

2002 No. 684

SOCIAL SECURITY

The Social Security Benefits Up-rating Regulations 2002

Made - - - - - *13th March 2002*

Laid before Parliament - *18th March 2002*

Coming into force - - *8th April 2002*

The Secretary of State for Work and Pensions, in exercise of the powers conferred by sections 30E(1), 90, 113(1), 122(1), 171D, 171G(2), 175(1) to (4) of, and paragraph 2(3) of Schedule 7 to, the Social Security Contributions and Benefits Act 1992(a) and sections 155(3), 189(1), (3) and (4) and 191 of the Social Security Administration Act 1992(b) 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 Administrations Act 1992, makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security Benefits Up-rating Regulations 2002 and shall come into force on 8th April 2002.

(2) In these Regulations “the Up-rating Order” means the Social Security Benefits Up-rating Order 2002(c).

Exceptions relating to payment of additional benefit by virtue of the Up-rating Order

2. Section 155(3) of the Social Security Administration Act 1992 (effect of alteration of rates of benefit under Parts II to V of the Contributions and Benefits 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 receipt of the benefit at the altered rate are satisfied,

until that question has been determined in accordance with the provisions of the Social Security Act 1998(d).

(a) 1992 c. 4. Section 90 has been amended by section 70 of, and paragraph 26 of Schedule 8 to, the Welfare Reform and Pensions Act 1999 (c. 30). Section 171D was inserted by section 6(1) of the Social Security (Incapacity for Work) Act 1994 (c. 18) Section 175(1) and (4) was amended, and section 175(1A) inserted, by section 2 of, and paragraph 29 of Schedule 3 to, the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2). Section 122(1) is cited for the meaning assigned to the word “prescribe”. Section 171G(2) is cited for the meaning assigned to the word “prescribed”.

(b) 1992 c. 5. Section 189(1) has been amended by section 2 of, and by paragraph 57(2) of Schedule 3 to, the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2). Section 189(1) and (4) has been amended by section 86 of, and by paragraph 109 of Schedule 7 to, the Social Security Act 1988 (c. 14). Section 191 is cited for the meaning assigned to the word “prescribe”.

(c) S.I. 2002/668.

(d) 1998 c. 14.

Persons not ordinarily resident in Great Britain

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

Amendment of the Social Security Benefit (Dependency) Regulations 1977

4. In paragraph 2B of Schedule 2 to the Social Security Benefit (Dependency) Regulations 1977(b) (increase of invalid care allowance for child dependants) for “£150”, in both places where it occurs, substitute “£155”.

Revocations

5. The Social Security Benefits Up-rating Regulations 2001(c) (to the extent that they remain in force) are hereby revoked except for regulations 1 and 7(b).

Signed by authority of the Secretary of State for Work and Pensions.

13th March 2002

N. Brown
Minister of State,
Department for Work and Pensions

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 paragraph 3 of Schedule 7 to that Act, the Secretary of State has not referred these Regulations to the Social Security Advisory Committee.

Regulation 2 provides that where a question has arisen about the effect of the Social Security Benefits Up-rating Order 2002 (S.I.2002/668) (“the Up-rating Order”) on a benefit already in payment, the altered rates will not apply until that question is determined by the Secretary of State, an appeal tribunal or a Commissioner.

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 £150 to £155 one of the earnings limits for child dependency increases payable with an invalid care allowance.

Regulation 5 revokes the Social Security Benefits Up-rating Regulations 2001 except for the increase in one of the earnings limits for child dependency payable with an invalid care allowance.

These Regulations do not impose any costs on business.

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- (a) S.I.1975/563; relevant amending instruments are S.I.1977/342, 1979/1432, 1988/435, 1989/1642, 1990/621, 1992/1700, 1994/1832 and 2000/2876.
(b) S.I.1977/343; paragraph 2B was inserted by S.I.1984/1699; relevant amending instrument is S.I.2001/910.
(c) S.I.2001/910.

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