STATUTORY INSTRUMENTS

1999 No. 858

SOCIAL SECURITY

The Social Security Benefits Up-rating Regulations 1999

Made - - - -	*17th March 1999*
Laid before Parliament	*22nd March 1999*
Coming into force	*12th April 1999*

The Secretary of State for Social Security, in exercise of the powers conferred by sections 30E(1), 90, 113(1), 122(1) and 175(1) to (4) of the Social Security Contributions and Benefits Act 1992**(a)** and sections 155(3), 189(1), (3) and (4) and 191 of the Social Security Administration Act 1992**(b)**, and of all other powers enabling him in that behalf, by this instrument, which contains only provisions in consequence of an order under section 150 of the Social Security Administration Act 1992, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security Benefits Up-rating Regulations 1999 and shall come into force on 12th April 1999.

(2) In these Regulations–

"the Administration Act" means the Social Security Administration Act 1992; and

"the Up-rating Order" means the Social Security Benefits Up-rating Order 1999**(c)**.

Exceptions relating to payment of additional benefit under awards made before the commencing date

2. Section 155(3) of the Administration Act (effect of alteration of rates of benefit under Parts II to V of the Contributions and Benefits Act) shall not apply 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 receipt of the benefit at the altered rate are satisfied,

until that question has been determined in accordance with the provisions of the Administration Act.

Persons not ordinarily resident in Great Britain

3. Regulation 5 of the Social Security Benefit (Persons Abroad) Regulations 1975**(d)** (application of disqualifications in respect of up-rating of benefits) shall apply to any additional benefit payable by virtue of the Up-rating Order.

Amendment of the Social Security Benefit (Dependency) Regulations 1977

4. In paragraph 2B of Schedule 2 to the Social Security Benefit (Dependency) Regulations 1977**(e)** (increase of invalid care allowance for child dependants)–

(a) 1992 c. 4. Section 30E was inserted by section 3(1) of the Social Security (Incapacity for Work) Act 1994 (c. 18). Section 122(1) is cited for the meaning assigned to the word "prescribe".

(b) 1992 c. 5. Section 191 is cited for the meaning assigned to the word "prescribe".

(c) S.I. 1999/264.

(d) 1975/563; relevant amending instruments are S.I. 1977/342, 1979/1432, 1988/435, 1989/1642, 1990/621, 1992/1700 and 1994/1832.

(e) S.I. 1977/343; paragraph 2B was inserted by S.I. 1984/1699; relevant amending instrument is S.I. 1998/521.

(a) for the sum of "£140" in both places where it occurs there shall be substituted the sum of "£145"; and

(b) for the sum of "£18.00" there shall be substituted the sum of "£19.00".

Amendment of the Social Security (Incapacity Benefit) Regulations 1994

5. In regulation 8 of the Social Security (Incapacity Benefit) Regulations 1994**(a)** (limit of earnings from councillor's allowance) for the sum of "£48.00" there shall be substituted the sum of "£49.50".

Revocation

6. Regulations 2, 3, 5 and 6 of the Social Security Benefits Up-rating Regulations 1998**(b)** are hereby revoked.

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

Stephen C. Timms
Minister of State,
Department of Social Security

17th March 1999

(a) S.I. 1994/2946; relevant amending instrument is S.I. 1998/521.
(b) S.I. 1998/521.

EXPLANATORY NOTE

(This note is not part of the Regulations)

This instrument contains only provisions in consequence of an order under section 150 of the Social Security Administration Act 1992 (up-rating of benefits). Accordingly, by virtue of paragraph 3 of schedule 7 to that Act, the Secretary of State has not referred these Regulations to the Social Security Advisory Committee.

Regulation 2 provides that where a question has arisen about the effect of the Social Security Benefits Up-rating Order 1999 (S.I. 1999/264) ("the Up-rating Order") on a benefit already in payment, the altered rates will not apply until that question is determined by an adjudicating authority.

Regulation 3 applies the provisions of regulation 5 of the Social Security Benefits (Persons Abroad) Regulations 1975 so as to restrict the application of the increase specified in the Up-rating Order in cases where the beneficiary lives abroad.

Regulation 4 raises from £140 to £145 and from £18.00 to £19.00 the earnings limits for child dependency increases payable with invalid care allowance.

Regulation 5 raises from £48.00 to £49.50 the limit of earnings from a councillor's allowance in relation to incapacity benefit; the figure is also relevant for the purposes of severe disablement allowance by virtue of regulation 8A of the Social Security (Severe Disablement Allowance) Regulations 1984 (S.I. 1984/1303).

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

These Regulations do not impose any costs on business.

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