
DRAFT STATUTORY INSTRUMENTS

2010 No.

The Social Security Benefits Up-rating Order 2010

PART 2

SOCIAL SECURITY BENEFITS AND PENSIONS

Rates or amounts of certain benefits under the Contributions and Benefits Act

3.—(1) From and including the respective dates specified in article 6—

- (a) the sums specified in paragraph (2) shall be increased; and
- (b) the sums specified in paragraph 3(a) and (b) of Part III of Schedule 4 to the Contributions and Benefits Act (age related addition – higher and middle rates) shall be reduced⁽¹⁾,

so that Schedule 4 to the Contributions and Benefits Act (contributory periodical benefits, non-contributory periodical benefits and rates of industrial injuries benefit), except paragraph 5 of Part III of that Schedule (guardian’s allowance), has effect as set out in Schedule 1 to this Order.

(2) The sums mentioned in paragraph (1) are the sums specified in Parts I, III and V of Schedule 4 to the Contributions and Benefits Act except, in—

- (a) Part III, the sums specified for age related addition (higher and middle rates) and age addition to a pension of any category and otherwise under section 79 of that Act; and
- (b) Part V, the sums specified for the increases under paragraph 3 of Schedule 7 to the Contributions and Benefits Act of the weekly rate of unemployability supplement, the increase in disablement pension for dependent children, widow’s pension (initial rate) and death benefit allowance in respect of children and qualifying young persons⁽²⁾.

Rates or amounts of certain pensions and allowances under the Contributions and Benefits Act

4.—(1) The sums specified in paragraphs (2) and (3) shall be increased from and including the respective dates specified in article 6.

(2) The sums falling to be calculated under paragraph 13(4) of Schedule 7 to the Contributions and Benefits Act (calculation of weekly rate of a beneficiary’s retirement allowance) shall be increased by 1.5 per cent.

(3) In section 44(4) of the Contributions and Benefits Act⁽³⁾ (basic pension in a Category A retirement pension)—

- (a) for “£86.20” substitute “£87.75”; and
- (b) for “£95.25” substitute “£97.65”.

(4) The sums which are—

(1) See *S.I. 2008/3270* which modifies the effect of section 150 of the Administration Act so that these rates may be reduced.
(2) Part V of Schedule 4 to the Contributions and Benefits Act was amended by paragraph 15 of Schedule 1 to the Child Benefit Act 2005 (c. 6) (“the 2005 Act”).
(3) Section 44(4) was substituted by section 68 of the 1998 Act.

- (a) additional pensions in long-term benefits calculated by reference to any final relevant year earlier than the tax year 2009-2010;
- (b) increases in the rates of retirement pensions under Schedule 5 to the Contributions and Benefits Act(4) (pension increase or lump sum where entitlement to retirement pension is deferred);
- (c) lump sums to which surviving spouses or civil partners will become entitled under paragraph 7A of that Schedule(5) on becoming entitled to a Category A or Category B retirement pension (entitlement to lump sum where pensioner's deceased spouse or civil partner has deferred entitlement); and
- (d) payable to a pensioner as part of their Category A or Category B retirement pension by virtue of an order made under section 126A of the Social Security Act 1975(6), section 63 of the Social Security Act 1986(7) or section 150(1)(e) of the Administration Act,

shall in each case remain unchanged.

(5) The sums which, under—

- (a) section 55A of the Contributions and Benefits Act(8), are shared additional pensions; and
- (b) paragraph 2 of Schedule 5A to the Contributions and Benefits Act(9), are increases in the rates of such pensions,

shall in each case remain unchanged.

Rates or amount of certain benefits under the Pension Schemes Act

5. Sums which are payable by virtue of section 15(1) of the Pension Schemes Act (which provides for increases in a person's guaranteed minimum pension if payment of their occupational pension is postponed after they attain pensionable age) to a person who is also entitled to a Category A or Category B retirement pension (including sums payable by virtue of section 17(2)(10) and (3) of that Act) remain unchanged.

Dates on which sums specified for rates or amounts of benefits under the Contributions and Benefits Act are changed by this Order

6.—(1) Paragraphs (2) to (8), which are subject to the provisions of paragraph (9), specify the date on which the changes made by this Order in the sums specified for rates or amounts of benefit under the Contributions and Benefits Act shall take effect for each case.

(2) Subject to paragraph (3), any increases in the sums mentioned in articles 3 and 4 for Category A and Category B retirement pension shall take effect on 12th April 2010.

(3) In the case of a person over pensionable age—

- (a) whose entitlement to a Category A retirement pension is deferred; and

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- (4) Schedule 5 was amended by paragraph 42 of Schedule 8 to the 1993 Act, paragraph 40 of Schedule 1 to the 1994 Act, paragraphs 6 and 21 of Schedule 4, and Schedule 7, to the Pensions Act 1995, section 39 of the Child Support, Pensions and Social Security Act 2000 (c. 19) ("the 2000 Act"), Schedule 6 to the Tax Credits Act, paragraphs 2 to 14 of Schedule 11 to the Pensions Act 2004 (c. 35), paragraphs 19 and 20 of Schedule 1, and Schedule 7, to the Pensions Act 2007 and S.I. 2005/2053.
 - (5) Paragraph 7A was inserted by paragraph 11 of Schedule 11 to the Pensions Act 2004 and amended by paragraph 5(11) of the Schedule to S.I. 2005/2053.
 - (6) 1975 c. 14; section 126A was inserted by section 12 of the Social Security Act 1979 (c. 18) and repealed by section 86 of, and Schedule 11 to, the Social Security Act 1986 (c. 50).
 - (7) Section 63 was repealed by Schedule 1 to the Social Security (Consequential Provisions) Act 1992 (c. 6).
 - (8) Section 55A was inserted by paragraph 3 of Schedule 6 to the 1999 Act and amended by section 41(3) of the 2000 Act.
 - (9) Schedule 5A was inserted by paragraph 15 of Schedule 11 to the Pensions Act 2004.
 - (10) Section 17(2) was amended by paragraph 4(b) of Schedule 1 to S.I. 2005/2050.

(b) for whom the rate of short-term incapacity benefit falls to be calculated in accordance with section 30B(3) of the Contributions and Benefits Act(11),
any increases in the sums mentioned in articles 3 and 4 for Category A and Category B retirement pensions shall take effect on 15th April 2010.

- (4) Any increases in the sums specified for the rate of—
- (a) Category C and Category D retirement pension;
 - (b) attendance allowance; and
 - (c) carer’s allowance (except in a case where the Secretary of State has made arrangements for it to be paid on a Wednesday),

shall in all cases take effect on 12th April 2010.

- (5) Any increases in the sums specified for—
- (a) the rate of—
 - (i) carer’s allowance in a case where the Secretary of State has made arrangements for it to be paid on a Wednesday,
 - (ii) disablement benefit,
 - (iii) maximum disablement gratuity under paragraph 9(2) of Schedule 7 to the Contributions and Benefits Act,
 - (iv) industrial death benefit by way of widow’s and widower’s pension and allowance in respect of children and qualifying young persons(12),
 - (v) the maximum of the aggregate of weekly benefit payable for successive accidents, under section 107(1) of the Contributions and Benefits Act; and
 - (b) any increases in—
 - (i) the benefits referred to in heads (i), (iii) and (iv) of sub-paragraph (a) in respect of dependants, and
 - (ii) disablement pension,

shall in all cases take effect on 14th April 2010.

(6) In any case where a person’s weekly rate of Category A or Category B retirement pension falls to be increased under the provisions of section 47(1) or 48C(2) of the Contributions and Benefits Act(13) by reference to the weekly rate of invalidity allowance or age addition to long-term incapacity benefit to which they were previously entitled, any increase in such sum shall take effect on 12th April 2010.

(7) The changes in the sums specified for the rate of incapacity benefit and severe disablement allowance shall take effect in all cases on 15th April 2010.

(8) The increases in the sums falling to be calculated in accordance with paragraph 13(4) of Schedule 7 to the Contributions and Benefits Act (retirement allowance) shall take effect on 14th April 2010.

(9) Any increases in the sums specified in articles 3 and 23(c), in so far as those sums are relevant for the purposes of establishing whether the rate of any benefit is not to be increased in respect of

(11) Section 30B was inserted by section 2(1) of the 1994 Act. Subsection (3) was amended by paragraph 21(3) of Schedule 4 to the Pensions Act 1995, Schedule 6 to the Tax Credits Act and paragraph 15 of Schedule 24 to the Civil Partnership Act 2004 (c. 33).

(12) The words “qualifying young persons” were inserted into Schedule 7 to the Contributions and Benefits Act by paragraph 16(2) of Schedule 1 to the 2005 Act.

(13) Section 47(1) was amended by paragraph 13 of Schedule 1 to the 1994 Act. Section 48C was inserted by paragraph 3 of Schedule 4 to the Pensions Act 1995 and amended by S.I. 2005/2053.

an adult dependant because the earnings of the dependant exceed a specified amount(**14**), shall take effect—

- (a) except in a case where sub-paragraph (b) applies, on the first day of the first benefit week to commence for the beneficiary on or after 12th April 2010;
- (b) in a case where regulation 7(b) of the Computation of Earnings Regulations (date on which earnings are treated as paid) applies, on the first day of the first benefit week to commence for the beneficiary on or after 1st April 2010,

and for the purpose of this paragraph, “benefit week” has the same meaning as in regulation 2(1) of the Computation of Earnings Regulations.

Increase in rates of certain compensation and industrial diseases benefits in respect of employment before 5th July 1948

7. From and including—

- (a) 14th April 2010, for “£53.10” referred to in paragraph 2(6)(c) of Schedule 8 to the Contributions and Benefits Act(**15**) (maximum weekly rate of lesser incapacity allowance supplementing workmen’s compensation);
- (b) 15th April 2010, for that sum referred to in paragraph 6(2)(b) of that Schedule(**16**) (industrial diseases benefit schemes: weekly rate of allowance payable where disablement is not total),

substitute “£53.90”.

Earnings Limits

8. In section 80(4) of the Contributions and Benefits Act(**17**) (earnings limits in respect of child dependency increases)—

- (a) for “£195.00”, in both places where it occurs, substitute “£200.00”; and
- (b) “£26.00” remains unchanged.

Statutory Sick Pay

9. In section 157(1) of the Contributions and Benefits Act(**18**) (rate of payment of statutory sick pay) “£79.15” remains unchanged.

Statutory Maternity Pay

10. In regulation 6 of the Statutory Maternity Pay (General) Regulations 1986(**19**) (prescribed rate of statutory maternity pay) for “£123.06” substitute “£124.88”.

(14) See sections 82(3)(a), 83(2)(b) and 84(2)(b) of the Contributions and Benefits Act, regulations 8 and 10(2) of, and paragraph 7 of Schedule 2 to, the Social Security Benefit (Dependency) Regulations 1977 (S.I. 1977/343) (“the 1977 Regulations”) and regulation 10 of the Social Security (Incapacity Benefit—Increases for Dependants) Regulations 1994 (S.I. 1994/2945). Relevant amending instruments are S.I. 1984/1698 and 1699, 1987/355, 1988/554, 1989/523 and 1642, 1992/3041, 1994/2945, 1996/1345 and 2745 and 2002/2497. Paragraph 7 of Schedule 2 to the 1977 Regulations was also amended by section 37 of the Social Security Act 1986.

(15) Relevant amending instrument is S.I. 2009/497.

(16) Relevant amending instrument is S.I. 2009/497.

(17) Section 80 was repealed by Schedule 6 to the Tax Credits Act. Article 3 of S.I. 2003/938 saves the repealed provision in certain circumstances. Relevant amending instrument is S.I. 2009/497.

(18) Relevant amending instrument is S.I. 2009/497.

(19) S.I. 1986/1960; relevant amending instruments are S.I. 2002/2690 and 2009/497.

Statutory Paternity Pay and Statutory Adoption Pay

11. In the Statutory Paternity Pay and Statutory Adoption Pay (Weekly Rates) Regulations 2002(**20**)—

- (a) in regulation 2(a) (weekly rate of payment of statutory paternity pay) for “£123.06” substitute “£124.88”; and
- (b) in regulation 3(a) (weekly rate of payment of statutory adoption pay) for “£123.06” substitute “£124.88”.

Rate of graduated retirement benefit

12.—(1) The sum of 11.53 pence in section 36(1) of the National Insurance Act 1965(**21**) (graduated retirement benefit) remains unchanged.

(2) The sums which are the increases of graduated retirement benefit under Schedule 2 to the Social Security (Graduated Retirement Benefit) (No. 2) Regulations 1978(**22**) (increases for deferred retirement) remain unchanged.

(3) The sums which are lump sums to which surviving spouses or civil partners will become entitled under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005(**23**) (increases of graduated retirement benefit and lump sums) remain unchanged.

(4) The sums which are the additions under section 37(1) of the National Insurance Act 1965 (additions for widows and widowers) remain unchanged.

Increase in rates of Disability Living Allowance

13. In regulation 4 of the Social Security (Disability Living Allowance) Regulations 1991(**24**) (rate of benefit)—

- (a) in paragraph (1)(a) for “£70.35” substitute “£71.40”;
- (b) in paragraph (1)(b) for “£47.10” substitute “£47.80”;
- (c) in paragraph (1)(c) for “£18.65” substitute “£18.95”;
- (d) in paragraph (2)(a) for “£49.10” substitute “£49.85”; and
- (e) in paragraph (2)(b) for “£18.65” substitute “£18.95”.

Rates of age addition

14.—(1) Subject to paragraph (2), in regulation 10(2) of the Social Security (Incapacity Benefit) Regulations 1994(**25**) (increase in rate of incapacity benefit where beneficiary is under prescribed age on the qualifying date)—

- (a) in sub-paragraph (a) for “£15.65” substitute “£18.65”; and
- (b) in sub-paragraph (b) for “£6.55” substitute “£9.35”.

(2) In the case of a claimant entitled to long-term incapacity benefit, the sums specified in regulation 10(2)(a) and (b)(**26**) shall be reduced to “£15.00” and “£5.80” respectively.

(20) S.I. 2002/2818; relevant amending instruments are S.I. 2004/925 and 2009/497.

(21) 1965 c. 51. Sections 36 and 37 were repealed by the Social Security Act 1973 (c. 38) but are continued in force by regulation 3 of the Social Security (Graduated Retirement Benefit) (No. 2) Regulations 1978 (S.I. 1978/393), in the modified form set out in Schedule 1 to those Regulations; relevant amending instruments are S.I. 1989/1642, 1995/2606, 1996/1345, 2005/454 and 3078 and 2009/497. See also regulation 2 of those Regulations, which was substituted by S.I. 1995/2606.

(22) S.I. 1978/393; relevant amending instruments are S.I. 1989/1642 and 2005/454.

(23) S.I. 2005/454; relevant amending instruments are S.I. 2005/2677 and 3078.

(24) S.I. 1991/2890; relevant amending instruments are S.I. 1993/1939 and 2009/497.

(25) S.I. 1994/2946; relevant amending instrument is S.I. 2009/497.

(26) See S.I. 2008/3270 which modifies the effect of section 150 of the Administration Act so that these rates may be reduced.

Rates of transitional invalidity allowance

15.—(1) Subject to paragraph (2), in regulation 18(2) of the Social Security (Incapacity Benefit) (Transitional) Regulations 1995(**27**) (rate of long-term incapacity benefit in transitional cases)—

- (a) in sub-paragraph (a) “£18.65” remains unchanged;
- (b) in sub-paragraph (b) “£12.00” remains unchanged; and
- (c) in sub-paragraph (c) “£6.00” remains unchanged.

(2) In the case of a claimant entitled to long-term incapacity benefit—

- (a) the sums specified in regulation 18(2)(a) and (b)(**28**) shall be reduced to “£15.00” and “£8.40” respectively; and
- (b) the sum specified in regulation 18(2)(c) shall be increased to “£5.45”.

(27) [S.I. 1995/310](#); relevant amending instrument is [S.I. 2009/497](#).

(28) *See* [S.I. 2008/3270](#) which modifies the effect of section 150 of the Administration Act so that these rates may be reduced.