STATUTORY INSTRUMENTS

1985 No. 1571

SOCIAL SECURITY

The Social Security Benefits Up-rating Regulations 1985

Made - - - - -	*14th October* 1985
Laid before Parliament	*23rd October* 1985
Coming into Operation	*25th November* 1985

The Secretary of State for Social Services, in exercise of the powers conferred upon him by sections 17(1)(*a*), 58(3) and 131 of, and paragraph 2(1) of Schedule 14 and Schedule 20 (definition of "prescribe") to, the Social Security Act 1975**(a)** and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security Benefits Up-rating Regulations 1985 and shall come into operation on 25th November 1985.

(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 1985**(b)**;

and any reference in a regulation to a numbered paragraph is to the paragraph of that regulation bearing that number.

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

2.—(1) This regulation applies to a case where—

(*a*) either—

(i) 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 a higher rate provided in or by virtue of the up-rating order, or

(ii) an award of any benefit under Part II of the Act has been made before the day appointed or prescribed for the payment of benefit in question at a lower rate provided in or by virtue of the up-rating order;

(a) 1975 c. 14. **(b)** S.I. 1985/1245.

(*b*) the period to which the award relates has not ended before that day; and

(*c*) the award does not, in accordance with the provisions of paragraph 2(2) of Schedule 14 to the Act, provide for the payment of the benefit at a higher or lower rate (as the case may be) as from that day.

(2) In a case to which this regulation applies, paragraphs 1 and 2 of Schedule 14 to the Act shall have effect subject to the condition that if a question arises as to either—

(*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 altered rate are satisfied,

the benefit shall, until the question has been determined in accordance with the provisions of the Act, be or continue to be payable at the weekly rate specified in paragraph (3).

(3) The weekly rate referred to in paragraph (2) is the weekly rate specified in the award or the weekly rate at which the benefit would have been paid if the question had not arisen, whichever is the lower.

Persons not ordinarily resident in Great Britain

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

Amendment of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983

4. Regulation 3 of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983**(b)** (persons deemed to be incapable of work) shall be further amended by the substitution in paragraph (3) for "£23.50" of "£25.00".

Amendment of the Social Security (General Benefit) Regulations 1982

5. Regulation 16 of the Social Security (General Benefit) Regulations 1982**(c)** (earnings level for the purpose of unemployability supplement) shall be further amended by the substitution for "£1222" of "£1300".

(a) S.I. 1975/563; the relevant amending instruments are S.I. 1977/342, 1979/1432.
(b) S.I. 1983/1598; the relevant amending instrument is S.I. 1984/1703.
(c) S.I. 1982/1408; the relevant amending instrument is S.I. 1984/1703.

Revocation

6. The Social Security Benefits Up-rating Regulations 1984**(a)** are hereby revoked.

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

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

14th October 1985.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

This instrument contains only provisions in consequence of an order under sections 124 and 126A of the Social Security Act 1975 (up-rating of benefit). Accordingly, by virtue of paragraph 8 of Schedule 16 to that Act and paragraph 12(2) of Schedule 13 to the Social Security Act 1980 (c.30) the Secretary of State has not referred proposals to make the regulations contained in this instrument to the Industrial Injuries Advisory Council or to the Social Security Advisory Committee.

Regulation 2 provides that in certain cases where a question has arisen about the effect of the up-rating order on a benefit already in payment the altered rates will not apply until the question is determined by an adjudicating authority. Regulation 3 applies the provisions of regulation 5 of the Social Security Benefit (Persons Abroad) Regulations 1975 so as to restrict the application of the increases specified in the order in cases where the beneficiary lives abroad.

Regulation 4 raises from £23.50 to £25.00 the earnings limit which applies to those undertaking work in certain circumstances while receiving sickness or invalidity benefit.

Regulation 5 raises to £1300 a year the earnings limit which applies to unemployability supplement.

Regulation 6 contains a revocation consequential upon the coming into force of these regulations.

(a) S.I. 1984/1703.

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