Social Security and Housing Benefits Act 1983

1983 CHAPTER 36

An Act to make provision for the calculation on an historic basis of certain increases in the sums specified in sections 125 and 126A of the Social Security Act 1975 and in the needs allowances under section 29 of the Social Security and Housing Benefits Act 1982.

[13th May 1983]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Up-rating orders. 1975 c. 14.

1.—(1) In subsection (1) of section 125 of the Social Security Act 1975 (duty to raise rate of certain benefits) for the words " in the tax year 1975–1976 and each subsequent tax year " there shall be substituted the words " in the month of June in each year ".

(2) For subsection (3) of that section there shall be substituted the following subsection—

" (3) If it appears to the Secretary of State that the general level of prices has risen during the period under review he shall lay before Parliament the draft of an up-rating order increasing each of the sums in question at least by a percentage equal to the percentage by which the general level of prices has risen during that period. "

(3) In section 126 of that Act (provisions supplementary to section 125 and 126A) the following subsection shall be inserted after subsection (4)—

"(4A) A review under section 125 or 126A of this Act shall cover the period of twelve months ending on 31st May in the year in which the review is carried out."

(4) In subsection (1) of section 126A of that Act (up-rating of increments in guaranteed minimum pensions) for the words "in each tax year" there shall be substituted the words "in the month of June in each year".

(5) For subsection (2) of that section there shall be substituted the following subsection—

"(2) If it appears to the Secretary of State that the general level of prices has risen during the period under review he shall lay before Parliament the draft of an order increasing the beneficiary's Category A or Category B retirement pension at least by an amount equal to that percentage of the aggregate of the sums under review which is equal to the percentage by which the general level of prices has risen during that period."

Up-rating of needs allowances. 1982 c. 24.

2.—(1) Section 29 of the Social Security and Housing Benefits Act 1982 (review and variation of needs allowances for purposes of rent and rate rebates and rent allowances) shall have effect subject to the following amendments.

(2) In subsection (2) for the words "for any review period" there shall be substituted the words "in a review period".

(3) For subsection (4) there shall be substituted the following subsection—

"(4) If after completing the reviews in a review period—

(*a*) the Secretary of State considers that the main or housing element of the needs allowance in question has fallen in value by any amount (the "relevant amount"), but

(*b*) he determines not to lay before Parliament a draft of regulations increasing the allowance by an amount which is not less than the relevant amount,

he shall lay before Parliament a report explaining that determination unless in his opinion the relevant amount or the difference between the relevant amount or, where there are two relevant amounts, the aggregate of those amounts and the amount by which the allowance is increased is inconsiderable."

(4) In subsection (5) the definition of " appropriate amount " shall cease to have effect.

(5) In subsection (6) for the words " the reviews for any review period " there shall be substituted the words " any review under this section ".

Short title, commencement and extent.

3.—(1) This Act may be cited as the Social Security and Housing Benefits Act 1983.

(2) This Act shall be deemed to have come into force on 16th March 1983.

(3) This Act shall not extend to Northern Ireland.