STATUTORY INSTRUMENTS

1979 No. 993

SOCIAL SECURITY

The Social Security Benefits Up-rating Order 1979

Laid before Parliament in draft

Made - - - - 3*rd August* 1979

Coming into Operation 12*th November* 1979

Whereas, the Secretary of State for Social Services having made reviews under sections 125 and 126A of the Social Security Act 1975(**a**), and having considered under section 37A(4) of that Act whether the rate of mobility allowance should be increased, 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(**b**), in exercise of the powers conferred upon him by sections 124 and 126A of the above-mentioned Act and section 23(1) of the Social Security Pensions Act 1975, 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 1979 and shall come into operation on 12th November 1979.

(2) In this order, unless the context otherwise requires—

"the Act" means the Social Security Act 1975, and

"the Pensions Act" means the Social Security Pensions Act 1975.

Increase in rates or amounts of certain benefits under the Act

2.—(1) In this Article, "Schedule 4" means Schedule 4 to the Act(**c**).

(2) The sums specified in paragraph (3) below shall be increased from and including the respective dates specified in Article 4 below; and Schedule 4 shall accordingly have effect as set out in the Schedule to this order.

(**a**) 1975 c. 14; Section 125 was extended in application by section 23(1) and (4), and amended by section 65(1) of, and Part I of Schedule 4 to, the Social Security Pensions Act 1975 (c. 60), and further amended by section 7(1) and (2) of the Social Security (Miscellaneous Provisions) Act 1977 (c. 5); section 126A was inserted by section 12 of the Social Security Act 1979 (c. 18), and section 37A was inserted by section 22(1) of the Social Security Pensions Act 1975.

(**b**) *See* section 166(5) of the Social Security Act 1975.

(**c**) Schedule 4 was amended by section 21(1) and (2) of, and Schedules 4 and 5 to, the Child Benefit Act 1975 (c. 61), section 22(2) of, and paragraphs 62 and 63 of Schedule 4 to, the Social Security Pensions Act 1975, the Mobility Allowance Up-rating Order 1978 (S.I. 1978/475), the Social Security Benefits Up-rating Order 1978 (S.I. 1978/912) and paragraph 13 of Schedule 1 and paragraph 11 of Schedule 3 to the Social Security Act 1979.

(3) The sums mentioned in paragraph (2) above are 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 benefits, respectively), except the sum specified in the said Part III for age addition.

Increase of rates or amounts of certain benefits under the Pensions Act

3.—(1) The sums mentioned in paragraphs (2) to (5) below shall be increased from and including the respective dates specified in Article 4 below.

(2) In section 6(1)(*a*) of the Pensions Act (basic component of Category A retirement pension) for the sum of £19·50 there shall be substituted the sum of £23·30.

(3) It is hereby directed that the sums which are the additional components in the rates of long-term benefits calculated by reference to any final relevant year earlier than the tax year 1979/1980 shall be increased by 17·5 per cent. of their amount apart from this order.

(4) It is hereby directed that the sums payable by way of increases of retirement pensions under Schedule 1 to the Pensions Act (increase of pension where pensioner defers retirement), in so far as they are attributable to the additional components in such pensions or to increases in guaranteed minimum pensions, shall be increased by 17·5 per cent. of their amount apart from this order, and that in so far as they are not so attributable they shall be increased by 19·5 per cent.

(5) It is hereby directed that an amount equal to 17·5 per cent. of the aggregate amount of the sums payable to a person by virtue of section 35(6) of the Pensions Act (which provides for increases in a person's guaranteed minimum pension if payment of his occupational pension is postponed after he attains pensionable age), including such sums which are payable by virtue of section 36(3) of that Act, but excluding any increases under Schedule 1 to that Act which are increased by paragraph (4) above, shall be payable by way of an increase of his Category A or Category B retirement pension.

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

4.—(1) Subject to paragraph (8) of this Article, the increases made by this order in the sums specified for rates or amounts of benefit under the Act or the Pensions 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 pension falls to be calculated in accordance with section 14(6) or 15(4) of the Act, the increases in the sums mentioned in Articles 2, 3 and 6 for Category A and B retirement pension and graduated retirement benefit (together with, where appropriate, increases for dependants) shall take effect on 15th November 1979 and in relation to all other cases the increases in such sums shall take effect on 12th November 1979.

(3) The increase mentioned in Article 3(5) shall take effect on 12th November 1979.

(4) The increases in the amounts of maternity allowance, widow's allowance, 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 (together with, where appropriate, increases for dependants) shall in all cases take effect from 12th November 1979.

(5) The sums specified for the rate of mobility allowance, invalid care allowance (in a case where the Secretary of State has made arrangements for it to be paid on a Wednesday), disablement benefit (together with 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 increased in all cases with effect from 14th November 1979.

(6) 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) of the Act by reference to the weekly rate of invalidity allowance to which he was previously entitled, the increase in the sum specified for the appropriate rate of invalidity allowance shall take effect on 12th November 1979 and in relation to all other cases the increase in such sum shall take effect on 15th November 1979.

(7) The increases in the rates or amounts of unemployment and sickness benefit, invalidity pension, non-contributory invalidity pension and injury benefit (together with, where appropriate, increases for dependants), shall take effect in all cases on 15th November 1979.

(8) In the case of a person to whom injury benefit under the Act is payable for 14th November 1979 at a reduced weekly rate by virtue of the provisions of section 91(1) of the Act (maximum aggregate of weekly benefit payable for successive accidents), the rate of that benefit or of any sickness benefit or invalidity pension under the Act or the Pensions Act shall be determined as if the increase in the rates of those benefits took effect on 14th November 1979 and, where appropriate, as if the reference to 15th November 1979 in paragraph (2) of this Article were a reference to 14th November 1979.

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

5. In the Industrial Injuries and Diseases (Old Cases) Act 1975(**a**) the sum of £11·70 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 14th November 1979 the references in those provisions to that sum shall accordingly have effect as references to £14·00.

Increase in rate of graduated retirement benefit and increments thereof

6.—(1) In the National Insurance Act 1965(**b**) the sum of 2·59 pence referred to in section 36(1) (graduated retirement benefit) shall be increased by 17·5 per cent.; and from and including 12th November 1979 the reference in that provision to that sum shall accordingly have effect as a reference to 3·04 pence.

(**a**) 1975 c. 16; sections 2(6)(*c*) and 7(2)(*b*) were amended by the Social Security Benefits Up-rating Order 1978.

(**b**) 1965 c. 51. Section 36 was repealed by the Social Security Act 1973 (c. 38) but subsection (1) is now continued in force by regulation 3 of S.I. 1978/393 in the modified form set out in the Schedule to those regulations as amended by regulation 8 of S.I. 1978/1123.

(2) It is hereby directed that the aggregate amount of any increases of graduated retirement benefit payable under Schedule 2 to the Social Security (Graduated Retirement Benefit) (No. 2) Regulations 1978(a) (increases for deferred retirement) shall be increased by 17·5 per cent.

Increase of amount specified in section 30(1) *of the Act*

7. The amount specified in section 30(1) of the Act, excluding paragraphs (*a*) and (*b*) of that provision (amount of weekly earnings which must be exceeded before a Category A or Category B retirement pension is reduced by reference to earnings), shall be increased to £52·00.

Revocation

8. The Social Security Benefits Up-rating Order 1978 is hereby revoked.

Patrick Jenkin,
Secretary of State for Social Services.

27th July 1979.

John MacGregor,
Carol Mather,
Two of the Lords Commissioners of Her Majesty's Treasury.

3rd August 1979.

Article 2(2)

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).	£18·50
3. Invalidity allowance (section 16).	(*a*) higher rate £4·90 (*b*) middle rate £3·10 (*c*) lower rate £1·55 (the appropriate rate being determined in accordance with section 16(2)(b)).
4. Maternity allowance (section 22).	£18·50
5. Widow's allowance (section 24).	£32·60
9. Category B retirement pension where section 29(7)(*a*)(i) applies.	£14·00
10. Child's special allowance (section 31).	£7·10

(a) S.I. 1978/393.

(b) Section 16(2) was amended by paragraph 10 of Schedule 1 to the Social Security Act 1979.

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 (SECTIONS 34–40)

Description of benefit	Weekly rate
1. Attendance allowance (section 35).	(*a*) higher rate £18·60 (*b*) lower rate £12·40 (the appropriate rate being determined in accordance with section 35(3)(**a**)).
2. Non-contributory invalidity pension (section 36).	£14·00
3. Invalid care allowance (section 37).	£14·00
3A. Mobility allowance (section 37A).	£12·00
4. Guardian's allowance (section 38).	£7·10
5. Category C or Category D retirement pension (section 39).	(*a*) lower rate £ 8·40 (*b*) higher rate £14·00 (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

(**a**) Section 35(3) was amended by section 2(4) of the Social Security Act 1979.

PART IV

INCREASES FOR DEPENDANTS (SECTIONS 41–49)

Benefit to which increase applies (1)	Increase for qualifying child (2)	Increase for adult dependant (3)
	£	£
1. Unemployment or sickness benefit—		
(*a*) where the beneficiary is under pensionable age...	1·70	11·45
(*b*) where the beneficiary is over pensionable age ...	7·10	14·00
2. Invalidity pension	7·10	14·00
3. Maternity allowance	1·70	11·45
4. Widow's allowance	7·10	—
5. Widowed mother's allowance	7·10	—
6. Category A or B retirement pension	7·10	14·00
7. Category C retirement pension	7·10	8·40
8. Child's special allowance	7·10	—
9. Non-contributory invalidity pension	7·10	8·40
10. Invalid care allowance	7·10	8·40

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

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 £21·25 (*b*) for any period during which the beneficiary is not over the age of 18 and not so entitled £18·50
2. Maximum disablement gratuity under section 57(5).	£2,530

<table>
<tr><th>Description of benefit, etc.</th><th>Rate or amount</th></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>38·00</td><td>23·30</td></tr><tr><td>90</td><td>34·20</td><td>20·97</td></tr><tr><td>80</td><td>30·40</td><td>18·64</td></tr><tr><td>70</td><td>26·60</td><td>16·31</td></tr><tr><td>60</td><td>22·80</td><td>13·98</td></tr><tr><td>50</td><td>19·00</td><td>11·65</td></tr><tr><td>40</td><td>15·20</td><td>9·32</td></tr><tr><td>30</td><td>11·40</td><td>6·99</td></tr><tr><td>20</td><td>7·60</td><td>4·66</td></tr></table></td></tr>
<tr><td>4. Unemployability supplement under section 58 (increase of weekly rate of disablement pension).</td><td>£23·30</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 £4·90
(aa) if head (a) above does not apply and on the qualifying date the beneficiary was under the age of 40 and he had not attained pensionable age before 6th April 1979 £4·90
(b) if heads (a) and (aa) above do not apply and on the qualifying date the beneficiary was under the age of 45 £3·10
(bb) if heads (a), (aa) and (b) above do not apply and on the qualifying date the beneficiary was under the age of 50 and had not attained pensionable age before 6th April 1979 £3·10
(c) in any other case £1·55</td></tr>
<tr><td>6. Maximum increase under section 60 of weekly rate of disablement pension in cases of special hardship.</td><td>£15·20 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 £38·00, whichever is the less.</td></tr>
</table>

Description of benefit, etc.	Rate or amount
7. Maximum increase under section 61 of weekly rate of disablement pension where constant attendance needed.	(*a*) except in cases of exceptionally severe disablement £15·20 (*b*) in any case £30·40
8. Increase under section 63 of weekly rate of disablement pension (exceptionally severe disablement).	£15·20
9. Increase under section 64 of weekly rate of injury benefit (dependent children).	£1·70
10. Increase under section 64 of weekly rate of disablement pension (dependent children).	£7·10
11. Increase under section 66(2) of weekly rate of injury benefit (adult dependant).	£11·45
12. Increase under section 66(2) of weekly rate of disablement pension (adult dependant).	£14·00
13. Widow's pension under section 68 (weekly rates)—	
(*a*) initial rate	£32·60
(*b*) higher permanent rate	£23·85
(*c*) lower permanent rate	30 per cent. of the sum specified in section 6(1)(*a*) of the Pensions Act.
14. Widower's pension under section 69 (weekly rate).	£23·85
15. Allowance under section 70 in respect of children—	
(*a*) weekly rate of allowance at higher rate	in respect of each qualifying child £7·10
(*b*) weekly rate of allowance at lower rate	in respect of each qualifying child £1·70
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 £38·00 (*b*) for any period during which the beneficiary is not over the age of 18 and not so entitled £23·30

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 reviews under sections 125 and 126A of the Social Security Act 1975, and it increases with effect from specified dates in the week beginning 12th November 1979 the rates and amounts of the benefits and increases of benefit (except age addition) specified in Parts I, III, IV and V of Schedule 4 to that Act; the rates and amounts of certain benefits under Part II of the Social Security Pensions Act 1975 (including increases of Category A or B retirement pension payable by reference to the increases of guaranteed minimums payable by virtue of section 35(6) of 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 section 30(1) of the Social Security Act 1975, of weekly earnings which must be exceeded before retirement pension is reduced by reference to earnings.

In accordance with section 124(3) of the Social Security Act 1975, a copy of a report by the Government Actuary (Cmnd. 7606) 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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