

2003 No. 601

SOCIAL SECURITY

The Social Security Benefits Up-rating Regulations 2003

Made - - - - - *7th March 2003*

Laid before Parliament *14th March 2003*

Coming into force - - *7th April 2003*

The Secretary of State for Work and Pensions, in exercise of the powers conferred by sections 90, 113(1), 122(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(a) and sections 155(3), 189(1) and (4) and 191 of the Social Security Administration Act 1992(b) and of all other powers enabling him in that behalf, by this instrument, which contains only provisions in consequence of an order under section 150 of the Social Security Administration Act 1992, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security Benefits Up-rating Regulations 2003 and shall come into force on 7th April 2003.

(2) In these Regulations, “the Up-rating Order” means the Social Security Benefits Up-rating Order 2003(c).

Exceptions relating to payment of additional benefit by virtue of the Up-rating Order

2. Section 155(3) of the Social Security Administration Act 1992 (effect of alteration of rates of benefit under Parts II to V of the Social Security Contributions and Benefits Act 1992) shall not apply if a question arises as to either—

- (a) the weekly rate at which the benefit is payable by virtue of the Up-rating Order, or
- (b) whether the conditions for receipt of the benefit at the altered rate are satisfied,

until that question has been determined in accordance with the provisions of the Social Security Act 1998(d).

Persons not ordinarily resident in Great Britain

3. Regulation 5 of the Social Security Benefit (Persons Abroad) Regulations 1975(e) (application of disqualification in respect of up-rating of benefit) shall apply to any additional benefit payable by virtue of the Up-rating Order.

(a) 1992 c. 4. Section 90 was amended by paragraph 26 of Schedule 8 to the Welfare Reform and Pensions Act 1999 (c. 30) and by paragraphs 1 and 2 of the Schedule to S.I. 2002/1457. Section 175(1) and (4) was amended by paragraph 29(2) and (4) respectively of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2). Section 122(1) is cited for the meaning assigned to the word “prescribe”.

(b) 1992 c. 5. Section 189(1) and (4) was amended by Schedule 8 to the Social Security Act 1998 (c. 14). Section 189(1) was amended by paragraph 57(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999. Section 191 is cited for the meaning assigned to the word “prescribe”.

(c) S.I. 2003/526.

(d) 1998 c. 14.

(e) S.I. 1975/563; relevant amending instruments are S.I. 1977/342, 1979/1432, 1988/435, 1989/1642, 1990/621, 1992/1700, 1994/1832 and 2000/2876.

Amendment of the Social Security Benefit (Dependency) Regulations 1977

4. In paragraph 2B of Schedule 2 to the Social Security Benefit (Dependency) Regulations 1977(a) (increase of carer's allowance for child dependants) for "£155", in both places where it occurs, substitute "£160".

Revocations

5. The Social Security Benefits Up-rating Regulations 2002(b) (to the extent that they remain in force) are hereby revoked except for regulations 1 and 5.

Signed by authority of the Secretary of State for Work and Pensions.

Ian McCartney
Minister of State,

7th March 2003

Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

This instrument contains only provisions in consequence of an order under section 150 of the Social Security Administration Act 1992 (up-rating of benefits). Accordingly, by virtue of paragraph 3 of Schedule 7 to that Act, the Secretary of State has not referred these Regulations to the Social Security Advisory Committee.

Regulation 2 provides that where a question has arisen about the effect of the Social Security Benefits Up-rating Order 2003 (S.I. 2003/526) ("the Up-rating Order") on a benefit already in payment, the altered rates will not apply until that question is determined by the Secretary of State, an appeal tribunal or a Commissioner.

Regulation 3 applies the provisions of regulation 5 of the Social Security Benefit (Persons Abroad) Regulations 1975 so as to restrict the application of the increases specified in the Up-rating Order in cases where the beneficiary lives abroad.

Regulation 4 raises from £155 to £160 one of the earnings limits for child dependency increases payable with a carer's allowance (formerly invalid care allowance).

Regulation 5 revokes the Social Security Benefits Up-rating Regulations 2002 except for regulations 1 and 5, the effect of which is to continue in force the increase in one of the earnings limits for child dependency payable with a carer's allowance introduced on 9th April 2001.

These Regulations do not impose any costs on business.

(a) S.I. 1977/343; paragraph 2B was inserted by S.I. 1984/1699; relevant amending instruments are S.I. 2002/684 and 2497.
(b) S.I. 2002/684.

£1.50

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under the authority and superintendence of Carol Tullo, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.
E0198 3/2003 130198 19585

ISBN 0-11-045208-9



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