STATUTORY INSTRUMENTS

1985 No. 1245

SOCIAL SECURITY

The Social Security Benefits Up-rating Order 1985

Laid before Parliament in draft

Made - - - *2nd August* 1985

Coming into Operation *25th November* 1985

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 in accordance with the provisions of sections 125(3) and 126A(2) of that Act 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(**c**), 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 1985 and shall come into operation on 25th November 1985.

(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.

(**a**) 1975 c.14. Section 125 was extended in application by section 23(1) of, and amended by section 65(1) of, and Part I of Schedule 4 to, the Social Security Pensions Act 1975 (c.60). It was further amended by sections 1(1) and 21(4) of, and Part I of Schedule 5 to, the Social Security Act 1980 (c.30). It was modified in application by section 1(3) of, and further amended by sections 2(1) and 7(6) of, and the Schedule to, the Social Security (No. 2) Act 1980 (c.39). It was further amended by section 1(1) of the Social Security Act 1981 (c.33) and by section 1(1) and (2) of the Social Security and Housing Benefits Act 1983 (c.36). Section 126A was inserted by section 12 of the Social Security Act 1979 (c.18); it was amended by section 1(2) of the Social Security Act 1981 and by section 1(4) and (5) of the Social Security and Housing Benefits Act 1983. Section 37A was inserted by section 22(1) of the Social Security Pensions Act 1975. Subsection (4) of it was amended by section 3(2) of the Social Security Act 1979.

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

(**c**) Section 124 was modified in application by section 17(4) of the Child Benefit Act 1975 (c.61) and by section 1(3) of the Social Security (No. 2) Act 1980, and amended by section 5(1) of the Social Security (Miscellaneous Provisions) Act 1977 (c.5) and by section 7(6) of, and the Schedule to, the Social Security (No. 2) Act 1980. Section 124 was also extended in application by section 23(1) of the Social Security Pensions Act 1975, which was itself amended by section 21(4) of, and Schedule 3 to, the Social Security Act 1979, and by section 21(4) of, and Part I of Schedule 5 to, the Social Security Act 1980.

Alteration in rates or amounts of certain benefits under the Act

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

(2) The sums specified in paragraph (3) below shall be altered 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.

(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) —

(*a*) so far as the sum is relevant for the purpose of calculating under section 14(6) of the Act the rate of sickness benefit, for the sum of £34.25(**b**) there shall be substituted the sum of £36.65;

(*b*) so far as the sum is relevant for the purpose of calculating under section 15(4) of the Act or section 14, 15 or 16 of the Pensions Act the rate of invalidity pension, for the sum of £34.25 there shall be substituted the sum of £38.30; and

(*c*) except so far as mentioned in sub-paragraphs (*a*) and (*b*) above, for the sum of £35.80(**b**) there shall be substituted the sum of £38.30.

(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 1985/1986 shall be increased by 7 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) shall be increased by 7 per cent.

(5) It is hereby directed that an amount equal to 7 per cent. of the aggregate amount of —

(*a*) 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; and

(*b*) the amount by which that person's Category A or Category B retirement pension has been increased under section 126A of the Act (up-rating of increments in guaranteed minimum pensions),

shall be payable by way of an increase of his Category A or Category B retirement pension.

(**a**) Schedule 4 was amended by section 21(1) and (2) of, and Schedules 4 and 5 to, the Child Benefit Act 1975, section 22(2) of, and paragraphs 62 and 63 of Schedule 4 to, the Social Security Pensions Act 1975, paragraph 13 of Schedule 1 to the Social Security Act 1979, and the Social Security Benefits Up-rating Order 1984 (S.I.1984/1104).

(**b**) *See* Social Security (No. 2) Act 1980 (c.39), section 1(1) and (2) and S.I.1980/1245, Article 3(2).

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

4.—(1) The alterations 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(**a**), 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 28th November 1985 and in relation to all other cases the increases in such sums shall take effect on 25th November 1985.

(3) The increase mentioned in Article 3(5) shall take effect on 25th November 1985.

(4) The alterations 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 on 25th November 1985.

(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 27th November 1985.

(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(**b**) 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 25th November 1985 and in relation to all other cases the increase in such sum shall take effect on 28th November 1985.

(7) The alterations in the rates or amounts of unemployment and sickness benefit, invalidity pension and severe disablement allowance (together with, where appropriate, increases for dependants), shall take effect in all cases on 28th November 1985.

(**a**) Section 14(6) is amended by the Social Security Pensions Act 1975 (c.60), section 65(1), Schedule 4, paragraph 39(*b*), and the Social Security Act 1979 (c.18), section 21(4), Schedule 3, paragraph 6; and section 15(4) is amended by the Social Security Pensions Act 1975, section 65(1), Schedule 4, paragraph 40(*c*) and the Social Security Act 1979, section 21(4), Schedule 3, paragraph 7.

(**b**) Section 28(7) is amended by the Social Security (No. 2) Act 1980, section 3(3).

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 £21.50 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 27th November 1985 the reference to that sum in section 2(6)(*c*), and from and including 28th November 1985 the reference to that sum in section 7(2)(*b*), shall accordingly have effect as references to £23.00.

Increase in rate of graduated retirement benefit and increments thereof

6.—(1) In the National Insurance Act 1965(**b**) the sum of 4.67 pence referred to in section 36(1) (graduated retirement benefit) shall be increased by 7 per cent.; and from and including 25th November 1985 the reference in that provision to that sum shall accordingly have effect as a reference to 5 pence.

(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(**c**) (increases for deferred retirement) shall be increased by 7 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 £75.00.

Revocations

8. The Social Security Benefits Up-rating Order 1984(**d**) is hereby revoked.

Signed by authority of the Secretary of State for Social Services.

Tony Newton,
Minister of State,
Department of Health and Social Security.

29th July 1985.

Donald Thompson,
John Major,
Two of the Lords Commissioners of
Her Majesty's Treasury.

2nd August 1985.

(**a**) 1975 c.16. Sections 2(6)(*c*) and 7(2)(*b*) were amended by the Social Security Benefits Up-rating Order 1984 (S.I. 1984/1104).

(**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 the Social Security (Graduated Retirement Benefit) (No. 2) Regulations 1978 (S.I. 1978/393) in the modified form set out in the Schedule to those regulations as amended by Article 6 of the Social Security Benefits Up-rating Order 1984.

(**c**) S.I. 1978/393. (**d**) S.I. 1984/1104.

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).	(*a*) unemployment benefit .. £30.45 (*b*) sickness benefit £29.15
3. Invalidity allowance (section 16).	(*a*) higher rate .. .. .. £8.05 (*b*) middle rate .. .. .. £5.10 (*c*) lower rate .. .. .. £2.55 (the appropriate rate being determined in accordance with section 16(2)(**a**)).
4. Maternity allowance (section 22).	£29.15
5. Widow's allowance (section 24).	£53.60
9. Category B retirement pension where section 29(7)(*a*)(i) applies.	£23.00
10. Child's special allowance (section 31).	£8.05

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

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

PART III

Non-Contributory Periodical Benefits (Sections 34–40)

Description of benefit	Weekly rate
1. Attendance allowance (section 35).	(*a*) higher rate .. .. .. £30.60 (*b*) lower rate .. .. .. £20.45 (the appropriate rate being determined in accordance with section 35(3)(**a**)).
2. Severe disablement allowance (section 36).	£23.00
3. Invalid care allowance (section 37).	£23.00
3A. Mobility allowance (section 37A).	£21.40
4. Guardian's allowance (section 38).	£8.05
5. Category C or Category D retirement pension (section 39).	(*a*) lower rate .. .. .. £13.75 (*b*) higher rate .. .. .. £23.00 (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*) unemployment benefit, where the beneficiary is under pensionable age	—	18.80
(*b*) unemployment benefit, where the beneficiary is over pensionable age	8.05	23.00
(*c*) sickness benefit, where the beneficiary is under pensionable age	—	18.00
(*d*) sickness benefit, where the beneficiary is over pensionable age	8.05	22.00
2. Invalidity pension	8.05	23.00
3. Maternity allowance	—	18.00
4. Widow's allowance	8.05	—
5. Widowed mother's allowance	8.05	—
6. Category A or B retirement pension	8.05	23.00
7. Category C retirement pension	8.05	13.75
8. Child's special allowance	8.05	—
9. Severe disablement allowance	8.05	13.75
10. Invalid care allowance	8.05	13.75

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>2. Maximum disablement gratuity under section 57(5).</td><td>£4150.00</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>Amount</th><th></th></tr><tr><td>(1)</td><td>(2)</td><td>(3)</td></tr><tr><td>Per cent.</td><td>£</td><td>£</td></tr><tr><td>100</td><td>62.50</td><td>38.30</td></tr><tr><td>90</td><td>56.25</td><td>34.47</td></tr><tr><td>80</td><td>50.00</td><td>30.64</td></tr><tr><td>70</td><td>43.75</td><td>26.81</td></tr><tr><td>60</td><td>37.50</td><td>22.98</td></tr><tr><td>50</td><td>31.25</td><td>19.15</td></tr><tr><td>40</td><td>25.00</td><td>15.32</td></tr><tr><td>30</td><td>18.75</td><td>11.49</td></tr><tr><td>20</td><td>12.50</td><td>7.66</td></tr></table></td></tr>
<tr><td>4. Unemployability supplement under section 58 (increase of weekly rate of disablement pension).</td><td>£38.30</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 .. £ 8.05
(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 £ 8.05
(b) if heads (a) and (aa) above do not apply and on the qualifying date the beneficiary was under the age of 45 .. .. £ 5.10</td></tr>
</table>

PART V

Rate or Amount of Industrial Injuries Benefit

Description of benefit, etc.	Rate or Amount	
	(*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	£5.10
	(*c*) in any other case	£2.55
6. Maximum increase under section 60 of weekly rate of disablement pension in cases of special hardship.	£25.00 or the amount (if any) by which the weekly rate of the pension, apart from any increase under section 61, 63, 64 or 66, fall short of £62.50 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	£25.00
	(*b*) in any case	£50.00
8. Increase under section 63 of weekly rate of disablement pension (exceptionally severe disablement).	£25.00	
10. Increase under section 64 of weekly rate of disablement pension (dependent children).	£8.05	
12. Increase under section 66(2) of weekly rate of disablement pension (adult dependant).	£23.00	
13. Widow's pension under section 68 (weekly rates) —		
(*a*) initial rate	£53.60	
(*b*) higher permanent rate	£38.85	
(*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).	£38.85	
15. Weekly rate of allowance under Section 70 in respect of children.	In respect of each qualifying child	£8.05
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	£62.50
	(*b*) for any period during which the beneficiary is not over the age of 18 and not so entitled	£38.30

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, a draft of which has been laid before and approved by resolution of each House of Parliament, is made as a consequence of reviews under sections 125 and 126A of the Social Security Act 1975. It alters, with effect from dates in the week beginning 25th November 1985 which are specified in Articles 4 to 6, the rates and amounts of certain benefits and other sums.

Article 2 alters the benefits and increases of benefit (except age addition) specified in Parts I, III, IV and V of Schedule 4 to that Act; Article 3 increases 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 increments in guaranteed minimum pensions payable by virtue of section 35(6) of that Act); Article 4 specifies the dates from which the rates or amounts of benefit are altered; Article 5 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; Article 6 increases the rate of graduated retirement benefit under the National Insurance Act 1965; and Article 7 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 references to earnings.

In accordance with section 124(3) of the Social Security Act 1975, a copy of a report by the Government Actuary (Cmnd.9567) 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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