
STATUTORY INSTRUMENTS

2001 No. 3481

SOCIAL SECURITY

The Social Security Amendment (Capital Disregards) (No. 2) Regulations 2001

Made - - - - 23rd October 2001
Laid before Parliament 29th October 2001
Coming into force - - 19th November 2001

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 123(1)(a), (d) and (e), 136(5)(b), 137(1) and 175(1) and (3) of the Social Security Contributions and Benefits Act 1992(1) and sections 12(4)(b), 35(1) and 36(1) and (2) of the Jobseekers Act 1995(2) and of all other powers enabling him in that behalf, after consultation in respect of provisions in these Regulations relating to housing benefit and council tax benefit with organisations appearing to him to be representative of the authorities concerned(3) and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(4), hereby makes the following Regulations:

Citation, commencement and interpretation

1. These Regulations may be cited as the Social Security Amendment (Capital Disregards) (No. 2) Regulations 2001 and shall come into force on 19th November 2001.

Income support, jobseeker's allowance, housing benefit and council tax benefit: capital disregard

2. There shall be added as—

- (a) paragraph 67 of Schedule 5 to the Council Tax Benefit (General) Regulations 1992(5) (capital to be disregarded);

(1) 1992 c. 4; sections 123(1) and 137(1) were amended to have effect with respect to council tax benefit by Schedule 9 to the Local Government Finance Act 1992 (c. 14), paragraphs 1(1) and 9; section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”.

(2) 1995 c. 18; section 35(1) is an interpretation provision and is cited because of the meaning ascribed to the words “prescribed” and “regulations”.

(3) See section 176(1) of the Social Security Administration Act 1992 (c. 5).

(4) See sections 170 and 173(1)(b) of the Social Security Administration Act 1992; paragraph 67 of Schedule 2 to the Jobseekers Act 1995 added that Act to the list of “relevant enactments” in respect of which regulations must normally be referred to the Committee. Section 173(7) of the Social Security Administration Act 1992 defines “regulations”.

(5) S.I. 1992/1814; paragraph 66 was added by S.I. 2001/1118.

- (b) paragraph 67 of Schedule 5 to the Housing Benefit (General) Regulations 1987(6);
- (c) paragraph 65 of Schedule 10 to the Income Support (General) Regulations 1987(7);
- (d) paragraph 58 of Schedule 8 to the Jobseeker's Allowance Regulations 1996(8),

the following paragraph—

“The amount of a payment, other than a war pension within the meaning in section 25 of the Social Security Act 1989(9), to compensate for the fact that the claimant, the claimant's partner, the claimant's deceased spouse or the claimant's partner's deceased spouse—

- (a) was a slave labourer or a forced labourer;
- (b) had suffered property loss or had suffered personal injury; or
- (c) was a parent of a child who had died,
during the Second World War.”.

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

23rd October 2001

Ian McCartney
Minister of State
Department for Work and Pensions

(6) S.I. 1987/1971; paragraph 66 was added by S.I. 2001/1118.
(7) S.I. 1987/1967; paragraph 64 was added by S.I. 2001/1118.
(8) S.I. 1996/207; paragraph 57 was added by S.I. 2001/1118.
(9) 1989 c. 24.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Income Support (General) Regulations 1987 (S.I. [1987/1967](#)), the Jobseeker's Allowance Regulations 1996 (S.I. [1996/207](#)), the Housing Benefit (General) Regulations 1987 (S.I. [1987/1971](#)) and the Council Tax Benefit (General) Regulations 1992 (S.I. [1992/1814](#)).

In particular, regulation 2 provides that payments made to compensate for a person being a slave labourer or a forced labourer, suffering property loss or personal injury or being the parent of a child who had died, during the Second World War, shall be disregarded as capital when ascertaining the entitlement of the recipient of that payment to those benefits.

These Regulations do not impose a charge on business.