

## STATUTORY INSTRUMENTS

# 2001 No. 4022

## The Social Security (Loss of Benefit) Regulations 2001

### PART VI

#### DEDUCTIONS FROM BENEFITS AND DISQUALIFYING BENEFITS

##### Social security benefits not to be sanctionable benefits

**19.** The following social security benefits are to be treated as a disqualifying benefit but not a sanctionable benefit—

- (a) constant attendance allowance payable under [<sup>F1</sup>article 8 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006]<sup>M1</sup> (“the Order”) or article 14 or 43 of the Personal Injuries (Civilians) Scheme 1983 <sup>M2</sup> (“the Scheme”);
- (b) exceptionally severe disablement allowance payable under [<sup>F2</sup>article 9 of the Order] or article 15 or 44 of the Scheme;
- (c) mobility supplement payable under [<sup>F3</sup>article 20] of the Order or article 25A or 48A of the Scheme;
- (d) constant attendance allowance and exceptionally severe disablement allowance, payable under sections 104 and 105 respectively of the Benefits Act where a disablement pension is payable under section 103 of that Act; and

[<sup>F4</sup>(e) bereavement support payment payable under section 30 of the Pensions Act 2014.]

##### Textual Amendments

- F1** Words in reg. 19(a) substituted (E.W.S.) (1.4.2013) by [The Social Security \(Loss of Benefit\) \(Amendment\) Regulations 2013 \(S.I. 2013/385\)](#), regs. 1(2)(c), **15(2)**
- F2** Words in reg. 19(b) substituted (E.W.S.) (1.4.2013) by [The Social Security \(Loss of Benefit\) \(Amendment\) Regulations 2013 \(S.I. 2013/385\)](#), regs. 1(2)(c), **15(3)**
- F3** Words in reg. 19(c) substituted (E.W.S.) (1.4.2013) by [The Social Security \(Loss of Benefit\) \(Amendment\) Regulations 2013 \(S.I. 2013/385\)](#), regs. 1(2)(c), **15(4)**
- F4** Reg. 19(e) substituted (6.4.2017 coming into force in accordance with art. 1-3) by [The Pensions Act 2014 \(Consequential, Supplementary and Incidental Amendments\) Order 2017 \(S.I. 2017/422\)](#), arts. 1(2), **20**

##### Marginal Citations

- M1** [S.I. 1983/883](#).
- M2** [S.I. 1983/686](#).

**[<sup>F5</sup>Benefits to be treated as neither sanctionable nor disqualifying**

**19A.** Each of the following benefits is to be treated as neither a sanctionable benefit nor a disqualifying benefit—

- (a) statutory adoption pay;
- (b) statutory paternity pay;
- (c) health in pregnancy grant.]

**Textual Amendments**

- F5** Reg. 19A inserted (1.4.2010) by [The Social Security \(Loss of Benefit\) Amendment Regulations 2010 \(S.I. 2010/1160\)](#), regs. 1, **2(11)**

**Deductions from benefits**

**20.** Any restriction in section [<sup>F6</sup>6B,] 7, 8 or 9 of the Act shall not apply in relation to payments of benefit to the extent of any deduction from the payments which falls to be made under regulations made under section 5(1)(p) of the Social Security Administration Act 1992 for, or in place of, child support maintenance and for this purpose, “child support maintenance” means such maintenance which is payable under the Child Support Act 1991 <sup>M3</sup>.

**Textual Amendments**

- F6** Word in reg. 20 inserted (E.W.S.) (1.4.2010) by [The Social Security \(Loss of Benefit\) Amendment Regulations 2010 \(S.I. 2010/1160\)](#), regs. 1, **2(12)**

**Marginal Citations**

- M3** [1991 c. 48](#). Section 43 of that Act, which permits deduction in connection with child support maintenance using the powers in section 5 of the Social Security Administration Act 1992, is substituted by section 21 of the [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#). The Regulations are [S.I. 1987/1968](#) and relevant amending instruments are [S.I. 1988/522](#) and 725, 1992/1026 and 2001/18.

**Changes to legislation:**

There are currently no known outstanding effects for the The Social Security (Loss of Benefit) Regulations 2001, PART VI.