
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. 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 2023. Articles 3, 4, 5, 6(1)(b), 7, 8 and 9 come into force on 10 April 2023. All other articles in this order come into force on 1 April 2023. Articles 3, 4, 5, 6 and 7 set out the dates on which certain increases take effect.

Articles 5 and 6 include mandatory re-statements 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 amends section 80(4) of the Social Security Contributions and Benefits Act 1992 ("the 1992 Act") to provide increases in 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 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 re-states 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 re-states the rate of increase for a qualifying child.

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

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.