

2003 No. 2275

SOCIAL SECURITY

The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003

<i>Made - - - -</i>	<i>7th September 2003</i>
<i>Laid before Parliament</i>	<i>12th September 2003</i>
<i>Coming into force -</i>	
<i>for the purposes of regulation 2</i>	<i>5th October 2003</i>
<i>for all other purposes</i>	<i>6th October 2003</i>

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by the provisions specified in the Schedule to these Regulations and of all other powers enabling him in that behalf, after consultation with organisations appearing to him to be representative of the authorities concerned^(a) and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it^(b), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003 and shall come into force—

- (a) for the purposes of regulation 2, on 5th October 2003; and
- (b) for all other purposes, on 6th October 2003.

(2) In these Regulations—

“the Council Tax Benefit Regulations” means the Council Tax Benefit (General) Regulations 1992^(c);

“the Decisions and Appeals Regulations” means the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001^(d);

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987^(e); and

“the State Pension Credit Regulations” means the Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003^(f).

[Regulation 2 makes various amendments to S.I. 2003/325.]

[Regulation 3 makes various amendments to S.I. 1987/1971.]

[Regulation 4 makes various amendments to S. I. 1992/1814.]

[Regulation 5 makes various amendments to S.I. 2001/1002.]

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

(b) See sections 170 and 173(1)(b) of the Social Security Administration Act 1992.

(c) S.I. 1992/1814.

(d) S.I. 2001/1002.

(e) S.I. 1987/1971.

(f) S.I. 2003/325.

7th September 2003

Andrew Smith
Secretary of State,
Department for Work and Pensions

SCHEDULE

PROVISIONS CONFERRING POWERS EXERCISED IN MAKING THESE REGULATIONS

<i>Short title</i>	<i>Provision</i>	<i>Relevant amendments</i>
Social Security Contributions and Benefits Act 1992	Section 123(1)(d) and (e)	Local Government Finance Act 1992(a), Schedule 9, paragraph 1(1)
	Section 130(4)	
	Section 131(10)(a)	
	Section 135(1), (5) and (6)	Tax Credits Act 2002(b), Schedule 6
	Section 136(3), (4) and (5)(b)	
	Section 136A	State Pension Credit Act 2002(c), Schedule 2, paragraph 3
Social Security Administration Act 1992(g)	Section 137(1)(d) and (2)(c), (d) and (k)	Jobseekers Act 1995(e), Schedule 2, paragraph 35(3)
	Section 175(1), (3) and (4)	Social Security Contributions (Transfer of Functions, etc.) Act 1999(f), Schedule 3, paragraphs 29(1), (2) and (4)
	Section 5(1)(b) Section 6(1)(b)	Local Government Finance Act 1992, Schedule 9, paragraph 12(1)(a)
	Section 189(1) and (4)	Social Security Act 1998, Schedule 7, paragraph 109(a) and (c), and Schedule 8

(a) 1992 c. 14.

(b) 2002 c. 21.

(c) 2002 c. 16.

(d) Section 137(1) is cited for the meaning of the word "prescribed".

(e) 1995 c. 18.

(f) 1999 c. 2.

(g) 1992 c. 5.

<i>Short title</i>	<i>Provision</i>	<i>Relevant amendments</i>
Social Security Act 1998	Section 34(2) Section 79(1) and (4) Section 84(a)	
Child Support, Pensions and Social Security Act 2000(b)	Paragraphs 3(1), 4(4) and (6), 20(1) and (3) and 23(1) of Schedule 7(c)	

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend instruments which make provision concerning housing benefit and council tax benefit under Part VII of the Social Security Contributions and Benefits Act 1992, in connection with the introduction of state pension credit under the State Pension Credit Act 2002 on 6th October 2003.

Regulation 2 amends the Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003 (“the 2003 Regulations”) which make provision as respects entitlement to housing benefit and council tax benefit in relation to persons who have attained the qualifying age for state pension credit. (Many of the amendments are made in consequence of amendments made to the State Pension Credit Regulations 2002 (S.I. 2002/1792) by the State Pension Credit (Transitional and Miscellaneous Provisions) Amendment Regulations 2003 (S.I. 2003/2274).) Amendments are made in particular in relation to the treatment of persons as being, or not being, in remunerative work; the determination of the applicable amount in the case of a person who is a lone parent; the determination of the disabled child premium in a case where the child has recently died; the treatment as income of amounts received by the claimant from sub-letting; for statutory paternity pay and statutory adoption pay to be treated in the same way as statutory maternity pay in the calculation of child care charges; to make further provision in connection with deductions to be made in relation to non-dependants living in the household; and to provide for the date on which changes of circumstances are to have effect. Changes are also made in the provision in the First Schedule set out in Schedule 2 to the 2003 Regulations for specified categories of earnings to be disregarded (in particular in relation to couples where one partner is in a specified occupation); in the Second Schedule set out in that Schedule 2 for other income to be disregarded (in particular specified payments to war widows and war widowers); and in the Third Schedule set out in that Schedule 2 for capital to be disregarded (in particular in relation to compensation payments received in respect of the non-payment of certain benefits). Regulation 2 also makes minor and technical amendments in the 2003 Regulations.

Regulations 3 and 4 amend, respectively, the Housing Benefit (General) Regulations 1987 and the Council Tax Benefit (General) Regulations 1992 in connection with the treatment of persons on state pension credit as being, or not being, in remunerative work for certain specified purposes.

Regulation 5 amends the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001 to make further provision in relation to the revision, and further revision, of decisions awarding housing benefit or council tax benefit which are

(a) Section 84 is cited for the meaning of the word “prescribed”

(b) 2000 c. 19.

(c) Paragraph 23(1) is cited for the meaning of the word “prescribed”.

affected by a change in a person's entitlement to another benefit, and for the supersession of such decisions, including provision for the date on which the superseding decision is to take effect.

These Regulations do not impose a charge on business.