

Social Security (Up-rating of Benefits) Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department for Work and Pensions, will be published as HL Bill 54 – EN.

EUROPEAN CONVENTION ON HUMAN RIGHTS

Baroness Stedman-Scott has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Social Security (Up-rating of Benefits) Bill are compatible with the Convention rights.

Social Security (Up-rating of Benefits) Bill

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TO

Make provision relating to the up-rating of certain social security benefits payable in the tax year 2022-23.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Up-rating of state pension and certain other benefits following review in tax year 2021-22

- (1) In relation to the tax year ending with 5 April 2022, the amounts referred to in subsection (1) of section 150A of the Social Security Administration Act 1992 (annual up-rating of basic pension etc and standard minimum guarantee) are to be reviewed as if that subsection required a review by reference to the general level of prices obtaining in Great Britain (instead of the general level of earnings obtaining in Great Britain). 5
- (2) In relation to the tax year ending with 5 April 2022, the other provisions of section 150A of that Act are to have effect as if— 10
- (a) in subsection (2)—
- (i) at the beginning there were inserted “Subject to subsection (2A),”; 15
- (ii) for “earnings”, in both places it occurs, there were substituted “prices”; 15
- (b) after subsection (2) there were inserted—
- “(2A) Where it appears to the Secretary of State that—
- (a) the percentage by which the general level of prices is greater at the end of the period under review than it was at the beginning of that period is less than 2.5%, or 20
- (b) the general level of prices is no greater at the end of that period than it was at the beginning of that period, the Secretary of State must 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 2.5%. 25

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- (2B) In relation to those cases where provision in respect of the amounts referred to in subsection (1)(c) above is within the legislative competence of the Scottish Parliament, subsection (2A) has effect as if—
- (a) a reference to the Secretary of State were a reference to the Scottish Ministers, and 5
 - (b) the reference to Parliament were a reference to the Scottish Parliament.”;
 - (c) subsection (3) were omitted;
 - (d) in subsection (4), after “(2)” there were inserted “or (2A)”;
 - (e) in subsection (8), for “earnings” there were substituted “prices”. 10

2 Extent, commencement and short title

- (1) This Act extends to England and Wales and Scotland only.
- (2) This Act comes into force on the day on which it is passed.
- (3) This Act may be cited as the Social Security (Up-rating of Benefits) Act 2021. 15

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