
EXPLANATORY NOTE

(This note is not part of the Regulations)

This instrument contains only provisions in consequence of an order under sections 150 and 150A of the Social Security Administration Act 1992 (c.5). Accordingly, by virtue of section 172(1) and (3) of, and 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 2010 (S.I. 2010/793) (“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, the First-tier Tribunal or the Upper Tribunal.

Regulation 3 applies the provisions of regulation 5 of the Social Security Benefit (Persons Abroad) Regulations 1975 (S.I. 1975/563) 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 £195 to £200 one of the earnings limits for child dependency increases payable with a carer’s allowance. These increases were abolished by section 1(3)(e) of, and Schedule 6 to, the Tax Credits Act 2002 (c.21) but are saved for transitional cases by virtue of article 3 of the Tax Credits Act 2002 (Commencement No. 3 and Transitional Provisions and Savings) Order 2003 (S.I. 2003/938).

Regulation 5 increases from £21.90 to £22.30 the amount allowed for personal expenses for a person in accommodation for which benefit is paid to their accommodation provider.

Regulation 6 revokes regulations 1(2), 2, 3, 4(a), 5 and 6 of the Social Security Benefits Up-rating Regulations 2009 (S.I. 2009/607).

A full impact assessment has not been produced for this instrument as it has no impact on the private or voluntary sectors.