

DWP Central Freedom of Information Team

e-mail: freedom-of-information-request@dwp.gsi.gov.uk

Our Ref: IR 233, IR 256 & IR 261

Date: 13th June 2018

Dear Trudy Baddams,

Thank you for your Internal Review request received on 2nd 15th & 18th May 2018. An internal review has been carried out by someone of a senior grade to the person who dealt with your original request. I am now in a position to respond to you. In your review request you said:

They have not answered the question, I have asked to specify which rules/law applies to notification of change to benefit/pension, this has not been answered and the links do NOT apply to the question, please review this

DWP Response

In response to your request, I can confirm that the handling of your original request and response has now been appropriately reviewed by someone unconnected with the handling of your original request.

As a result of this review I can advise that, whilst I find the original response to be correct in that it answered the question asked in relation to the law that requires the Secretary of State to notify claimants of the decisions that are made, it did not specifically identify the relevant law. Your request for review is therefore allowed in part.

In the previous reply we said:

“The legislation which covers changes to the benefits themselves – and which need to be notified as above - can be found in the Social Security Administration Act 1992, sections 150 – 160B.

The Annex sets out that law in full: the link to this is here

http://www.legislation.gov.uk/ukpga/1992/5/pdfs/ukpga_19920005_310817_en.pdf

If you have any queries about this letter please contact me quoting the reference number above.

Yours sincerely,

DWP Strategy Fol Team

Your right to complain under the Freedom of Information Act

If you are not content with the outcome of the internal review you may apply directly to the Information Commissioner's Office for a decision. Generally the Commissioner cannot make a decision unless you have exhausted our own complaints procedure. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF www.ico.gov.uk

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PART X

REVIEW AND ALTERATION OF BENEFITS

See s. 6(7)-(10) of the Pensions Act 2007 (c. 22) for details of the "designated tax year" in s. 150.

- 150.**—(1) The Secretary of State shall in each tax year review the sums—
- (a) specified in the following provisions of the Contributions and Benefits Act—
 - (i) Schedule 4;
 - (ii) section 44(4) and
 - [¹(i) Schedule 4 (excluding the provisions of Parts 1, 3 and 5 of the Schedule that specify amounts mentioned in section 150A(1) below); and;
 - (ii) section 44(4) so far as relating to the lower rate of short-term incapacity benefit;] and
 - (iii) paragraphs 2(6)(c) and 6(2)(b) of Schedule 8;
 - [²(aa) specified in regulations under section 30B(7) of that Act;]
 - [¹(ab) specified in regulations under section 39(2A) or section 39C(1A) of that Act;]
 - (b) specified in regulations under section 72(3) or 73(10) of that Act;
 - (c) which are the additional pensions in long-term benefits;
 - [³(ca) which are shared additional pensions;]
 - (d) which are the increases in the rates of retirement pensions under Schedule 5 to the Contributions and Benefits Act;
 - [⁴(dza) which are lump sums to which surviving spouses [or civil partners] will become entitled under paragraph 7A of that Schedule on becoming entitled to a category A or Category B retirement pension;]
 - [⁶(da) which are the increases in the rates of shared additional pensions under [paragraph 2 of Schedule 5A to] that Act;]

(e) which are—

(i) payable by virtue of [7section 15(1)] of the Pensions Act to a [8relevant person] (including sums payable by virtue of [7section 17(2)]); or

(ii) payable to such a person as part of his Category A or Category B retirement pension by virtue of an order made under this section by virtue of this paragraph or made under section 126A of the 1975 Act or section 63(1)(d) of the 1986 Act;

(f) [...9]

(g) falling to be calculated under paragraph 13(4) of Schedule 7 to that Act;

(h) prescribed for the purposes of section 128(5) or 129(8) of that Act or specified in regulations under section 135(1) [10of that Act];

Supplement No. 119 [June 2017]

(i) specified by virtue of section 145(1) of that Act;

(j) specified in section 157(1) of that Act or in regulations under [1section 166(1)(b), 171ZE(1), [2171ZN(2E)(b) or 171ZY(1)]];

[3(k) specified in regulations under sections 4(2) or (5) of the Jobseekers Act 1995;]

[4(l) specified in regulations under sections 2 or 3 of the State Pension Credit Act 2002 [5(other than those prescribing the amounts mentioned in section 150A(1) below)];]

[6(m) specified in regulations under section 2(1)(a) or (4)(c) or 4(2)(a) or (6)(c) of the Welfare Reform Act 2007;]

[7(n) specified in regulations under sections 9 to 12 of the Welfare Reform Act 2012;]

[8(o) specified in regulations under section 78(3) or 79(3) of that Act;]

[9(p) which are the increases in the rates of state pensions under section 17 of the Pensions Act 2014;]

[10(q) specified in regulations under section 30 of the Pensions Act 2014 (bereavement support payment)]

in order to determine whether they have retained their value in relation to the general level of prices obtaining in Great Britain estimated in such manner as the Secretary of State thinks fit.

[11(1A) In subsection (1)(e)(i) “relevant person” means a person—

(a) who became entitled to a Category A or Category B retirement pension before the day on which section 2(1) of the Pensions Act 2011 comes into force, and

(b) to whom sums become payable by virtue of section 15(1) of the Pension Schemes Act 1993 (including sums payable by virtue of section 17(2)) before that day.

(1B) In subsection (1A)—

(a) a reference to becoming entitled to a pension before a day includes a reference to becoming entitled on or after that day to the payment of a pension in respect of a period before that day;

(b) a reference to sums becoming payable before a day includes a reference to sums becoming payable on or after that day in respect of a period before that day.]

(2) Where it appears to the Secretary of State that the general level of prices is greater at the end of the period under review than it was at the beginning of that period, he shall lay before Parliament the draft of an up-rating order—

(a) which increases each of the sums to which subsection (3) below applies by a percentage not less than the percentage by which the general level of prices is greater at the end of the period than it was at the beginning; and

(b) if he considers it appropriate, having regard to the national economic situation and any other matters which he considers relevant, which also increases by such a percentage or percentages as he thinks fit any of the sums mentioned in subsection (1) above but to which subsection (3) below does not apply;

and

(c) stating the amount of any sums which are mentioned in subsection (1) above but which the order does not increase.

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(3) This subsection applies to sums—

(a) specified in Part I, [1paragraphs [21 to 5] of Part III], Part IV or Part V of Schedule 4 to the Contributions and Benefits Act [2(excluding the provisions of Parts 1 and 5 of the Schedule that specify amounts mentioned in section 150A(1) below)];

(b) mentioned in subsection (1)(a)(ii) or (iii), [1(aa),] [3(ab),] (b), (c), (d), [4(dza)]

(e)[5, (g) or (o)] above.

(4) Subsection (2) above shall not require the Secretary of State to provide for an increase in any case in which it appears to him that the amount of the increase would be inconsiderable.

(5) The Secretary of State may, in providing for an increase in pursuance of subsection (2)* above, adjust the amount of the increase so as to round any sum up or down to such extent as he thinks appropriate.

(6) Where subsection (2)* above requires* the Secretary of State to lay before Parliament the draft of an order increasing any sum that could be reduced under section 154(1) below, the order may make such alteration to that sum as reflects the combined effect of that increase and of any reduction that could be made under that subsection.

(7) If the Secretary of State considers it appropriate to do so, he may include in the draft of an up-rating order, in addition to any other provisions, provisions increasing any of the sums for the time being specified in regulations under Part VII of the Contributions and Benefits Act [6or under the Jobseekers Act 1995][7, the State Pension Credit Act 2002 or Part 1 of the Welfare Reform Act 2007] [8or Part 1 of the Welfare Reform Act 2012] or which are additions to income support under regulations made under section 89 of the 1986 Act. [9The reference to regulations under the State Pension Credit Act 2002 does not include those prescribing the amounts mentioned in section 150A(1)(d) below.]

(7A) [...10]

(8) The Secretary of State shall lay with any draft order under this section a copy of a report by the Government Actuary or the Deputy Government Actuary giving that Actuary's opinion on the likely effect on the National Insurance Fund of such parts of the order as relate to sums payable out of that Fund.

(9) If a draft order laid before Parliament in pursuance of this section is approved by a resolution of each House, the Secretary of State shall make the order in the form of the draft.

(10) [1Subject to subsection (10ZA),] an order under this section—

(a) shall be framed so as to bring the alterations to which it relates into force—

(i) in the week beginning with the first Monday in the tax year [2following that in which the order is made]; or

(ii) on such earlier date in April as may be specified in the order;

(b) may make such transitional provision as the Secretary of State considers expedient in respect of periods of entitlement—

(i) to [3working families' tax credit];

(ii) to [3disabled person's tax credit]; or

(iii) to statutory sick pay,

running at the date when the alterations come into force.

[1(10ZA) An order under this section shall be framed so that—

(a) any alteration to any of the sums referred to in subsection (1)(n) or otherwise specified in regulations under Part 1 of the Welfare Reform Act 2012 (universal credit) comes into force in relation to a person on the relevant day; and

(b) any other alteration to which the order relates comes into force, for the purposes of determining the amount of universal credit to which a person is entitled, on the relevant day.

(10ZB) in subsection (10ZA) “relevant day”, in relation to a person, means the first day of the first universal credit assessment period in respect of the person which begins on or after—

(a) the Monday of the week specified in subsection (10)(a)(i); or

(b) any earlier date specified under subsection (10)(a)(ii).]

[4(10A) Where a member of [5a scheme which was at a time before the abolition

date, as defined by section 181(1) of the Pensions Act,] an appropriate personal pension scheme or a money purchase contracted-out scheme continues in employment after attaining pensionable age and the commencement of his pension under the scheme is postponed, the preceding provisions of this section shall have effect as if—

(a) the guaranteed minimum pension to which he is treated as entitled by virtue of section 48(2)(a) of the Pensions Act were subject to increases in accordance with the provisions of section 15(1) of that Act; and

(b) the amounts of any notional increases referred to in paragraph (a) above were subject to annual up-rating in the same way as if they were sums to which subsection (1)(e)(i) above applied.]

[6(10B) Subsection (10A) does not have effect unless—

(a) the member became entitled to a Category A or Category B retirement pension before the day on which section 2(2) of the Pensions Act 2011 comes into force; and

(b) the member's postponed pension under the scheme became payable before that day.

(10C) In subsection (10B)—

(a) a reference to becoming entitled to a pension before a day includes a reference to becoming entitled on or after that day to the payment of a pension in respect of a period before that day;

(b) a reference to a pension becoming payable before a day includes a reference to a pension becoming payable on or after that day in respect of a period before that day.]

(11) So long as sections 36 and 37 of the National Insurance Act 1965 (graduated retirement benefit) continue in force by virtue of regulations made under Schedule 3 to the Social Security (Consequential Provisions) Act 1975 or under Schedule 3 to the Consequential Provisions Act, regulations may make provision for applying the provisions of this section—

[1(a) to the amount of graduated retirement benefit payable for each unit of graduated contributions;

(b) to increase of such benefit under any provisions made by virtue of section 24(1)(b) of the Social Security Pensions Act 1975 or section 62(1)(a) of the Contributions and Benefits Act; and

(c) to any addition under section 37(1) of the National Insurance Act 1965 (addition to weekly rate of retirement pension for widows and widowers) to the amount of such benefit.]

[2(12) So long as sections 36 and 37 of the National Insurance Act 1965 continue in force as mentioned in subsection (11), this section applies as if subsections (1) and (3) included the sums mentioned in subsection (13).

(13) Those sums are lump sums to which surviving spouses or civil partners will become entitled, by virtue of regulations made under section 62(1)(c) of the Contributions and Benefits Act, on becoming entitled to—

(a) a Category A or Category B retirement pension; or

(b) graduated retirement benefit.]

[3150A.—(1) The Secretary of State shall in each tax year review the following amounts in order to determine whether they have retained their value in relation to the general level of earnings obtaining in Great Britain—

[4(za) the amount specified in regulations under section 3(1) of the Pensions Act 2014 (full rate of state pension);]

(a) the amount of the basic pension;

(b) the specified amounts in the case of Category B, C or D retirement pensions;

(c) the specified amounts in the case of industrial death benefit; and

(d) the amounts of the standard minimum guarantee for the time being prescribed under section 2(4) and (5)(a) and (b) of the State Pension Credit Act 2002.

(2) Where it appears to the Secretary of State that the general level of earnings is greater at the end of the period under review than it was at the beginning of that period, he shall lay before Parliament the draft of an order which increases each of the amounts referred to in subsection (1) above by a percentage not less than the percentage by which the general level of earnings is greater at the end of the period than it was at

the beginning.

(3) Subsection (2) above does not require the Secretary of State to provide for an increase in any case if it appears to him that the amount of the increase would be inconsiderable.

(4) The Secretary of State may, in providing for an increase in pursuance of subsection (2) above, adjust the amount of the increase so as to round the sum in question up or down to such extent as he thinks appropriate.

Annual up-rating of
basic pension etc. and
standard minimum
guarantee.

(5) The Secretary of State shall lay with a draft order under this section a copy of a report by the Government Actuary or the Deputy Government Actuary giving that Actuary's opinion on the likely effect on the National Insurance Fund of any parts of the order relating to sums payable out of that Fund.

(6) If a draft order laid before Parliament under this section is approved by a resolution of each House, the Secretary of State shall make the order in the form of the draft.

(7) [1Subject to subsection (7A),] an order under this section shall be framed so as to bring the increase in question into force in the week beginning with the first Monday in the tax year following that in which the order is made.

[1(7A) An order under this section shall be framed so that any alteration to which the order relates comes into force, for the purposes of determining the amount of universal credit to which a person is entitled, on the relevant day.

(7B) In subsection (7A) "relevant day", in relation to a person, means the first day of the first universal credit assessment period in respect of the person which begins on or after the Monday of the week specified in subsection (7),]

(8) For the purposes of any review under subsection (1) above the Secretary of State shall estimate the general level of earnings in such manner as he thinks fit.

(9) If a draft order under this section is combined with a draft up-rating order under section 150 above, the report required by virtue of subsection (5) above may be combined with that required by virtue of section 150(8) above.

(10) In this section—

"the amount of the basic pension" means the first amount specified in section 44(4) of the Contributions and Benefits Act (weekly rate of Category A retirement pension);

"the specified amounts in the case of Category B, C or D retirement pensions" means—

(a) the amount specified in paragraph 5 of Part 1 of Schedule 4 to the Contributions and Benefits Act, and

(b) the amounts specified in paragraphs 6 and 7 of Part 3 of that Schedule;

"the specified amounts in the case of industrial death benefit" means—

(a) the amounts specified in paragraph 10 of Part 5 of that Schedule (apart from the amount of the initial rate), and

(b) the amount specified in paragraph 11 of that Part of that Schedule.]

151.—(1) Any increase under section 150 above of the sums mentioned in subsection (1)(c) of that section shall take the form of a direction that those sums shall be increased by a specified percentage of their amount apart from the order and shall apply [2subject to section 156 and] only in relation to additional pensions calculated under section 45 of the Contributions and Benefits Act by reference to final relevant years which are—

(a) earlier than the tax year preceding that in which the order comes into force;

or

(b) if the order comes into force on or after 6th May in any tax year, earlier than that year.

(2) Any increase under section 150 above of the sums mentioned in [1subsection (1)(d), [2(dza), (e) or (p)] of that section shall take the form of a direction that those sums shall be increased by a specified percentage of their amount apart from the order and[2—

(a)] [1, in the case of the sums mentioned in subsection (1)(d) or (e) of that section,]

shall apply only in relation to sums calculated under Schedule 5 to the Contributions and Benefits Act by reference to periods of deferment which have ended before the coming into force of the order^[2], and

(b) in the case of the sums mentioned in subsection (1)(p) of that section, shall apply only in relation to sums calculated under section 17 of the Pensions Act 2014 by reference to periods which have ended before the coming into force of that order.]

(3) An increase in a sum such as is specified in section 150(1)(e)(ii) above shall form part of the Category A or Category B retirement pension of the person to whom it is paid and an increase in a sum such as is specified in section 150(1)(e)(i) above shall be added to and form part of that pension but shall not form part of the sum increased.

(4) Where an increment under ^[3]section 15(1) of the Pensions Act—

(a) is increased in any tax year by an order under ^[3]section 109 of that Act; and

(b) in that year also falls to be increased by an order under section 150 above, the increase under that section shall be the amount that would have been specified in the order, but for this subsection, less the amount of the increase under ^[3]section 109.

(5) [...⁴]

(6) Any increase under section 150 above of any of the sums which are additions to income support mentioned in section 150(7) above shall take the form of a direction that any such sum shall be increased by a specified percentage of its amount apart from the order.

[⁵151A.—(1) The Secretary of State must, in each tax year, review the general level of prices in Great Britain and any changes which have taken place.

(2) If on a review it appears to the Secretary of State that the general level of prices has increased during the review period, the Secretary of State must make an order specifying a percentage by which the amounts mentioned in the following provision of the Pensions Act 2014 are to be increased—

(a) section 9;

(b) paragraph 4(3) of Schedule 2;

(c) paragraph 5(3) and 6 of Schedule 4;

(d) paragraph 5(3) and 6 of Schedule 9

(3) The percentage specified in the order must not be less than the percentage by which the general level of prices has increased during the review period.

(4) This section does not require the Secretary of State to make an order if it appears to the Secretary of State that the effect of the order on the amounts referred to in subsection (2) would be inconsiderable.

(5) [¹Subject to subsection (5A),] an order under this section must be framed so as to bring the increase in question into force in the week beginning with the first Monday in the tax year following that in which the order is made.

[¹(5A)An order under this section must be framed so that any alteration to which the order relates comes into force, for the purposes of determining the amount of universal credit to which a person is entitled, on the relevant day.

(5B) In subsection (5A) “relevant day”, in relation to a person, means the first day of the first universal credit assessment period in respect of the person which begins on or after the Monday of the week specified in subsection (5).]

(6) The Secretary of State must lay with a draft order under this section a copy of a report by the Government Actuary or the Deputy Government Actuary giving that Actuary’s opinion on the likely effect on the National Insurance Fund.

(7) If a draft order under this section is combined with a draft up-rating order under section 150 or 150A, the report required by virtue of subsection (6) may be combined with that required by virtue of section 150(8) or 150A(5).

(8) For the purposes of any review under this section the Secretary of State may estimate the general level of prices in such manner as the Secretary of State thinks fit.]

152.—(1) If the Secretary of State is satisfied that a mistake (whether in computation or otherwise) has occurred in the preparation of the previous order under section 150 above, he may by order vary the amount of any one or more of the sums specified in an enactment mentioned in subsection (1)(a) of that section by increasing or reducing it to the level at which it would have stood had the mistake not occurred.

[²(1A) If the Secretary of State is satisfied that such a mistake has occurred in the

preparation of the previous order under section 150A above, he may by order vary the amount of any one or more of the amounts referred to in subsection (1) of that section by increasing or reducing it to the level at which it would have stood had the mistake not occurred.]

(2) Where the amount of any such sum is varied under this section, then, for the purposes of the next review and order under that section, the amount of the sum shall be taken to be, and throughout the period under review to have been, its amount as so varied.

[**153.** The Secretary of State shall review the level of child benefit in April of each year, taking account of increases in the Retail Price Index and other relevant external factors.]

154.—(1) Regulations may, with effect from any day on or after that on which there is an increase in the rate or any of the rates of child benefit, reduce any sum specified in any of the provisions mentioned in subsection (2) below to such extent as the Secretary of State thinks appropriate having regard to that increase.

(2) The provisions referred to in subsection (1) above are the following provisions of Schedule 4 to the Contributions and Benefits Act—

(a) paragraph 6 of Part I (child's special allowance);

(b) [...]

(c) [...]

Para. (c) reproduced below for the purposes of the savings provisions in art. 5 of S.I. 2003/938.

(c) column (2) of Part IV (increase for child dependants);

(d) paragraph 7 of Part V (increase of weekly rate of disablement pension in respect of child dependants);

(e) paragraph 12 of Part V (allowance in respect of deceased's children).

PART XI

COMPUTATION OF BENEFITS

155.—(1) This section has effect where the rate of any benefit to which this section applies is altered—

(a) by an Act subsequent to this Act;

(b) by an order under section 150[2, 150A] or 152 above; or

(c) in consequence of any such Act or order altering any maximum rate of benefit; and in this section “the commencing date” means the date fixed for payment of benefit at an altered rate to commence.

(2) This section applies to benefit under Part II, III, IV or V of the Contributions and Benefits Act.

(3) Subject to such exceptions or conditions as may be prescribed, where—

(a) the weekly rate of a benefit to which this section applies is altered to a fixed amount higher or lower than the previous amount; and

(b) before the commencing date an award of that benefit has been made (whether before or after the passing of the relevant Act or the making of the relevant order), except as respects any period falling before the commencing date, the benefit shall become payable at the altered rate without any claim being made for it in the case of an increase in the rate of benefit or any review of the award in the case of a decrease, and the award shall have effect accordingly.

(4) Where—

(a) the weekly rate of a benefit to which this section applies is altered; and

(b) before the commencing date (but after that date is fixed) an award is made of the benefit,

the award either may provide for the benefit to be paid as from the commencing date at the altered rate or may be expressed in terms of the rate appropriate at the date of the award.

(5) Where in consequence of the passing of an Act, or the making of an order, altering the rate of disablement pension, regulations are made varying the scale of disablement gratuities, the regulations may provide that the scale as varied shall apply only in cases where the period taken into account by the assessment of the extent of the disablement in respect of which the gratuity is awarded begins or began after such day as may be prescribed.

(6) Subject to such exceptions or conditions as may be prescribed, where—
(a) for any purpose of any Act or regulations the weekly rate at which a person contributes to the cost of providing for a child [¹or qualifying young person], or to the maintenance of an adult dependant, is to be calculated for a period beginning on or after the commencing date for an increase in the weekly rate of benefit; but

(b) account is to be taken of amounts referable to the period before the commencing date,
those amounts shall be treated as increased in proportion to the increase in the weekly rate of benefit.

(7) So long as sections 36 and 37 of the National Insurance Act 1965 (graduated retirement benefit) continue in force by virtue of regulations made under Schedule 3 to the Social Security (Consequential Provisions) Act 1975 or under Schedule 3 to the Consequential Provisions Act, regulations may make provision for applying the provisions of this section—

[²(a) to the amount of graduated retirement benefit payable for each unit of graduated contributions,

(b) to increases of such benefit under any provisions made by virtue of section 24(1)(b) of the Social Security Pensions Act 1975 or section 62(1)(a) of the Contributions and Benefits Act, and

(c) to any addition under section 37(1) of the National Insurance Act 1965 (addition to weekly rate of retirement pension for [³widows, widowers and surviving civil partners] to the amount of such benefit)].

[**155A.**—(1) This section applies where a statement is made in the House of Commons by or on behalf of the Secretary of State which specifies—

Power to anticipate
pensions up-rating order.

(a) the amounts by which he proposes, by an order under section [¹[²150, 150A or 151A] above (as the case may be)], to increase—

(i) the weekly sums that are payable by way of [²state pension under the Pensions Act 2014,] retirement pension [³or shared additional pension];
or

(ii) the amount of graduated retirement benefit payable for each unit of graduated contributions; and

(b) the date on which he proposes to bring the increases into force (“the commencing date”).

(2) Where, before the commencing date and after the date on which the statement is made, an award is made of [²a state pension,] a retirement pension[³, a shared additional pension] or a graduated retirement benefit, the award either may provide for the pension or benefit to be paid as from the commencing date at the increased rate or may be expressed in terms of the rate appropriate at the date of the award.]

[**156.**—(1) This section applies in any case where a person is entitled to a Category A retirement pension with an increase, under section 52(3) of the Contributions and Benefits Act, in the additional pension on account of the contributions of a spouse [⁵or civil partner] who had died.

(2) Where in the case of any up-rating order under section 150 above—

(a) the spouse’s [⁵or civil partner’s] final relevant year is the tax year preceding the tax year in which the up-rating order comes into force, but

(b) the person’s final relevant year was an earlier tax year,
then the up-rating order shall not have effect in relation to that part of the additional pension which is attributable to the spouse’s contributions.

(3) Where in the case of any up-rating order under section 150 above—

(a) the person’s final relevant year is the tax year preceding the tax year in which the up-rating order comes into force, but

(b) the spouse’s [⁵or civil partner’s] final relevant year was an earlier tax year,
then the up-rating order shall not have effect in relation to that part of the additional pension which is attributable to the person’s contributions.]

157.—(1) Subsections (3) and (4) of section 155 above shall have effect where there is an increase in the rate or any of the rates of child benefit as they have effect in

relation to the rate of benefit to which that section applies.

(2) Where in connection with child benefit—

(a) any question arises in respect of a period after the date fixed for the commencement of payment of child benefit at an increased rate—

(i) as to the weekly rate at which a person is contributing to the cost of providing for a child [or qualifying young person]; or

(ii) as to the expenditure that a person is incurring in respect of a child [or qualifying young person]; and

(b) in determining that question account falls to be taken of contributions made or expenditure incurred for a period before that date,

the contributions made or expenditure incurred before that date shall be treated as increased in proportion to the increase in the rate of benefit.

158.—(1) In any case where—

(a) any benefit as defined in section 122 of the Contributions and Benefits Act or any increase of such benefit (“the relevant benefit or increase”) has been paid to a person for a period in respect of a child [1 or qualifying young

person]; and

(b) subsequently child benefit for that period in respect of the child [1 or qualifying young person] becomes payable at a rate which is such that, had the relevant benefit or increase been awarded after the child benefit became payable, the rate of the relevant benefit or increase would have been reduced, then, except in so far as regulations otherwise provide, the excess shall be treated as paid on account of child benefit for that period in respect of the child.

(2) In subsection (1) above “the excess” means so much of the relevant benefit or increase as is equal to the difference between—

(a) the amount of it which was paid for the period referred to in that subsection; and

(b) the amount of it which would have been paid for that period if it had been paid at the reduced rate referred to in paragraph (b) of that subsection.

159.—(1) Subject to such exceptions and conditions as may be prescribed, where—

(a) an award of income support is in force in favour of any person (“the recipient”); and

(b) there is an alteration in any of the relevant amounts, that is to say—

(i) any of the component rates of income support;

(ii) any of the other sums specified in regulations under Part VII of the Contributions and Benefits Act; or

(iii) the recipient’s benefit income; and

(c) the alteration affects the computation of the amount of income support to which the recipient is entitled,

then subsection (2) or (3) below (as the case may be) shall have effect.

(2) Where, in consequence of the alteration in question, the recipient becomes entitled to an increased or reduced amount of income support (“the new amount”), then, as from the commencing date, the amount of income support payable to or for the recipient under the award shall be the new amount, without any further decision of [2the Secretary of State], and the award shall have effect accordingly.

(3) Where, notwithstanding the alteration in question, the recipient continues on and after the commencing date to be entitled to the same amount of income support as before, the award shall continue in force accordingly.

(4) In any case where—

(a) there is an alteration in any of the relevant amount; and

(b) before the commencing date (but after that date is fixed) an award of income support is made in favour of a person,

the award either may provide for income support to be paid as from the commencing date, in which case the amount shall be determined by reference to the relevant amounts which will be in force on that date, or may provide for an amount determined by reference to the amounts in force at the date of the award.

(5) In this section—

“alteration” means—

(a) in relation to—
(i) the component rates of income support; or
(ii) any other sums specified in regulations under Part VII of the Contributions and Benefits Act,
their alteration by or under any enactment whether or not contained in that Part; and

(b) in relation to a person's benefit income, the alteration of any of the sums referred to in section 150 [1or 150A] above—

(i) by any enactment; or
(ii) by an order under section 150[1, 150A] or 152 above,
to the extent that any such alteration affects the amount of his benefit income;

“benefit income”, in relation to any person, means so much of his income as consists of—

(a) benefit under the Contributions and Benefits Act, other than income support;

[2(aa) personal independence payment;]; or

(b) a war disablement pension or war widow's pension;

“the commencing date” in relation to an alteration, means the date on which the alteration comes into force in the case of the person in question;

“component rate”, in relation to income support, means the amount of—

(a) the sum referred to in section 126(5)(b)(i) and (ii) of the Contributions and Benefits Act; or

(b) any of the sums specified in regulations under section 135(1) of that Act;
and

“relevant amounts” has the meaning given by subsection (1)(b) above.

[3**159A**.—(1) This section applies where—

(a) an award of a jobseeker's allowance is in force in favour of any person (“the recipient”); and

(b) an alteration—

(i) in any component of the allowance, or

(ii) in the recipient's benefit income,
affects the amount of the jobseeker's allowance to which he is entitled.

(2) Subsection (3) applies where, as a result of the alteration, the amount of the jobseeker's allowance to which the recipient is entitled is increased or reduced.

(3) As from the commencing date, the amount of the jobseeker's allowance payable to or for the recipient under the award shall be the increased or reduced amount, without any further decision of [4the Secretary of State]; and the award shall have effect accordingly.

(4) In any case where—

(a) there is an alteration of a kind mentioned in subsection (1)(b); and

(b) before the commencing date (but after that date is fixed) an award of a jobseeker's allowance is made in favour of a person.

the award may provide for the jobseeker's allowance to be paid as from the commencing date, in which case the amount of the jobseeker's allowance shall be determined by reference to the components applicable on that date, or may provide for an amount determined by reference to the components applicable at the date of the award.

(5) In this section—

“alteration” means—

(a) in relation to any component of a jobseeker's allowance, its alteration by or under any enactment; and

(b) in relation to a person's benefit income, the alteration of any of the sums referred to in section 150 [1or 150A] above by any enactment or by an order under section 150 [1or 150A] above, to the extent that any such alteration affects the amount of the recipient's benefit income;

“benefit income”, in relation to a recipient, means so much of his income as consists of—

(a) benefit under the Contributions and Benefits Act;

[2(ab) personal independence payment;] or

(b) a war disablement pension or war widow's pension;
“the commencing date” in relation to an alteration, means the date on which the alteration comes into force in relation to the recipient;

“component”, in relation to a jobseeker's allowance, means any of the sums specified in regulations under the Jobseekers Act 1995 which are relevant in calculating the amount payable by way of a jobseeker's allowance.]

[**159B.**—(1) Subject to such exceptions and conditions as may be prescribed, subsection (2) or (3) below shall have effect where—

(a) an award of state pension credit is in force in favour of any person (“the recipient”); and

(b) an alteration—

(i) in any component of state pension credit,

(ii) in the recipient's benefit income,

(iii) in any component of a contribution-based jobseeker's allowance,

[4(iiiia) in any component of a contributory employment and support allowance,]

or

(iv) in the recipient's war disablement pension or war widow's or widower's pension,

affects the computation of the amount of state pension credit to which he is entitled.

(2) Where, as a result of the alteration, the amount of state pension credit to which the recipient is entitled is increased or reduced, then, as from the commencing date, the amount of state pension credit payable in the case of the recipient under the award shall be the increased or reduced amount, without any further decision of the Secretary of State; and the award shall have effect accordingly.

(3) Where, notwithstanding the alteration, the recipient continues on and after the commencing date to be entitled to the same amount of state pension credit as before, the award shall continue in force accordingly.

(4) Subsection (5) below applies where a statement is made in the House of Commons by or on behalf of the Secretary of State which specifies—

(a) in relation to any of the items referred to in subsection (1)(b)(i) to (iv) above, the amount of the alteration which he proposes to make by an order under section 150[1, 150A] or 152 above or by or under any other enactment; and

(b) the date on which he proposes to bring the alteration into force (“the proposed commencing date”).

(5) If, in a case where this subsection applies, an award of state pension credit is made in favour of a person before the proposed commencing date and after the date on which the statement is made, the award—

(a) may provide for state pension credit to be paid as from the proposed commencing date at a rate determined by reference to the amounts of the items specified in subsection (1)(b)(i) to (iv) above which will be in force on that date; or

(b) may be expressed in terms of the amounts of those items in force at the date of the award.

(6) In this section—

“alteration” means—

(a) in relation to any component of state pension credit, its alteration by or under any enactment;

(b) in relation to a person's benefit income, the alteration of any of the sums referred to in section 150 [1 or 150A] above by any enactment or by an order under section 150[1, 150A] or 152 above to the extent that any such alteration affects the amount of his benefit income;

(c) in relation to any component of a contribution-based jobseeker's allowance, its alteration by or under any enactment; and

(d) in relation to a person's war disablement pension or war widow's or widower's pension, its alteration by or under any enactment;

“benefit income”, in relation to a person, means so much of his income as consists of benefit under the Contributions and Benefits Act [2 or personal independence payment];

“the commencing date”, in relation to an alteration, means the date on which the alteration comes into force in relation to the recipient;

“component”—

(a) in relation to contribution-based jobseeker’s allowance, means any of the sums specified in regulations under the Jobseekers Act 1995 (c. 18) which are relevant in calculating the amount payable by way of a jobseeker’s allowance;

(b) in relation to state pension credit, means any of the sums specified in regulations under section 2, 3 or 12 of the State Pension Credit Act 2002;

[³(c) in relation to a contributory employment and support allowance, means any of the sums specified in regulations under Part 1 of the Welfare Reform Act 2007 which are relevant in calculating the amount payable by way of a contributory employment and support allowance;]

“war disablement pension” means—

(a) any retired pay, pension or allowance granted in respect of disablement under powers conferred by or under—

(i) the Air Force (Constitution) Act 1917 (c. 51);

(ii) the Personal Injuries (Emergency Provisions) Act 1939 (c. 82);

(iii) the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939 (c. 83);

(iv) the Polish Resettlement Act 1947 (c. 19); or

(v) Part 7 or section 151 of the Reserve Forces Act 1980 (c. 9); or

(b) without prejudice to paragraph (a), any retired pay or pension to which [any of paragraphs (a) to (f) of section 641(1) of the Income Tax (Earnings and Pensions) Act 2003] applies;

“war widow’s or widower’s pension” means—

(a) [any widow’s, widower’s or surviving civil partner’s] pension or allowance granted in respect of a death due to service or war injury and payable by virtue of any enactment mentioned in paragraph (a) of the definition of “war disablement pension”; or

(b) a pension or allowance for a [widow’s, widower’s or surviving civil partner’s] granted under any scheme mentioned in [section 641(1)(e) or (f) of the Income Tax (Earnings and Pensions) Act 2003]

[**159C.**—(1) Subject to such exceptions and conditions as may be prescribed, subsection (2) or (3) shall have effect where—

(a) an award of an employment and support allowance is in force in favour of any person (“the recipient”), and

(b) an alteration—

(i) in any component of the allowance,

(ii) in the recipient’s benefit income, or

(iii) in the recipient’s war disablement or war widow’s or widower’s pension, affects the computation of the amount of the employment and support allowance to which he is entitled.

(2) Where, as a result of the alteration, the amount of the employment and support allowance to which the recipient is entitled is increased or reduced, then, as from the commencing date, the amount of the employment and support allowance payable in the case of the recipient under the award shall be the increased or reduced amount, without any further decision of the Secretary of State; and the award shall have effect accordingly.

(3) Where, notwithstanding the alteration, the recipient continues on and after the commencing date to be entitled to the same amount by way of an employment and support allowance as before, the award shall continue in force accordingly.

(4) Subsection (5) applies where a statement is made in the House of Commons by or on behalf of the Secretary of State which specifies—

(a) in relation to any of the items referred to in subsection (1)(b)(i) to (iii), the amount of the alteration which he proposes to make by an order under section 150 [5, 150A] or 152 or by or under any other enactment, and

(b) the date on which he proposes to bring the alteration into force (“the proposed commencing date”).

(5) If, in a case where this subsection applies, an award of an employment and support allowance is made in favour of a person before the proposed commencing date and after the date on which the statement is made, the award—

(a) may provide for the employment and support allowance to be paid as from the proposed commencing date at a rate determined by reference to the amounts of the items referred to in subsection (1)(b)(i) to (iii) which will be in force on that date, or

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(b) may be expressed in terms of the amounts of those items in force at the date of the award.

(6) In this section—

“alteration” means—

(a) in relation to any component of an employment and support allowance, its alteration by or under any enactment;

(b) in relation to a person’s benefit income, the alteration of any of the sums referred to in section 150 [or 150A] by any enactment or by an order under section 150[1, 150A] or 152 to the extent that any such alteration affects the amount of his benefit income;

(c) in relation to a person’s war disablement pension or war widow’s or widower’s pension, its alteration by or under any enactment;

“benefit income”, in relation to a person, means so much of his income as consists of benefit under the Contributions and Benefits Act [2or personal independence payment];

“the commencing date”, in relation to an alteration, means the date on which the alteration comes into force in relation to the recipient;

“component”, in relation to an employment and support allowance, means any of the sums specified in regulations under Part 1 of the Welfare Reform Act 2007 which are relevant in calculating the amount payable by way of an employment and support allowance;

“war disablement pension” and “war widow’s or widower’s pension” have the same meaning as in section 159B.]

[3**159D.**—(1) Subject to such exceptions and conditions as may be prescribed, subsection (2) or (3) shall have effect where—

(a) an award of universal credit is in force in favour of any person (“the recipient”), and

(b) an alteration—

(i) in any element of universal credit,

(ii) in the recipient’s benefit income,

(iii) in any amount to be deducted in respect of earned income under section 8(3)(a) of the Welfare Reform Act 2012,

(iv) in any component of a contribution-based jobseeker’s allowance,

(v) in any component of a contributory employment and support allowance,

or

(vi) in such other matters as may be prescribed,

affects the computation of the amount of universal credit to which he is entitled.

(2) Where, as a result of the alteration, the amount of universal credit to which the recipient is entitled is increased or reduced, then, as from the commencing date, the amount of universal credit payable in the case of the recipient under the award shall be the increased or reduced amount, without any further decision of the Secretary of State; and the award shall have effect accordingly.

(3) Where, notwithstanding the alteration, the recipient continues on and after the commencing date to be entitled to the same amount by way of universal credit as before, the award shall continue in force accordingly.

(4) Subsection (5) applies where a statement is made in the House of Commons by or on behalf of the Secretary of State which specifies—

(a) in relation to any of the items referred to in subsection (1)(b)(i) to (vi), the amount of the alteration which he proposes to make by an order under section 150, 150A or 152 or by or under any other enactment, and

(b) the date on which he proposes to bring the alteration in force (“the proposed

commencing date”).

(5) If, in a case where this subsection applies, an award of universal credit is made in favour of a person before the proposed commencing date and after the date on which the statement is made, the award—

(a) may provide for the universal credit to be paid as from the proposed commencing date at a rate determined by reference to the amounts of the items referred to in subsection (1)(b)(i) to (vi) which will be in force on that date, or

(b) may be expressed in terms of the amounts of those items in force at the date of the award.

(6) In this section—
“alteration”—

(a) in relation to any element of universal credit, means its alteration by or under any enactment;

(b) in relation to a person’s benefit income, means the alteration of any of the sums referred to in section 150 or 150A by any enactment or by an order under section 150, 150A or 152 to the extent that any such alteration affects the amount of his benefit income;

(c) in relation to any component of a contribution-based jobseeker’s allowance or a contributory employment and support allowance, means its alteration by or under any enactment;

(d) in relation to any other matter, has such meaning as may be prescribed;

“benefit income”, in relation to a person, means so much of his income as consists of benefit under the Contributions and Benefits Act or personal independence payment;

“the commencing date”, in relation to an alteration, means the date on which the alteration comes into force in relation to the recipient;

“component”—

(a) in relation to contribution-based jobseeker’s allowance, means any of the sums specified in regulations under the Jobseekers Act 1995 which are relevant in calculating the amount payable by way of a jobseeker’s allowance;

(b) in relation to a contributory employment and support allowance, means any of the sums specified in regulations under Part 1 of the Welfare Reform Act 2007 which are relevant in calculating the amount payable by way of such an allowance;

“element”, in relation to universal credit, means any of the amounts specified in regulations under sections 9 to 12 of the Welfare Reform Act 2012 which are included in the calculation of an award of universal credit.]

[**159E.**—(1) Subject to such exceptions and conditions as may be prescribed, subsection (2) or (3) shall have effect where—

(a) an award of personal independence payment is in force in favour of any person (“the recipient”); and

(b) an alteration in the rate of any component of personal independence payment affects the amount of personal independence payment to which he is entitled.

(2) Where, as a result of the alteration, the amount of personal independence payment to which the recipient is entitled is increased or reduced, then, as from the commencing date, the amount of personal independence payment in the case of the recipient under

Effect of alteration of
the award shall be the increased or reduced amount, without any further decision of the Secretary of State; and the award shall have effect accordingly.

(3) Where, notwithstanding the alteration, the recipient continues on and after the commencing date to be entitled to the same amount by way of personal independence payment as before, the award shall continue in force accordingly.

(4) Subsection (5) applies where a statement is made in the House of Commons by or on behalf of the Secretary of State which specifies—

(a) the amount of the alteration in the rate of any component of personal independence payment which he proposes to make by an order under section 150 or 152 or by or under any other enactment, and

(b) the date on which he proposes to bring the alteration in force (“the proposed commencing date”).

(5) If, in a case where this subsection applies, an award of personal independence payment is made in favour of a person before the proposed commencing date and after the date on which the statement is made, the award—

(a) may provide for personal independence payment to be paid as from the proposed commencing date by reference to the rates of the component of personal independence payment which will be in force on that date, or

(b) may be expressed in terms of the rates of those components in force at the date of the award.

(6) In this section—

“alteration” means alteration by or under any enactment;

“the commencing date”, in relation to an alteration, means the date on which the alteration comes into force in relation to the recipient;

“component”, in relation to personal independence payment, means the daily living component or mobility component (see sections 78 and 79 of the Welfare Reform Act 2012).]

160.—(1) This section applies where—

(a) an award of income support is in force in favour of a person (“the recipient”); and

(b) there is a component which becomes applicable, or applicable at a particular rate, in his case if he or some other person attains a particular age.

(2) If, in a case where this section applies, the recipient or other person attains the particular age referred to in paragraph (b) of subsection (1) above and, in consequence,—

(a) the component in question becomes applicable, or applicable at a particular rate, in the recipient’s case (whether or not some other component ceases, for the same reason, to be applicable, or applicable at a particular rate, in his case); and

(b) after taking account of any such cessation, the recipient becomes entitled to an increased amount of income support, then, except as provided by subsection (3) below, as from the day on which he becomes so entitled, the amount of income support payable to or for him under the award shall be that increased amount, without any further decision of [1the Secretary of State], and the award shall have effect accordingly.

(3) Subsection (2) above does not apply in any case where, in consequence of the recipient or other person attaining the age in question, some question arises in relation to the recipient’s entitlement to [2personal independence payment or to] any benefit under the Contributions and Benefits Act, other than—

(a) the question whether the component concerned, or any other component, becomes or ceases to be applicable, or applicable at a particular rate, in his case; and

(b) the question whether, in consequence, the amount of his income support falls to be varied.

(4) In this section “component”, in relation to a person and his income support, means any of the sums specified in regulations under section 135(1) of the Contributions and Benefits Act.

[1**160A.**—(1) This section applies where—

(a) an award of an income-based jobseeker’s allowance is in force in favour of a person (“the recipient”); and

(b) a component has become applicable, or applicable at a particular rate, because he or some other person has reached a particular age (“the qualifying age”).

(2) If, as a result of the recipient or other person reaching the qualifying age, the recipient becomes entitled to an income-based jobseeker’s allowance of an increased amount, the amount payable to or for him under the award shall, as from the day on which he becomes so entitled, be that increased amount, without any further decision of [2the Secretary of State]; and the award shall have effect accordingly.

(3) Subsection (2) above does not apply where, in consequence of the recipient or other person reaching the qualifying age, a question arises in relation to the recipient’s entitlement to—

(a) a benefit under the Contributions and Benefits Act^[3];

(aa) personal independence payment]; or

(b) a jobseeker's allowance.

(4) Subsection (3)(b) above does not apply to the question—

(a) whether the component concerned, or any other component, becomes or ceases to be applicable, or applicable at a particular rate, in the recipient's case; and

(b) whether, in consequence, the amount of his income-based jobseeker's allowance falls to be varied.

(5) In this section “component”, in relation to a recipient and his jobseeker's allowance, means any of the amounts determined in accordance with regulations made under section 4(5) of the Jobseekers Act 1995.]

[**160B.**—(1) This section applies where—

(a) an award of an employment and support allowance is in force in favour of a person (“the recipient”), and

(b) a component has become applicable, or applicable at a particular rate, because he or some other person has reached a particular age (“the qualifying age”).

(2) If, as a result of the recipient or other person reaching the qualifying age, the recipient becomes entitled to an employment and support allowance of an increased amount, the amount payable to or for him under the award shall, as from the day on which he becomes so entitled, be that increased amount, without any further decision of the Secretary of State; and the award shall have effect accordingly.

(3) Subsection (2) does not apply where, in consequence of the recipient or other person reaching the qualifying age, a question arises in relation to the recipient's entitlement to^[3]—

(a) a benefit under the Contributions and Benefits Act; or

(b) personal independence payment.]

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(4) Subsection (2) does not apply where, in consequence of the recipient or other person reaching the qualifying age, a question arises in relation to the recipient's entitlement to an employment and support allowance, other than—

(a) the question whether the component concerned, or any other component, becomes or ceases to be applicable, or applicable at a particular rate, in the recipient's case, and

(b) the question whether, in consequence, the amount of his employment and support allowance falls to be varied.

(5) In this section, “component”, in relation to a recipient and his employment and support allowance, means any of the amounts determined in accordance with regulations made under section 2(1)(a) or 4(2)(a) of the Welfare Reform Act 2007.]