
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2023 No.

The Social Security Up-rating (Scotland) Order 2023

Citation, commencement and interpretation

- 1.—(1) This Order may be cited as the Social Security Up-rating (Scotland) Order 2023.
- (2) Subject to paragraphs (3) and (4), this Order comes into force on 1 April 2023.
- (3) Article 2 comes into force, in so far as it relates to a particular beneficiary, on the first day of the first benefit week to commence for that beneficiary on or after 1 April 2023.
- (4) Articles 3, 4, 5, 6(1)(b), 7, 8 and 9 come into force on 10 April 2023.
- (5) In this Order—
- “the 1992 Act” means the Social Security Contributions and Benefits Act 1992(1),
- “benefit week” has the same meaning as in regulation 2(1) of the Social Security Benefit (Computation of Earnings) Regulations 1996(2).

Earnings limits

2. In section 80(4) of the 1992 Act(3) (earnings limits in respect of child dependency increases)—
- (a) for “£255.00”, in both places where it occurs, substitute “£280.00”,
- (b) for “£34.00” substitute “£37.00”.

Rate of attendance allowance and date on which changes take effect

- 3.—(1) In the table in Part III of schedule 4 (non-contributory periodical benefits) of the 1992 Act(4)—
- (a) in paragraph (a) of entry 1 (higher weekly rate of attendance allowance), for “£92.40” substitute “£101.75”,
- (b) in paragraph (b) of entry 1 (lower weekly rate of attendance allowance), for “£61.85” substitute “£68.10”.
- (2) The increases made by paragraph (1) take effect on 10 April 2023.

Rate of severe disablement allowance and age related addition and date on which changes take effect

- 4.—(1) In the table in Part III of schedule 4 (non-contributory periodical benefits) of the 1992 Act(5)—
- (a) in entry 2 (weekly rate of severe disablement allowance), for “£83.75” substitute “£92.20”,

(1) 1992 c. 4.

(2) S.I. 1996/2745. Regulation 2(1) is relevantly amended by S.I. 1999/3178 and S.I. 2016/267.

(3) Section 80 was repealed by paragraph 6 of schedule 6 of the Tax Credits Act 2002 (c. 21). Article 3 of S.I. 2003/938 saves the repealed provision in certain circumstances. Section 80(4) is relevantly and most recently amended by S.S.I. 2022/128.

(4) Entry 1 is relevantly and most recently amended by S.S.I. 2022/128.

(5) Entries 2 and 3 are relevantly and most recently amended by S.S.I. 2022/128.

- (b) in entry 3—
- (i) in paragraph (a) (higher weekly rate of the age related addition), for “£12.55” substitute “£13.80”,
 - (ii) in paragraph (b) (middle weekly rate of the age related addition), for “£6.95” substitute “£7.65”,
 - (iii) in paragraph (c) (lower weekly rate of the age related addition), for “£6.95” substitute “£7.65”.
- (2) The increases made by paragraph (1) take effect on 10 April 2023.

Mandatory restatement and increase of rates of carer’s allowance and date on which changes take effect

- 5.—(1) In schedule 4 (rates of benefits) of the 1992 Act⁽⁶⁾—
- (a) in entry 4 of the table in Part III (weekly rate of carer’s allowance), for “£69.70” substitute “£76.75”,
 - (b) in the second column of entry 9 of the table in Part IV (increase for qualifying child for carer’s allowance), “11.35” remains unchanged.
- (2) The increase made by paragraph (1)(a) takes effect on 10 April 2023, subject to paragraph (3).
- (3) Where arrangements have been made by or on behalf of the Scottish Ministers for carer’s allowance to be paid on a Wednesday, the increase takes effect on 12 April 2023.

Mandatory restatement and increase of rates for dependants payable with severe disablement allowance and date on which change takes effect

- 6.—(1) In entry 8 of the table in Part IV of schedule 4 (increases for dependants)⁽⁷⁾ of the 1992 Act—
- (a) in the second column (increase for qualifying child for severe disablement allowance), “11.35” remains unchanged,
 - (b) in the third column (increase for adult dependant for severe disablement allowance), for “£41.20” substitute “45.35”.
- (2) The increase made by paragraph (1)(b) takes effect on 13 April 2023.

Rates of industrial injuries benefit and date on which changes take effect

- 7.—(1) The sums specified in Part V of schedule 4⁽⁸⁾ (rates of industrial injuries benefit) of the 1992 Act are amended so that Part V has effect as set out in the schedule of this Order.
- (2) The increases made by paragraph (1) take effect on 10 April 2023 except those set out in the following entries in the schedule—
- (a) entry 1 (the weekly rates of disablement pension),
 - (b) entry 4 (the maximum of aggregate of weekly benefit payable for successive accidents under section 107(1) of the 1992 Act),
 - (c) entries 7, 8 and 12 (increases in disablement pension and industrial death benefit in respect of dependants),

(6) Entry 4 of the table in Part III of schedule 4 of the 1992 Act is relevantly amended by [S.I. 2002/1457](#) and [S.I. 2014/516](#) and most recently amended by [S.S.I. 2022/128](#) and entry 9 of that table in the Part IV of that schedule is relevantly and most recently amended by [S.S.I. 2019/102](#).

(7) Entry 8 is relevantly amended by [S.S.I. 2022/128](#).

(8) Part V of schedule 4 is relevantly amended by section 65(2) and (3) of the Welfare Reform Act 2012 (c. 5), paragraph 15(3) of schedule 1 of the Child Benefit Act 2005 (c. 6) and [S.S.I. 2022/128](#).

- (d) entry 9 (the maximum disablement gratuity under paragraph 9(2) of schedule 7 of the 1992 Act),
- (e) entries 10 and 11 (the weekly rates of industrial death benefit by way of widow's and widower's pension),

which take effect on 12 April 2023.

Rate of disability living allowance

8. In regulation 4 (rate of benefit) of the Social Security (Disability Living Allowance) Regulations 1991⁽⁹⁾—

- (a) in paragraph (1)(a), for “£92.40” substitute “£101.75”,
- (b) in paragraph (1)(b), for “£61.85” substitute “£68.10”,
- (c) in paragraph (1)(c), for “£24.45” substitute “£26.90”,
- (d) in paragraph (2)(a), for “£64.50” substitute “£71.00”,
- (e) in paragraph (2)(b), for “£24.45” substitute “£26.90”.

Rate of personal independence payment

9. In regulation 24 (rate of personal independence payment) of the Social Security (Personal Independence Payment) Regulations 2013⁽¹⁰⁾—

- (a) in paragraph (1)(a), for “£61.85” substitute “£68.10”,
- (b) in paragraph (1)(b), for “£92.40” substitute “£101.75”,
- (c) in paragraph (2)(a), for “£24.45” substitute “£26.90”,
- (d) in paragraph (2)(b), for “£64.50” substitute “£71.00”.

St Andrew's House,
Edinburgh
Date

Name
Authorised to sign by the Scottish Ministers

⁽⁹⁾ S.I. 1991/2890. Regulation 4 is relevantly amended by S.I. 1993/1939 and S.S.I. 2022/128.

⁽¹⁰⁾ S.I. 2013/377. Regulation 24 is relevantly amended by S.S.I. 2022/128.