STATUTORY INSTRUMENTS

1977 No. 1362

SOCIAL SECURITY

The Social Security Benefits Up-rating Regulations 1977

Made - - - -	*3rd August* 1977
Laid before Parliament	*11th August* 1977
Coming into Operation	*14th November* 1977

The Secretary of State for Social Services, in exercise of the powers conferred upon him by sections 17(2)(*a*), 33, 36(9)(*b*), 58(3) and 131 of, and paragraph 2(1) of Schedule 14 to, the Social Security Act 1975**(a)** and of all other powers enabling him in that behalf, by this instrument, which contains only provisions in consequence of the Social Security Benefits Up-rating Order 1977**(b)**, hereby makes the following regulations which, by virtue of section 139(2) of, and paragraph 17 of Schedule 15 to, that Act, are not subject to the requirements of section 139(1) of that Act for prior reference to the National Insurance Advisory Committee:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security Benefits Up-rating Regulations 1977 and shall come into operation on 14th November 1977.

(2) In these regulations, unless the context otherwise requires:—

"the Act" means the Social Security Act 1975;

"the up-rating order" means the Social Security Benefits Up-rating Order 1977.

(3) Any reference in these regulations to any provision made by or contained in any enactment or instrument shall, except so far as the context otherwise requires, be construed as a reference to that provision as amended or extended by any enactment or instrument and as including a reference to any provision which may re-enact it or replace it with or without modification.

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

Conditions relating to payment of additional benefit under awards made before the appointed or prescribed day

2. Where an award of any benefit under Chapters I to III of Part II of the Act has been made before the day appointed or prescribed for the payment of the benefit in question at the rate provided in or by virtue of the up-rating order (hereafter in this regulation referred to as "the increased rate"), paragraphs 1 and 2 of Schedule 14 to the Act (effect of any such award) shall, unless the period to which the award relates has ended before that day or the award, in

(a) 1975 c. 14. (b) S.I. 1977/1325 (1977 II, p. 3884). (c) 1889 c. 63.

accordance with the provisions of sub-paragraph (2) of the said paragraph 2, provides for the payment of the benefit at the increased rate as from that day, have effect subject to the condition that if a question arises as to:—

(*a*) the weekly rate at which the benefit is payable by virtue of the up-rating order; or

(*b*) whether the conditions for the receipt of the benefit at the increased rate are satisfied,

the benefit shall be or continue to be payable at the weekly rate specified in the award until that question shall have been determined in accordance with the provisions of the Act.

Amendment of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1975

3. Regulation 7 of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1975**(a)**, as amended**(b)** (days not to be treated as days of unemployment or incapacity for work) shall be further amended by the substitution in paragraph (1)(g) for "£9·00" of "£10·00".

Amendment of the Social Security (Non-Contributory Invalidity Pension) Regulations 1975

4. Regulation 12 of the Social Security (Non-Contributory Invalidity Pension) Regulations 1975**(c)**, as amended**(b)**, (disqualification for non-contributory invalidity pension) shall be further amended by the substitution in paragraph (*d*)(iii) for "£9·00" of £10·00".

Amendment of the Social Security (Industrial Injuries) (Benefit) Regulations 1975

5. Regulation 8 of the Social Security (Industrial Injuries) (Benefit) Regulations 1975**(d)**, as amended**(b)**, (earnings level for the purposes of unemployability supplement under section 58 of the Act) shall be further amended by the substitution for "£468" of "£520".

Persons not ordinarily resident in Great Britain

6. Regulation 5 of the Social Security Benefit (Persons Abroad) Regulations 1975**(e)** (application of disqualification in respect of up-rating of benefit) shall apply to any additional benefit payable by virtue of the up-rating order.

Revocation

7. The Social Security Benefits Up-rating Regulations 1976**(f)** and the Social Security Benefits Up-rating (No. 2) Regulations 1976**(g)** are hereby revoked, without prejudice to their previous operation or to anything duly done or suffered under them; and anything begun or purported to have been begun under them may be continued under these regulations as if duly begun under these regulations.

David Ennals,
Secretary of State for Social Services.

3rd August 1977.

(a) S.I. 1975/564 (1975 I, p. 2062).
(b) The relevant amending instrument is S.I. 1976/1245 (1976 II, p. 3522).
(c) S.I. 1975/1058 (1975 II, p. 3691).
(d) S.I. 1975/559 (1975 I, p. 1979).
(e) S.I. 1975/563 (1975 I, p. 2052).
(f) S.I. 1976/1069 (1976 II, p. 2792).
(g) S.I. 1976/1245 (1976 II, p. 3522).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, which are made in consequence of the Social Security Benefits Up-rating Order 1977, specify circumstances in which the amount of benefit, awarded before the date from which increased rates become payable, is not automatically altered and apply the provisions of the Social Security Benefit (Persons Abroad) Regulations 1975, relating to the position of persons who are absent from and not ordinarily resident in Great Britain when the weekly rate of certain benefits is increased, to the increases of benefit provided by virtue of the Up-rating Order. The Regulations also amend the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1975, the Social Security (Non-Contributory Invalidity Pension) Regulations 1975 and the Social Security (Industrial Injuries) (Benefit) Regulations 1975 so as to raise to £10 a week and £520 a year respectively the earnings limits in respect of work which a person in receipt of benefit to which those regulations apply may do in certain circumstances.

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