
STATUTORY INSTRUMENTS

1991 No. 503

The Social Security Benefits Up-rating Order 1991

PART I

INTRODUCTION

Citation and commencement

- 1.—(1) This Order may be cited as the Social Security Benefits Up-rating Order 1991.
- (2) This Order shall come into force for the purposes of—
- (a) articles 1, 2, 18 and 19 on 1st April 1991;
 - (b) article 9 on 6th April 1991;
 - (c) article 10 on 7th April 1991;
 - (d) articles 3, 4, 5, 6, 7, 8 and 11 on 8th April 1991;
 - (e) articles 12 and 13 on 9th April 1991;
 - (f) articles 14, 15 and 16, in so far as they relate to a particular beneficiary, on the first day of the first benefit week to commence for that beneficiary on or after 8th April 1991, and for the purpose of this and the next following sub-paragraph, “benefit week” has the same meaning as in the Income Support Regulations;
 - (g) article 17(7), in so far as the sums specified are relevant for the purposes of paragraph 9(2)(a) of Schedule 3 to the Income Support Regulations, on the first day of the benefit week to commence for the beneficiary on or after 8th April 1991;
 - (h) except in a case to which sub-paragraph (g) applies, article 17 on 1st April 1991.
- (3) The increases made by this Order in the sums specified for rates or amounts of benefit under the 1975 Act or the Pensions Act shall take effect for each case on the date specified in relation to that case in article 5 of the Order.

Interpretation

2. In this Order, unless the context otherwise requires—
- “the 1975 Act” means the Social Security Act 1975(1);
 - “the 1986 Act” means the Social Security Act 1986;
 - “the Pensions Act” means the Social Security Pensions Act 1975(2);
 - “the Community Charge Benefits Regulations” means the Community Charge Benefits (General) Regulations 1989(3);
 - “the Family Credit Regulations” means the Family Credit (General) Regulations 1987(4);

(1) 1975 c. 14.

(2) 1975 c. 60.

(3) S.I.1989/1321, the relevant amending instrument is S.I. 1990/1773.

(4) S.I. 1987/1973, the relevant amending instruments are S.I. 1988/660 and 1990/320.

“the Income Support Regulations” means the Income Support (General) Regulations 1987(5); and

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987(6).

PART II

SOCIAL SECURITY BENEFITS

Alterations in rates or amounts of certain benefits under the 1975 Act

3.—(1) In this article, “Schedule 4” means Schedule 4 to the 1975 Act(7).

(2) The sums specified in paragraph (3) below shall be increased from and including the respective dates specified in article 5 below; and Schedule 4 shall accordingly have effect as set out in Schedule 1 to this Order.

(3) The sums mentioned in paragraph (2) above are the sums specified in Parts I, III, IV and V of Schedule 4 (contributory periodical benefits, non-contributory periodical benefits, increase of benefits for dependants and rate or amount of industrial injuries benefit, respectively), except in Part III the sum specified for age addition.

(4) The sums falling to be calculated under section 59B(5)(8) of the 1975 Act (calculation of weekly rate of retirement allowance) shall be increased from a date specified in article 5 below by 10.9 per cent of their amount apart from this Order.

Increase in rates or amounts of certain benefits under the Pensions Act

4.—(1) The sums specified in paragraphs (2) and (3) below shall be increased from and including the respective dates specified in article 5 below.

(2) In section 6(1)(a) of the Pensions Act (basic pension in a Category A retirement pension)—

(a) so far as the sum is relevant for the purpose of calculating under section 14(6) of the 1975 Act the rate of sickness benefit, for the sum of £45.00 there shall be substituted the sum of £49.90;

(b) except so far as mentioned in sub-paragraph (a) above, for the sum of £46.90 there shall be substituted the sum of £52.00.

(3) It is hereby directed(9) that the sums which are—

(a) the additional pensions in the rates of long-term benefits calculated by reference to any final relevant year earlier than the tax year 1990/91,

(b) the increases in the rates of retirement pensions under Schedule 1 to the Pensions Act (increase of pension where pensioner’s entitlement deferred), and

(5) S.I. 1987/1967, the relevant amending instruments are S.I. 1988/663, 910, 999, 1228 and 1445 and 1989/534, 1034 and 1678 and 1990/320, 547 and 1776.

(6) S.I. 1987/1971, the relevant amending instruments are S.I. 1988/1444 and 1989/416 and 1017 and 1990/320, 546 and 1775.

(7) Schedule 4 was amended by section 21(1) and (2) of, and Schedules 4 and 5 to, the Child Benefit Act 1975 (c. 61), section 22(2) of, and paragraphs 62 and 63 of Schedule 4 to the Social Security Pensions Act 1975, paragraph 13 of Schedule 1 to the Social Security Act 1979 (c. 18), Schedule 11 to the Social Security Act 1986 (c. 50) and the Social Security Benefits Up-rating Order 1990 (S.I. 1990/320).

(8) Section 59B(5) was inserted in the 1975 Act by the Social Security Act 1988(c. 7), section 2(1) and amended by the Social Security Act 1989 (c. 24), Schedule 1, paragraph 8(5).

(9) See section 23(2) and (3) of the Social Security Pensions Act 1975 (c. 60), as amended by the Social Security Act 1986, Schedule 10, paragraph 91.

(c) payable to a pensioner as part of his Category A or Category B retirement pension by virtue of an order made under section 126A of the 1975 Act(10) or section 63 of the 1986 Act, shall in each case be increased by 10.9 per cent. of their amount apart from this Order.

(4) Sums which are payable by virtue of section 35(6) of the Pensions Act (which provides for increases in a person's guaranteed minimum pension if payment of his occupational pension is postponed after he attains pensionable age) to a person who is also entitled to a Category A or Category B retirement pension (including sums payable by virtue of section 36(3)), shall be increased by 7.9 per cent. of their amount apart from this order(11).

Dates on which sums specified for rates or amounts of benefit under the 1975 Act or the Pensions Act are increased by this Order

5.—(1) Paragraphs (2) to (8) of this article, which are subject to the provisions of paragraph (9) below, specify the date on which the increases made by this Order in the sums specified for rates or amounts of benefit under the 1975 Act or the Pensions Act shall take effect for each case.

(2) In relation to the case of a person over pensionable age whose entitlement to a Category A retirement pension is deferred and for whom the rate of unemployment benefit, sickness benefit or invalidity pension falls to be calculated in accordance with section 14(6) or 15(4) of the 1975 Act(12), the increases in the sums mentioned in articles 3, 4 and 7 for Category A and B retirement pension and graduated retirement benefit (together with, where appropriate, increases for dependants) shall take effect on 11th April 1991 and in relation to all other cases the increases in such sums shall take effect on 8th April 1991.

(3) The increases in the sums mentioned in Article 4(3)(c) and (4) shall take effect on 8th April 1991.

(4) The increases in the sums specified for the rate of maternity allowance, widowed mother's allowance, widow's pension, Category C and D retirement pension, child's special allowance(13), attendance allowance, invalid care allowance (except in a case where the Secretary of State has made arrangements for it to be paid on a Wednesday) (together with, where appropriate, increases for dependants), and guardian's allowance shall in all cases take effect on 8th April 1991.

(5) The increases in the sums specified for the rate of mobility allowance, invalid care allowance (in a case where the Secretary of State has made arrangements for it to be paid on a Wednesday) (together with, where appropriate, increases for dependants), disablement benefit (together with increases of disablement pension), maximum disablement gratuity under section 57(5) of the 1975 Act(14), industrial death benefit by way of widow's and widower's pension and allowance in respect of children (together with, where appropriate, increases for dependants) and maximum, under section 91(1) of the 1975 Act, of the aggregate of weekly benefit payable for successive accidents, shall in all cases take effect from and including 10th April 1991.

(6) Where a person's weekly rate of Category A or B retirement pension falls to be increased under the provisions of section 28(7) or 29(8) of the 1975 Act(15) by reference to the weekly rate of invalidity allowance to which he was previously entitled., the increase in the sum specified for the

(10) Section 126A was inserted by section 12 of the Social Security Act 1979 (c. 18) and repealed by the Social Security Act 1986, section 86, Schedule 11.

(11) See section 63(8) of the Social Security Act 1986 and the Guaranteed Minimum Pensions Increase Order 1991 (S.I. 1991/427).

(12) Section 14(6) is amended by the Social Security Pensions Act 1975 (c. 60), section 65(1), Schedule 4, paragraph 39(b), the Social Security Act 1979 (c. 18), section 21(4), Schedule 3, paragraph 6 and the Social Security Act 1989 (c. 24), Schedule 1, paragraph 4(2) and Schedule 9; and section 15(4) is amended by the Social Security Pensions Act 1975, section 65(1), Schedule 4, paragraph 40(c) and the Social Security Act 1979, section 21(4), Schedule 3, paragraph 7.

(13) Child's special allowance was abolished except for existing beneficiaries as from 6th April 1987 (section 40 of the Social Security Act 1986).

(14) Section 57(5) was repealed by the Social Security Act 1986 (c. 50), section 86, Schedule 11; except where the claim for benefit was made before 1.10.86 — see the 1986 Act, Schedule 3, paragraph 3(3).

(15) Section 28(7) is amended by the Social Security (No. 2) Act 1980 (c. 39), section 3(3).

appropriate rate of invalidity allowance shall take effect on 8th April 1991 and where it does not fall to be so increased the sum so specified shall take effect on 11th April 1991.

(7) The increases in the sums specified for the rate of unemployment and sickness benefit, invalidity pension and severe disablement allowance (together with, where appropriate, increase for dependants), shall take effect in all cases on 11th April 1991.

(8) The increase in the sums falling to be calculated in accordance with section 59B(5) of the 1975 Act (retirement allowance) shall take effect on 10th April 1991.

(9) In the case of a person who is subject to the provisions of regulations made under section 85(1)(b) of the 1975 Act (adjustment of benefit for persons undergoing medical or other treatment as an in-patient in a hospital) the increase in the sum mentioned in article 4(2)(b) of this Order shall take effect in that case on the day on which the increase in the benefit payable to him apart from those Regulations takes effect.

Increase in rates of certain benefits under the Industrial Injuries and Diseases (Old Cases) Act 1975

6. In the Industrial Injuries and Diseases (Old Cases) Act 1975(**16**) the sum of £28.20 referred to in section 2(6)(c) (maximum weekly rate of lesser incapacity allowance supplementing workmen's compensation) and section 7(2)(b) (industrial diseases benefit schemes: weekly rate of allowance payable where disablement is not total) shall be increased; and from and including 10th April 1991 for that sum in section 2(6)(c), and from and including 11th April 1991 for that sum in section 7(2)(b), there shall be substituted the sum of £31.25.

Increase in rate of graduated retirement benefit and increments thereof

7.—(1) In the National Insurance Act 1965(**17**) the sum of 6.14 pence referred to in section 36(1) (graduated retirement benefit) shall be increased by 10.9 per cent.; and from and including 8th April 1991 the reference in that provision to that sum shall according have effect as a reference to 6.81 pence.

(2) The sums which are the increases of graduated retirement benefit under Schedule 2 to the Social Security (Graduated Retirement Benefit) (No. 2) Regulations 1978(**18**) (increases for deferred retirement) shall be increased by 10.9 per cent. of their amount apart from this Order.

Sum specified for child benefit

8. In regulation 2 of the Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations 1976(**19**) (weekly rates of child benefit)—

- (a) in paragraph (1), the sum specified is £7.25; and
- (b) in paragraph (2), the sum specified is £5.60.

(16) 1975 c. 16. Sections 2(6)(c) and 7(2)(b) were amended by the Social Security Benefits Up-rating Order 1990 (S.I. 1990/320).

(17) 1965 c. 51. Section 36 was repealed by the Social Security Act 1973 (c. 38) but subsection (1) is now continued in force by regulation 3 of the Social Security (Graduated Retirement Benefit) (No. 2) Regulations 1978 (S.I. 1978/393), in the modified form set out in the Schedule to those Regulations as amended by article 7 of the Social Security Benefits Up-rating Order 1990 (S.I. 1990/320). See also regulation 2 of those Regulations as amended by regulation 3 of S.I. 1989/893.

(18) S.I. 1978/393 and S.I. 1989/1642.

(19) S.I. 1976/1267; the relevant amending instruments are S.I. 1977/1328, 1980/110 and 1990/320.

Statutory Sick Pay

9. In section 7(1) of the Social Security and Housing Benefits Act 1982⁽²⁰⁾ (relationship between rates of payment of statutory sick pay and employees' normal weekly earnings) the sums specified in paragraph (a) are £52.50 and £125.00 respectively and the sum specified in paragraph (b) is £39.25.

Statutory Maternity Pay

10. In regulation 6 of the Statutory Maternity Pay (General) Regulations 1986⁽²¹⁾ (lower rate of statutory maternity pay) for the sum of £39.25 there shall be substituted the sum of £44.50.

Earnings Limits

11. In section 41(2B) of the 1975 Act⁽²²⁾ (earnings limits in respect of child dependency increases) for the sums £100, £13 and £100 there shall be substituted the sums £110, £14 and £110 respectively.

PART III

FAMILY CREDIT, INCOME SUPPORT, HOUSING BENEFIT AND COMMUNITY CHARGE BENEFITS

Family Credit

12. In the Family Credit Regulations—

- (a) in regulation 46(4) (determination of appropriate maximum family credit), the capital sum prescribed is £3,000;
- (b) in regulation 46(4), (5) and (6) the amount specified for the credit in respect of a child or young person is NIL;
- (c) in regulation 47 (applicable amount of family credit) for the sum of £57.60 there shall be substituted the sum of £62.25; and
- (d) in paragraph 19 of Schedule 2 (sums to be disregarded in calculating income), in subparagraph (b) for the sum of £7.35 there shall be substituted the sum of £8.05.

Sums prescribed for the purpose of Family Credit

13. The sums prescribed in Schedule 4 to the Family Credit Regulations (determination of maximum family credit) shall be increased so as to have effect as set out in Schedule 2 to this Order.

Applicable amounts for Income Support

14.—(1) As from 8th April 1991 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 the Schedules thereto; and for this purpose references in this article to a numbered regulation or Schedule are, unless the context otherwise requires, references to the regulations of or Schedules to the Income Support Regulations bearing that number.

⁽²⁰⁾ 1982 c. 24; section 7(1) was substituted by regulation 2 of the Statutory Sick Pay (Rate of Payment) Regulations 1990 (S.I. 1990/257).

⁽²¹⁾ S.I. 1986/1960.

⁽²²⁾ Section 41(2B) was inserted by the Health and Social Security Act 1984 (c. 48), section 13, Schedule 5, paragraph 3(c).

(2) In regulations 17(1)(b), 18(1)(c), 21(1) and 71(1)(a)(ii), (b)(ii) and (iii), (c)(ii) and (d)(i), in paragraph 14(a) of Part III of Schedule 2, and in paragraph 1(2) of Part I of Schedule 4, the sum specified is in each case £3,000.

(3) The sums specified in Part I of Schedule 2 (applicable amounts: personal allowances) shall be increased; and accordingly that Part of Schedule 2 shall have effect as set out in Schedule 3 to this Order.

(4) In paragraph 3 of Part II of Schedule 2 (family premium) for the sum of £7.35 there shall be substituted the sum of £7.95.

(5) The sums specified in Part IV of Schedule 2 (weekly amounts of premiums) shall be increased; and accordingly that Part of Schedule 2 shall have effect as set out in Schedule 4 to this Order.

(6) In paragraph 11(1) of Schedule 3(23) (housing costs: non-dependant deductions) for the sums of £10.85 and £4.55 there shall be substituted the sums of £13.50 and £5.70 respectively.

(7) In paragraph 11(2) of Schedule 3(24) for the sum of £56.05 there shall be substituted the sum of £62.15.

(8) Those sums relevant to the calculation of an applicable amount which are specified in Schedule 4 (applicable amounts of persons in residential care and nursing homes) shall be increased; and accordingly those paragraphs in Schedule 4 where such a sum is specified shall have effect as set out in Part I of Schedule 5 to this Order.

(9) Except as provided in paragraphs (2) and (8) of this article, the sums specified in Schedule 4 are those set out in Part II of Schedule 5 to this Order.

(10) Those sums relevant to the calculation of an applicable amount which are specified in Schedule 7 (applicable amounts in special cases) shall be increased; and accordingly those paragraphs in Schedule 7 where such as is specified shall have effect as set out in Part I of Schedule 6 to this Order.

(11) Except as provided in paragraph (10) above, the sums specified in Schedule 7 are those set out in Part II of Schedule 6 to this Order.

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

(13) In paragraph 19 of Schedule 9 (sums to be disregarded in calculating income), in sub-paragraph (b) for the sum of £7.35 there shall be substituted the sum of £8.05.

Income Support Transitional Protection

15. Sums which are special transitional additions to income support payable in accordance with regulation 15 of the Income Support (Transitional) Regulations 1987(25) shall be increased by 8.1 per cent. of the amount apart from this Order.

The Relevant Sum for Income Support

16. In section 23(5)(b) of the 1986 Act(26) (trade disputes; the relevant sum) the substituted sum is £21.00.

(23) Schedule 3, paragraph 11(1) was substituted by regulation 18(e)(i) of S.I. 1990/547.

(24) Sub-paragraph (2) was substituted by S.I. 1990/1776, regulation 9(d).

(25) S.I. 1987/1969; additions to income support may be included in the Order under section 63 of the Social Security Act 1986 by virtue of the modification made by regulation 2 of S.I. 1988/961.

(26) Stated in accordance with the Social Security Act 1986 (c. 50), section 23(7).

Applicable amounts for Housing Benefit

17.—(1) As from a date determined in accordance with article 1 of this Order, the sums relevant to the calculation of an applicable amount and 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 regulations of and Schedules to the Housing Benefit Regulations bearing that number.

(2) In regulations 16(b) and 17(c) (applicable amounts) the sum specified is in each regulation £3,000.

(3) In regulation 18(1) (patients), for the sum of £11.75 in sub-paragraphs (a), (b) and (d)(ii), there shall be substituted the sum of £13.00, for the sum of £9.40 in sub-paragraph (c)(i) and (d)(i) there shall be substituted the sum of £10.40 and for the sum of £23.50 in sub-paragraph (c)(ii) there shall be substituted the sum of £26.00.

(4) In regulation 63(1)(27) (non-dependant deductions), for the sums £10.85 and £4.55 there shall be substituted the sums £13.50 and £5.70 respectively.

(5) In regulation 63(2)(28), for the sum of £56.05 there shall be substituted the sum of £62.15.

(6) In paragraph 1A(29) of Part I of Schedule 1, for the sums £13.15, £13.15, £6.60, £8.75, £8.75, £4.35 and £1.60, there shall be substituted the sums respectively, £14.20, £14.20, £7.15, £9.45, £9.45, £4.70 and £1.75.

(7) In paragraph 5(2) of Part 11 of Schedule 1, for the sums £7.35, £0.90, £0.60 and £0.90 there shall be substituted the sums respectively, £8.05, £1.00, £0.65 and £1.00.

(8) The sums specified in Part I of Schedule 2 (applicable amounts: personal allowances) shall be increased; and accordingly that Part of Schedule 2 shall have effect as set out in Schedule 8 to this Order.

(9) In paragraph 3 of Part 11 of Schedule 2, for the sum of £7.35 there shall be substituted the sum of £7.95.

(10) The sums specified in Part IV of Schedule 2 (applicable amounts: premiums) shall be increased; and accordingly that Part of Schedule 2 shall have effect as set out in Schedule 9 to this Order.

(11) In paragraph 20 of Schedule 4 (sums to be disregarded in calculation of income) in sub-paragraph (b) for the sum of £7.35 there shall be substituted the sum of £8.05.

Applicable amounts for Community Charge Benefits

18.—(1) As from 1st April 1991 the sums relevant to the calculation of an applicable amount and specified in the Community Charge Benefits Regulations shall be the sums set out in the following provisions of this article and in 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 regulations of and Schedules to the Community Charge Benefits Regulations bearing that number.

(2) In regulation 7(b) and 8(c) (applicable amounts) the sum specified is in each regulation £3,000.

(3) In regulation 9(1) (patients), for the sum of £11.75 in sub-paragraphs (a), (b) and (d)(ii), there shall be substituted the sum of £13.00, for the sum of £9.40 in sub-paragraphs (c) and (d)(i) there shall be substituted the sum of £10.40 and for the sum of £23.50 in paragraph (c)(ii) there shall be substituted the sum of £26.00.

(27) Regulation 63(1) was amended by regulation 10(a) of S.I. 1990/546.

(28) Regulation 63(2) was amended by regulation 10(b) of S.I. 1990/546.

(29) Paragraph 1A was added by regulation 7(b) of S.I. 1988/1444.

(4) The sums specified in Part I of Schedule I (applicable amounts: personal allowances) shall be increased; and accordingly that Part of Schedule 1 shall have effect as set out in Schedule 10 to this Order.

(5) In paragraph 3 of Part 11 of Schedule 1, for the sum of £7.35 there shall be substituted the increased sum of £7.95.

(6) The sums specified in Part IV of Schedule I (applicable amounts: premiums) shall be increased; and accordingly that Part of Schedule 1 shall have effect as set out in Schedule 11 to this Order.

(7) In paragraph 20 of Schedule 3 (sums disregarded in calculation of income other than earnings), for the sum of £7.35 there shall be substituted the increased sum of £8.05.

PART IV REVOCATIONS

Revocations

19.—(1) Articles 3 to 11 and 14 to 18 of and Schedules 1 and 3 to 11 to the Social Security Benefits Up-rating Order 1990(**30**) are hereby revoked in relation to any particular case as from the date on which the rates or amounts of benefit specified in this Order in relation to that benefit take effect in relation to that case.

(2) The following provisions are hereby revoked—

- (a) articles 13 and 14 of and Schedule 2 to the Social Security Benefits Up-rating Order 1989(**31**); and
- (b) the whole of the Social Security Benefits Up-rating (No. 2) Order 1987(**32**), in so far as not previously revoked.

Signed by authority of the Secretary of Social Security.

1st March 1991

Nicholas Scott
Minister of State,
Department of Social Security

(30) S.I. 1990/320.
(31) S.I. 1989/43.
(32) S.I. 1987/1978.

We consent,

5th March 1991

Sydney Chapman
Irvine Patnick
Two of the Lords Commissioners of Her
Majesty's Treasury