
EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for an increase in the various rates of carer's allowance, attendance allowance, disability living allowance, industrial injuries disablement benefit, industrial death benefit, severe disablement allowance, and personal independence payment. The Order comes into force on 1 April 2021. Article 2 comes into force on the first day of the first benefit week to commence for a particular beneficiary on or after 1 April 2021. Articles 3, 4, 5, 6(1)(b), 7, 8 and 9 come into force on 12 April 2021. Articles 3, 4, 5, 6 and 7 set out the dates on which the increases take effect.

Articles 2, 5 and 6 provide for a mandatory re-statement of amounts of payments which are not to be increased. These give effect to the requirement in section 150(2)(c) of the Social Security Administration Act 1992 to re-state amounts of payments that are not being increased.

Article 2 provides solely for the mandatory restatement of the earnings limits which relate to child dependency increase. This is an additional payment payable to a recipient of carer's allowance who is entitled to receive child benefit in relation to a child or children. It is payable only to those with transitional protection. Child dependency increase was abolished by section 1(3)(e) and schedule 6 of the Tax Credits Act 2002 but saved for transitional cases by article 3 of the Tax Credits Act 2002 (Commencement No. 3 and Transitional Provisions and Savings) Order 2003. Given that child benefit is payable, in certain circumstances, until a child reaches the age of 20, child dependency increase is potentially payable until 2023.

Article 3 amends part III of schedule 4 of the Social Security Contributions and Benefits Act 1992 (the 1992 Act) to provide increases in both the higher and lower weekly rates of attendance allowance.

Article 4 amends Part III of schedule 4 of the 1992 Act to provide increases in the weekly rate of severe disablement allowance and all three weekly rates of the age related addition of that allowance.

Article 5 amends Part III and Part IV of schedule 4 of the 1992 Act to provide for the increase in the weekly rate of carer's allowance. It also restates the weekly rate of carer's allowance increase for a qualifying child.

Article 6 amends Part IV of schedule 4 of the 1992 Act to increase the rates for adult dependants payable with severe disablement allowance. It also restates the rate of increase for a qualifying child.

Article 7 amends Part V of schedule 4 of the 1992 Act to increase various weekly rates of industrial injuries benefit and industrial death benefit, as set out in the table below.

Article 8 amends regulation 4 of the Social Security (Disability Living Allowance) Regulations 1991 to increase the five weekly rates, as divided across both the care and mobility components, of disability living allowance.

Article 9 amends regulation 24 of the Social Security (Personal Independence Payment) Regulations 2013 to increase the four weekly rates, as divided across both the daily living and mobility components, of personal independence payment.

No business and regulatory impact assessment has been prepared for this Order as no impact upon business, charities or voluntary bodies is foreseen.

<i>Description of benefit, etc.</i>	<i>Rate</i>	
1. Disablement pension (weekly rates).	For the several degrees of disablement set out in column (1) of the following Table, the respective amounts in column (2) of that Table.	
	<i>Degree of disablement</i>	<i>Amount</i>
	<i>(1)</i>	<i>(2)</i>
	<i>Percent</i>	<i>£</i>
	100	Increases from £182 to £182.90
	90	Increases from £163.80 to £164.61
	80	Increases from £145.60 to £146.32
	70	Increases from £127.40 to £128.03
	60	Increases from £109.20 to £109.74
	50	Increases from £91 to £91.45
	40	Increases from £72.80 to £73.16
	30	Increases from £54.60 to £54.87
	20	Increases from £36.40 to £36.58
2. Maximum increase of weekly rate of disablement pension where constant attendance needed.	(a) except in cases of exceptionally severe disablement	increases from £72.80 to £73.20
	(b) in any case	increases from £145.60 to £146.40
3. Increase of weekly rate of disablement pension (exceptionally severe disablement).		Increases from £72.80 to £73.20
4. Maximum of aggregate of weekly benefit payable for successive accidents.		Increases from £182 to £182.90
5. Unemployability supplement under paragraph 2 of Schedule 7		Increases from £112.55 to £113.10

<i>Description of benefit, etc.</i>	<i>Rate</i>	
6. Increase under paragraph 3 of Schedule 7 of weekly rate of unemployability supplement.	(a) if on the qualifying date the beneficiary was under the age of 35 or if that date fell before 5th July 1948	increases from £23.30 to £23.40
	(b) if head (a) above does not apply and on the qualifying date the beneficiary was under the age of 40 and had not attained pensionable age before 6th April 1979	increases from £23.30 to £23.40
	(c) if heads (a) and (b) above do not apply and on the qualifying date the beneficiary was under the age of 45	increases from £14.90 to £15.00
	(d) if heads (a), (b) and (c) above do not apply and on the qualifying date the beneficiary was under the age of 50 and had not attained pensionable age before 6th April 1979	increases from £14.90 to £15.00
	(e) in any other case	increases from £7.45 to £7.50
7. Increase under paragraph 4 of Schedule 7 of weekly rate of disablement pension.		£11.35 remains the same
8. Increase under paragraph 6 of Schedule 7 of weekly rate of disablement pension.		Increases from £67.25 to £67.60
9. Maximum disablement gratuity under paragraph 9 of Schedule 7.		Increases from £12,080 to £12,140
10. Widow's pension (weekly rates).	(b) higher permanent rate	increases from £134.25 to £137.60
	(c) lower permanent rate 30 per cent of the first sum specified in section 44(4)	

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Social Security Up-rating (Scotland) Order 2021 No. 169

<i>Description of benefit, etc.</i>	<i>Rate</i>
	(Category A basic retirement pension) (the appropriate rate being determined in accordance with paragraph 16 of schedule 7)
11. Widower's pension (weekly rate).	Increases from £134.25 to £137.60
12. Weekly rate of allowance in respect of children and qualifying young persons under paragraph 18 of schedule 7.	In respect of each child or qualifying young person £11.35 remains the same.