



Statutory Document No. 125/95

The Social Security Act 1982

**THE SOCIAL SECURITY LEGISLATION (APPLICATION)
(NO. 6) ORDER 1995**

Approved by Tynwald 16 May 1995

Coming into operation in accordance with Article 1

In exercise of the powers conferred on the Department of Health and Social Security by section 1 of the Social Security Act 1982(a), and of all other enabling powers, the following Order is hereby made:-

Citation and commencement

1. (1) This Order may be cited as the Social Security Legislation (Application) (No. 7) Order 1995 and shall, subject to section 1(6) of the Social Security Act 1982, come into force as provided in paragraph (2).

(2) This Article and Articles 2 and 3 shall come into force forthwith and each provision of the applied legislation, as modified by this Order, shall come into force or be deemed to have come into force as the case may be, on the same day as that provision came into force in Great Britain.

Interpretation

2. (1) In this Order "the applied legislation" means -

(a) Parts I, II (including Schedule 1) and IV of the Social Security Benefits Up-rating Order 1995(b);

(b) The Social Security Benefits Up-rating Regulations 1995(c).

(2) Unless the context otherwise requires -

(a) any reference in any of the applied legislation to any provision in an instrument of a legislative character which is not itself a provision of any of the applied legislation shall be construed as if the provision so referred to had been in force in the Island from the date on which that instrument of a legislative character had effect in Great Britain;

(b) reference in any legislation applied by this Order to any provision of any such legislation or of any other legislation applied to the Island by an Order under section 1 of the Social Security Act 1982, shall be construed as a reference to that legislation as it has effect in the Island.

(a) 1982 c. 9; (b) S.I. 1995/559; (c) S.I. 1995/580.

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Application to the Island of the applied legislation

3. The applied legislation, as modified and shown as a Schedule to this Order, shall apply to the Island as part of the law of the Island.

SCHEDULE 1

This Schedule sets out the text of the Social Security Benefits Up-rating Order 1995 (S.I. 1995/559) with such exceptions, adaptations and modifications made where necessary

Note: Modifications subject to which the legislation is applied to the Island are in *bold italic* type

STATUTORY INSTRUMENTS

1995 No. 559 (as applied)

SOCIAL SECURITY

The Social Security Benefits Up-rating
Order 1995

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4. Increase in rates or amounts of certain pensions or allowances under the Contributions and Benefits Act
5. *Increase in rates or amounts of certain pensions or allowances under the Pensions Act 1975*
6. Dates on which sums specified for rates or amounts of benefits under the Contributions and Benefits Act *or the Pensions Act 1975* are increased by this Order
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23. *Omitted.*
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1. Schedule 4 to the Contributions and Benefits Act as amended by this Order
2. - 12. *Omitted.*

PART I

Introduction

Citation, commencement and interpretation

1. (1) This Order may be cited as the Social Security Benefits Up-rating Order 1995.

(2) *Subject to paragraph (3) below this Order shall come into force on 10th April 1995.*

(3) The increases made by this Order in the sums specified for rates or amounts of benefit under the Contributions and Benefits Act or the *Pensions Act 1975* shall take effect for each case on the date specified in relation to that case in article 6 of the Order.

Interpretation

2. In this Order, unless the context otherwise requires -

"the Administration Act" means the Social Security Administration Act 1992(a);

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

"the Pensions Act" means the Social Security Pensions Act 1975(c).

(a) 1992 c.5.
(b) 1992 c.4.
(c) 1975 c.60.

PART II

SOCIAL SECURITY BENEFITS AND PENSIONS

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

3. (1) The sums specified in paragraph (2) below shall be increased from and including the respective dates specified in article 6 below so as to have effect as set out in Schedule 1 to this Order.

(2) The sums mentioned in paragraph (1) above are the sums specified in Parts I, III, IV and V of 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 in Part III the sum specified for age addition to a pension of any category, and otherwise under section 79.

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

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

(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 2.2 per cent. of their amount apart from this Order.

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

(a) for the sum of £55.25 there shall be substituted the sum of £56.45; and

(b) for the sum of £57.60 there shall be substituted the sum of £58.85.

(4) It is hereby directed that the sums which are -

(a) the additional pensions in long-term benefits calculated by reference to any final relevant year earlier than the tax year 1994/95;

(b) the increases in the rates of retirement pensions under Schedule 5 to the Contributions and Benefits Act (increase of pension where entitlement is deferred); and

(c) payable to a pensioner as part of his Category A or Category B retirement pension by virtue of an order made under section 126A of the Social Security Act 1975 or section 63 of the Social Security Act 1986 (*as those sections have effect in Great Britain*),

shall in each case be increased by 2.2 per cent. of their amount apart from this Order.

Increase in rates or amounts of certain benefits under the Pensions Act

5. (1) The sums specified in paragraph (2) below shall be increased from and including the respective dates specified in article 6 below.

(2) Sums which are payable by virtue of *section 35(6) of the Pensions Act* (which provides for increases in a person's guaranteed minimum pension if payment of his occupational pension is postponed after he attains 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 36(3)*), shall be increased by 2.2 per cent. of their amount apart from this Order where the increase under *section 35(6)* is attributable to earnings factors for the tax year 1987/88 and earlier tax years.

(a) Section 44(4) is amended from 13th April 1995 by paragraph 11 of Schedule 1 to the Social Security (Incapacity for Work) Act 1994.

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

6. (1) Paragraphs (2) to (9) of this article, which are subject to the provisions of paragraph (10) below, specify the date on which the increases made by this Order in the sums specified for rates or amounts of benefit under the Contributions and Benefits Act or the *Pensions Act* shall take effect for each case.

(2) Subject to paragraph (3) below, the increases in the sums specified in articles 3, 4 and 11 for the rates of Category A or Category B retirement pension and graduated retirement benefit together with, where appropriate, increases for dependants, shall take effect on 10th April 1995.

(3) In the case of a person over pensionable age whose entitlement to a Category A retirement pension is deferred and for whom the rate of unemployment benefit or short-term incapacity benefit(a) falls to be calculated in accordance with sections 25(5) or 30B(3)(b) of the Contributions and Benefits Act, the increases in the sums mentioned in articles 3, 4 and 11 for Category A and Category B retirement pension and graduated retirement benefit (together with, where appropriate, increases for dependants) shall take effect on 13th April 1995.

(4) The increases in the sums mentioned in articles 4(4)(c) and 5(2) shall take effect on 10th April 1995.

(5) The increases in the sums specified for the rate of maternity allowance, widowed mother's allowance, widow's pension, Category C and Category D retirement pension, child's special allowance, attendance allowance, invalid care allowance (except in a case where the *Department* has made arrangements for it to be paid on a Wednesday), together with, in each case where appropriate, increases for dependants, and guardian's allowance shall in all cases take effect on 10th April 1995.

(6) The increases in the sums specified for the rate of invalid care allowance (in a case where the *Department* has made arrangements for it to be paid on a Wednesday) together with, where appropriate, increases for dependants, disablement benefit together with increases of disablement pension, maximum disablement gratuity under paragraph 9(2) of Schedule 7 to the Contributions and Benefits Act, industrial death benefit by way of widow's and widower's pension and allowance in respect of children together with, where appropriate, increases for dependants, and the maximum of the aggregate of weekly benefit payable for successive accidents, under section 107(1) of the Contributions and Benefits Act, shall in all cases take effect on 12th April 1995.

(7) 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 50(2) of the Contributions and Benefits Act by reference to the weekly rate of invalidity allowance to which he was previously entitled the increase in the sum specified in paragraph 3 of Part I of Schedule 4 to the Contributions and Benefits Act for the appropriate rate of invalidity allowance shall take effect on 10th April 1995.

(8) The increases in the sums specified for the rate of unemployment benefit, incapacity benefit and severe disablement allowance (together with, where appropriate, increases for dependents) shall take effect in all cases on 13th April 1995.

(9) The increase 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 12th April 1995.

(10) In the case of a person who is subject to the provisions of regulations made under section 73(1)(b) of the Administration Act (adjustment of benefit for persons undergoing medical or other treatment as an in-patient in a hospital) the increase in the sum mentioned in article 4(3)(b) of this Order shall take effect in that case on the day on which the increase in the benefit payable to him apart from those Regulations takes effect.

(a) Incapacity benefit is introduced from 13th April 1995 by the Social Security (Incapacity for Work) Act 1994 (c.18).

(b) Section 30B was inserted by section 2(1) of the Social Security (Incapacity for Work) Act 1994 (c.18).

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

7. *Omitted.*

Earnings Limits

8. In section 80(4) of the Contributions and Benefits Act (earnings limits in respect of child dependency increases) the sum specified in paragraph (a) is £125 and the sums specified in paragraph (b) are £16 and £125 respectively.

Statutory Sick Pay

9. *Omitted.*

Statutory Maternity Pay

10. *Omitted.*

Increase in rate of graduated retirement benefit and increments thereof

11. (1) In the *National Insurance (Isle of Man) Act 1971 (an Act of Tynwald)* the sum of 7.48 pence referred to in section 36(1) (graduated retirement benefit) shall be increased by 2.2 per cent.; and from and including 10th April 1995 the reference in that provision to that sum shall have effect as a reference to 7.64 pence.

(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(a) (increases for deferred retirement) shall be increased by 2.2 per cent. of their amount apart from this Order.

Increase in rates of Disability Living Allowance

12. In regulation 4 of the Social Security (Disability Living Allowance) Regulations 1991(b) (rate of benefit) -

- (a) in sub-paragraph (a) of paragraph (1), for the sum of £45.70 there shall be substituted the sum of £46.70;
- (b) in sub-paragraph (b) of paragraph (1), for the sum of £30.55 there shall be substituted the sum of £31.20;
- (c) in sub-paragraph (c) of paragraph (1), for the sum of £12.15 there shall be substituted the sum of £12.40;
- (d) in sub-paragraph (a) of paragraph (2), for the sum of £31.95 there shall be substituted the sum of £32.65; and
- (e) in sub-paragraph (b) of paragraph (2), for the sum of £12.15 there shall be substituted the sum of £12.40.

(a) S.I. 1978/393 amended by S.I. 1989/1642.

(b) S.I. 1991/2890, the relevant amending instruments are S.I. 1993/1939 and 1994/542.

Sum specified for child benefit

13. In regulation 2 of the Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations 1976(a) (weekly rates of child benefit) -

- (a) in sub-paragraph (a) of paragraph (1) the sum specified is £19.20;
- (b) in sub-paragraph (b) of paragraph (1) the sum specified is £12.15;
- (bb) in sub-paragraph (c) of paragraph (1) the sum specified is £11.40; and
- (c) in paragraph (2) the sum specified is £10.40.

Increase in rates of age addition to long-term incapacity benefit

14. In the Social Security (Incapacity Benefit) Regulations 1994(b), in paragraph (2) of regulation 10 -

- (a) in sub-paragraph (a), for the sum of £12.15 there shall be substituted the sum of £12.40; and
- (b) in sub-paragraph (b), for the sum of £6.10 there shall be substituted the sum of £6.20.

Increase in rates of transitional invalidity allowance in long-term incapacity benefit cases

15. In the Social Security (Incapacity Benefit) (Transitional) Regulations 1995(c), in paragraph (2) of regulation 18 -

- (a) in sub-paragraph (a), for the sum of £12.15 there shall be substituted the sum of £12.40;
- (b) in sub-paragraph (b), for the sum of £7.60 there shall be substituted the sum of £7.80; and
- (c) in sub-paragraph (c), for the sum of £3.80 there shall be substituted the sum of £3.90.

PART IV

TRANSITIONAL PROVISIONS AND REVOCATIONS

Transitional Provisions

23. *Omitted.*

24. Parts I, II (including Schedule 1) and IV of the Social Security Benefits Up-rating Order 1994(d) are hereby revoked.

(a) S.I. 1976/1267.
(b) S.I. 1994/2946.
(c) S.I. 1995/310.
(d) S.I. 1994/542.

SCHEDULE 1
SCHEDULE 4 TO THE CONTRIBUTIONS AND BENEFITS ACT AS AMENDED
BY THIS ORDER

SCHEDULE 4
RATES OF BENEFITS, ETC

PART I
CONTRIBUTORY PERIODICAL BENEFITS

<i>Description of benefit</i>	<i>Weekly rate</i>
1. Unemployment Benefit	£46.45
2. Short-term incapacity benefit	(a) lower rate £44.40 (b) higher rate £52.50
2A. Long-term incapacity benefit	£58.85
3. Invalidity allowance(a)	(a) higher rate £12.40 (b) middle rate £7.80 (c) lower rate £3.90 (the appropriate rate being determined in accordance with section 34(3)).
4. Maternity allowance (in cases not falling within section 35(1A)(a))	£45.55
5. Category B retirement pension where section 50(1)(a)(i) applies	£35.25
6. Child's special allowance	£11.05

PART II
WIDOW'S PAYMENT

Widow's payment	£1,000.00
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PART III
NON-CONTRIBUTORY PERIODICAL BENEFITS

<i>Description of benefit</i>	<i>Weekly rate</i>
1. Attendance allowance	(a) higher rate £46.70 (b) lower rate £31.20 (the appropriate rate being determined in accordance with section 65(3))
2. Severe disablement allowance	£35.55
3. Age related addition	(a) higher rate £12.40 (b) middle rate £7.80 (c) lower rate £3.90 (the appropriate rate being determined in accordance with section 69(1))
4. Invalid care allowance	£35.25
5. Guardian's allowance	£11.05
6. Category C retirement pension	(a) lower rate £21.10 (b) higher rate £35.25 (the appropriate rate being determined in accordance with section 78(5))

(a) Paragraph 3 of Part I of Schedule 4 is repealed by Schedule 2 to the Social Security (Incapacity for Work) Act 1994 (c.18) with effect from 13th April 1995, *see* the Social Security (Incapacity for Work) Act 1994 (Commencement) Order 1994 (S.I.1994/2926), article 2 and Part IV of the Schedule.

<i>Description of benefit</i>	<i>Weekly rate</i>
7. Category D retirement pension	The higher rate for Category C retirement pension under paragraph 6 above.
8. Age addition (to a pension of any category, and otherwise under section 79)	£2.00

PART IV

INCREASES FOR DEPENDANTS

<i>Benefit to which increase applies</i>	<i>Increase for qualifying child</i>	<i>Increase for adult dependant</i>
(1)	(2)	(3)
	£	£
1.(a) Unemployment benefit -		
(a) unemployment benefit, where the beneficiary is under pensionable age	-	28.65
(b) unemployment benefit, where the beneficiary is over pensionable age	11.05	35.25
1A. Short-term incapacity benefit -		
(a) where the beneficiary is under pensionable age	11.05	27.50
(b) where the beneficiary is over pensionable age	11.05	33.85
2. Long-term incapacity benefit	11.05	35.25
3. Maternity allowance	-	27.50
4. Widowed mother's allowance	11.05	-
5. Category A or Category B retirement pension	11.05	35.25
6. Category C retirement pension	11.05	21.10
7. Child's special allowance	11.05	-
8. Severe disablement allowance	11.05	21.15
9. Invalid care allowance	11.05	21.10

(a) Paragraph 1A was inserted, and paragraph 2 substituted, by section 2(6) of the Social Security (Incapacity for Work) Act 1994 (c.18), sub-paragraphs (c) and (d) of paragraph 1 were repealed by Schedule 2 to that Act.

PART V

RATES OF INDUSTRIAL INJURIES BENEFIT

<i>Description of benefit, etc</i>	<i>Rate</i>																																				
1. Disablement pension (weekly rates)	<p>For the several degrees of disablement set out in column (1) of the following Table, the respective amounts in that Table using -</p> <p>(a) column (2) for any period during which the beneficiary is over the age of 18 or is entitled to an increase of benefit in respect of a child or adult dependant;</p> <p>(b) column (3) for any period during which the beneficiary is not over the age of 18 and not so entitled:</p>																																				
TABLE																																					
	<table border="1"> <thead> <tr> <th style="text-align: center;">Degree of disablement</th> <th colspan="2" style="text-align: center;">Amount</th> </tr> <tr> <th style="text-align: center;">(1)</th> <th style="text-align: center;">(2)</th> <th style="text-align: center;">(3)</th> </tr> <tr> <th style="text-align: center;">Per cent.</th> <th style="text-align: center;">£</th> <th style="text-align: center;">£</th> </tr> </thead> <tbody> <tr><td style="text-align: center;">100</td><td style="text-align: center;">95.30</td><td style="text-align: center;">58.35</td></tr> <tr><td style="text-align: center;">90</td><td style="text-align: center;">85.77</td><td style="text-align: center;">52.52</td></tr> <tr><td style="text-align: center;">80</td><td style="text-align: center;">76.24</td><td style="text-align: center;">46.68</td></tr> <tr><td style="text-align: center;">70</td><td style="text-align: center;">66.71</td><td style="text-align: center;">40.85</td></tr> <tr><td style="text-align: center;">60</td><td style="text-align: center;">57.18</td><td style="text-align: center;">35.01</td></tr> <tr><td style="text-align: center;">50</td><td style="text-align: center;">47.65</td><td style="text-align: center;">29.18</td></tr> <tr><td style="text-align: center;">40</td><td style="text-align: center;">38.12</td><td style="text-align: center;">23.34</td></tr> <tr><td style="text-align: center;">30</td><td style="text-align: center;">28.59</td><td style="text-align: center;">17.51</td></tr> <tr><td style="text-align: center;">20</td><td style="text-align: center;">19.06</td><td style="text-align: center;">11.67</td></tr> </tbody> </table>	Degree of disablement	Amount		(1)	(2)	(3)	Per cent.	£	£	100	95.30	58.35	90	85.77	52.52	80	76.24	46.68	70	66.71	40.85	60	57.18	35.01	50	47.65	29.18	40	38.12	23.34	30	28.59	17.51	20	19.06	11.67
Degree of disablement	Amount																																				
(1)	(2)	(3)																																			
Per cent.	£	£																																			
100	95.30	58.35																																			
90	85.77	52.52																																			
80	76.24	46.68																																			
70	66.71	40.85																																			
60	57.18	35.01																																			
50	47.65	29.18																																			
40	38.12	23.34																																			
30	28.59	17.51																																			
20	19.06	11.67																																			
2. Maximum increase of weekly rate of disablement pension where constant attendance needed.	<p>(a) except in cases of exceptionally severe disablement £38.20</p> <p>(b) in any case £76.40</p>																																				
3. Increase of weekly rate of disablement pension (exceptionally severe disablement)	£38.20																																				
4. Maximum of aggregate of weekly benefit payable for successive accidents	<p>(a) for any period during which the beneficiary is over the age of 18 or is entitled to an increase in benefit in respect of a child or adult dependant . . . £95.30</p> <p>(b) for any period during which the beneficiary is not over the age of 18 and not so entitled £58.35</p>																																				
5. Unemployability supplement under paragraph 2 of Schedule 7	£58.85																																				

<i>Description of benefit, etc</i>	<i>Rate</i>
6. Increase under paragraph 3 of Schedule 7 of weekly rate of unemployment supplement	<p>(a) if on the qualifying date the beneficiary was under the age of 35, or if that date fell before 5th July 1948 £12.40</p> <p>(b) if head (a) above does not apply and on the qualifying date the beneficiary was under the age of 40 and he had not attained pensionable age before 6th April 1979 £12.40</p> <p>(c) if heads (a), (b) and (c) above do not apply and on the qualifying date the beneficiary was under the age of 45 £7.80</p> <p>(d) if heads (a), (b) and (c) above do not apply and on the qualifying date the beneficiary was under the age of 50 and had not attained pensionable age before 6th April 1979 £7.80</p> <p>(e) in any other case £3.90</p>
7. Increase under paragraph 4 of Schedule 7 of weekly rate of disablement	£11.05
8. Increase under paragraph 6 of Schedule 7 of weekly rate of disablement pension	£35.25
9. Maximum disablement gratuity under paragraph 9 of Schedule 7	£6,330.00
10. Widow's pension (weekly rates)	<p>(a) initial rate (a)£57.65</p> <p>(b) higher permanent rate £58.85</p> <p>(c) lower permanent rate . . . 30 per cent of the first sum specified in section 44(4) (Category A basic retirement pension) (the appropriate rate being determined in accordance with paragraph 16 of Schedule 7)</p>
11. Widower's pension (weekly rate)	£58.85
12. Weekly rate of allowance in respect of children under paragraph 18 of Schedule 7	In respect of each qualifying child £11.05

Widow's pension is payable in relation to only to deaths occurring before 11th April 1988 (paragraph 14(1) of Schedule 1). The initial rate relates only to the period of 26 weeks following the date of the deceased's death (paragraph 16(1) of Schedule 7). The rate stated is therefore the rate applicable for the 26 weeks following 10th April 1988.

SCHEDULE 2

This Schedule sets out the text of the Social Security Benefits Up-rating Regulations 1995 (S.I. 1995/580) with such exceptions, adaptations and modifications made where necessary

Note: Modifications subject to which the legislation is applied to the Island are in *bold italic* type

STATUTORY INSTRUMENTS

1995 No. 580 (as applied)

SOCIAL SECURITY

The Social Security Benefits Up-rating Regulations 1995

Citation, commencement and interpretation

1. (1) These Regulations may be cited as the Social Security Benefits Up-rating Regulations 1995 and shall come into force as follows -

(a) except for regulation 7, on 10th April 1995; and

(b) regulation 7 on 13th April 1995.

(2) In these Regulations, unless the context otherwise requires -

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

"the up-rating order" means the Social Security Benefits Up-rating Order 1995(a).

Exceptions relating to payment of additional benefit under awards made before the commencing date

2. Section 155(3) of the Administration Act (effect of alteration of rates of benefit under Parts II to V of the Contributions and Benefits Act) 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 order; or

(b) whether the conditions for the receipt of benefit at the altered rate are satisfied,

unless that question has been determined in accordance with the provisions of the Administration Act.

(a) S.I. 1995/559.

Persons not ordinarily resident in Great Britain

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

Amendment of the Social Security (General Benefit) Regulations 1982

4. In regulation 16 of the Social Security (General Benefit) Regulations 1982(b) (earnings level for the purpose of unemployment supplement) for the sum of "£2236.00" there shall be substituted the sum of "£2288.00".

Amendment of the Social Security Benefit (Dependency) Regulations 1977

5. In paragraph 2B of Schedule 2 to the Social Security Benefit (Dependency) Regulations 1977(c) (prescribed circumstances for increases of invalid care allowance) -

(a) in sub-paragraph (a) for the sum of "£120" there shall be substituted the sum of "£125"; and

(b) in sub-paragraph (b) for the sum of "£120" there shall be substituted the sum of "£125".

Amendment of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983

6. In paragraph (3) of regulation 3 of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983(d) (persons deemed to be incapable of work), for the sum of "£43.00" there shall be substituted the sum of "£44.00".

Amendment of the Social Security (Incapacity Benefit) Regulations 1994

7. In regulation 8 of the Social Security (Incapacity Benefit) Regulations 1994(e) (limit of earnings from councillor's allowance), for the sum of "£43.00" there shall be substituted the sum of "£44.00".

Revocation

8. The Social Security Benefits Up-rating Regulations 1994(f) are hereby revoked.

Made 7 April 1995

B MAY M.H.K.
Minister for Health and Social Security

(a) S.I. 1975/563; (b) S.I. 1982/1408; (c) S.I. 1977/343; (d) S.I. 1983/1598; (e) S.I. 1994/2946; (f) S.I. 1994/559.

EXPLANATORY NOTE
(This note is not part of the Order)

1. Section 1 of the Social Security Act 1982 enables the Department by Order to apply to the Island, as part of the law of the Island, subject to such exceptions, adaptations and modifications as may be specified in the Order, any legislation to which the Act applies.
2. Inter alia, the Act applies to the Social Security Acts 1975 to 1992 and any statutory instruments made or having effect as if made under those Acts.
3. The Social Security Benefits Up-rating Order 1995 (S.I. 1995/559).

This Order applies to the Island the Social Security Benefits Up-rating Order 1995 made in exercise of the powers contained in the Social Security Administration Act 1992.

As applied the Order alters, with effect from the dates in the week beginning 10th April 1995 the rates and amounts of certain benefits and other sums.

The principle effects of the Order are set out in the attached table which shows:-

- | | |
|--------------|--|
| in column 1, | the main benefits and other sums subject to alteration |
| in column 2, | the existing rates; and |
| in column 3, | the revised rates. |

4. The Social Security Benefits Up-rating Regulations 1995 (S.I. 1995/580).

This statutory instrument contains provisions in consequence of the application of the above mentioned order.

Regulation 2 provides that where a question has arisen about the effect of the up-rating order (defined in regulation 1(2) of these Regulations) on a benefit already in payment the altered rates will not apply until that question is determined by an adjudicating authority.

Regulation 3 applies the provisions of regulation 5 of the Social Security Benefit (Persons Abroad) Regulations 1975 so as to restrict the application of the increases specified in the up-rating order in cases where the beneficiary lives abroad.

Regulation 4 raises from £2236.00 to £2288.00 a year the earnings limit which applies to unemployability supplement.

Regulation 5 raises from £43.00 to £44.00 the earnings limit which applies to those undertaking work in certain circumstances while receiving sickness or invalidity benefit. Because sickness and invalidity benefit will be replaced by incapacity benefit from 13th April 1995 this provision will have effect only for the period 10th April to 12th April 1995.

Regulation 7 raises from £43.00 to £44.00 the limit of earnings from a councillor's allowance in relation to incapacity benefit.

Regulation 8 contains a revocation consequential upon the coming into force of these Regulations.

TABLE

Column 1	Column 2	Column 3
Description of benefit etc.	Existing rate (weekly unless otherwise stated)	Revised rate (weekly unless otherwise stated)
	£	£
A. <u>Benefits payable from the National Insurance Fund</u>		
RETIREMENT PENSION (RP)		
- on own insurance (Category A or B)	57.60	58.85
- on spouse's insurance (Category B (lower))	34.50	35.25
INVALIDITY BENEFIT (IVB) (Replaced by Long-term Incapacity Benefit)		
invalidity pension	57.60	-
invalidity allowance		
- higher rate	12.15	-
- middle rate	7.60	-
- lower rate	3.80	-
INCAPACITY BENEFIT		
Short-term Incapacity Benefit		
- over pension age	-	56.45
- under pension age - lower rate	-	44.40
- higher rate	-	52.50
Long-term Incapacity Benefit		
- standard rate	-	58.85
- age addition - higher rate	-	12.40
- lower rate	-	6.20
WIDOW'S BENEFIT (WB)		
- widow's payment (lump sum)	1,000.00	1,000.00
- widowed mother's allowance	57.60	58.85
- widow's pension (standard rate)	57.60	58.85

Column 1	Column 2	Column 3
Description of benefit etc.	Existing rate (weekly unless otherwise stated)	Revised rate
	£	£
WIDOWED FATHER'S ALLOWANCE SCHEME		
- widower's payment (lump sum)	-	1,000.00
- widowed father's allowance	-	58.85
UNEMPLOYMENT BENEFIT (UB)		
- over pension age	57.60	58.85
- under pension age	45.45	46.45
SICKNESS BENEFIT (SB) (Replaced by Short-term Incapacity Benefit)		
- over pension age	55.25	-
- under pension age	43.45	-
MATERNITY ALLOWANCE (MA)		
- lower rate	44.55	45.55
- higher rate	52.50	52.50
INDUSTRIAL DISABLEMENT PENSION		
- 100%	93.20	95.30
- 20%	18.64	19.06
DEPENDENCY ADDITIONS		
Adults - with RP or long-term incapacity benefit	34.50	35.25
- with MA or short-term incapacity benefit	26.90	27.50
- with UB	28.05	28.65
Children with RP, WB, Incapacity Benefit (long-term and higher rate short-term) and, if beneficiary over pension age, with short-term incapacity benefit and UB	11.00	11.05

Column 1	Column 2	Column 3
Description of benefit etc.	Existing rate (weekly unless otherwise stated)	Revised rate
	£	£
B. <u>Benefits payable from General Revenue</u>		
CHILD BENEFIT		
- pre school children	11.10	11.40
- school children up to 16	11.85	12.15
- school children over 16	18.75	19.20
ONE PARENT BENEFIT	10.15	10.40
INVALID CARE ALLOWANCE (ICA)	34.50	35.25
SEVERE DISABLEMENT ALLOWANCE (SDA)		
Basic rate	34.80	35.55
Age related additions:-		
- higher rate	12.15	12.40
- middle rate	7.60	7.80
- lower rate	3.80	3.90
ATTENDANCE ALLOWANCE (AA)		
- higher rate	45.70	46.70
- lower rate	30.55	31.20
DISABILITY LIVING ALLOWANCE (DLA)		
Care component		
- higher rate	45.70	46.70
- middle rate	30.55	31.20
- lower rate	12.15	12.40
Mobility component		
- higher rate	31.95	32.65
- lower rate	12.15	12.40
OLD PERSON'S PENSION (OPP)	34.50	35.25
AGE ADDITION - UK	0.25	no change
(to RP or OPP for persons over 80)		
- IOM	2.00	no change

Column 1	Column 2	Column 3
Description of benefit etc.	Existing rate (weekly unless otherwise stated)	Revised rate
	£	£
DEPENDENCY ADDITIONS		
Adults - with ICA	20.65	21.10
- with SDA	20.70	21.15
Children - with ICA, SDA	11.00	11.05