STATUTORY INSTRUMENTS

1976 No. 1029

SOCIAL SECURITY

The Social Security Benefits Up-rating Order 1976

Laid before Parliament in draft

Made - - - - 1*st July* 1976

Coming into Operation 15*th November* 1976

Whereas, consequent upon a review under section 125 of the Social Security Act 1975**(a)** as amended by sections 23(1), 23(4) and 65(1) of, and Schedule 4 to, the Social Security Pensions Act 1975**(b)**, a draft of the following order was laid before Parliament and approved by resolution of each House of Parliament:

Now, therefore, the Secretary of State for Social Services, in conjunction with the Treasury **(c)**, in exercise of the powers conferred upon him by section 124 of the first mentioned Act, and of all other powers enabling him in that behalf, hereby makes the following order:—

Citation, commencement and interpretation

1.—(1) This order may be cited as the Social Security Benefits Up-rating Order 1976 and shall, subject to articles 2 and 3 below, come into operation on 15th November 1976.

(2) In this order, unless the context otherwise requires, "the Act" means the Social Security Act 1975 and other expressions have the same meanings as in the Act.

(3) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889**(d)** shall apply in relation to this instrument and in relation to the revocation effected by it as if this instrument and the order revoked by it were Acts of Parliament and as if the revocation were a repeal.

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

2.—(1) In Schedule 4 to the Act as amended by the Social Security Benefits Up-rating Order 1975**(e)**, the sums specified in Parts I (contributory periodical benefits), III (non-contributory periodical benefits), IV (increases of benefits

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(a) 1975 c. 14.
(b) 1975 c. 60.
(c) *See* section 166(5) of the Social Security Act 1975.
(d) 1889 c. 63.
(e) S.I. 1975/1096 (1975 II, p. 3845).

for dependants) and V (rate or amount of industrial injuries benefit), except the sums specified in the said Part III for mobility allowance and for age addition, shall be further increased from and including the respective dates specified in article 3 below; and the said Schedule 4 shall accordingly have effect as set out in the Schedule to this order.

(2) In the Industrial Injuries and Diseases (Old Cases) Act 1975(a) as amended by the Social Security Benefits Up-rating Order 1975 the sum of £8 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 further increased; and from and including 17th November 1976 the references in those provisions to that sum shall accordingly have effect as references to £9·20.

Dates on which benefits under the Act are increased by this order

3.—(1) Subject to paragraphs (2) to (4) of this article, the increases of benefit under the Act effected by this order shall take effect in the case of—

(*a*) maternity allowance, widow's and widowed mother's allowance, widow's pension, Category A, B, C and D retirement pension, child's special allowance, 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), guardian's allowance and industrial death benefit by way of widow's and widower's pension and allowance in respect of children of deceased's family (including where appropriate increases for dependants), on 15th November 1976;

(*b*) invalid care allowance (in a case where the Secretary of State has made arrangements for it to be paid on a Wednesday), disablement benefit (including increases of disablement pension), maximum disablement gratuity under section 57(5) of the Act, increase of unemployability supplement under section 59 of the Act and maximum under section 91(1) of the Act of aggregate of weekly benefit payable for successive accidents, on 17th November 1976; and

(*c*) unemployment and sickness benefit, invalidity pension and allowance, non-contributory invalidity pension and injury benefit (including where appropriate increases for dependants), on 18th November 1976.

(2) The rate of a person's unemployment benefit, sickness benefit or invalidity pension by virtue of section 14(6) or section 15(4) of the Act (rate of those benefits for persons over pensionable age who have not retired from regular employment) shall, as respects the period 15th November 1976 to 17th November 1976 (both dates included), be determined as if the increase in the rates of retirement pensions under the Act took effect on 18th November 1976.

(3) In a case where the weekly rate of a Category A or B retirement pension payable to a person falls to be increased under the provisions of sections 28(7) or 29(8) or (11) of the Act (increase, in certain cases, of such a pension by reference to previous entitlement to invalidity allowance), the amount of the increase payable to that person shall be determined as if the increase in the rate of invalidity allowance took effect on 15th November 1976.

(4) In the case of a person to whom injury benefit under the Act is payable for 17th November 1976 at a reduced weekly rate by virtue of the provisions of section 91(1) of the Act (aggregate of weekly benefit payable for successive

(a) 1975 c. 16.

accidents), the rate of that benefit or of any sickness benefit or invalidity pension under the Act shall be determined as if the increase in the rates of those benefits took effect on 17th November 1976 and, where appropriate, as if the reference to 18th November 1976 in paragraph (2) of this article were a reference to 17th November 1976.

Increase of sums specified in section 6(1)(*a*) *of the Social Security Pensions Act* 1975

4. With effect from 17th November 1976, the sum specified in section 6(1)(*a*) of the Social Security Pensions Act 1975 (weekly rate of basic component of Category A retirement pension) shall be increased to the sum of £15·30.

Revocation of Order

5. The Social Security Benefits Up-rating Order 1975 is hereby revoked.

David Ennals,
Secretary of State for Social Services.

28th June 1976.

David Stoddart,
J. Dormand,
Two of the Lords Commissioners of Her Majesty's Treasury.

1st July 1976.

SCHEDULE

Article 2(1)

SCHEDULE 4 TO THE ACT AS AMENDED BY THIS ORDER

SCHEDULE 4

RATES OF BENEFITS, GRANTS AND INCREASES FOR DEPENDANTS

PART I

CONTRIBUTORY PERIODICAL BENEFITS (ss. 14–31)

Description of benefit	Weekly rate
1. Unemployment or sickness benefit (section 14).	(*a*) higher rate ... ... £12·90 (*b*) lower rate ... ... £9·20 (the appropriate rate being determined in accordance with section 14(4)).
2. Invalidity pension (section 15).	£15·30
3. Invalidity allowance (section 16).	(*a*) higher rate ... ... £3·20 (*b*) middle rate ... ... £2·00 (*c*) lower rate ... ... £1·00 (the appropriate rate being determined in accordance with section 16(2)).
4. Maternity allowance (section 22).	£12·90
5. Widow's allowance (section 24).	£21·40
6. Widowed mother's allowance (section 25).	£15·30
7. Widow's pension (section 26).	£15·30
8. Category A retirement pension (section 28).	£15·30
9. Category B retirement pension (section 29).	(*a*) lower rate ... ... £9·20 (*b*) higher rate ... ... £15·30 (the appropriate rate being determined in accordance with section 29(7)).
10. Child's special allowance (section 31).	£7·45

PART II

MATERNITY GRANT AND DEATH GRANT

Description of Grant	Amount
	£
1. Maternity grant (section 21)	25·00
2. Death grant (section 32), where the deceased was at his death—	
(*a*) under the age of 3	9·00
(*b*) between the ages of 3 and 6	15·00
(*c*) between the ages of 6 and 18	22·50
(*d*) over the age of 18—	
(i) if on 5th July 1948 that person had attained the age of 55 in the case of a man or 50 in the case of a woman ...	15·00
(ii) in any other case	30·00

PART III

NON-CONTRIBUTORY PERIODICAL BENEFITS (ss. 34–40)

Description of benefit	Weekly rate	
1. Attendance allowance (section 35).	(*a*) higher rate	£12·20
	(*b*) lower rate	£8·15
	(the appropriate rate being determined in accordance with section 35(3)).	
2. Non-contributory invalidity pension (section 36).	£9·20	
3. Invalid care allowance (section 37).	£9·20	
3A. Mobility allowance (section 37A).	£5·00	
4. Guardian's allowance (section 38).	£7·45	
5. Category C or Category D retirement pension (section 39).	(*a*) lower rate	£5·60
	(*b*) higher rate	£9·20
	(the appropriate rate being determined in accordance with section 39(2)).	
6. Age addition (to a pension of any category, and otherwise under section 40).	£0·25	

PART IV

INCREASES FOR DEPENDANTS (ss. 41–49)

Benefit to which increase applies (1)	Increase for only elder or eldest qualifying child (2)	Increase for each additional qualifying child (3)	Increase for adult dependant (4)
	£	£	£
1. Unemployment or sickness benefit—			
(*a*) where the beneficiary is under pensionable age	4·05	2·55	8·00
(*b*) where the beneficiary is over pensionable age	7·45	5·95	9·20
2. Invalidity pension	7·45	5·95	9·20
3. Maternity allowance	4·05	2·55	8·00
4. Widow's allowance	7·45	5·95	—
5. Widowed mother's allowance	7·45	5·95	—
6. Category A or B retirement pension ...	7·45	5·95	9·20
7. Category C retirement pension	7·45	5·95	5·60
8. Child's special allowance	—	5·95	—
9. Non-contributory invalidity pension ...	7·45	5·95	5·60
10. Invalid care allowance	7·45	5·95	5·60

Where unemployment or sickness benefit is payable at a weekly rate determined under section 14(6) of this Act, column (4) of this Part of this Schedule shall have effect subject to section 44(5)(*b*); and where an invalidity pension is payable at a weekly rate determined under section 15(4) of this Act, column (4) shall have effect subject to section 47(2)(*b*).

PART V

RATE OR AMOUNT OF INDUSTRIAL INJURIES BENEFIT

Description of benefit, etc.	Rate or amount
1. Injury benefit under section 56 (weekly rates).	(*a*) for any period during which the beneficiary is over the age of 18 or is entitled to an increase of benefit in respect of a child or adult dependant ... £15·65 (*b*) for any period during which the beneficiary is not over the age of 18 and not so entitled £12·90
2. Maximum disablement gratuity under section 57(5).	£1,660

Description of benefit, etc.	Rate or amount
3. Disablement pension under section 57(6) (weekly rates).	For the several degrees of disablement set out in column 1 of the following Table, the respective amounts in that Table, using— (*a*) column 2 for any period during which the beneficiary is over the age of 18 or is entitled to an increase of benefit in respect of a child or adult dependant; (*b*) column 3 for any period during which the beneficiary is not over the age of 18 and not so entitled:

TABLE

Degree of disablement	Amount	
(1)	(2)	(3)
Per cent	£	£
100	25·00	15·30
90	22·50	13·77
80	20·00	12·24
70	17·50	10·71
60	15·00	9·18
50	12·50	7·65
40	10·00	6·12
30	7·50	4·59
20	5·00	3·06

4. Unemployability supplement under section 58 (increase of weekly rate of disablement pension).	£15·30
5. Increase under section 59 of weekly rate of unemployability supplement (early onset of incapacity for work).	(*a*) if on the qualifying date the beneficiary was under the age of 35, or if that date fell before 5th July 1948 ... ... £3·20 (*b*) if head (*a*) above does not apply and on the qualifying date the beneficiary was under the age of 45 ... ... £2·00 (*c*) if heads (*a*) and (*b*) above do not apply, and on the qualifying date the beneficiary was a man under the age of 60, or a woman under the age of 55 £1·00
6. Maximum increase under section 60 of weekly rate of disablement pension in cases of special hardship.	£10·00 or the amount (if any) by which the weekly rate of the pension, apart from any increase under section 61, 63, 64 or 66, falls short of £25·00 whichever is the less.
7. Maximum increase under section 61 of weekly rate of disablement pension where constant attendance needed.	(*a*) except in cases of exceptionally severe disablement ... £10·00 (*b*) in any case ... ... £20·00
8. Increase under section 63 of weekly rate of disablement pension (exceptionally severe disablement).	£10·00

Description of benefit, etc.	Rate or amount
9. Increase under section 64 of weekly rate of injury benefit (dependent children).	(*a*) in respect of only, elder or eldest child of beneficiary's family ... ... £4·05 (*b*) in respect of each additional child of beneficiary's family £2·55
10. Increase under section 64 of weekly rate of disablement pension (dependent children).	(*a*) in respect of only, elder or eldest child of beneficiary's family ... ... £7·45 (*b*) in respect of each additional child of beneficiary's family £5·95
11. Increase under section 66(2) of weekly rate of injury benefit (adult dependant).	£8·00
12. Increase under section 66(2) of weekly rate of disablement pension (adult dependant).	£9·20
13. Widow's pension under section 68 (weekly rates)—	
(*a*) initial rate	£21·40
(*b*) higher permanent rate ...	£15·85
(*c*) lower permanent rate	30 per cent. of the weekly rate for the time being of a widow's pension as specified in Part I of this Schedule, paragraph 7.
14. Widower's pension under section 69 (weekly rate).	£15·85
15. Allowance under section 70 in respect of children of deceased's family—	
(*a*) weekly rate of allowance at higher rate	(i) in respect of only, elder or eldest qualifying child ... £7·45 (ii) in respect of each additional qualifying child ... ... £5·95
(*b*) weekly rate of allowance at lower rate	(i) in respect of only, elder or eldest qualifying child ... £4·05 (ii) in respect of each additional qualifying child ... ... £2·55
16. Maximum under section 91(1) of aggregate of weekly benefit payable for successive accidents.	(*a*) for any period during which the beneficiary is over the age of 18 or is entitled to an increase of benefit in respect of a child or adult dependant ... ... £25·00 (*b*) for any period during which the beneficiary is not over the age of 18 and not so entitled £15·30

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, a draft of which has been laid before and approved by a resolution of each House of Parliament, is made consequent upon a review under section 125 of the Social Security Act 1975 and increases with effect from specified dates in the week beginning 15th November 1976 the rates and amounts of the benefits and increases of benefit (except mobility allowance and age addition) specified in Parts I, III, IV and V of Schedule 4 to that Act. The Order also increases the rates laid down in the Industrial Injuries and Diseases (Old Cases) Act 1975 for the maximum weekly rate of lesser incapacity allowance supplementing workmen's compensation and the weekly rate of allowance under the Industrial Diseases Benefit Schemes where disablement is not total, and it increases the sum specified in the Social Security Pensions Act 1975 for the basic component of a Category A retirement pension under that Act.

In accordance with section 124(3) of the Social Security Act 1975, a copy of a report by the Government Actuary (Cmnd. 6478) giving his opinion on the likely effect on the National Insurance Fund of the making of this Order was laid before Parliament with the draft Order.

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