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DRAFT STATUTORY INSTRUMENTS

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**2005 No.**

**The Social Security Benefits Up-rating Order 2005**

**PART 3**

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

**Applicable amounts for Income Support**

**16.**—(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 the following provisions of this article and Schedules 2 to 5 to this Order; and for this purpose references in this article to a numbered regulation or Schedule are, unless the context otherwise requires, references to the regulation of, or the Schedule to, the Income Support Regulations bearing that number.

(2) In—

- (a) regulations 17(1)(b), 18(1)(c), 21(1) and 71(1)(a)(ii) and (d)(i); and
- (b) paragraphs 13A(2)(a) and 14(a) of Part III of Schedule 2,

the sum specified is in each case £3,000(1).

(3) The sums specified in Part I of Schedule 2(2) (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(3) (applicable amounts: family premium)—

- (a) in sub-paragraph (1)(a) for “£15.95” substitute “£16.10”; and
- (b) in sub-paragraph (1)(b) for “£15.95” substitute “£16.10”.

(5) The sums specified in Part IV of Schedule 2(4) (applicable amounts: weekly amounts of premiums) shall be as set out in Schedule 3 to this Order.

(6) In paragraph 18 of Schedule 3(5) (housing costs: non-dependant deductions)—

- (a) in sub-paragraph (1)(a) “£47.75” remains unchanged;
- (b) in sub-paragraph (1)(b) “£7.40” remains unchanged;
- (c) in sub-paragraph (2)(a) for “£97.00” substitute “£101.00”;
- (d) in sub-paragraph (2)(b)—
  - (i) for “£97.00” substitute “£101.00”;
  - (ii) for “£144.00” substitute “£150.00”;
  - (iii) “£17.00” remains unchanged;

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(1) The provisions referred to in this article have been amended by S.I.2003/455 to omit the sum specified (*see* regulation 7 for transitional arrangements in connection with the introduction of child tax credit).

(2) Relevant amending instruments are S.I. 1996/206, 2003/455 and 2004/552.

(3) Relevant amending instruments are S.I. 1996/1803, 1998/766, 1999/2555 and 2004/552. Paragraph 3 has been omitted by S.I. 2003/455 (*see* regulation 7 for transitional arrangements).

(4) Relevant amending instruments are S.I. 1996/1803, 2000/2239, 2003/455 and 2004/552.

(5) Schedule 3 was substituted by S.I. 1995/1613; relevant amending instruments are S.I. 1995/2927, 1996/2518, 1999/3178, 2002/3019 and 2004/552 and 2327.

- (e) in sub-paragraph (2)(c)—
  - (i) for “£144.00” substitute “£150.00”;
  - (ii) for “£186.00” substitute “£194.00”;
  - (iii) “£23.35” remains unchanged;
- (f) in sub-paragraph (2)(d)—
  - (i) for “£186.00” substitute “£194.00”;
  - (ii) for “£247.00” substitute “£258.00”;
  - (iii) “£38.20” remains unchanged; and
- (g) in sub-paragraph (2)(e)—
  - (i) for “£247.00” substitute “£258.00”;
  - (ii) for “£308.00” substitute “£322.00”;
  - (iii) “£43.50” remains unchanged.

(7) Those sums relevant to the calculation of an applicable amount which are specified in Schedule 7(6) (applicable amounts in special cases)—

- (a) which are amended by this Order shall be as set out in Part I of Schedule 4 to this Order; and
- (b) which are not increased by this Order are the sums set out in Part II of that Schedule.

(8) The sums specified in any provision of the Income Support Regulations set out in column (1) of Schedule 5 to this Order are the sums set out in column (2) of that Schedule.

(9) In paragraph 19(b) of Schedule 9(7) (sums to be disregarded in the calculation of income other than earnings) for “£9.80” substitute “£10.55”.

### **Income Support Transitional Protection**

17. It is directed(8) that the sums which are special transitional additions to income support payable in accordance with regulation 15 of the Income Support (Transitional) Regulations 1987(9) (special transitional addition) shall be increased by 1 per cent. of their amount apart from this Order.

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

18. In section 126(7) of the Contributions and Benefits Act(10) (trade disputes: the relevant sum) for “£30.00” substitute “£30.50”.

### **Housing Benefit**

19.—(1) As from a date determined in accordance with article 1 of this Order, the sums relevant to the calculation of an applicable amount as specified in the Housing Benefit Regulations shall be the sums set out in the following provisions of this article and Schedules 6 and 7 to this Order; and for this purpose references in this article to a numbered regulation or Schedule are, unless the context otherwise requires, references to the regulation of, or the Schedule to, the Housing Benefit Regulations bearing that number.

- (2) In—
  - (a) regulations 16(b) and 17(c); and

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(6) Relevant amending instruments are S.I. 1988/663, 1445 and 2022, 1989/534 and 1678, 1990/547, 1991/236 and 1559, 1992/3147, 1994/2139, 2000/636 and 681, 2001/488 and 3767, 2002/398, 2003/455, 1121 and 1195 and 2004/552.

(7) Relevant amending instruments are S.I. 1994/527, 1995/516 and 2004/552.

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

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

(10) See section 126(8) of the Contributions and Benefits Act.

(b) paragraphs 13A(2)(a) and 14(a)(11) of Part III of Schedule 2 (applicable amounts), the sum specified is in each case £3,000.

(3) In regulation 18(1)(12) (patients)—

- (a) in sub-paragraphs (a), (b) and (d)(ii) for “£19.90” substitute “£20.50” in each case;
- (b) in sub-paragraphs (c)(i) and (d)(i) for “£15.90” substitute “£16.40” in each case; and
- (c) in sub-paragraph (c)(ii) for “£39.80” substitute “£41.00”.

(4) In regulation 21(1A)(13) (calculation of income on a weekly basis)—

- (a) in sub-paragraph (a) for “£135.00” substitute “£175.00”; and
- (b) in sub-paragraph (b) for “£200” substitute “£300”.

(5) In regulation 63(14) (non-dependant deductions)—

- (a) in paragraph (1)(a) “£47.75” remains unchanged;
- (b) in paragraph (1)(b) “£7.40” remains unchanged;
- (c) in paragraph (2)(a) for “£97.00” substitute “£101.00”;
- (d) in paragraph (2)(b)—
  - (i) for “£97.00” substitute “£101.00”;
  - (ii) for “£144.00” substitute “£150.00”;
  - (iii) “£17.00” remains unchanged;

(e) in paragraph (2)(c)—

- (i) for “£144.00” substitute “£150.00”;
- (ii) for “£186.00” substitute “£194.00”;
- (iii) “£23.35” remains unchanged;

(f) in paragraph (2)(d)—

- (i) for “£186.00” substitute “£194.00”;
- (ii) for “£247.00” substitute “£258.00”;
- (iii) “£38.20” remains unchanged; and

(g) in paragraph (2)(e)—

- (i) for “£247.00” substitute “£258.00”;
- (ii) for “£308.00” substitute “£322.00”;
- (iii) “£43.50” remains unchanged.

(6) In paragraph 1A of Part I of Schedule 1(15) (ineligible service charges), for “£19.85”, “£19.85”, “£10.05”, “£13.20”, “£13.20” and “£6.65” substitute “£20.05”, “£20.05”, “£10.15”, “£13.35”, “£13.35” and “£6.70” respectively.

(7) In paragraph 5 of Part II of Schedule 1(16) (payments in respect of fuel charges)—

- (a) in sub-paragraph (2)(a) for “£9.80” substitute “£10.55”;
- (b) in sub-paragraph (2)(b) and (d) for “£1.20” substitute “£1.25” in each case; and

(11) Paragraph 13A was inserted by S.I. [2000/2629](#) and amended by S.I. [2003/1195](#). Paragraph 14(a) was amended by S.I. [1993/2118](#).

(12) Relevant amending instruments are S.I. [1996/1803](#) and [2432](#), [2003/1195](#) and [2004/552](#).

(13) Paragraph (1A) was inserted by S.I. [1997/2793](#) and amended by S.I. [2004/552](#).

(14) Relevant amending instruments are S.I. [1990/546](#), [1992/50](#), [1996/2518](#) and [2004/552](#).

(15) Paragraph 1A was inserted by S.I. [1988/1444](#) and amended by S.I. [1989/416](#), [1997/65](#) and [2004/552](#).

(16) Relevant amending instruments are S.I. [1988/1444](#), [1996/599](#) and [2004/552](#).

- (c) in sub-paragraph (2)(c) for “£0.80” substitute “£0.85”.
- (8) The sums specified in Part I of Schedule 2(17) (applicable amounts: personal allowances) shall be as set out in Schedule 6 to this Order.
- (9) In paragraph 3 of Part II of Schedule 2(18) (applicable amounts: family premium)—
- (a) in sub-paragraph (1)(a) “£22.20” remains unchanged;
  - (b) in sub-paragraph (1)(b) for “£15.95” substitute “£16.10”; and
  - (c) in sub-paragraph (1A)(19) “£10.50” remains unchanged.
- (10) The sums specified in Part IV of Schedule 2(20) (applicable amounts: premiums) shall be as set out in Schedule 7 to this Order.
- (11) In paragraph 16(1) and (3)(c) of Schedule 3(21) (sums to be disregarded in the calculation of earnings) for “£12.32” substitute “£14.50” in each case.
- (12) In Schedule 4 (sums to be disregarded in the calculation of income other than earnings)—
- (a) in paragraph 20(b)(22) for “£9.80” substitute “£10.55”; and
  - (b) in paragraph 58(23) for “£12.32” substitute “£14.50”.

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

**20.**—(1) This article applies to persons to whom regulation 2 of the 2003 Regulations applies and references in this article to the Housing Benefit Regulations are to the Housing Benefit Regulations as modified by the 2003 Regulations in their application to those persons.

(2) As from a date determined in accordance with article 1 of this Order, the sums relevant to the calculation of an applicable amount as specified in the Housing Benefit Regulations shall be the sums set out in the following provisions of this article and Schedules 8 and 9 to this Order; and for this purpose references in this article to a numbered regulation or Schedule are, unless the context otherwise requires, references to the regulation of, or the Schedule to, the Housing Benefit Regulations bearing that number.

- (3) In regulation 16(3)(a)(24) (applicable amounts) “20 per cent.” remains unchanged.
- (4) In regulation 26(3)(25) (calculation of income on a weekly basis)—
- (a) in sub-paragraph (a) for “£135.00” substitute “£175.00”; and
  - (b) in sub-paragraph (b) for “£200” substitute “£300”.
- (5) The sums specified in Part I of Schedule 2A (applicable amounts: personal allowances) shall be as set out in Schedule 8 to this Order.
- (6) In paragraph 3 of Part II of Schedule 2A(26) (applicable amounts: family premium)—
- (a) in sub-paragraph (1) for “£15.95” substitute “£16.10”; and
  - (b) in sub-paragraph (2) “£10.50” remains unchanged.
- (7) The sums specified in Part IV of Schedule 2A (applicable amounts: amounts of premiums specified in Part III) shall be as set out in Schedule 9 to this Order.

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(17) Relevant amending instruments are S.I. 1996/2545 and 2004/552.

(18) Relevant amending instruments are S.I. 1996/1803, 1998/766, 2002/2402 and 2004/552.

(19) Paragraph 3(1A) was inserted by S.I. 2002/2402 and amended by S.I. 2004/552.

(20) Relevant amending instruments are S.I. 1996/1803, 2000/2239 and 2004/552.

(21) Paragraph 16 was added by S.I. 1999/920, substituted by S.I. 2002/2402 and amended by S.I. 2003/770 and 2004/552.

(22) Paragraph 20 was substituted by S.I. 1994/578 and amended by S.I. 2004/552.

(23) Paragraph 58 was added by S.I. 1995/1339, substituted by S.I. 1996/462 and amended by S.I. 1999/920, 2002/2402, 2003/770 and 2634 and 2004/552.

(24) Relevant amending instruments are S.I. 2003/1195 and 2275.

(25) Relevant amending instrument is S.I. 2004/552.

(26) Relevant amending instrument is S.I. 2004/552.

(8) In paragraph 9(1) and (3)(c) of Schedule 3A(27) (sums disregarded from claimant's earnings) for "£12.32" substitute "£14.50" in each case.

(9) In paragraph 21 of Schedule 4A(28) (amounts to be disregarded in the calculation of income other than earnings) for "£12.32" substitute "£14.50".

### Council Tax Benefit

**21.**—(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 the following provisions of this article and Schedules 10 and 11 to this Order; and for this purpose references in this article to a numbered regulation or Schedule are, unless the context otherwise requires, references to the regulation of, or the Schedule to, the Council Tax Benefit Regulations bearing that number.

(2) In—

(a) regulations 8(b) and 9(c)(29); and

(b) paragraphs 14A(2)(a)(30) and 15(a)(31) of Part III of Schedule 1 (applicable amounts), the sum specified is in each case £3,000.

(3) In regulation 10(1)(32) (patients)—

(a) in sub-paragraphs (a), (b) and (d)(ii) for "£19.90" substitute "£20.50" in each case;

(b) in sub-paragraphs (c)(i) and (d)(i) for "£15.90" substitute "£16.40" in each case; and

(c) in sub-paragraph (c)(ii) for "£39.80" substitute "£41.00".

(4) In regulation 13(1A)(33) (calculation of income on a weekly basis)—

(a) in sub-paragraph (a) for "£135.00" substitute "£175.00"; and

(b) in sub-paragraph (b) for "£200" substitute "£300".

(5) In regulation 52(34) (non-dependant deductions)—

(a) in paragraph (1)(a) "£6.95" remains unchanged;

(b) in paragraph (1)(b) "£2.30" remains unchanged;

(c) in paragraph (2)(a) for "£144.00" substitute "£150.00";

(d) in paragraph (2)(b)—

(i) for "£144.00" substitute "£150.00";

(ii) for "£247.00" substitute "£258.00";

(iii) "£4.60" remains unchanged; and

(e) in paragraph (2)(c)—

(i) for "£247.00" substitute "£258.00";

(ii) for "£308.00" substitute "£322.00";

(iii) "£5.80" remains unchanged.

(6) The sums specified in Part I of Schedule 1(35) (applicable amounts: personal allowances) shall be as set out in Schedule 10 to this Order.

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(27) Relevant amending instruments are S.I. 2003/2275 and 2004/552.

(28) Relevant amending instrument is S.I. 2004/552.

(29) Relevant amending instruments are S.I. 1993/2118 and 1996/2432.

(30) Paragraph 14A was inserted by S.I. 2000/2629 and amended by S.I. 2003/1195.

(31) Relevant amending instrument is S.I. 1993/2118.

(32) Relevant amending instruments are S.I. 1993/688, 1996/1803 and 2432, 2003/1195 and 2004/552.

(33) Paragraph (1A) was inserted by S.I. 1997/2793 and amended by S.I. 2004/552.

(34) Relevant amending instruments are S.I. 1996/2518, 2000/440 and 2004/552.

(35) Relevant amending instrument is S.I. 1999/2555.

- (7) In paragraph 3 of Part II of Schedule 1(36) (applicable amounts: family premium)—
- (a) in sub-paragraph (1)(a) “£22.20” remains unchanged;
  - (b) in sub-paragraph (1)(b) for “£15.95” substitute “£16.10”; and
  - (c) in sub-paragraph (1A)(37) “£10.50” remains unchanged.
- (8) The sums specified in Part IV of Schedule 1(38) (applicable amounts: premiums) shall be as set out in Schedule 11 to this Order.
- (9) In paragraph 1 of Schedule 2(39) (amount of alternative maximum council tax benefit)—
- (a) in sub-paragraph (2)(b)(i) for “£144.00” substitute “£150.00”; and
  - (b) in sub-paragraph (2)(b)(ii) for “£144.00” and “£186.00” substitute “£150.00” and “£194.00” respectively.
- (10) In paragraph 16(1) and (3)(c) of Schedule 3(40) (sums to be disregarded in the calculation of earnings) for “£12.32” substitute “£14.50” in each case.
- (11) In Schedule 4 (sums to be disregarded in the calculation of income other than earnings)—
- (a) in paragraph 20(b)(41) for “£9.80” substitute “£10.55”; and
  - (b) in paragraph 57(42) for “£12.32” substitute “£14.50”.

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

**22.**—(1) This article applies to persons to whom regulation 12 of the 2003 Regulations applies and references in this article to the Council Tax Benefit Regulations are to the Council Tax Benefit Regulations as modified by the 2003 Regulations in their application to those persons.

(2) 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 the following provisions of this article and Schedules 12 and 13 to this Order; and for this purpose references in this article to a numbered regulation or Schedule are, unless the context otherwise requires, references to the regulation of, or the Schedule to, the Council Tax Benefit Regulations bearing that number.

- (3) In regulation 8(3)(a)(43) (applicable amounts) “20 per cent.” remains unchanged.
- (4) In regulation 18(3)(44) (calculation of income on a weekly basis)—
- (a) in sub-paragraph (a) for “£135.00” substitute “£175.00”; and
  - (b) in sub-paragraph (b) for “£200” substitute “£300”.
- (5) The sums specified in Part I of Schedule 1A (applicable amounts: personal allowances) shall be as set out in Schedule 12 to this Order.
- (6) In paragraph 3 of Part II of Schedule 1A(45) (applicable amounts: family premium)—
- (a) in sub-paragraph (1) for “£15.95” substitute “£16.10”; and
  - (b) in sub-paragraph (2) “£10.50” remains unchanged.

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(36) Relevant amending instruments are S.I. 1996/1803, 1998/766, 2000/440, 2002/2402 and 2004/552.

(37) Paragraph 3(1A) was inserted by S.I. 2002/2402 and amended by S.I. 2004/552.

(38) Relevant amending instruments are S.I. 1996/1803 and 2000/2239.

(39) Relevant amending instruments are S.I. 1993/688, 1996/1510 and 2004/552.

(40) Paragraph 16 was added by S.I. 1999/920, substituted by S.I. 2002/2402 and amended by S.I. 2003/770 and 2004/552.

(41) Paragraph 20 was substituted by S.I. 1994/578 and amended by S.I. 2004/552.

(42) Paragraph 57 was added by S.I. 1995/1339, substituted by S.I. 1996/462 and amended by S.I. 1999/920, 2002/2402, 2003/770 and 2634 and 2004/552.

(43) Relevant amending instruments are S.I. 2003/1195 and 2275.

(44) Relevant amending instrument is S.I. 2004/552.

(45) Relevant amending instrument is S.I. 2004/552.

(7) The sums specified in Part IV of Schedule 1A (amounts of premiums specified in Part III) shall be as set out in Schedule 13 to this Order.

(8) In paragraph 9(1) and (3)(c) of Schedule 3A(46) (sums disregarded from claimant's earnings) for "£12.32" substitute "£14.50" in each case.

(9) In paragraph 21 of Schedule 4A(47) (amounts to be disregarded in the calculation of income other than earnings) for "£12.32" substitute "£14.50".

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(46) Relevant amending instruments are S.I. [2003/2275](#) and [2004/552](#).

(47) Relevant amending instrument is S.I. [2004/552](#).