STATUTORY INSTRUMENTS

2007 No. 719

SOCIAL SECURITY

The Social Security (Miscellaneous Amendments) Regulations 2007

Made - - - -	*7th March 2007*
Laid before Parliament	*9th March 2007*
Coming into force in accordance with regulation 1	

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by—

— sections 123(1)(a), (d) and (e), 124(1)(e), 130(2), 135(1) and (2), 136(3), (5)(a) to (c), 137(1) and 175(1) to (4) of the Social Security Contributions and Benefits Act 1992(**1**),

— sections 5(1)(a), 6(1)(a), 189(1), (3) to (5) and 191 of the Social Security Administration Act 1992(**2**),

— sections 1(2C), 4(5) and (12), 12(1), (2), (4)(a) to (c), 35(1) and 36(1), (2) and (4) of the Jobseeker's Act 1995(**3**), and

— sections 2(3)(b) and (7), 17(2)(b) and 19(1) of the State Pension Credit Act 2002(**4**).

The Social Security Advisory Committee has agreed that the proposals in respect of these Regulations should not be referred to it(**5**).

In respect of the provisions in these Regulations relating to housing benefit and council tax benefit, the Secretary of State has consulted the organisations appearing to him to be representative of the authorities concerned(**6**).

(**1**) 1992 c.4. Section 123(1)(e) was substituted by paragraph 1(1) of Schedule 9 to the Local Government Finance Act 1992 (c.14). Section 124(1)(e) was inserted by paragraph 30(5) of Schedule 2 to the Jobseeker's Act 1995 (c.18) and amended by Section 21 and Schedule 3 of the State Pension Credit Act 2002 (c.16). Section 137(1) is an interpretation provision and is cited because of the meaning there given to the word "prescribed". Section 175(1) and (4) was amended by section 2 of, and paragraph 29(1) and (2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc) Act 1999 (c.2).

(**2**) 1992 c.5. Section 191 is cited for the meaning given to "prescribe".

(**3**) 1995 c.18. Section 1(2C) inserted by section 59 of and paragraphs 1, 2(1) and (3) of Schedule 7 to the Welfare Reform and Pensions Act 1999 (c.30). Section 35(1) is an interpretation provision and is cited because of the meaning given to the words "prescribed" and "regulations". Sections 35(1) and 36(4) were amended by section 2 of, and paragraphs 62 and 63 respectively of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc) Act 1999.

(**4**) 2002 c.16. Section 17(1) is an interpretation provision and is cited because of the meaning given to the words "prescribed and "regulations".

(**5**) *See* sections 172(1) and 173(1)(b) of the Social Security Administration Act 1992. Section 41(4) and Paragraph 67(a) of Schedule 2 to the Jobseekers Act 1995 and section 14 of and paragraph 8 and 20(a) of Schedule 2 to the State Pension Credit Act 2002 added those Acts to the list of "relevant enactments" in respect of which regulations must normally be referred to the Committee.

(**6**) *See* section 176(1) of the Social Security Administration Act 1992 as amended by section 103 of, and paragraph 23 of Schedule 9 to, the Local Government Finance Act 1992.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Miscellaneous Amendments) Regulations 2007.

(2) This regulation and regulations 2(1), (3) to (6), (7)(b)(ii) and (e), (8)(a), (9) and 3(1), (3) to (7), (8)(d) and (j), (9)(a), (11) and 4, 6 to 9 shall come into force on 2nd April 2007.

(3) Subject to paragraphs (4) and (5), regulations 2(8)(c), 3(9)(c) and 5 shall come into force on 8th April 2007.

(4) Regulations 2(8)(c) and 3(9)(c) shall come into force immediately after regulation 5.

(5) Regulations 2(8)(c), 3(9)(c) and 5, in so far as they relate to a particular beneficiary, shall not apply on any day in a benefit week to commence for that beneficiary before 9th April 2007.

(6) Subject to paragraphs (7) and (8), regulations 2(2), (7)(a), (b)(i) and (iii), (c), (d) and (f) to (h), (8)(b) and (d) and 3(2), (8)(a) to (c) and (e) to (i), (k) and (l), (9)(b) and (10) in so far as they relate to a particular beneficiary, shall come into force on the first day of the first benefit week to commence for that beneficiary on or after 9th April 2007.

(7) Regulation 2(7)(a) to (h), in so far as it relates to a particular beneficiary, shall come into force immediately after article 16 of the Uprating Order 2007 comes into force.

(8) Regulation 3(8)(a), (g) and (l) in so far as it relates to a particular beneficiary, shall come into force immediately after article 24 of the Uprating Order 2007 comes into force.

(9) In this regulation—

"benefit week" has the same meaning as in—

(a) regulation 2(1) of the Income Support (General) Regulations 1987(**7**) so far as it relates to regulations 2 and 5(2), and

(b) regulation 1(3) of the Jobseeker's Allowance Regulations 1996(**8**) so far as it relates to regulations 3 and 5(3);

"the Uprating Order 2007" means the Social Security Benefits Uprating Order 2007(**9**).

Amendment of the Income Support (General) Regulations 1987

2.—(1) The Income Support (General) Regulations 1987 are amended as follows.

(2) In regulation 2(1) (interpretation) at the appropriate place insert the following definition—

""long-term patient" means a person who—

(a) is a patient within the meaning of regulation 21(3); and

(b) has been such a patient for a continuous period of more than 52 weeks;".

(3) For regulation 42(2)(i) (notional income)(**10**) substitute—

"(i) any sum to which paragraph 44(2)(a) of Schedule 10 (capital to be disregarded) applies which is administered in the way referred to in paragraph 44(1)(a);

(ia) any sum to which paragraph 45(a) of Schedule 10 refers; or".

(4) In regulation 51 (notional capital)—

(a) for paragraph (1)(c)(**11**) substitute—

(**7**) S.I. 1987/1967. The definition of "benefit week" was amended by S.I. 1988/1445.
(**8**) S.I. 1996/207. The definition of "benefit week" was amended by S.I. 1996/1517, 1996/2538 and 2006/2378.
(**9**) S.I. 2007/688.
(**10**) Paragraph (i) inserted by S.I.1997/2197.
(**11**) Paragraph (c) inserted by S.I. 1997/2197.

"(c) any sum to which paragraph 44(2)(a) of Schedule 10 (capital to be disregarded) applies which is administered in the way referred to in paragraph 44(1)(a);

(d) any sum to which paragraph 45(a) of Schedule 10 refers.";

(b) for paragraph (2)(e)(**12**) substitute—

"(e) any sum to which paragraph 44(2)(a) of Schedule 10 (capital to be disregarded) applies which is administered in a way referred to in paragraph 44(1)(a); or

(f) any sum to which paragraph 45(a) of Schedule 10 refers,".

(5) In regulation 66B (treatment of payments from access funds)(**13**)—

(a) in paragraph (3)(**14**) omit "(which has the same meaning as in paragraph 15(2) of Schedule 9)";

(b) after that paragraph insert—

"(3A) In paragraph (3) "ordinary clothing or footwear" means clothing or footwear for normal daily use, but it does not include—

(a) school uniforms, or

(b) clothing or footwear used solely for sporting activities.".

(6) In regulation 68 (income treated as capital)(**15**)—

(a) in paragraph (3) omit "(which has the same meaning as in paragraph 15(2) of Schedule 9)";

(b) after that paragraph insert—

"(4) In paragraph (3) "ordinary clothing or footwear" means clothing or footwear for normal daily use, but it does not include—

(a) school uniforms, or

(b) clothing or footwear used solely for sporting activities.".

(7) In Schedule 2 (applicable amounts)—

(a) in paragraph 1(1)(c) and (2)(c) (personal allowances) for "paragraph 11(a)" substitute "paragraph 11(1)(a)";

(b) in paragraph 10 (higher pensioner premium)(**16**)—

(i) in sub-paragraph (1)(**17**) for "The" substitute "Subject to sub-paragraph (6), the";

(ii) in sub-paragraph (4)(**18**) omit ", (2)(b)(ii)";

(iii) after sub-paragraph (5) insert—

"(6) The condition is not satisfied if the claimant's partner to whom sub-paragraph (1) refers is a long-term patient.";

(c) in paragraph 11 (disability premium)(**19**)—

(i) the existing provisions of paragraph 11 become sub-paragraph (1) of that paragraph;

(ii) at the beginning of that sub-paragraph, for "The" substitute "Subject to sub-paragraph (2), the";

(**12**) Paragraph (e) inserted by S.I. 1997/2197.
(**13**) Regulation 66B inserted by S.I. 2000/1922.
(**14**) Paragraph (3) amended by S.I. 2001/3767 and 2003/455.
(**15**) Relevant amending instruments are S.I. 2000/1922, 2001/3767, 2003/455.
(**16**) Relevant amending instruments are S.I. 2002/3019, 2003/2379.
(**17**) S.I. 2002/3019 substituted sub-paragraph (1) for sub-paragraphs (1) and (2) as originally enacted.
(**18**) Paragraph (4) inserted by S.I. 1998/2231 and amended by S.I. 2006/2378.
(**19**) Relevant amending instruments are S.I. 2002/3019, 2003/2379.

(iii) after that sub-paragraph, insert—

"(2) The condition is not satisfied if—

(a) the claimant is a single claimant or a lone parent and (in either case) is a long-term patient;

(b) the claimant is a member of a couple or polygamous marriage and each member of the couple or polygamous marriage is a long-term patient; or

(c) the claimant is a member of a couple or a polygamous marriage and a member of that couple or polygamous marriage is—

(i) a long-term patient; and

(ii) the only member of the couple or polygamous marriage to whom sub-paragraph (1)(b) refers.";

(d) in paragraph 12(1) (additional condition for the higher pensioner and disability premium)(**20**)—

(i) in sub-paragraph (b)(ii)(bb) for "paragraphs 2A and 2B" substitute "paragraph 2A";

(ii) in sub-paragraph (d) omit "or 2B";

(e) in paragraph 13(3ZA) (severe disability premium)(**21**), for "the date on which the award is made" substitute "the date on which the award is first paid".

(f) for paragraph 13A(2) (enhanced disability premium)(**22**) substitute—

"(2) The condition is not satisfied if the person to whom sub-paragraph (1) refers is—

(a) a child or young person—

(i) whose capital if calculated in accordance with Part 5 of these Regulations in like manner as for the claimant, except as provided in regulation 44(1), would exceed £3,000; or

(ii) who is a long-term patient;

(b) a single claimant or a lone parent and (in either case) is a long-term patient;

(c) a member of a couple or polygamous marriage and each member of the couple or polygamous marriage is a long-term patient; or

(d) a member of a couple or polygamous marriage who—

(i) is a long-term patient; and

(ii) is the only member of the couple or polygamous marriage to whom sub-paragraph (1) refers.";

(g) for paragraph 14 (disabled child premium)(**23**) substitute—

"**Disabled Child Premium**

14.—(1) Subject to sub-paragraph (2), the condition is that where the child or young person for whom the claimant or a partner of his is responsible and who is a member of the claimant's household is—

(**20**) Relevant amending instrument is S.I. 2005/3360.

(**21**) Paragraph 13(3ZA) inserted by S.I. 1994/2139 and amended by S.I. 2002/2497.

(**22**) Paragraph 13A inserted by S.I. 2000/2629. Paragraph 13A(2)(a) omitted by S.I. 2003/455 although it remains in force in relation to certain claimants: see regulation 1(3) of S.I. 2003/455.

(**23**) Paragraph 14 omitted by S.I. 2003/455 although it remains in force in relation to certain claimants: see regulation 1(3) of S.I. 2003/455.

(a) in receipt of disability living allowance or is no longer in receipt of that allowance because he is a patient provided that the child or young person continues to be a member of the family; or

(b) blind or treated as blind within the meaning of paragraph 12(1)(a)(iii) and (2).

(2) The condition is not satisfied in respect of a child or young person—

(a) whose capital, if calculated in accordance with Part 5 of these Regulations in like manner as for the claimant, except as provided in regulation 44(1), would exceed £3,000; or

(b) who is a long-term patient.";

(h) in paragraph 15(4) (weekly amounts of premiums specified in Part 3)—

(i) in sub-paragraph (a) for "paragraph 11(a)" substitute "paragraph 11(1)(a)";

(ii) in sub-paragraph (b) for "paragraph 11(b)" substitute "paragraph 11(1)(b)".

(8) In Schedule 7 (applicable amounts in special cases) —

(a) in the heading, for "Regulation 21" substitute "Regulations 21 and 21AA";

(b) omit paragraph 2B in Columns (1) and (2)(**24**);

(c) omit paragraph 3 in Columns (1) and (2)(**25**);

(d) in paragraph 19, in Columns (1) and (2), for "paragraph 11(b)" substitute "paragraph 11(1)(b)".

(9) In paragraph 30A(1)(**26**) of Schedule 9 (sums to be disregarded in the calculation of income other than earnings), for "whether or not the payment is charitable or voluntary" substitute "except a charitable or voluntary payment disregarded under paragraph 15".

Amendment of the Jobseeker's Allowance Regulations 1996

3.—(1) The Jobseeker's Allowance Regulations 1996 are amended as follows.

(2) In regulation 1(3) (interpretation) at the appropriate place insert the following definition—

""long-term patient" means a person who—

(a) is a patient within the meaning of regulation 85(4); and

(b) has been such a patient for a continuous period of more than 52 weeks;".

(3) In regulation 3E(2)(d) (entitlement of a member of a joint-claim couple to a jobseeker's allowance without a claim being made jointly by the couple)(**27**), for "85" substitute "85A".

(4) For regulation 105(2)(h) (notional income)(**28**) substitute—

"(h) any sum to which paragraph 42(2)(a) of Schedule 8 (capital to be disregarded) applies which is administered in the way referred to in paragraph 42(1)(a);

(ha) any sum to which paragraph 43(a) of Schedule 8 refers; or".

(5) In regulation 113 (notional capital)—

(a) for paragraph (1)(c)(**29**) substitute—

"(c) any sum to which paragraph 42(2)(a) of Schedule 8 (capital to be disregarded) applies which is administered in the way referred to in paragraph 42(1)(a); or

(**24**) Paragraph 2B inserted by S.I. 2005/3360.
(**25**) Paragraph 3 amended by S.I. 2003/455.
(**26**) Paragraph 30A(1) inserted by S.I. 1993/2119; relevant amending instruments are S.I. 2005/2687, 2006/2378.
(**27**) Regulation 3E(2)(d) inserted by S.I. 2000/1978.
(**28**) Regulation 105(2)(h) inserted by S.I. 1997/2197.
(**29**) Paragraph (1)(c) inserted by S.I. 1997/2197.

(d) any sum to which paragraph 43(a) of Schedule 8 refers.";

(b) for paragraph (2)(e)(**30**) substitute—

"(e) any sum to which paragraph 42(2)(a) of Schedule 8 (capital to be disregarded) applies which is administered in the way referred to in paragraph 42(1)(a); or

(f) any sum to which paragraph 43(a) of Schedule 8 refers,".

(6) In regulation 136A (treatment of payments from access funds)(**31**)—

(a) in paragraph (3)(**32**) omit "(which has the same meaning as in paragraph 15(2) of Schedule 7)";

(b) after that paragraph insert—

"(3A) In paragraph (3) "ordinary clothing or footwear" means clothing or footwear for normal daily use, but it does not include—

(a) school uniforms, or

(b) clothing or footwear used solely for sporting activities.".

(7) In regulation 138 (income treated as capital)—

(a) in paragraph (3)(**33**) omit "(which has the same meaning as in paragraph 15(2) of Schedule 7)";

(b) after that paragraph insert—

"(4) In paragraph (3) "ordinary clothing or footwear" means clothing or footwear for normal daily use, but it does not include—

(a) school uniforms, or

(b) clothing or footwear used solely for sporting activities.".

(8) In Schedule 1 (applicable amounts)—

(a) in paragraph 1(1)(c), (2)(c) and (3)(d) (personal allowances) for "paragraph 13(a)" substitute "paragraph 13(1)(a)";

(b) in paragraph 12 (higher pensioner premium)—

(i) in sub-paragraph (1) for "The" substitute "Subject to sub-paragraph (5), the";

(ii) after sub-paragraph (4) insert—

"(5) The condition is not satisfied if—

(a) the claimant is a single claimant or a lone parent and (in either case) is a long-term patient;

(b) the claimant is a member of a couple or polygamous marriage and each member of the couple or polygamous marriage is a long-term patient; or

(c) the claimant is a member of a couple or a polygamous marriage and a member of that couple or polygamous marriage is—

(i) a long-term patient; and

(ii) the only member of the couple or polygamous marriage to whom sub-paragraph (1)(b) or (c) refers.";

(c) in paragraph 13 (disability premium)—

(i) the existing provisions of paragraph 13 become sub-paragraph (1) of that paragraph;

(**30**) Paragraph (2)(e) inserted by S.I. 1997/2197.
(**31**) Regulation 136A inserted by S.I. 2000/1922.
(**32**) Paragraph (3) inserted by S.I. 2000/1922; relevant amending instruments are S.I. 2001/3767 and 2003/455.
(**33**) Paragraph (3) inserted by S.I. 2000/1922; relevant amending instruments are S.I. 2001/3767 and 2003/455.

(ii) at the beginning of that sub-paragraph, for "The" substitute "Subject to sub-paragraph (2), the";

(iii) after that sub-paragraph, insert—

"(2) The condition is not satisfied if—

(a) the claimant is a single claimant or a lone parent and (in either case) is a long-term patient;

(b) the claimant is a member of a couple or polygamous marriage and each member of the couple or polygamous marriage is a long-term patient; or

(c) the claimant is a member of a couple or polygamous marriage and a member of that couple or polygamous marriage—

(i) is a long-term patient; and

(ii) is the only member of the couple or polygamous marriage to whom the condition in sub-paragraph (1)(b) or (c) refers.";

(d) in paragraph 15(7) (severe disability premium)(**34**) for "the date on which an award is made" substitute "the date on which the award is first paid";

(e) for paragraph 15A(2) (enhanced disability premium)(**35**) substitute—

"(2) The condition is not satisfied where the person to whom sub-paragraph (1) refers is—

(a) a child or young person—

(i) whose capital if calculated in accordance with Part 8 of these Regulations in like manner as for the claimant, except as provided in regulation 106(1), would exceed £3,000; or

(ii) who is a long-term patient;

(b) a single claimant or a lone parent and (in either case) is a long-term patient;

(c) a member of a couple or polygamous marriage and each member of the couple or polygamous marriage is a long-term patient; or

(d) a member of a couple or polygamous marriage who is—

(i) a long-term patient; and

(ii) the only member of the couple or polygamous marriage to whom sub-paragraph (1) refers.";

(f) for paragraph 16 (disabled child premium)(**36**) substitute—

"**Disabled Child Premium**

16.—(1) Subject to sub-paragraph (2), the condition is that where the child or young person for whom the claimant or a partner of his is responsible and who is a member of the claimant's household is—

(a) in receipt of disability living allowance or is no longer in receipt of that allowance because he is a patient provided that the child or young person continues to be a member of the family; or

(**34**) Paragraph 15 amended by S.I. 2003/511.

(**35**) Paragraph 15A inserted by S.I. 2000/2629; relevant amending instruments are S.I. 2003/455 and 1195. Sub-paragraph (2)(a) omitted by S.I. 2003/455 although it remains in force in relation to certain claimants: see regulation 1(6) and (7) of S.I. 2003/455.

(**36**) Paragraph 16 omitted by S.I. 2003/455 although it remains in force in relation to certain claimants: see regulation 1(6) and (7) of S.I. 2003/455.

(b) blind or treated as blind within the meaning of paragraph 14(1)(h) and (2).

(2) The condition is not satisfied in respect of a child or young person—

(a) whose capital, if calculated in accordance with Part 8 of these Regulations in like manner as for the claimant, except as provided in regulation 106(1), would exceed £3,000; or

(b) who is a long-term patient.";

(g) in paragraph 20(5) (weekly amounts of premiums specified in Part 3)—

(i) in paragraph (a) for "paragraph 13(a)" substitute "paragraph 13(1)(a)";

(ii) in paragraph (b) for "paragraph 13(b)" substitute "paragraph 13(1)(b)";

(h) in paragraph 20F (higher pensioner premium)(**37**)—

(i) in sub-paragraph (1) for "The" substitute "Subject to sub-paragraph (5), the";

(ii) after sub-paragraph (4) insert—

"(5) The condition is not satisfied if the member of the joint-claim couple to whom sub-paragraph (1) refers is a long-term patient.";

(i) for paragraph 20G (disability premium) substitute—

"**Disability Premium**

20G.—(1) Subject to sub-paragraph (2), the condition is that a member of a joint-claim couple has not attained the age of 60 and satisfies any one of the additional conditions specified in paragraph 20H.

(2) The condition is not satisfied if—

(a) paragraph (1) only refers to one member of a joint-claim couple and that member is a long-term patient; or

(b) paragraph (1) refers to both members of a joint-claim couple and both members of the couple are long-term patients.";

(j) in paragraph 20I(6) (severe disability premium)(**38**) for "the date on which the award is made" substitute "the date on which the award is first paid";

(k) for paragraph 20IA(2) (enhanced disability premium)(**39**) substitute—

"(2) The condition is not satisfied if—

(a) paragraph (1) only refers to one member of a joint-claim couple and that member is a long-term patient; or

(b) paragraph (1) refers to both members of a joint-claim couple and both members of the couple are long-term patients."; and

(l) in paragraph 20M(3) (weekly amounts of premiums specified in Part 4A), for "paragraph 20G" substitute "paragraph 20G(1)".

(9) In Schedule 5 (applicable amounts in special cases)—

(a) in the heading, for "Regulation 85" substitute "Regulations 85 and 85A".

(b) omit paragraph 1A in Columns (1) and (2)(**40**);

(**37**) Part IVA of Schedule 1 inserted by S.I. 2000/1978.
(**38**) Paragraph 20I(6) amended by S.I. 2003/511.
(**39**) Paragraph 20IA inserted by S.I. 2000/2629. Sub-paragraph (2) was amended by S.I. 2003/1195.
(**40**) Paragraph 1A inserted by S.I. 2005/3360.

(c) omit paragraph 2 in Columns (1) and (2)(**41**).

(10) In Schedule 5A (applicable amounts of joint-claim couples in special cases)(**42**), omit paragraph 1A in Columns (1) and (2).

(11) In paragraph 32(1) of Schedule 7 (sums to be disregarded in the calculation of income other than earnings)(**43**), for "whether or not the payment is charitable or voluntary" substitute "except a charitable or voluntary payment disregarded under paragraph 15".

Amendment of the State Pension Credit Regulations 2002

4.—(1) The State Pension Credit Regulations 2002(**44**) are amended as follows.

(2) In paragraph 1(2)(c) of Schedule 1 (circumstances in which persons are treated as not being severely disabled), for "the date on which the award is made" substitute "the date on which the award is first paid".

Amendment of the Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003

5.—(1) The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003(**45**) are amended as follows.

(2) In Schedule 1 (Amendments to the Income Support Regulations), omit paragraph 21(d).

(3) In Schedule 2 (Amendments to the Jobseeker's Allowance Regulations), omit paragraph 21(a).

Amendment of the Housing Benefit Regulations 2006

6.—(1) The Housing Benefit Regulations 2006(**46**) are amended as follows.

(2) For regulation 42(2)(d) (notional income) substitute—

"(d) any sum to which paragraph 45(2)(a) of Schedule 6 (capital to be disregarded) applies which is administered in the way referred to in paragraph 45(1)(a);

(da) any sum to which paragraph 46(a) of Schedule 6 refers;".

(3) For regulation 49(2)(e) (notional capital) substitute—

"(e) any sum to which paragraph 45(2)(a) of Schedule 6 (capital to be disregarded) applies which is administered in the way referred to in paragraph 45(1)(a); or

(ea) any sum to which paragraph 46(a) of Schedule 6 refers; or".

(4) For regulation 87 (amendment and withdrawal of claim)(**47**) substitute—

"**Amendment and withdrawal of claim**

87.—(1) A person who has made a claim may amend it at any time before a decision has been made on it, by a notice in writing delivered or sent to the designated office, except where the claim was made by telephone in accordance with regulation 83(4A) where the amendment

(**41**) Paragraph 2 omitted by S.I. 2003/455 although it remains in force in relation to certain claimants: see regulation 1(6) and (7) of S.I. 2003/455.
(**42**) Schedule 5A inserted by S.I. 2000/1978. Paragraph 1A was inserted by S.I. 2005/3360.
(**43**) Paragraph 32(1) amended by S.I. 2005/2687 and S.I. 2006/2378.
(**44**) S.I. 2002/1792.
(**45**) S.I. 2003/455.
(**46**) S.I. 2006/213.
(**47**) Regulation 87 was amended and paragraph (4A) was inserted into regulation 83 by S.I. 2006/2967.

may be made by telephone, and any claim so amended shall be treated as if it had been amended in the first instance.

(2) A person who has made a claim may withdraw it at any time before a decision has been made on it, by notice to the designated office, and any such notice of withdrawal shall have effect when it is received.".

(5) In Schedule 1 (ineligible service charges) for paragraph 1(a)(iii) substitute—

"(iii) leisure items such as either sports facilities (except a children's play area), or television rental, licence and subscription fees (except radio relay charges and charges made in respect of the conveyance and installation and maintenance of equipment for the conveyance of a television broadcasting service);".

(6) In paragraph 14(6) of Schedule 3 (severe disability premium), for "the date on which the award is made" substitute "the date on which the award is first paid".

Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

7.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(**48**) are amended as follows.

(2) For regulation 68 (amendment and withdrawal of claim)(**49**) substitute—

"**Amendment and withdrawal of claim**

68.—(1) A person who has made a claim may amend it at any time before a decision has been made on it, by a notice in writing delivered or sent to the designated office, except where the claim was made by telephone in accordance with regulation 64(5A) where the amendment may be made by telephone, and any claim so amended shall be treated as if it had been amended in the first instance.

(2) A person who has made a claim may withdraw it at any time before a decision has been made on it, by notice to the designated office, and any such notice of withdrawal shall have effect when it is received.".

(3) In Schedule 1 (ineligible service charges) for paragraph 1(a)(iii) substitute—

"(iii) leisure items such as either sports facilities (except a children's play area), or television rental, licence and subscription fees (except radio relay charges and charges made in respect of the conveyance and installation and maintenance of equipment for the conveyance of a television broadcasting service);".

(4) In paragraph 6(8)(a) of Schedule 3 (severe disability premium), for "the date on which the award is made" substitute "the date on which the award is first paid".

Amendment of the Council Tax Benefit Regulations 2006

8.—(1) The Council Tax Benefit Regulations 2006(**50**) are amended as follows.

(2) For regulation 32(2)(d) (notional income) substitute—

"(d) any sum to which paragraph 47(2)(a) of Schedule 5 (capital to be disregarded) applies which is administered in the way referred to in paragraph 47(1)(a);

(da) any sum to which paragraph 48(a) of Schedule 5 refers;".

(**48**) S.I. 2006/214.
(**49**) Regulation 68 was amended and paragraph (5A) was inserted into regulation 64 by S.I. 2006/2967.
(**50**) S.I. 2006/215.

(3) For regulation 39(2)(e) (notional capital) substitute—

"(e) any sum to which paragraph 47(2)(a) of Schedule 5 (capital to be disregarded) applies which is administered in the way referred to in paragraph 47(1)(a); or

(ea) any sum to which paragraph 48(a) of Schedule 5 refers; or".

(4) For regulation 73 (amendment and withdrawal of claim)(**51**) substitute—

"**Amendment and withdrawal of claim**

73.—(1) A person who has made a claim may amend it at any time before a decision has been made on it, by a notice in writing delivered or sent to the designated office, except where the claim was made by telephone in accordance with regulation 69(4A) where the amendment may be made by telephone, and any claim so amended shall be treated as if it had been amended in the first instance.

(2) A person who has made a claim may withdraw it at any time before a decision has been made on it, by notice to the designated office, and any such notice of withdrawal shall have effect when it is received.".

(5) In paragraph 14(6) of Schedule 1 for (severe disability premium), "the date on which the award is made" substitute "the date on which the award is first paid".

Amendment of the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

9.—(1) The Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(**52**) are amended as follows.

(2) For regulation 58 (amendment and withdrawal of claim)(**53**) substitute—

"**Amendment and withdrawal of claim**

58.—(1) A person who has made a claim may amend it at any time before a decision has been made on it, by a notice in writing delivered or sent to the designated office, except where the claim was made by telephone in accordance with regulation 53(4A) where the amendment may be made by telephone, and any claim so amended shall be treated as if it had been amended in the first instance.

(2) A person who has made a claim may withdraw it at any time before a decision has been made on it, by notice to the designated office, and any such notice of withdrawal shall have effect when it is received.".

(3) In paragraph 6(8)(a) of Schedule 1 (severe disability premium), for "the date on which the award is made" substitute "the date on which the award is first paid".

(**51**) Regulation 73 was amended and paragraph (4A) was inserted into regulation 69 by S.I. 2006/2967.
(**52**) S.I. 2006/216.
(**53**) Regulation 58 was amended and paragraph (4A) was inserted into regulation 53 by S.I. 2006/2967.

Signed by authority of the Secretary of State for Work and Pensions.

James Plaskitt
Parliamentary Under Secretary of State,
Department for Work and Pensions

7th March 2007

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend a number of different regulations relating to social security.

Regulations 2 to 4 and 6 to 9 amend the Income Support (General) Regulations 1987 (S.I. 1987/1967) ("the Income Support Regulations"), the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207) ("the Jobseeker's Allowance Regulations"), the State Pension Credit Regulations 2002 (S.I. 2002/1792), the Housing Benefit Regulations 2006 (S.I. 2006/213), the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (S.I. 2006/214) the Council Tax Benefit Regulations 2006 (S.I. 2006/215), the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (S.I. 2006/216) so that an award of carer's allowance is only taken into account from the date on which it is paid.

Regulations 2, 3, 6 and 8 amend cross-references in the Income Support Regulations, the Jobseeker's Allowance Regulations, the Housing Benefit Regulations 2006 and the Council Tax Benefit Regulations 2006 to provisions (which were amended by S.I. 2006/2378) relating to the treatment of capital which is derived from an award of damages for a personal injury for the purposes of determining notional income or capital.

Regulation 6 to 9 correct errors in amendments made to the Housing Benefit Regulations 2006, the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, the Council Tax Benefit Regulations 2006 and the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) 2006.

Regulations 2, 3 and 5 amend Schedule 7 to the Income Support Regulations, Schedule 5 to the Jobseeker's Allowance Regulations and the Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 to remove the reduction in a claimant's applicable amount for income support and jobseeker's allowance that applies in certain circumstances where a child or young person has been a patient for more than 12 weeks.

Regulations 2 and 3 amend the Income Support Regulations and the Jobseeker's Allowance Regulations so as to:

— clarify that charitable and voluntary payments are wholly disregarded for the purposes of calculating income other than earnings;

— specify that ordinary clothing and footwear does not include school uniforms or clothing or footwear used solely for sporting activities for the purposes of calculating amounts from access funds which are to be treated as capital;

— insert correct cross-references in relation to the definition of a "person from abroad".

Regulations 6 and 7 amend the Housing Benefit Regulations 2006 and the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 to remove references to satellite television and to provide that television subscription charges are ineligible service charges for housing benefit purposes in Schedule 1 of those Regulations.

Regulation 2 amends the Income Support regulations so as to:

— provide for the circumstances where a higher pensioner premium, disability premium, enhanced disability premium and disabled child premium is to cease to be applicable to a claimant where the claimant, a partner of a claimant or a child or young person is a long-term patient;

— provide that "long-term patient" means a person who has been a patient for more than 52 weeks;

— amend Schedule 7 of the Income Support Regulations to remove the special applicable amounts that apply where a claimant, or if a claimant is a member of a couple the other member of that couple, has been a patient for more than 52 weeks;

— make a minor amendment to remove a reference to an obsolete sub-paragraph in Schedule 2 to those Regulations.

Regulation 3 amends the Jobseeker's Allowance Regulations so as to:

— provide for the circumstances where a higher pension premium, disability premium, enhanced disability premium and disabled child premium is to cease to be applicable to a claimant or a joint-claim couple where a claimant, a partner of a claimant or a child or young person is a long-term patient;

— provide that "long-term patient" means a person who has been a patient for more than 52 weeks;

— amend Schedule 5 to the Jobseeker's Allowance Regulations to remove the special applicable amounts that apply where a claimant is a long-term patient.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business, charities or the voluntary sector.