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STATUTORY INSTRUMENTS

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**2015 No. 496**

**SOCIAL SECURITY**

**The Social Security Benefits Up-rating Regulations 2015**

<i>Made</i>	- - - -	<i>4th March 2015</i>
<i>Laid before Parliament</i>		<i>9th March 2015</i>
<i>Coming into force</i>	- -	<i>6th April 2015</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 90, 113(1), 122(1) and 175(1) and (3) of the Social Security Contributions and Benefits Act 1992(1) and sections 5(1)(p), 155(3), 189(1) and (4) and 191 of the Social Security Administration Act 1992(2).

These Regulations contain only provisions in consequence of an order under sections 150 and 150A(3) of the Social Security Administration Act 1992(4).

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Social Security Benefits Up-rating Regulations 2015 and come into force on 6th April 2015.

(2) In these Regulations, “the Up-rating Orders” means the Social Security Benefits Up-rating Order 2015(5) and the Welfare Benefits Up-rating Order 2015(6).

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- (1) 1992 c.4. Section 90 was amended by paragraph 26 of Schedule 8 to the Welfare Reform and Pensions Act 1999 (c.30) and by article 2 of, and paragraphs 1 and 2 of the Schedule to, S.I. 2002/1457. Section 90 was repealed by Schedule 6 to the Tax Credits Act 2002 (c.21) (“the 2002 Act”) in respect of child dependency increases, subject to savings by article 3 of S.I. 2003/938. Section 90 was repealed for remaining purposes by Part 2 of Schedule 7 to the Welfare Reform Act 2009 (c.24), subject to a saving by section 15(2)(b) of that Act. Section 113(1) was amended by paragraph 38 of Schedule 24 to the Civil Partnership Act 2004 (c.33). Section 175(1) was amended by paragraph 29(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2) (“the 1999 Act”). Section 122(1) is cited for the meaning assigned to the word “prescribe”.
- (2) 1992 c.5. Section 189(1) and (4) was amended by section 86 of, and paragraph 109(a) and (c) of Schedule 7 and Schedule 8 to, the Social Security Act 1998 (c.14). Section 189(1) was also amended by paragraph 57(2) of Schedule 3 to the 1999 Act and Schedule 6 to the 2002 Act. Section 189(4) was also amended by article 4 of, and Part 1 of the Schedule to, S.I. 2013/252. Section 191 is cited for the meaning assigned to the word “prescribed” and was amended by paragraph 10 of Schedule 5 to the Welfare Reform Act 2007 (c.5).
- (3) Section 150A was inserted by section 5(1) of the Pensions Act 2007 (c.22).
- (4) By virtue of section 172(1) and (3) of, and paragraph 3 of Schedule 7 to, the Social Security Administration Act 1992, there is no requirement to consult the Social Security Advisory Committee in respect of these Regulations. Under section 1(8) of the Welfare Benefits Up-rating Act 2013 (c.16) a reference in any other enactment to an order under section 150 of the Social Security Administration Act 1992 includes a reference to an order under section 1 of the Welfare Benefits Up-rating Act 2014.
- (5) S.I. 2015/457.
- (6) S.I. 2015/30.

### **Exceptions relating to payment of additional benefit by virtue of the Up-rating Orders**

2. Section 155(3) of the Social Security Administration Act 1992 (effect of alteration of rates of benefit under Parts 2 to 5 of the Social Security Contributions and Benefits Act 1992) 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 Orders, 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 Social Security Act 1998(7).

### **Persons not ordinarily resident in Great Britain**

3. Regulation 5 of the Social Security Benefit (Persons Abroad) Regulations 1975(8) (application of disqualification in respect of up-rating of benefit) shall apply to any additional benefit payable by virtue of the Up-rating Orders.

### **Amendment of the Social Security Benefit (Dependency) Regulations 1977**

4. In paragraph 2B of Schedule 2 to the Social Security Benefit (Dependency) Regulations 1977(9) (increase of carer's allowance for child dependants) for "£225", in both places where it occurs, substitute "£230".

### **Amendment of the Social Security (Claims and Payments) Regulations 1987**

5. In paragraph 4(2A) of Schedule 9 to the Social Security (Claims and Payments) Regulations 1987(10) (deductions from benefit and direct payment to third parties) for "£23.75", in each place where it occurs, substitute "£24.00".

### **Revocation**

- 6. The Social Security Benefits Up-rating Regulations 2014(11) are revoked.

Signed by authority of the Secretary of State for Work and Pensions.

4th March 2015

*Steve Webb*  
Minister of State,  
Department for Work and Pensions

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(7) 1998 c.14.

(8) S.I. 1975/563; amending instruments are S.I. 1977/342, 1979/1432, 1989/1642, 1990/621, 1992/1700, 1994/1832, 2000/2876, 2005/1551 and 2877 and 2010/788.

(9) S.I. 1977/343. Paragraph 2B was inserted by S.I. 1984/1699; relevant amending instruments are S.I. 2002/2497 and 2014/618.

(10) S.I. 1987/1968 Sub-paragraph (2A) was inserted by S.I. 2003/2325; relevant amending instruments are S.I. 2013/2536 and 2014/618.

(11) S.I. 2014/618.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

This instrument contains only provisions made in consequence of an order under sections 150 and 150A of the Social Security Administration Act 1992 (c.5) (“the Administration Act”) and an order under section 1 of the Welfare Benefits Up-rating Act 2013 (c.16). Accordingly, by virtue of section 172(1) and (3) of, and paragraph 3 of Schedule 7 to, the Administration 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 2015 (S.I. 2015/457), or of the Welfare Benefits Up-rating Order 2015 (S.I. 2015/30) in so far as that Order affects the weekly rate of maternity allowance, on a benefit already in payment, the altered rates will not apply until that question is determined by the Secretary of State, the First-tier Tribunal or the Upper Tribunal.

Regulation 3 applies the provisions of regulation 5 of the Social Security Benefit (Persons Abroad) Regulations 1975 (S.I. 1975/563) so as to restrict the application of the increases specified in the Social Security Benefits Up-rating Order 2015, or in the Welfare Benefits Up-rating Order 2015 in so far as that Order affects the weekly rate of maternity allowance, in cases where the beneficiary is not ordinarily resident in Great Britain.

Regulation 4 raises from £225 to £230 the earnings limit for child dependency increases payable with a carer’s allowance. These increases were abolished by section 1(3)(e) of, and Schedule 6 to, the Tax Credits Act 2002 (c.21) but are saved for transitional cases by virtue of article 3 of the Tax Credits Act 2002 (Commencement No. 3 and Transitional Provisions and Savings) Order 2003 (S.I. 2003/938).

Regulation 5 increases from £23.75 to £24.00 the amount allowed for personal expenses for a person in certain accommodation, where that person’s benefit is paid to the accommodation provider.

Regulation 6 revokes the Social Security Benefits Up-rating Regulations 2014 (S.I. 2014/618).

A full impact assessment has not been published for this instrument as it has a negligible impact on business and civil society organisations.