STATUTORY INSTRUMENTS

1978 No. 912

SOCIAL SECURITY

The Social Security Benefits Up-rating Order 1978

Laid before Parliament in draft

Made - - - - 29*th June* 1978

Coming into Operation 13*th November* 1978

Whereas, consequent (except as regards Article 5) upon a review under section 125 of the Social Security Act 1975(**a**) as amended by sections 23(1) and (4) and 65(1) of, and Part I of Schedule 4 to, the Social Security Pensions Act 1975(**b**) and section 7(1) and (2) of the Social Security (Miscellaneous Provisions) Act 1977(**c**), 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(**d**), in exercise of the powers conferred upon him by section 124 of the first mentioned Act as read with section 17(4) of the Child Benefit Act 1975(**e**), 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 1978 and shall come into operation on 13th November 1978.

(2) In this order, unless the context otherwise requires, "the Act" means the Social Security Act 1975.

(3) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(**f**) 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.

(**a**) 1975 c. 14. (**b**) 1975 c. 60. (**c**) 1977 c. 5.
(**d**) *See* section 166(5) of the Social Security Act 1975. (**e**) 1975 c. 61.
(**f**) 1889 c. 63.

Alterations in rates or amounts of certain benefits under the Act

2.—(1) In this Article, "Schedule 4" means Schedule 4 to the Act as amended by section 21(1) and (2) of, and Schedules 4 and 5 to, the Child Benefit Act 1975, by the Social Security Benefits Up-rating Order 1977(**a**), and by the Mobility Allowance Up-rating Order 1978(**b**).

(2) The sums specified in paragraph (3)(*a*) below shall be altered from and including the respective dates specified in Article 3 below; the sums specified in paragraph (3)(*b*) below shall be altered again from and including 2nd April 1979; and Schedule 4 shall accordingly have effect as set out in the Schedule to this order.

(3) The sums mentioned in paragraph (2) above are—

(*a*) the sums specified in Parts I, III, IV and V of Schedule 4 (contributory periodical benefits, non-contributory periodical benefits, increases of benefits for dependants and rate or amount of industrial injuries benefit respectively), reduced where appropriate by the Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations 1976(**c**) as amended(**d**), except the sums specified in the said Part III for mobility allowance and age addition; and

(*b*) the sums specified in paragraph 10 of Part I, paragraph 4 of Part III, Part IV, and paragraphs 9, 10 and 15 of Part V of Schedule 4 (child's special allowance, guardian's allowance, increase of benefit for dependants, increase of injury benefit for dependent children, increase of disablement pension for dependent children and industrial death benefit by way of an allowance in respect of children respectively).

Dates on which sums specified for rates or amounts of benefit under the Act are altered by this order

3.—(1) Subject to paragraph (7) of this Article, the alterations made by this order in the sums specified for rates or amounts of benefit under the Act shall take effect for each case on the date specified in relation to such case in the following provisions of this Article.

(2) In relation to the case of a person over pensionable age who has not retired from regular employment and for whom the rate of unemployment benefit, sickness benefit or invalidity benefit falls to be calculated in accordance with section 14(6) or 15(4) of the Act, the alteration in the sum specified in Schedule 4 to the Act for the rate of Category A or B retirement pension (including where appropriate increases for dependants) shall take effect on 16th November 1978 and in relation to all other cases the alteration in such sum shall take effect on 13th November 1978.

(3) The sums specified for the rate of maternity allowance, widow's and widowed mother's allowance, widow's pension, Category 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 (including where appropriate increases for dependants) shall be altered in all cases with effect from 13th November 1978.

(**a**) S.I. 1977/1325. (**b**) S.I. 1978/475. (**c**) S.I. 1976/1267.
(**d**) The relevant amending instrument is S.I. 1977/1328.

(4) The sums specified for the rate of 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, shall be altered in all cases with effect from 15th November 1978.

(5) In relation to the case of a person whose weekly rate of Category A or B retirement pension falls to be increased under the provisions of section 28(7) or 29(8) or (11) of the Act by reference to the weekly rate of invalidity allowance to which he was previously entitled, the alteration in the sum specified for the rate of invalidity allowance shall take effect on 13th November 1978 and in relation to all other cases the alteration in such sum shall take effect on 16th November 1978.

(6) The alteration in the sum specified for the rate of unemployment and sickness benefit, invalidity pension, non-contributory invalidity pension and injury benefit (including where appropriate increases for dependants), shall take effect in all cases on 16th November 1978.

(7) In the case of a person to whom injury benefit under the Act is payable for 15th November 1978 at a reduced weekly rate by virtue of the provisions of section 91(1) of the Act (aggregate of weekly benefit payable for successive accidents), the rate of that benefit or of any sickness benefit or invalidity pension under the Act shall be determined as if the alteration in the rates of those benefits took effect on 15th November 1978 and, where appropriate, as if the reference to 16th November 1978 in paragraph (2) of this Article were a reference to 15th November 1978.

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

4. In the Industrial Injuries and Diseases (Old Cases) Act 1975(**a**) as amended by the Social Security Benefits Up-rating Order 1977 the sum of £10·50 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 15th November 1978 the references in those provisions to that sum shall accordingly have effect as references to £11·70.

Increase in rate of graduated retirement benefit

5. In the National Insurance Act 1965(**b**) the sum of $2\frac{1}{2}$ pence referred to in section 36(1) (graduated retirement benefit) shall be increased by 3·6 per cent.; and from and including 13th November 1978 the reference in that provision to that sum shall accordingly have effect as a reference to 2·59 pence.

(**a**) 1975 c. 16.
(**b**) 1965 c. 51. (Section 36 was repealed by the Social Security Act 1973 (c. 38) but was continued in force in a modified form by regulation 2 of the Social Security (Graduated Retirement Benefit) Regulations 1975 (S.I. 1975/557)).

Increase of amount specified in sections 30(1), 45(3) *and* 66(4) *of the Act*

6. The amount specified in sections 30(1), 45(3) and 66(4) of the Act, excluding paragraphs (*a*) and (*b*) of those provisions (amount of weekly earnings which must be exceeded before certain benefits are reduced by reference to earnings) shall be increased to £45.

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

7. With effect from 13th November 1978, 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 £19·50.

Revocation

8. The Social Security Benefits Up-rating Order 1977 is hereby revoked.

David Ennals,

Secretary of State for Social Services.

26th June 1978.

T. E. Graham,

J. Dormand,

Two of the Lords Commissioners of Her Majesty's Treasury.

29th June 1978.

Article 2(1) SCHEDULE

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 (SECTIONS 14–31)

Description of benefit	Weekly rate
1. Unemployment or sickness benefit (section 14).	£15·75
2. Invalidity pension (section 15).	£19·50
3. Invalidity allowance (section 16).	(*a*) higher rate £4·15 (*b*) middle rate £2·60 (*c*) lower rate £1·30 (the appropriate rate being determined in accordance with section 16(2)).
4. Maternity allowance (section 22).	£15·75
5. Widow's allowance (section 24).	£27·30
6. Widowed mother's allowance (section 25).	£19·50
7. Widow's pension (section 26).	£19·50
8. Category A retirement pension (section 28).	£19·50
9. Category B retirement pension (section 29).	(*a*) lower rate £11·70 (*b*) higher rate £19·50 (the appropriate rate being determined in accordance with section 29(7)).
10. Child's special allowance (section 31).	(*a*) before 2nd April 1979 £6·35 (*b*) on and after 2nd April 1979 £5·35

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 £15·60 (*b*) lower rate £10·40 (the appropriate rate being determined in accordance with section 35(3)).
2. Non-contributory invalidity pension (section 36).	£11·70
3. Invalid care allowance (section 37).	£11·70
3A. Mobility allowance (section 37A).	£10·00
4. Guardian's allowance (section 38).	(*a*) before 2nd April 1979 £6·35 (*b*) on and after 2nd April 1979 £5·35
5. Category C or Category D retirement pension (section 39).	(*a*) lower rate £7·05 (*b*) higher rate £11·70 (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	Increase for qualifying child (2)		Increase for adult dependant
	before 2nd April 1979 (*a*)	on and after 2nd April 1979 (*b*)	
(1)			(3)
	£	£	£
1. Unemployment or sickness benefit—			
(*a*) where the beneficiary is under pensionable age	1·85	0·85	9·75
(*b*) where the beneficiary is over pensionable age	6·35	5·35	11·70
2. Invalidity pension...	6·35	5·35	11·70
3. Maternity allowance	1·85	0·85	9·75
4. Widow's allowance	6·35	5·35	—
5. Widowed mother's allowance ...	6·35	5·35	—
6. Category A or B retirement pension	6·35	5·35	11·70
7. Category C retirement pension ...	6·35	5·35	7·05
8. Child's special allowance ...	6·35	5·35	—
9. Non-contributory invalidity pension	6·35	5·35	7·05
10. Invalid care allowance	6·35	5·35	7·05

Where unemployment or sickness benefit is payable at a weekly rate determined under section 14(6) of this Act, column (3) 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 (3) shall have effect subject to section 47(2)(*b*).

PART V

RATE OR AMOUNT OF INDUSTRIAL INJURIES BENEFIT

<table>
<tr><th>Description of benefit, etc.</th><th>Rate or amount</th></tr>
<tr><td>1. Injury benefit under section 56 (weekly rates).</td><td>(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 £18·50
(b) for any period during which the beneficiary is not over the age of 18 and not so entitled £15·75</td></tr>
<tr><td>2. Maximum disablement gratuity under section 57(5).</td><td>£2,120</td></tr>
<tr><td>3. Disablement pension under section 57(6) (weekly rates).</td><td>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
<table><tr><th>Degree of disablement</th><th colspan="2">Amount</th></tr><tr><td>(1)
Per cent.</td><td>(2)
£</td><td>(3)
£</td></tr><tr><td>100</td><td>31·90</td><td>19·50</td></tr><tr><td>90</td><td>28·71</td><td>17·55</td></tr><tr><td>80</td><td>25·52</td><td>15·60</td></tr><tr><td>70</td><td>22·33</td><td>13·65</td></tr><tr><td>60</td><td>19·14</td><td>11·70</td></tr><tr><td>50</td><td>15·95</td><td>9·75</td></tr><tr><td>40</td><td>12·76</td><td>7·80</td></tr><tr><td>30</td><td>9·57</td><td>5·85</td></tr><tr><td>20</td><td>6·38</td><td>3·90</td></tr></table></td></tr>
<tr><td>4. Unemployability supplement under section 58 (increase of weekly rate of disablement pension).</td><td>£19·50</td></tr>
<tr><td>5. Increase under section 59 of weekly rate of unemployability supplement (early onset of incapacity for work).</td><td>(a) if on the qualifying date the beneficiary was under the age of 35, or if that date fell before 5th July 1948 £4·15
(b) if head (a) above does not apply and on the qualifying date the beneficiary was under the age of 45 £2·60
(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 £1·30</td></tr>
</table>

Description of benefit, etc.	Rate or amount
6. Maximum increase under section 60 of weekly rate of disablement pension in cases of special hardship.	£12·76 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 £31·90 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 £12·70 (*b*) in any case £25·40
8. Increase under section 63 of weekly rate of disablement pension (exceptionally severe disablement).	£12·70
9. Increase under section 64 of weekly rate of injury benefit (dependent children).	(*a*) in respect of each qualifying child before 2nd April 1979 £1·85 (*b*) in respect of each qualifying child on and after 2nd April 1979 £0·85
10. Increase under section 64 of weekly rate of disablement pension (dependent children).	(*a*) in respect of each qualifying child before 2nd April 1979 £6·35 (*b*) in respect of each qualifying child on and after 2nd April 1979 £5·35
11. Increase under section 66(2) of weekly rate of injury benefit (adult dependant).	£9·75
12. Increase under section 66(2) of weekly rate of disablement pension (adult dependant).	£11·70
13. Widow's pension under section 68 (weekly rates)—	
(*a*) initial rate	£27·30
(*b*) higher permanent rate	£20·05
(*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).	£20·05

Description of benefit, etc.	Rate or amount
15. Allowance under section 70 in respect of children—	
(*a*) weekly rate of allowance at higher rate.	(i) in respect of each qualifying child before 2nd April 1979 £6·35
	(ii) in respect of each qualifying child on and after 2nd April 1979 £5·35
(*b*) weekly rate of allowance at lower rate.	(i) in respect of each qualifying child before 2nd April 1979 £1·85
	(ii) in respect of each qualifying child on and after 2nd April 1979 £0·85
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 £31·90
	(*b*) for any period during which the beneficiary is not over the age of 18 and not so entitled £19·50

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 (except as regards Article 5, which relates to graduated retirement benefit) consequent upon a review under section 125 of the Social Security Act 1975, and it alters with effect from specified dates in the week beginning 13th November 1978 the rates and amounts of the benefits and increases of benefit (except age addition and mobility allowance) specified in Parts I, III, IV and V of Schedule 4 to that Act and the rate of graduated retirement benefit under the National Insurance Act 1965. 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. Further the Order increases the amount, specified in the Social Security Act 1975, of weekly earnings which must be exceeded before certain benefits are reduced by reference to earnings and it increases the sum specified in the Social Security Pensions Act 1975 for the basic component of a Category A retirement pension.

The Order reduces the weekly rates of benefits and increases of benefits under the Social Security Act 1975 payable in respect of children with effect from 2nd April 1979, on which date an increase in the rate of child benefit is provided for by the Child Benefit and Social Security (Fixing and Adjustment of Rates) Amendment Regulations 1978 (1978/914).

In accordance with section 124(3) of the Social Security Act 1975, a copy of a report by the Government Actuary (Cmnd. 7232) 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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