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STATUTORY INSTRUMENTS

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**1995 No. 2793**

**SOCIAL SECURITY**

**The Housing Benefit (Permitted Totals) and  
Council Tax Benefit (Permitted Total) (Pensions  
for War Widows) Amendment Order 1995**

*Made - - - - 26th October 1995*

*Laid before Parliament 27th October 1995*

*Coming into force in accordance with article 1(1)*

The Secretary of State for Social Security, in exercise of powers conferred on him by sections 134(12), 139(10) and 189(1) and (3) to (6) of the Social Security Administration Act 1992<sup>(1)</sup>, and of all other powers enabling him in that behalf, it appearing to him that by reason of the urgency of the matter it is inexpedient to consult with organisations appearing to him to be representative of the authorities concerned<sup>(2)</sup>, hereby makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Housing Benefit (Permitted Totals) and Council Tax Benefit (Permitted Total) (Pensions for War Widows) Amendment Order 1995 and shall come into force on 28th October 1995, except that article 4 shall come into force on 2nd January 1996 immediately after the Housing Benefit Order 1995 comes into force.

(2) In this Order—

“the Council Tax Benefit Order” means the Council Tax Benefit (Permitted Total) Order 1994<sup>(3)</sup>;

“the Housing Benefit Order 1994” means the Housing Benefit (Permitted Totals) Order 1994<sup>(4)</sup>; and

“the Housing Benefit Order 1995” means the Housing Benefit (Permitted Totals) Order 1995<sup>(5)</sup>.

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(1) 1992 c. 5. Section 139 was amended by the Local Government Finance Act 1992 (c. 14) section 103 and Schedule 9, paragraph 20.

(2) See section 176(2)(a) of the Social Security Administration Act 1992. Section 176 was amended by the Local Government Finance Act 1992 (c. 14), section 103 and Schedule 9, paragraph 23.

(3) S.I. 1994/2138.

(4) S.I. 1994/579; revoked by the Housing Benefit Order 1995 with effect from 2nd January 1996.

(5) S.I. 1995/1954.

### **Amendment of the Council Tax Benefit Order**

2. The Council Tax Benefit Order shall be amended by inserting, after article 2, a new article 2A—

#### **“Permitted total of benefit in modified schemes**

2A. For the purpose of section 139(7) of the Social Security Administration Act 1992 (modifications other than war disablement pension or war widows pension within the Act), the permitted total of council tax benefit for the year commencing on 1st April 1995 in relation to an authority shall be the total of the amounts obtained by deducting 100% of any council tax benefit awarded as a consequence of any determination to disregard which that authority has made during that year pursuant to a modification adopted under section 139(6) (b) of that Act (power to modify council tax benefit schemes as prescribed) and regulation 8 of the Income-related Benefits Schemes Amendment (No. 2) Regulations 1995(6) (power to modify in respect of certain pensions to war widows) from the total council tax benefit granted by that authority during that year and multiplying the resulting figure by 100.7%.”.

### **Amendment of the Housing Benefit Order 1994**

3. The Housing Benefit Order 1994 shall be amended by inserting, after article 2, a new article 2A—

#### **“Permitted totals of benefit in modified schemes**

2A. For the purpose of section 134(9) of the Social Security Administration Act 1992 (modifications other than war disablement pension or war widows pension within the Act), the permitted total of rebates or allowances for the year commencing on 1st April 1995 in relation to an authority shall be the total of the amounts obtained by deducting 100% of any housing benefit awarded as a consequence of any determination to disregard which that authority has made during that year pursuant to a modification adopted under section 134(8) (b) of that Act (power to modify housing benefit schemes as prescribed) and regulation 7 of the Income-related Benefits Schemes Amendment (No. 2) Regulations 1995 (power to modify in respect of certain pensions to war widows) from the total housing benefit granted by that authority during that year and multiplying the resulting figure by 100.7%.”.

### **Amendment of the Housing Benefit Order 1995**

4. The Housing Benefit Order 1995 shall be amended by inserting, after article 4, a new article 4A—

#### **“Permitted totals of benefit in modified schemes**

4A. For the purpose of section 134(9) of the Social Security Administration Act 1992 (modifications other than war disablement pension or war widows pension within the Act), the permitted total of rebates or allowances for the year commencing on 1st April 1995 in relation to an authority shall be the total of the amounts obtained by deducting 100% of any housing benefit awarded as a consequence of any determination to disregard which that authority has made during that year pursuant to a modification adopted under section 134(8) (b) of that Act (power to modify housing benefit schemes as prescribed) and regulation 7 of the Income-related Benefits Schemes Amendment (No. 2) Regulations 1995 (power to

modify in respect of certain pensions to war widows) from the total housing benefit granted by that authority during that year and multiplying the resulting figure by 100.7%.”.

Signed by authority of the Secretary of State for Social Security.

26th October 1995

*Roger Evans*  
Parliamentary Under-Secretary of State,  
Department of Social Security

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order sets out the basis for calculating the permitted total of rent rebates, rent allowances and council tax benefit for the year 1995/1996 for authorities modifying the housing benefit and council tax benefit schemes under sections 134(8)(b) and 139(6)(b) of the Social Security Administration Act 1992 in respect of the extension of those powers by regulations 7 and 8 of the Income-related Benefits Schemes Amendment (No. 2) Regulations 1995 (S.I. [1995/2792](#)), which extend those powers to modify those schemes so as to disregard as income for the purposes of those schemes the whole or part of a pension payable to a woman as a widow under the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983 (S.I. [1983/883](#)).

This Order does not impose a charge on businesses.