EXPLANATORY MEMORANDUM TO

THE SOCIAL SECURITY (INDUSTRIAL INJURIES) (DEPENDENCY) (PERMITTED EARNINGS LIMITS) ORDER 2009.

2009 No. 661

1. This explanatory memorandum has been prepared by the Department for Work and Pensions and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This Order increases the amount a spouse or partner is permitted to earn without the earnings affecting an increase payable for dependent children or qualifying young persons, in respect of Industrial Injuries Disablement Benefit with Unemployability Supplement.

3. Matters of special interest to the Joint Committee on Statutory Instruments.

3.1 None.

4. Legislative Context

4.1 This Order is made as part of the general annual uprating of the Social Security benefits. The amount of IIDB can be increased where the beneficiary is entitled to Unemployability Supplement and child benefit but that increase is subject to an earnings limit. This order increases the amount that can be earned.

5. Territorial Extent and Application

5.1 This instrument applies to all of Great Britain.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy Background

- **What is being done and why**

7.1 Unemployability Supplement is paid with Industrial Injuries Disablement Benefit where a person is incapable of any work as a result of their accident or disease and is likely to be permanently incapable of any work. In addition to personal benefit, a person in receipt of Unemployability

Supplement can also receive an increase for any children or qualifying young persons. This Order increases the amount that the spouse or partner of a person in receipt of Industrial Injuries Disablement Benefit with Unemployability Supplement is permitted to earn before it affects any such increase. The permitted earnings are increased by 5% and this is based on the Retail Price Index (RPI), in September 2008: the same indicator of inflation for the main Social Security benefits.

- *Consolidation*

7.2 Informal consolidation of the instrument will be included in due course in the Department's "the law relating to Social Security" (the Blue Volumes) which are available at no cost to the public on the internet at: http://www.dwp.gov.uk/advisers/docs/lawvols/bluevol/

8. Consultation

8.1 Consultation is not necessary as this forms part of the normal yearly uprating.

9. Guidance

9.1 A guidance bulletin detailing new rates will be issued to claim processors in the office with responsibility for processing claims.

10. Impact

10.1 This instrument has no impact on business, charities or voluntary bodies.

10.2 This instrument imposes no new costs on the public sector; the annually recurring costs are already provided for in the Government's expenditure plans.

10.3 A full impact assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring and Review

12.1 The changes in the payable rate aim to maintain the value of payment in line with the agreed rate of inflation.

12.2 An internal review will be conducted on 1st April to ensure the uprating has been successfully implemented.

13. Contact

13.1 Su Ensor at the Department for Work and Pensions Tel: 0113 232 7456 or e-mail: **su.ensor@jobcentreplus.gsi.gov.uk** an answer any queries regarding the instrument.