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STATUTORY INSTRUMENTS

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**2017 No. 349**

**SOCIAL SECURITY**

**The Social Security Benefits Up-rating Regulations 2017**

*Made* - - - - *9th March 2017*  
*Laid before Parliament* *13th March 2017*  
*Coming into force* - - *10th April 2017*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 113(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(1), sections 5(1)(p), 155(3), 189(1), (4) and (5) and 191 of the Social Security Administration Act 1992(2) and sections 53 and 54(5) of the Pensions Act 2014(3).

These Regulations contain provisions in consequence of an order under sections 150 and 150A(4) of the Social Security Administration Act 1992.

The Social Security Advisory Committee has agreed that proposals in respect of regulation 3 of these Regulations should not be referred to it(5).

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Social Security Benefits Up-rating Regulations 2017 and come into force on 10th April 2017.

(2) In these Regulations, “the Up-rating Order” means the Social Security Benefits Up-rating Order 2017(6).

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- (1) 1992 c.4. Section 113(1) was amended by paragraph 38 of Schedule 24 to the Civil Partnership Act 2004 (c.33). Section 175(1) and (4) was amended by paragraph 29(2) and (4) respectively of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2) (“the 1999 Act”).
- (2) 1992 c.5. Section 189(1) was amended by section 86 of, and paragraph 109(a) of Schedule 7 and Schedule 8 to, the Social Security Act 1998 (c.14) (“the 1998 Act”), paragraph 57(2) of Schedule 3 to the 1999 Act and Schedule 6 to the Tax Credits Act 2002 (c.21). Section 189(4) was amended by section 86 of, and paragraph 109(c) of Schedule 7 and Schedule 8 to, the 1998 Act and article 4 of, and Part 1 of the Schedule to, S.I. 2013/252. Section 189(5) was amended by section 86 of, and paragraph 109(d) of Schedule 7 and Schedule 8 to, the 1998 Act. Section 191 is cited for the meaning assigned to the word “prescribed” and was amended by paragraph 10 of Schedule 5 to the Welfare Reform Act 2007 (c.5).
- (3) 2014 c.19.
- (4) Section 150A was inserted by section 5(1) of the Pensions Act 2007 (c.22).
- (5) Section 173(1)(b) of the Social Security Administration Act 1992 (c.5) provides that proposals in respect of regulations which would otherwise be referable to the Social Security Advisory Committee may not be so referred with the agreement of that Committee.
- (6) S.I. 2017/260.

### **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 2 to 5 of the Social Security Contributions and Benefits Act 1992) 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(7).

### **Persons not ordinarily resident in Great Britain**

3. Regulation 5 of the Social Security Benefit (Persons Abroad) Regulations 1975(8) (application of disqualification in respect of up-rating of benefit) and regulation 21 of the State Pension Regulations 2015(9) (entitlement to state pension for overseas residents) shall apply to any additional benefit payable by virtue of the Up-rating Order and to any up-rating increase as defined in section 22(1) of the Pensions Act 2014 respectively.

### **Amendment of the Social Security (Claims and Payments) Regulations 1987**

4. In paragraph 4(2A) of Schedule 9 to the Social Security (Claims and Payments) Regulations 1987(10) (deductions from benefit and direct payment to third parties) for “£24.00”, in each place where it occurs, substitute “£24.25”.

### **Revocations**

5. The following are revoked—
- (a) regulation 5 of the Social Security Benefits Up-rating Regulations 2015(11), and
  - (b) the Social Security Benefits Up-rating Regulations 2016(12).

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

9th March 2017

*Caroline Nokes*  
Parliamentary Under Secretary of State  
Department for Work and Pensions

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(7) 1998 c.14.

(8) S.I. 1975/563; amending instruments are S.I. 1977/342, 1979/1432, 1989/1642, 1990/621, 1992/1700, 1994/1832, 2000/2876, 2005/1551 and 2877 and 2010/788.

(9) S.I. 2015/173; regulation 21 was inserted by S.I. 2016/199.

(10) S.I. 1987/1968. Sub-paragraph (2A) was inserted by S.I. 2003/2325; relevant amending instruments are S.I. 2013/2536 and 2015/496.

(11) S.I. 2015/496.

(12) S.I. 2016/246.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

This instrument contains provisions necessary to give full effect to the 2017 benefits and pensions up-rating exercise.

Regulation 2 provides that where a question has arisen about the effect of the Social Security Benefits Up-rating Order 2017 ([S.I. 2017/260](#)) 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](#)) and regulation 21 of the State Pension Regulations 2015 ([S.I. 2015/173](#)) so as to restrict the application of the increases specified in the Social Security Benefits Up-rating Order 2017 in cases where the beneficiary is not ordinarily resident in Great Britain.

Regulation 4 increases from £24.00 to £24.25 the amount allowed for personal expenses for a person in certain accommodation, where that person's benefit is paid to the accommodation provider.

Regulation 5 revokes regulation 5 of the Social Security Benefits Up-rating Regulations 2015 ([S.I. 2015/496](#)) and the Social Security Benefits Up-rating Regulations 2016 ([S.I. 2016/246](#)).

An impact assessment has not been published for this instrument as it has no impact on business or civil society organisations.