

Freedom of Information request 2826/2013

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Information request

*When an award for Benefits is given.
It states, This is the amount of money the law says you need to live on.*

Can you please clarify, what this actually means please??

*What help is available if you CANNOT live on this amount??
Due to bills/outgoings.*

Surely, this is against the Human Rights Act. Article 25??

DWP response

There are several different pieces of primary legislation, under which regulations are made, which cover entitlement to, and other aspects of, income-related benefit payments. The main acts are the Jobseekers Act 1995 which governs Jobseeker's Allowance; the Social Security Contributions and Benefits Act 1992 which governs Income Support; the Welfare Reform Act 2007 which governs Employment and Support Allowance; and the State Pension Credit Act 2002 which governs State Pension Credit.

The main Act which governs Jobseeker's Allowance is Jobseekers Act 1995:
<http://www.legislation.gov.uk/ukpga/1995/18/contents>

Information on the amount payable can be found at:
<http://www.legislation.gov.uk/ukpga/1995/18/section/4>

Guidance on the amount of benefit payable can be found at:
<http://www.dwp.gov.uk/docs/dmgch23.pdf>

I would also like to refer you to Regulations 79 and 82 in the Jobseeker's Allowance Regulations 1996. These set out in 1996 the amount that an individual would need to live on, and that figure has been uprated each year by the Uprating Order:
<http://www.dwp.gov.uk/docs/a11-4001.pdf>

The amount that people need to live on varies greatly depending on their needs and a range of factors so it would be misleading to attempt to evaluate

the level of the personal allowance against a single 'standard of living' measure.

The benefit rates do not reflect, nor are they made up of, specific items of household and other expenditure. The Government has not prescribed what expenses the personal allowances cover as it is for each individual or family unit to decide how to spend their benefit. The benefit system provides additional support for costs related to age, disability and caring. Help with the costs for children are provided by tax credits.

The levels of benefit need to take account of the competing demands on public expenditure and work incentives.

In response to your last question, I'm afraid there is no Article 25 of the Human Rights Act and the HRA does not contain Articles. The Article rights under the European Convention on Human Rights are incorporated into UK law under Schedule 1 of the HRA.

The European Convention of Human Rights does not give an automatic right to receive benefit. Where a State does provide benefits, there is no right to a particular amount. The Government has set the rate of benefits at an amount that it believes to be reasonable, and to ensure that no individual suffers destitution. This is compatible with the Convention.