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DRAFT STATUTORY INSTRUMENTS

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**2012 No.**

**The Social Security Benefits Up-rating Order 2012**

**PART 3**

**INCOME SUPPORT, HOUSING BENEFIT AND COUNCIL TAX BENEFIT**

**Applicable amounts for Income Support**

**17.**—(1) The sums relevant to the calculation of an applicable amount as specified in the Income Support Regulations shall be the sums set out in this article and Schedules 2 to 4 to this Order; and unless stated otherwise any reference in this article to a numbered Schedule is a reference to the Schedule to the Income Support Regulations bearing that number.

(2) In—

(a) regulations 17(1)(b), 18(1)(c) and 21(1); and

(b) paragraphs 13A(2)(a)(1) and 14(2)(a)(2) of Part III of Schedule 2,

the sum specified is in each case £3,000.

(3) The sums specified in Part I of Schedule 2(3) (applicable amounts: personal allowances) shall be as set out in Schedule 2 to this Order.

(4) In paragraph 3 of Part II of Schedule 2(4) (applicable amounts: family premium)—

(a) in sub-paragraph (1)(a) “£17.40” remains unchanged; and

(b) in sub-paragraph (1)(b) “£17.40” remains unchanged.

(5) The sums specified in Part IV of Schedule 2(5) (applicable amounts: weekly amounts of premiums) shall be as set out in Schedule 3 to this Order.

(6) In paragraph 18 of Schedule 3(6) (housing costs: non-dependant deductions)—

(a) in sub-paragraph (1)(a) for “£60.60” substitute “£73.85”;

(b) in sub-paragraph (1)(b) for “£9.40” substitute “£11.45”;

(c) in sub-paragraph (2)(a) for “£122.00” substitute “£124.00”;

(d) in sub-paragraph (2)(b) for “£122.00”, “£180.00” and “£21.55” substitute “£124.00”, “£183.00” and “£26.25” respectively;

(e) in sub-paragraph (2)(c) for “£180.00”, “£234.00” and “£29.60” substitute “£183.00”, “£238.00” and “£36.10” respectively;

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(1) Paragraph 13A was inserted by S.I. 2000/2629 and amended by S.I. 2002/3019, 2003/455 and 2007/719.

(2) Relevant amending instrument is S.I. 2007/719.

(3) Relevant amending instruments are S.I. 1990/1168, 1996/206 and 2545, 1999/2555, 2003/455, 2006/718, 2007/719, 2010/641 and 2011/821.

(4) Relevant amending instruments are S.I. 1996/1803, 1998/766, 2003/455 and 2010/793.

(5) Relevant amending instruments are S.I. 1990/1776, 1996/1803, 2000/2239 and 2629, 2002/2497 and 3019 and 2011/821.

(6) Schedule 3 was substituted by S.I. 1995/1613; relevant amending instruments are S.I. 1995/2927, 1996/2518, 1999/3178, 2004/2327 and 2011/821.

- (f) in sub-paragraph (2)(d) for “£234.00”, “£310.00” and “£48.45” substitute “£238.00”, “£316.00” and “£59.05” respectively; and
- (g) in sub-paragraph (2)(e) for “£310.00”, “£387.00” and “£55.20” substitute “£316.00”, “£394.00” and “£67.25” respectively.

(7) The sums specified in any provision of the Income Support Regulations set out in column (1) of Schedule 4 to this Order are the sums set out in column (2) of that Schedule.

### **Income Support Transitional Protection**

**18.** It is directed(7) that the sums which are special transitional additions to income support payable in accordance with regulation 15 of the Income Support (Transitional) Regulations 1987(8) (special transitional addition) shall be increased by 5.2 per cent.

### **The Relevant Sum for Income Support**

**19.** In section 126(7) of the Contributions and Benefits Act(9) (trade disputes: the relevant sum) for “£36.00” substitute “£38.00”.

### **Housing Benefit**

**20.**—(1) The sums relevant to the calculation of an applicable amount as specified in the Housing Benefit Regulations shall be the sums set out in this article and Schedules 5 and 6 to this Order; and unless otherwise stated, any reference in this article to a numbered Schedule is a reference to the Schedule to the Housing Benefit Regulations bearing that number.

(2) In regulation 27(3) (calculation of income on a weekly basis)—

- (a) in sub-paragraph (a) “£175.00” remains unchanged; and
- (b) in sub-paragraph (b) “£300.00” remains unchanged.

(3) In regulation 74(10) (non-dependant deductions)—

- (a) in sub-paragraph (1)(a) for “£60.60” substitute “£73.85”;
- (b) in sub-paragraph (1)(b) for “£9.40” substitute “£11.45”;
- (c) in sub-paragraph (2)(a) for “£122.00” substitute “£124.00”;
- (d) in sub-paragraph (2)(b) for “£122.00”, “£180.00” and “£21.55” substitute “£124.00”, “£183.00” and “£26.25” respectively;
- (e) in sub-paragraph (2)(c) for “£180.00”, “£234.00” and “£29.60” substitute “£183.00”, “£238.00” and “£36.10” respectively;
- (f) in sub-paragraph (2)(d) for “£234.00”, “£310.00” and “£48.45” substitute “£238.00”, “£316.00” and “£59.05” respectively; and
- (g) in sub-paragraph (2)(e) for “£310.00”, “£387.00” and “£55.20” substitute “£316.00”, “£394.00” and “£67.25” respectively.

(4) In paragraph 2 of Part 1 of Schedule 1 (ineligible service charges), for “£24.05”, “£24.05”, “£12.15”, “£16.00”, “£16.00”, “£8.05” and “£2.95” substitute “£25.30”, “£25.30”, “£12.80”, “£16.85”, “£16.85”, “£8.45” and “£3.10” respectively.

(5) In paragraph 6 of Part 2 of Schedule 1 (payments in respect of fuel charges)—

- (a) in sub-paragraph (2)(a) for “£21.55” substitute “£25.50”;

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(7) See section 151(6) of the Administration Act.

(8) S.I. 1987/1969; relevant amending instruments are S.I. 1988/521 and 670, 1989/1626, 1991/1600 and 2011/821.

(9) See section 126(8) of the Contributions and Benefits Act. Relevant amending instrument is S.I. 2011/821.

(10) Regulation 74 was substituted by S.I. 2007/2868 and amended by S.I. 2011/821.

- (b) in sub-paragraph (2)(b) and (d) for “£2.50” substitute “£2.95”; and
  - (c) in sub-paragraph (2)(c) for “£1.75” substitute “£2.05”.
- (6) The sums specified in Part 1 of Schedule 3(11) (applicable amounts: personal allowances) shall be as set out in Schedule 5 to this Order.
- (7) In paragraph 3 of Part 2 of Schedule 3 (applicable amounts: family premium)—
- (a) in sub-paragraph (1)(a) “£22.20” remains unchanged; and
  - (b) in sub-paragraph (1)(b) “£17.40” remains unchanged.
- (8) The sums specified in Part 4 of Schedule 3 (applicable amounts: premiums) shall be as set out in Schedule 6 to this Order.
- (9) In Part 6 of Schedule 3(12) (amount of components)—
- (a) in paragraph 25 for “£26.75” substitute “£28.15”; and
  - (b) in paragraph 26 for “£32.35” substitute “£34.05”.
- (10) In paragraph 17(1)(13) and (3)(c) of Schedule 4 (sums to be disregarded in the calculation of earnings) “£17.10” remains unchanged.
- (11) In paragraph 56 of Schedule 5 (sums to be disregarded in the calculation of income other than earnings) “£17.10” remains unchanged.

### **Housing Benefit for certain persons over the qualifying age for State Pension Credit**

**21.**—(1) The sums relevant to the calculation of an applicable amount as specified in the Housing Benefit (SPC) Regulations shall be the sums set out in this article and Schedules 7 and 8 to this Order; and unless stated otherwise, any reference in this article to a numbered Schedule is a reference to the Schedule to the Housing Benefit (SPC) Regulations bearing that number.

- (2) In regulation 30(3) (calculation of income on a weekly basis)—
- (a) in sub-paragraph (a) “£175.00” remains unchanged; and
  - (b) in sub-paragraph (b) “£300.00” remains unchanged.
- (3) In regulation 55(14) (non-dependant deductions)—
- (a) in sub-paragraph (1)(a) for “£60.60” substitute “£73.85”;
  - (b) in sub-paragraph (1)(b) for “£9.40” substitute “£11.45”;
  - (c) in sub-paragraph (2)(a) for “£122.00” substitute “£124.00”;
  - (d) in sub-paragraph (2)(b) for “£122.00”, “£180.00” and “£21.55” substitute “£124.00”, “£183.00” and “£26.25” respectively;
  - (e) in sub-paragraph (2)(c) for “£180.00”, “£234.00” and “£29.60” substitute “£183.00”, “£238.00” and “£36.10” respectively;
  - (f) in sub-paragraph (2)(d) for “£234.00”, “£310.00” and “£48.45” substitute “£238.00”, “£316.00” and “£59.05” respectively; and
  - (g) in sub-paragraph (2)(e) for “£310.00”, “£387.00” and “£55.20” substitute “£316.00”, “£394.00” and “£67.25” respectively.
- (4) In paragraph 2 of Part 1 of Schedule 1 (ineligible service charges), for “£24.05”, “£24.05”, “£12.15”, “£16.00”, “£16.00”, “£8.05” and “£2.95” substitute “£25.30”, “£25.30”, “£12.80”, “£16.85”, “£16.85”, “£8.45” and “£3.10” respectively.

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(11) Relevant amending instruments are [S.I. 2008/1082](#) and [2011/821](#).

(12) Part 6 was inserted by [S.I. 2008/1082](#) (as amended by [S.I. 2008/2428](#)) and amended by [S.I. 2011/821](#).

(13) Relevant amending instruments are [S.I. 2009/2608](#) and [2010/793](#).

(14) Regulation 55 was substituted by [S.I. 2007/2869](#) and amended by [S.I. 2011/821](#).

(5) In paragraph 6 of Part 2 of Schedule 1 (payments in respect of fuel charges)—

- (a) in sub-paragraph (2)(a) for “£21.55” substitute “£25.50”;
- (b) in sub-paragraph (2)(b) and (d) for “£2.50” substitute “£2.95”; and
- (c) in sub-paragraph (2)(c) for “£1.75” substitute “£2.05”.

(6) The sums specified in Part 1 of Schedule 3 (applicable amounts: personal allowances) shall be as set out in Schedule 7 to this Order.

(7) In paragraph 3(1) of Part 2 of Schedule 3 (applicable amounts: family premium) “£17.40” remains unchanged.

(8) The sums specified in Part 4 of Schedule 3 (applicable amounts: amounts of premiums specified in Part 3) shall be as set out in Schedule 8 to this Order.

(9) In paragraph 9(1) and (3)(c) of Schedule 4 (sums disregarded from claimant’s earnings) “£17.10” remains unchanged.

(10) In paragraph 21 of Schedule 5(15) (amounts to be disregarded in the calculation of income other than earnings) “£17.10” remains unchanged.

### **Council Tax Benefit**

**22.**—(1) The sums relevant to the calculation of an applicable amount as specified in the Council Tax Benefit Regulations shall be the sums set out in this article and Schedules 9 and 10 to this Order; and unless stated otherwise, any reference in this article to a numbered Schedule is a reference to the Schedule to the Council Tax Benefit Regulations bearing that number.

(2) In regulation 17(3) (calculation of income on a weekly basis)—

- (a) in sub-paragraph (a) “£175.00” remains unchanged; and
- (b) in sub-paragraph (b) “£300.00” remains unchanged.

(3) In regulation 58 (non-dependant deductions)—

- (a) in paragraph (1)(a) for “£8.60” substitute “£9.90”;
- (b) in paragraph (1)(b) for “£2.85” substitute “£3.30”;
- (c) in paragraph (2)(a) for “£180.00” substitute “£183.00”;
- (d) in paragraph (2)(b) for “£180.00”, “£310.00” and “£5.70” substitute “£183.00”, “£316.00” and “£6.55” respectively; and
- (e) in paragraph (2)(c) for “£310.00”, “£387.00” and “£7.20” substitute “£316.00”, “£394.00” and “£8.25” respectively.

(4) The sums specified in Part 1 of Schedule 1(16) (applicable amounts: personal allowances) shall be as set out in Schedule 9 to this Order.

(5) In paragraph 3 of Part 2 of Schedule 1 (applicable amounts: family premium)—

- (a) in sub-paragraph (1)(a) “£22.20” remains unchanged; and
- (b) in sub-paragraph (1)(b) “£17.40” remains unchanged.

(6) The sums specified in Part 4 of Schedule 1 (applicable amounts: premiums) shall be as set out in Schedule 10 to this Order.

(7) In Part 6 of Schedule 1(17) (amount of components)—

- (a) in paragraph 25 for “£26.75” substitute “£28.15”; and

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(15) Relevant amending instruments are [S.I. 2008/3157](#) and [2010/793](#).

(16) Relevant amending instruments are [S.I. 2008/1082](#) and [2011/821](#).

(17) Part 6 was inserted by [S.I. 2008/1082](#) (as amended by [S.I. 2008/2428](#)) and amended by [S.I. 2011/821](#).

(b) in paragraph 26 for “£32.35” substitute “£34.05”.

(8) In the Table in paragraph 1 of Schedule 2(18) (amount of alternative maximum council tax benefit)—

(a) in sub-paragraph (2)(b)(i) for “£177.00” substitute “£180.00”; and

(b) in sub-paragraph (2)(b)(ii) for “£177.00” and “£231.00” substitute “£180.00” and “£235.00” respectively.

(9) In paragraph 16(1)(19) and (3)(c) of Schedule 3 (sums to be disregarded in the calculation of earnings) “£17.10” remains unchanged.

(10) In paragraph 56 of Schedule 4 (sums to be disregarded in the calculation of income other than earnings) “£17.10” remains unchanged.

### **Council Tax Benefit for certain persons over the qualifying age for State Pension Credit**

**23.**—(1) The sums relevant to the calculation of an applicable amount as specified in the Council Tax Benefit (SPC) Regulations shall be the sums set out in this article and Schedules 11 and 12 to this Order; and unless stated otherwise, any reference in this article to a numbered Schedule is a reference to the Schedule to the Council Tax Benefit (SPC) Regulations bearing that number.

(2) In regulation 20(3) (calculation of income on a weekly basis)—

(a) in sub-paragraph (a) “£175.00” remains unchanged; and

(b) in sub-paragraph (b) “£300.00” remains unchanged.

(3) In regulation 42 (non-dependant deductions)—

(a) in paragraph (1)(a) for “£8.60” substitute “£9.90”;

(b) in paragraph (1)(b) for “£2.85” substitute “£3.30”;

(c) in paragraph (2)(a) for “£180.00” substitute “£183.00”;

(d) in paragraph (2)(b) for “£180.00”, “£310.00” and “£5.70” substitute “£183.00”, “£316.00” and “£6.55” respectively; and

(e) in paragraph (2)(c) for “£310.00”, “£387.00” and “£7.20” substitute “£316.00”, “£394.00” and “£8.25” respectively.

(4) The sums specified in Part 1 of Schedule 1 (applicable amounts: personal allowances) shall be as set out in Schedule 11 to this Order.

(5) In paragraph 3(1) of Part 2 of Schedule 1 (applicable amounts: family premium) “£17.40” remains unchanged.

(6) The sums specified in Part 4 of Schedule 1 (amounts of premiums specified in Part 3) shall be as set out in Schedule 12 to this Order.

(7) In paragraph 9(1) and (3)(c) of Schedule 2 (sums disregarded from claimant’s earnings) “£17.10” remains unchanged.

(8) In paragraph 21 of Schedule 3(20) (amounts to be disregarded in the calculation of income other than earnings) “£17.10” remains unchanged.

(9) In the Table in paragraph 1 of Schedule 6(21) (amount of alternative maximum council tax benefit)—

(a) in sub-paragraph (2)(b)(i) for “£177.00” substitute “£180.00”; and

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(18) Relevant amending instruments are [S.I. 2006/588](#), [2008/1082](#) and [2011/821](#).

(19) Relevant amending instruments are [S.I. 2009/2608](#) and [2010/793](#).

(20) Relevant amending instruments are [S.I. 2008/3157](#) and [2010/793](#).

(21) Relevant amending instruments are [S.I. 2006/588](#), [2008/1082](#) and [2011/821](#).

(b) in sub-paragraph (2)(b)(ii) for “£177.00” and “£231.00” substitute “£180.00” and “£235.00” respectively.