4)</sup>, or section 150(1)(e) of the Social Security Administration Act 1992<sup>(5)</sup>,

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(1) Section 44(4) was amended by paragraph 11 of Schedule 1 to the Social Security (Incapacity for Work) Act 1994 (c. 18).

(2) See section 151(1) of the Social Security Administration Act 1992.

(3) 1975 c. 14; section 126A was inserted by section 12 of the Social Security Act 1979 (c. 18) and repealed by the Social Security Act 1986, section 86, Schedule 11.

(4) 1986 c. 50. Section 63 was repealed by Schedule 1 to the Social Security (Consequential Provisions) Act 1992 (c. 6).

shall in each case be increased by 2.1 per cent. of their amount apart from this Order.

### **Increase in rates or amounts of certain benefits under the Pension Schemes Act**

5.—(1) It is hereby directed that<sup>(6)</sup> the sums specified in paragraph (2) below shall be increased from and including the respective dates specified in article 6 below.

(2) Sums which are payable by virtue of section 15(1) of the Pension Schemes Act (which provides for increases in a person's guaranteed minimum pension if payment of his occupational pension is postponed after he attains pensionable age) to a person who is also entitled to a Category A or Category B retirement pension (including sums payable by virtue of section 17(2) and (3) of that Act), shall be increased by 2.1 per cent. of their amount apart from this Order where the increase under section 15(1) is attributable to earnings factors for the tax year 1987-88 and earlier tax years<sup>(7)</sup>.

### **Dates on which sums specified for rates or amounts of benefit under the Contributions and Benefits Act or the Pension Schemes Act are increased by this Order**

6.—(1) Paragraphs (2) to (9) of this article, which are subject to the provisions of paragraphs (10) and (11) below, specify the date on which the increases made by this Order in the sums specified for rates or amounts of benefit under the Contributions and Benefits Act or the Pension Schemes Act, shall take effect for each case.

(2) Subject to paragraph (3) below, the increases in the sums specified in articles 3, 4 and 11 of this Order for the rates of Category A or Category B retirement pension and graduated retirement benefit together with, where appropriate, increases for dependants, shall take effect on 7th April 1997.

(3) In the case of a person over pensionable age whose entitlement to a Category A retirement pension is deferred and for whom the rate of short-term incapacity benefit falls to be calculated in accordance with section 30B(3)<sup>(8)</sup> of the Contributions and Benefits Act, the increases in the sums mentioned in articles 3, 4 and 11 of this Order for Category A and Category B retirement pension and graduated retirement benefit (together with, where appropriate, increases for dependants) shall take effect on 10th April 1997.

(4) The increases in the sums mentioned in articles 4(4)(c) and 5(2) shall take effect on 7th April 1997.

(5) The increases in the sums specified for the rate of maternity allowance, widowed mother's allowance, widow's pension, Category C and Category D retirement pension, child's special allowance<sup>(9)</sup>, attendance allowance, invalid care allowance (except in a case where the Secretary of State has made arrangements for it to be paid on a Wednesday), together with, in each case where appropriate, increases for dependants, and guardian's allowance shall in all cases take effect on 7th April 1997.

(6) The increases in the sums specified for the rate of invalid care allowance in a case where the Secretary of State has made arrangements for it to be paid on a Wednesday together with, where appropriate, increases for dependants, disablement benefit together with increases of disablement pension, maximum disablement gratuity under paragraph 9(2) of Schedule 7 to the Contributions and Benefits Act, industrial death benefit by way of widow's and widower's pension and allowance

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(5) 1992 c. 5.

(6) See section 151(2) of the Social Security Administration Act 1992.

(7) See section 151(4) of the Social Security Administration Act 1992. Under section 151(4) the percentage increase for the tax year 1988-89 and subsequent tax years shall be the amount that would have been specified under this Order, but for subsection (4), less the increase in the retail price index or 3 per cent., whichever is less. The increase in the retail price index for the period under review is 2.1 per cent.

(8) Section 30B was inserted by section 2(1) of the Social Security (Incapacity for Work) Act 1994 (c. 18) and amended by paragraph 21(3) of Schedule 4 to the Pensions Act 1995 (c. 26).

(9) Child's special allowance was abolished except for existing beneficiaries as from 6th April 1987 (see section 56 of the Social Security Contributions and Benefits Act 1992).

in respect of children together with, where appropriate, increases for dependants, and the maximum of the aggregate of weekly benefit payable for successive accidents, under section 107(1) of the Contributions and Benefits Act, shall in all cases take effect on 9th April 1997.

(7) In any case where a person's weekly rate of Category A or Category B retirement pension falls to be increased under the provisions of section 47(1) or 48C(2) of the Contributions and Benefits Act<sup>(10)</sup> by reference to the weekly rate of invalidity allowance or age addition to long-term incapacity benefit to which he was previously entitled the increase in such sum shall take effect on 7th April 1997.

(8) The increases in the sums specified for the rate of incapacity benefit and severe disablement allowance (together with, where appropriate, increases for dependants) shall take effect in all cases on 10th April 1997.

(9) The increases in the sums falling to be calculated in accordance with paragraph 13(4) of Schedule 7 to the Contributions and Benefits Act (retirement allowance) shall take effect on 9th April 1997.

(10) In the case of a person who is subject to the provisions of regulations made under section 73(1)(b) of the Social Security Administration Act 1992<sup>(11)</sup> (adjustment of benefit for persons undergoing medical or other treatment as an in-patient in a hospital) the increase in the sum mentioned in article 4(3)(b) of this Order shall take effect in that case on the day on which the increase in the benefit payable to him apart from those regulations takes effect.

(11) The increases in the sums specified in articles 3 and 23(c) of this Order, in so far as those sums are relevant for the purposes of establishing whether the rate of any benefit is not to be increased in respect of an adult dependant because the earnings of the dependant exceed a specified amount<sup>(12)</sup>, shall take effect—

- (a) except in a case where sub-paragraph (b) below applies, on the first day of the first benefit week to commence for the beneficiary on or after 7th April 1997;
- (b) in a case where regulation 7(b) of the Computation of Earnings Regulations (date on which earnings are treated as paid) applies, on the first day of the first benefit week to commence for the beneficiary on or after 1st April 1997,

and for the purposes of this paragraph “benefit week” has the same meaning as in the Computation of Earnings Regulations.

### **Increase in rates of certain workmen's compensation and industrial diseases benefits in respect of employment before 5th July 1948**

7. In Schedule 8 to the Contributions and Benefits Act the sum of £36.60 referred to in paragraph 2(6)(c) (maximum weekly rate of lesser incapacity allowance supplementing workmen's compensation) and paragraph 6(2)(b) (industrial diseases benefit schemes: weekly rate of allowance payable where disablement is not total) shall be increased; and from and including 9th April 1997 for that sum in paragraph 2(6)(c), and from and including 10th April 1997 for that sum in paragraph 6(2)(b), there shall be substituted the sum of £37.35.

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<sup>(10)</sup> Section 47(1) was amended by paragraph 13 of Schedule 1 to the Social Security (Incapacity for Work) Act 1994 (c. 18); section 48C was inserted by paragraph 3 of Schedule 4 to the Pensions Act 1995 (c. 26).

<sup>(11)</sup> Section 73(1) was amended by paragraph 49 of Schedule 2 to the Jobseekers Act 1995 (c. 18).

<sup>(12)</sup> See sections 82(3)(a), 83(2)(b) and 84(2)(b) of the Contributions and Benefits Act, regulations 8 and 10(2) of, and paragraph 7 of Schedule 2 to, the Social Security Benefit (Dependency) Regulations 1977 (S.I. 1977/343), and regulation 10 of the Social Security (Incapacity Benefit—Increases for Dependants) Regulations 1994 (S.I. 1994/2945). Relevant amending instruments are S.I. 1988/554, 1989/523 and 1996/1345.

### Earnings Limits

**8.** In section 80(4) of the Contributions and Benefits Act (earnings limits in respect of child dependency increases)—

- (a) for the sum of £130 in paragraphs (a) and (b) there shall be substituted the sum of £135; and
- (b) the first sum specified in paragraph (b) is £17.

### Statutory Sick Pay

**9.** In section 157(1) of the Contributions and Benefits Act (rate of payment of statutory sick pay) for the sum of £54.55 there shall be substituted the sum of £55.70.

### Statutory Maternity Pay

**10.** In regulation 6 of the Statutory Maternity Pay (General) Regulations 1986(**13**) (lower rate of statutory maternity pay) for the sum of £54.55 there shall be substituted the sum of £55.70.

### Increase in rate of graduated retirement benefit

**11.**—(1) In the National Insurance Act 1965(**14**) the sum of 7.94 pence referred to in section 36(1) (graduated retirement benefit) shall be increased by 2.1 per cent.; and from and including 7th April 1997 the reference in that provision to that sum shall have effect as a reference to 8.11 pence.

(2) The sums which are the increases of graduated retirement benefit under Schedule 2 to the Social Security (Graduated Retirement Benefit) (No. 2) Regulations 1978(**15**) (increases for deferred retirement) shall be increased by 2.1 per cent. of their amount apart from this Order.

(3) The sums which are the additions under section 37(1) of the National Insurance Act 1965 (additions for widows and widowers) shall be increased by 2.1 per cent. of their amount apart from this Order.

### Increase in rates of Disability Living Allowance

**12.** In regulation 4 of the Social Security (Disability Living Allowance) Regulations 1991(**16**) (rate of benefit)—

- (a) in paragraph (1)(a), for the sum of £48.50 there shall be substituted the sum of £49.50;
- (b) in paragraph (1)(b), for the sum of £32.40 there shall be substituted the sum of £33.10;
- (c) in paragraph (1)(c), for the sum of £12.90 there shall be substituted the sum of £13.15;
- (d) in paragraph (2)(a), for the sum of £33.90 there shall be substituted the sum of £34.60; and
- (e) in paragraph (2)(b), for the sum of £12.90 there shall be substituted the sum of £13.15.

### Sum specified for child benefit

**13.** In regulation 2(1) of the Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations 1976(**17**) (weekly rates of child benefit)—

- (a) in sub-paragraph (a)(i), for the sum of £10.80 there shall be substituted the sum of £11.05;

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(13) S.I. 1986/1960; relevant amending instrument is S.I. 1996/599.

(14) 1965 c. 51. Sections 36 and 37 were repealed by the Social Security Act 1973 (c. 38) but are continued in force by regulation 3 of the Social Security (Graduated Retirement Benefit) (No. 2) Regulations 1978 (S.I. 1978/393), in the modified form set out in Schedule 1 to those Regulations; relevant amending instrument is S.I. 1989/1642. See also regulation 2 of those Regulations, which was substituted by S.I. 1995/2606.

(15) S.I. 1978/393; relevant amending instrument is S.I. 1989/1642.

(16) S.I. 1991/2890; relevant amending instruments are S.I. 1993/1939 and 1996/599.

(17) S.I. 1976/1267; relevant amending instruments are S.I. 1977/1328, 1991/502, and 1996/599 and 1803.

- (b) in sub-paragraph (a)(ii), the sum specified is £17.10; and
- (c) in sub-paragraph (b), for the sum of £8.80 there shall be substituted the sum of £9.00.

**Increase in rates of age addition to long-term incapacity benefit**

- 14.** In the Social Security (Incapacity Benefit) Regulations 1994(**18**), in regulation 10(2)—
- (a) in sub-paragraph (a), for the sum of £12.90 there shall be substituted the sum of £13.15; and
  - (b) in sub-paragraph (b), for the sum of £6.45 there shall be substituted the sum of £6.60.

**Increase in rates of transitional invalidity allowance in long-term incapacity benefit cases**

- 15.** In the Social Security (Incapacity Benefit) (Transitional) Regulations 1995(**19**), in regulation 18(2)—
- (a) in sub-paragraph (a), for the sum of £12.90 there shall be substituted the sum of £13.15;
  - (b) in sub-paragraph (b), for the sum of £8.10 there shall be substituted the sum of £8.30; and
  - (c) in sub-paragraph (c), for the sum of £4.05 there shall be substituted the sum of £4.15.

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(18) S.I. 1994/2946; relevant amending instrument is S.I. 1996/599.

(19) S.I. 1995/310; relevant amending instrument is S.I. 1996/599.