
STATUTORY INSTRUMENTS

2002 No. 668

The Social Security Benefits Up-rating Order 2002

PART II

SOCIAL SECURITY BENEFITS AND PENSIONS

Dates on which sums specified for rates or amounts of benefits 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 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 8th April 2002.

(3) In the case of a person—

- (a) over pensionable age whose entitlement to a Category A retirement pension is deferred; and
- (b) for whom the rate of short-term incapacity benefit falls to be calculated in accordance with section 30B(3) of the Contributions and Benefits Act⁽¹⁾,

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 11th April 2002.

(4) The increases in the sums mentioned in articles 4(4)(c) and 5(2) shall take effect on 8th April 2002.

(5) The increases in the sums specified for—

- (a) the rate of—
 - (i) Category C and Category D retirement pension,
 - (ii) child's special allowance⁽²⁾,
 - (iii) attendance allowance,
 - (iv) invalid care allowance (except in a case where the Secretary of State has made arrangements for it to be paid on a Wednesday), and
 - (v) guardian's allowance; and
- (b) the increases in—

(1) Section 30B was inserted by section 2(1) of the 1994 Act and amended by paragraph 21(3) of Schedule 4 to the Pensions Act 1995.

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

- (i) Category C retirement pension and invalid care allowance referred to in heads (i) and (v) of sub-paragraph (a) above, and
- (ii) maternity allowance, widowed mother's allowance and widowed parent's allowance,

in respect of dependants;

shall in all cases take effect on 8th April 2002.

(6) The increases in the sums specified for—

(a) the rate of—

- (i) invalid care allowance in a case where the Secretary of State has made arrangements for it to be paid on a Wednesday,
- (ii) disablement benefit,
- (iii) maximum disablement gratuity under paragraph 9(2) of Schedule 7 to the Contributions and Benefits Act,
- (iv) industrial death benefit by way of widow's and widower's pension and allowance in respect of children, and
- (v) the maximum of the aggregate of weekly benefit payable for successive accidents, under section 107(1) of the Contributions and Benefits Act; and

(b) the increases in—

- (i) the benefits referred to in heads (i), (iii) and (iv) of sub-paragraph (a) above in respect of dependants, and
- (ii) disablement pension,

shall in all cases take effect on 10th April 2002.

(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⁽³⁾ 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 8th April 2002.

(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 11th April 2002.

(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 10th April 2002.

(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⁽⁴⁾ (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 21(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

(3) Section 47(1) was amended by paragraph 13 of Schedule 1 to the 1994 Act; section 48C was inserted by paragraph 3 of Schedule 4 to the Pensions Act 1995 and amended by paragraph 7 of Schedule 8 to the 1999 Act.

(4) Section 73(1) was amended by paragraph 49(2) of Schedule 2 to the 1995 Act.

respect of an adult dependant because the earnings of the dependant exceed a specified amount⁽⁵⁾, 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 8th April 2002;
- (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 2002,

and for the purposes of this paragraph “benefit week” has the same meaning as in regulation 2(1) of the Computation of Earnings Regulations.

(5) 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. 1984/1698 and 1699, 1989/523 and 1642, 1992/3041, 1994/2945 and 1996/1345 and 2745.