
STATUTORY INSTRUMENTS

2008 No. 3270

The Employment and Support Allowance (Up-rating Modification) (Transitional) Regulations 2008

Modification of section 150 of the Administration Act

2.—(1) This regulation applies where a claimant is entitled to incapacity benefit or severe disablement allowance which includes an amount under one of the provisions referred to in paragraph .

(2) The provisions referred to in paragraph (1) are —

- (a) section 69(1)(1) of the Contributions and Benefits Act (severe disablement allowance: age related addition);
- (b) regulation 10 of the Social Security (Incapacity Benefit) Regulations 1994(2) (increase in rate of incapacity benefit etc.); and
- (c) regulation 18(1)(c) of the Social Security (Incapacity Benefit) (Transitional) Regulations 1995(3) (rate of long-term incapacity benefit in transitional cases).

(3) Where this regulation applies, section 150 of the Administration Act(4) (annual up-rating of benefits) is to have effect as if the following were inserted after subsection (5)—

“(5A) The Secretary of State may, in respect of each of the tax years beginning with 2009-10 and ending with 2013-14, include in the draft of an uprating order a reduction in an amount under—

- (a) section 69(1) of the Contributions and Benefits Act (severe disablement allowance: age related addition);
- (b) regulation 10 of the Social Security (Incapacity Benefit) Regulations 1994 (increase in rate of incapacity benefit etc.); and
- (c) regulation 18(1)(c) of the Social Security (Incapacity Benefit) (Transitional) Regulations 1995 (rate of long-term incapacity benefit in transitional cases).”.

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- (1) Section 69 was repealed by section 65 of the Welfare Reform and Pensions Act 1999 (c. 30) but saved for existing claimants by article 4 of the [Welfare Reform and Pensions Act 1999 \(Commencement No. 9, and Transitional and Savings Provisions\) Order 2000 \(S.I. 2000/2958\)](#).
 - (2) [S.I. 1994/2946](#). The relevant amending Instrument is [S.I. 2008/632](#).
 - (3) [S.I. 1995/310](#). The relevant amending Instrument is [S.I. 2008/632](#).
 - (4) [1992 c. 5](#). Section 150 was amended by paragraph 28 of Schedule 8 to the Pension Schemes Act 1993 (c. 48), sections 2(3) and 9(4) of the Social Security (Incapacity for Work) Act 1994 (c. 18) (“the 1994 Act”), paragraph 64 of Schedule 2 to the Jobseekers Act 1995 (c. 18), section 131(2) of the Pensions Act 1995 (c. 26), paragraph 24 of Schedule 12 to the Welfare Reform and Pensions Act 1999 (c. 30), paragraph 16 of Schedule 2 to the State Pension Credit Act 2002 (c. 16), paragraph 35 of Schedule 3, and Schedule 6, to the Tax Credits Act 2002 (c. 21), paragraph 14 of Schedule 7 to the Employment Act 2002 (c. 22), paragraph 21 of Schedule 11 to the Pensions Act 2004 (c. 35), paragraph 10(21) of Schedule 3 to the Welfare Reform Act 2007 (c. 5), section 6(1) to (4) of, and paragraph 21 of Schedule 1 to, the Pensions Act 2007 (c. 22), paragraph 8 of the Schedule to [S.I. 2005/2053](#) and by article 2 of [S.I. 2006/2839](#). See also section 4(8) of the 1994 Act and regulation 18(3) of [S.I. 1995/310](#).