Submission from The End Frozen Pensions Campaign on the Social Security Benefits Up-rating Regulations 2026

Executive Summary

The End Frozen Pensions campaign asks the Committee to consider drawing Regulation 3 of the Social Security Benefits Up-rating Regulations 2026, which maintains the overseas “frozen pensions” policy, to the special attention of the House.

The Committee may also wish to consider whether this provision should in future be presented separately so that it receives proper parliamentary scrutiny.

In its current form, the provision receives no routine parliamentary debate or vote. Members of either House are therefore denied the opportunity to formally scrutinise the policy, register concerns raised by their constituents, or express a view on a measure that directly affects hundreds of thousands of British citizens.

This is also not a routine technical regulation: it is the only provision within the instrument that has a negative financial impact, withholding the annual State Pension increase while the remaining provisions either increase or administer support elsewhere in the social security system.

Parliament debates the legislation that increases the State Pension each year, yet the provision that denies those increases to over 400,000 overseas pensioners is not routinely debated at all.

The Policy and Current Impact

The frozen pensions policy prevents more than 400,000 British pensioners living overseas from receiving the annual increase to the UK State Pension. Their pension is effectively frozen at the rate first received, meaning its real value declines over time. The policy has existed in its current form for over 70 years, and the financial consequences for those affected can be severe. For example, Anne Puckridge, a 101-year-old Second World War veteran living in Canada, receives a UK State Pension worth only £76.50 compared to the full Basic State Pension rising to £184.90 per week this April, despite working in the UK until the age of 76 and making her full contributions.

The vast majority (86%) of so-called ‘frozen pensioners’ surveyed report they were unaware of the policy’s existence prior to becoming impacted or making the decision to move abroad, often to be nearer to family in retirement.

Why This Warrants Scrutiny

The campaign asks the Committee to consider whether the scrutiny afforded to this provision is proportionate to its policy significance. In particular:

- Parliament routinely debates the legislation that increases pensions, but not the provision that withholds those increases from overseas pensioners.
- The structure of the instrument makes it difficult for Members to challenge the provision without opposing unrelated benefit increases elsewhere in the Regulations.
- The Explanatory Memorandum accompanying this instrument acknowledges that the provision is distinct from the other Regulations and would ordinarily be made through a separate legislative instrument, but has been combined here for administrative convenience.

The following three sections expand on these arguments in more detail.

Key arguments

1. Parliament is given no routine opportunity to scrutinise the annual provision that withholds pension uprating from overseas pensioners

The campaign's central concern is that Parliament can debate pension increases each year, but not the provision that withholds those increases from overseas pensioners.

Each year, the Social Security Benefits Up-rating Order - a separate statutory instrument - provides for increases in the State Pension and a range of other benefits. That Order is routinely debated in Parliament, giving Members the opportunity to question ministers and raise concerns on behalf of their constituents.

However, the legislative provision that maintains the frozen pensions policy is contained instead in Regulation 3 of the Social Security Benefits Up-rating Regulations, which are laid under the Negative procedure. As a result, the policy receives no automatic debate, no guaranteed ministerial response in Parliament, and no routine parliamentary vote.

The campaign argues this creates a clear scrutiny imbalance. Parliament debates the legislation that increases pensions for most recipients, yet does not routinely scrutinise the provision that denies those same increases to over 400,000 British pensioners living overseas.

The policy is not a minor or purely technical matter. Many of those impacted have worked and paid National Insurance contributions in the UK for decades before retiring overseas, often moving late in life to join family members. Because their pension is frozen at the rate first received, the value of their income declines over time. In some cases, pensioners now receive less than half the weekly pension paid to someone with identical contribution records who lives in the UK.

The issue is also politically sensitive. Approximately 94% of frozen pensioners live in Commonwealth countries, including Canada and Australia. The policy therefore continues to generate political attention both domestically and internationally.

It is also important to note that Regulation 3 is the only provision in this instrument that has a negative financial effect on recipients and withhold an uprating rather than facilitate it: Regulation 2 is technical and administrative; Regulation 4 increases the earnings limit for Carer's Allowance; Regulation 5 increases the amount left for personal expenses in certain care home cases; and Regulation 6 revokes the previous year's Regulations.

Regulation 3 alone has the effect of disapplying an increase.

For these reasons, the campaign argues that the present procedure does not provide scrutiny proportionate to the policy's significance.

2. The ability to pray against the Regulations is not a meaningful substitute for proper scrutiny

It may be argued that the Negative procedure still provides a mechanism for scrutiny because Members may pray against the instrument within a 40-day period.

However, the campaign argues this is not a realistic or proportionate route for scrutiny in this case.

The reason is that Regulation 3 does not appear in isolation. It is contained within a wider Regulations instrument that includes provisions unrelated to the frozen pensions policy.

In particular, the 2026 Regulations also:

- Increase the weekly earnings limit for those receiving Carer's Allowance, from £196 to £204
- Increase the personal expenses allowance for certain people in accommodation whose benefit is paid directly to their care provider, from £32.30 to £33.55.

A Member wishing to object specifically to the frozen pensions provision would therefore need to oppose the entire instrument. In practice, this would mean formally objecting not only to Regulation 3 but also to the increases provided elsewhere in the Regulations.

The campaign argues that this creates a clear practical barrier to scrutiny. Members may understandably hesitate to oppose an instrument if doing so could be interpreted as opposing increased support for carers or protections for vulnerable residents in care homes, even if their concern relates only to the overseas pensions provision.

Scrutiny should be assessed not only in formal procedural terms but also in practical terms. While the prayer procedure technically exists, the way Regulation 3 is combined with unrelated provisions makes it difficult for Members to challenge the frozen pensions policy alone.

The campaign therefore argues that the current structure of the instrument does not provide a realistic route for focused parliamentary scrutiny of Regulation 3.

3. The Explanatory Memorandum acknowledges Regulation 3 is different and would normally be made separately

The Explanatory Memorandum accompanying this instrument provides an important explanation of how Regulation 3 has been drafted.

At paragraph 11.1, the Memorandum states that "unlike the other Regulations", Regulation 3 on overseas State Pensions is made in part under section 53 of the Pensions Act 2014. That provision normally requires such amendments to be made by an Order rather than Regulations.

The Memorandum then explains that the Government has relied instead on powers in the Deregulation Act 2015 to combine this provision with the rest of the Regulations. This was done to avoid the need for a separate instrument and on the basis that combining the provisions would be administratively convenient and create a more coherent legislative structure.

The campaign argues that this explanation raises an important question about scrutiny, for the following four reasons:

First, the Memorandum explicitly recognises that Regulation 3 is different in nature from the rest of the instrument. This supports the argument that it should not simply be treated as another routine technical provision.

Second, the Explanatory Memorandum confirms that the overseas pensions provision would normally be made through a separate legislative instrument. It has been included in this instrument simply to avoid creating a separate one.

The campaign therefore argues that the reduced scrutiny of Regulation 3 results from a drafting choice rather than from any requirement of the policy itself.

Third, the argument that combining the provisions creates a more coherent legislative structure is open to question. The overall purpose of the annual uprating exercise is to implement increases in pensions and benefits. Yet Regulation 3 is the only provision in the Regulations that operates in the opposite direction by disapplying an uprating increase.

For that reason, the campaign argues that combining Regulation 3 with the rest of the instrument may actually reduce clarity rather than improve it.

Finally, the campaign notes that Regulation 3 also receives limited scrutiny through other mechanisms. The Explanatory Memorandum explains that consultation was not undertaken because the Regulations form part of the routine annual uprating process, and that the Social Security Advisory Committee agreed the proposals did not need to be referred to it.

Taken together with the absence of routine parliamentary debate, this means that the annual provision maintaining the frozen pensions policy receives very limited scrutiny at any stage of the legislative process, despite its significant impact.

Conclusion

The End Frozen Pensions campaign respectfully asks the Committee to consider whether Regulation 3 of the Social Security Benefits Up-rating Regulations 2026 receives scrutiny proportionate to its significance.

In particular:

- Parliament debates the legislation that uprates pensions each year, but not the provision that disapplies that uprating to over 400,000 overseas pensioners.
- The structure of the Regulations makes it difficult for Members to challenge the frozen pensions provision without opposing unrelated increases elsewhere in the social security system.
- The Explanatory Memorandum accompanying this instrument confirms that Regulation 3 is different from the other provisions and would ordinarily be made through a separate instrument.

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