

EXPLANATORY MEMORANDUM TO
THE SOCIAL SECURITY (INDUSTRIAL INJURIES) (DEPENDENCY)
(PERMITTED EARNINGS LIMITS) ORDER 2008

2008 No. 699

1. This explanatory memorandum has been prepared by the Department for Work and Pensions and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This Order increases the amount a spouse or partner is permitted to earn without the earnings affecting an increase payable for dependent children or qualifying young persons, in respect of Industrial Injuries Disablement Benefit with Unemployability Supplement.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1 This Order is made as part of the general annual uprating of the Social Security benefits. Paragraph 4 of Schedule 7 to the Social Security Contributions and Benefits Act 1992, provides an annual increase for Industrial Injuries Disablement Benefit with Unemployability Supplement where the beneficiary is entitled to Unemployability Supplement and child benefit. Paragraph 4(4) provides a permitted earnings limit to qualify for the increase. Paragraph 4(5) of Schedule 7 allows the Secretary of State to increase the permitted earnings limit.

5. Territorial Extent and Application

5.1 This instrument applies to all of Great Britain.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy Background

7.1 Unemployability Supplement is paid with Industrial Injuries Disablement Benefit where a person is incapable of any work as a result of their accident or disease and is likely to be permanently incapable of any work. In addition to personal benefit, a person in receipt of Unemployability Supplement can also receive an increase

for any children or qualifying young persons. This Order increases the amount that the spouse or partner, of a person in receipt of Industrial Injuries Disablement Benefit with Unemployability Supplement, is permitted to earn before it affects any such increase. The permitted earnings are increased by 3.9% and this is based on the Retail Price Index (RPI), in September 2007: the same indicator of inflation for the main social security benefits.

Consultation

- 7.2 Consultation is not necessary as this forms part of the normal annual uprating.

Consolidation & Guidance

- 7.3 Informal consolidation of the instrument will be included in due course in the Department's "the law relating to Social Security" (the Blue Volumes) which are available at no cost to the public on the internet at: <http://www.dwp.gov.uk/advisers/docs/lawvols/bluevol/>

8. Impact

- 8.1 An Impact Assessment has not been prepared for this instrument, as it has no impact on business, charities or voluntary bodies.
- 8.2 The impact on the public sector is to add to programme expenditure but no additional administration costs will be incurred.

9. Contact

June Anderson at the Department for Work and Pensions Tel: 0113 232 7671 or e-mail: june.Anderson@jobcentreplus.gsi.gov.uk can answer any queries regarding the instrument.