EXPLANATORY MEMORANDUM TO

THE SOCIAL SECURITY (INDUSTRIAL INJURIES) (DEPENDENCY) (PERMITTED EARNINGS LIMITS) ORDER 2012

2012 No. 823

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

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.

None.

4 Legislative Context

This Order is made as part of the general annual uprating of the Social Security benefits. It is consequential to the Social Security Benefits Up-rating Order 2012 (the Up-rating Order) and is required annually to complete the uprating exercise. The amount of benefit under the Industrial Injuries Disablement Benefit scheme 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

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 an 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 5.2%, in line with rate of increase for Industrial Injuries Disablement Benefit, and is consequential to the Social Security Benefits Up-rating Order 2012.

- ***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

Consultation is not necessary because there is no policy change; the legislation simply enables a standing commitment to uprate on an annual basis.

9 Guidance

A guidance bulletin detailing new rates will be issued to claim processors in the Industrial Injuries Disablement Benefit Jobcentre Plus offices.

10 Impact

10.1 This instrument has no impact on the private sector and civil society organisations.

10.2 The impact on the public sector is negligible.

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

11 Regulating small business

This legislation does not apply to small business.

12 Monitoring and Review

The changes in the payable rate are uprated each year and maintain the value of payment in line with the increase for Industrial Injuries Disablement Benefit.

13 Contact

For any queries regarding this instrument, please contact the Department for Work and Pensions on telephone number: 0113 232 4764 or e-mail: **Malcolm.connell@dwp.gsi.gov.uk** .