Draft Order laid before Parliament under sections 150(2), 150A(2) and 190(1)(a) of the Social Security Administration Act 1992, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2018 No. 000

SOCIAL SECURITY
TERMS AND CONDITIONS OF EMPLOYMENT

The Social Security Benefits Up-rating Order 2018

Made - - - - 2018
Coming into force in accordance with article 1(2) and (3)

The Secretary of State for Work and Pensions has made a review as required by sections 150(1)(**1**) and 151A(1)(**2**) of the Social Security Administration Act 1992 and it appeared to the Secretary of State that the general level of prices was greater at the end of the period under review than it was at the beginning of the period.

The Secretary of State for Work and Pensions has also made a review as required by section 150A(1) of that Act(**3**) and it appeared to the Secretary of State that the general level of earnings was greater at the end of the period under review than it was at the beginning of the period.

A draft of this Order was laid before Parliament in accordance with sections 150(2), 150A(2) and 190(1)(a) of that Act, and approved by a resolution of each House.

The Treasury(**4**) has consented to the making of this Order.

Accordingly, the Secretary of State for Work and Pensions, in exercise of the powers conferred by sections 150(**5**), 150A, 151(**6**), 151A and 189(1), (4) and (5)(**7**) of the Social Security Administration Act 1992, makes the following Order.

(**1**) 1992 c. 5 ("the Administration Act"). Section 150 was amended by paragraph 28 of Schedule 8 to the Pension Schemes Act 1993 (c. 48) ("the Pension Schemes Act"), sections 2(3) and 9(4) of the Social Security (Incapacity for Work) Act 1994 (c. 18) ("the 1994 Act"), paragraph 64 of Schedule 2 to the Jobseekers Act 1995 (c. 18), section 131(2) of the Pensions Act 1995 (c. 26), paragraph 24 of Schedule 12 to the Welfare Reform and Pensions Act 1999 (c. 30) ("the 1999 Act"), paragraph 16 of Schedule 2 to the State Pension Credit Act 2002 (c. 16), paragraph 35 of Schedule 3, and Schedule 6, to the Tax Credits Act 2002 (c. 21) ("the Tax Credits Act"), paragraph 14 of Schedule 7 to the Employment Act 2002 (c. 22), paragraph 21 of Schedule 11 to the Pensions Act 2004 (c. 35), section 6(1) to (4) of, and paragraph 21 of Schedule 1 to, the Pensions Act 2007 (c. 22), paragraph 10(21) of Schedule 3 to the Welfare Reform Act 2007 (c. 5), section 2(1) of the Pensions Act 2011 (c. 19), paragraph 22 of Schedule 2, and paragraph 17 of Schedule 9, to the Welfare Reform Act 2012 (c. 5) ("the 2012 Act"), sections 23, 24 and 31 of, and paragraphs 18 and 70 of Schedule 12, paragraph 56 of Schedule 13 and paragraphs 20 and 30 of Schedule 16 to, the Pensions Act 2014 (c. 19) ("the Pensions Act"), S.I. 2005/2053, 2006/2839 and 2014/2888. *See* also section 4(8) of the 1994 Act and S.I. 1995/310.

(**2**) Section 151A was inserted by section 23 of, and paragraph 21 of Schedule 12 to, the Pensions Act and amended by S.I. 2015/1754.

(**3**) Section 150A was inserted by section 5(1) of the Pensions Act 2007 and amended by section 23 of, and paragraphs 8, 19 and 82 of Schedule 12 to, the Pensions Act and S.I. 2014/2888.

(**4**) *See* section 189(8) of the Administration Act.

(**5**) The functions of the Secretary of State under section 150, so far as relating to child benefit and guardian's allowance, were transferred to the Commissioners of Inland Revenue by section 50(1) of the Tax Credits Act. The functions of

PART 1

INTRODUCTION

Citation, commencement and effect

1.—(1) This Order may be cited as the Social Security Benefits Up-rating Order 2018.

(2) Subject to paragraphs (3) and (4), this Order shall come into force for the purposes of—

(a) this article and articles 2, 7 and 11, on 1st April 2018;

(b) article 3—

(i) in so far as it relates to any increase to which article 7(9)(b) applies, on 1st April 2018, and

(ii) for all other purposes, on 9th April 2018;

(c) articles 4, 5, 6, 12, 13, 14, 15, 16, 19 and 20, on 9th April 2018;

(d) article 8, in so far as it relates to a particular beneficiary, on the first day of the first benefit week to commence for that beneficiary on or after 1st April 2018, and for the purpose of this sub-paragraph "benefit week" has the same meaning as in regulation 2(1) of the Computation of Earnings Regulations;

(e) articles 9, 17 and 18, on 6th April 2018;

(f) article 10, on 1st April 2018, except for the purpose of determining the rate of maternity allowance in accordance with section 35A(1)(**8**) of the Contributions and Benefits Act (appropriate weekly rate of maternity allowance under section 35), for which purpose it shall come into force on 9th April 2018;

(g) articles 21 and 22, in so far as they relate to a particular beneficiary, on the first day of the first benefit week to commence for that beneficiary on or after 9th April 2018, and for the purpose of this sub-paragraph "benefit week" has the same meaning as in the Income Support Regulations;

(h) articles 23 and 24, in relation to a case where rent is payable at intervals of a week or any multiple thereof, on 2nd April 2018, and in relation to any other case, on 1st April 2018;

(i) article 25, in so far as it relates to a particular beneficiary, on the first day of the first benefit week to commence for that beneficiary on or after 9th April 2018, and for the purpose of this sub-paragraph "benefit week" has the same meaning as in the Jobseeker's Allowance Regulations;

(j) article 26, in so far as it relates to a particular beneficiary, on the first day of the first benefit week to commence for that beneficiary on or after 9th April 2018, and for the purpose of

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those Commissioners were transferred to the Commissioners for Her Majesty's Revenue and Customs by section 5 of the Commissioners for Revenue and Customs Act 2005 (c. 11). Section 50 of that Act provides that in so far as appropriate in consequence of section 5 a reference to the Commissioners of Inland Revenue (in whatever terms) is to be read as a reference to the Commissioners for Her Majesty's Revenue and Customs.

(**6**) Section 151 was amended by paragraph 29 of Schedule 8 to the Pension Schemes Act, section 130(2) of the Pensions Act 1995, paragraph 22 of Schedule 11 to the Pensions Act 2004, section 2(3) of the Pensions Act 2011 and section 23 of, and paragraph 20 of Schedule 12 to, the Pensions Act.

(**7**) Section 189(1) was amended by paragraph 109 of Schedule 7, and Schedule 8, to the Social Security Act 1998 (c. 14) ("the 1998 Act"), paragraph 57 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2) and Schedule 6 to the Tax Credits Act.

(**8**) Section 35A was inserted by section 53 of the 1999 Act. Subsection (1) was substituted by section 48 of the Employment Act 2002 (c. 22). The rate of maternity allowance is linked to the prescribed rate of statutory maternity pay set out in regulation 6 of S.I. 1986/1960.

this sub-paragraph "benefit week" has the same meaning as in the State Pension Credit Regulations;

(k) article 27, in so far as it relates to a particular beneficiary, on the first day of the first benefit week to commence for that beneficiary on or after 9th April 2018, and for the purpose of this sub-paragraph "benefit week" has the same meaning as in the ESA Regulations 2008;

(l) article 28, in so far as it relates to a particular beneficiary, on the first day of the first benefit week to commence for that beneficiary on or after 9th April 2018, and for the purpose of this sub-paragraph "benefit week" has the same meaning as in the ESA Regulations 2013;

(m) article 29, in so far as it relates to a particular beneficiary, on the first day of the first assessment period to commence for that beneficiary on or after 9th April 2018(**9**), and for the purpose of this sub-paragraph "assessment period" has the same meaning as in section 7(2) of the Welfare Reform Act 2012(**10**); and

(n) article 30, on 8th May 2018.

(3) In so far as articles 3, 4, 5, 6, 10, 12, 13, 14, 17, 18, 19 and 28 relate to a beneficiary in favour of whom an award of universal credit is in force, those articles shall come into force for the purposes of determining the beneficiary's unearned income in relation to that award on the same day as article 29 comes into force for that beneficiary.

(4) The changes made in the sums specified for rates or amounts of benefit in articles 3, 4, 5, 6, 12, 13 and 14 shall take effect for each case on the date specified in relation to that case in article 7.

Interpretation

2. In this Order—

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

"the Computation of Earnings Regulations" means the Social Security Benefit (Computation of Earnings) Regulations 1996(**11**);

"the Contributions and Benefits Act" means the Social Security Contributions and Benefits Act 1992(**12**);

"the ESA Regulations 2008" means the Employment and Support Allowance Regulations 2008(**13**);

"the ESA Regulations 2013" means the Employment and Support Allowance Regulations 2013(**14**);

"the Housing Benefit Regulations" means the Housing Benefit Regulations 2006(**15**);

"the Housing Benefit (SPC) Regulations" means the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(**16**);

"the Income Support Regulations" means the Income Support (General) Regulations 1987(**17**);

(**9**) *See*S.I. 2014/2888 which amends section 150(10) of the Administration Act and also inserts section 150(10ZA) and (10ZB) into that Act so that it aligns with the monthly assessment period cycle in universal credit.
(**10**) 2012 c. 5.
(**11**) S.I. 1996/2745; relevant amending instrument is S.I. 2002/842.
(**12**) 1992 c. 4 ("the Contributions and Benefits Act").
(**13**) S.I. 2008/794; relevant amending instruments are S.I. 2008/2428, 2015/457, 2016/242 and 2017/260.
(**14**) S.I. 2013/379; relevant amending instruments are S.I. 2017/204 and 260.
(**15**) S.I. 2006/213; relevant amending instruments are S.I. 2006/718, 2007/2868, 2008/1082 and 2428, 2009/2608, 2010/793, 2015/457, 1754 and 1857, 2016/242 and 2017/204 and 260.
(**16**) S.I. 2006/214; relevant amending instruments are S.I. 2006/718, 2007/2869, 2008/3157, 2010/793, 2015/457, 1754 and 1857, 2016/242 and 2017/260.
(**17**) S.I. 1987/1967; relevant amending instruments are S.I. 1990/1776, 1994/527, 1995/1613 and 2927, 1996/206, 1803, 2431, 2518 and 2545, 1998/766, 1999/2555 and 3178, 2000/636 and 2629, 2001/3767, 2002/2497 and 3019, 2003/455, 2004/2327, 2006/718, 2007/719, 2011/674 and 2425, 2014/516, 2015/457, 2016/242 and 2017/204 and 260.

"the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations 1996(**18**);

"the Pensions Act" means the Pensions Act 2014(**19**);

"the Pension Schemes Act" means the Pension Schemes Act 1993(**20**);

"the State Pension Credit Regulations" means the State Pension Credit Regulations 2002(**21**); and

"the Universal Credit Regulations" means the Universal Credit Regulations 2013(**22**).

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 7, the sums specified in paragraph (2) shall be increased so that Schedule 4 to the Contributions and Benefits Act (contributory periodical benefits, non-contributory periodical benefits, increases for dependants 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, IV and V of Schedule 4 to the Contributions and Benefits Act except in—

(a) Part III, the sum specified for age addition to a pension of any category and otherwise under section 79 of that Act;

(b) Part IV, the sums specified in column (2) (increase for qualifying child); and

(c) Part V, the sums specified for the increase in disablement pension for dependent children and death benefit allowance in respect of children and qualifying young persons(**23**).

Increase in rates or amounts of certain pensions and allowances under the Contributions and Benefits Act

4.—(1) The sums specified in paragraphs (2) to (5) shall be increased from and including the respective dates specified in article 7.

(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 3.0 per cent.

(3) In section 44(4) of the Contributions and Benefits Act(**24**) (basic pension in a Category A retirement pension)—

(a) for "£102.10" substitute "£105.15"; and

(b) for "£122.30" substitute "£125.95".

(**18**) S.I. 1996/207; relevant amending instruments are S.I. 1996/1516, 1803, 2518 and 2545, 1998/766, 1999/2555 and 2860, 2000/1978, 2239 and 2629, 2001/518, 2003/455 and 511, 2004/2327, 2006/718, 2007/719 and 2618, 2009/1488, 2011/674, 2013/388, 2014/516, 2015/457, 2016/242 and 2017/260.
(**19**) 2014 c. 19.
(**20**) 1993 c. 48; relevant amending instrument is S.I. 2005/2050.
(**21**) S.I. 2002/1792; relevant amending instruments are S.I. 2002/3197, 2004/2327, 2006/2378, 2015/457 and 1754 and 2017/260.
(**22**) S.I. 2013/376; relevant amending instruments are S.I. 2015/30, 457 and 1754 and 2017/260.
(**23**) 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").
(**24**) Section 44(4) was substituted by section 68 of the 1998 Act and amended by section 67 of, and Schedule 8 to, the Welfare Reform Act 2007 and S.I. 2015/457 and 2017/260.

(4) It is directed(**25**) that the sums which are—

(a) additional pensions in long-term benefits calculated by reference to any final relevant year earlier than the tax year 2017-2018;

(b) increases in the rates of retirement pensions under Schedule 5 to the Contributions and Benefits Act(**26**) (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(**27**) 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(**28**), section 63 of the Social Security Act 1986(**29**) or section 150(1)(e) of the Administration Act,

shall in each case be increased by 3.0 per cent.

(5) The sums which, under—

(a) section 55A and 55AA of the Contributions and Benefits Act(**30**), are shared additional pensions; and

(b) paragraph 2 of Schedule 5A to the Contributions and Benefits Act(**31**), are increases in the rates of such pensions,

shall in each case be increased by 3.0 per cent.

Increase in rates or amount of certain benefits under the Pension Schemes Act

5.—(1) It is directed(**32**) that the sums specified in paragraph (2) shall be increased from and including the respective dates specified in article 7.

(2) 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)(**33**) and (3) of that Act) shall be increased by 3.0 per cent. where the increase under section 15(1) is attributable to earnings factors for the tax year 1987-88 and earlier tax years(**34**).

(**25**) *See* section 151(1) of the Administration Act.
(**26**) Schedule 5 was amended by paragraph 42 of Schedule 8 to the Pension Schemes 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, paragraph 94 of Schedule 12 to the Pensions Act and S.I. 2005/2053 and 2014/560 and 3168.
(**27**) Paragraph 7A was inserted by paragraph 11 of Schedule 11 to the Pensions Act 2004 and amended by S.I. 2005/2053.
(**28**) 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).
(**29**) Section 63 was repealed by Schedule 1 to the Social Security (Consequential Provisions) Act 1992 (c. 6).
(**30**) Section 55A was inserted by paragraph 3 of Schedule 6 to the 1999 Act and amended by section 41(3) of the 2000 Act and paragraph 5 of Schedule 11 to the Pensions Act. Section 55AA was inserted by paragraph 6 of Schedule 11 to the Pensions Act.
(**31**) Schedule 5A was inserted by paragraph 15 of Schedule 11 to the Pensions Act 2004.
(**32**) *See* section 151(2) of the Administration Act.
(**33**) Section 17(2) was amended by S.I. 2005/2050.
(**34**) *See* section 151(4) of the Administration Act. Under section 151(4), where an increment under section 15(1) of the Pension Schemes Act is increased by an order under section 109 of that Act, the increase that would otherwise fall to be made by this Order is reduced by the amount of the increase under section 109. Section 109 of the Pension Schemes Act was amended by section 55 of the Pensions Act 1995. The Guaranteed Minimum Pensions Increase Order 2018 (S.I. 2018/) provides for an increase of 3.0 per cent. where the increase under section 15(1) is attributable to the tax years 1988-89 and subsequent tax years up to and including 1996-97.