

2006 No. 718

SOCIAL SECURITY

**The Social Security (Young Persons) Amendment Regulations
2006**

Made - - - - - *13th March 2006*

Laid before Parliament *20th March 2006*

Coming into force in accordance with regulation 1(2)

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)(d) and (e), 135(1), 137(1) and (2)(e), (f) and (i) and 175(1) and (3) to (5) of the Social Security Contributions and Benefits Act 1992(a), sections 3(1)(f)(iii), 3A(1)(e)(ii), 4(5), 35(1) and 36(2) to (4) of, and paragraphs 8, 8A(1), 9C and 14 of Schedule 1 to, the Jobseekers Act 1995(b) and sections 1(5)(b), 2(3)(b), 15(3) and (6), 17(1) and (2) and 19(1) of the State Pension Credit Act 2002(c).

In accordance with section 176(1) of the Social Security Administration Act 1992(d), he has consulted with the organisations appearing to him to be representative of the authorities concerned.

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

Citation and commencement

1.—(1) These Regulations may be cited as the Social Security (Young Persons) Amendment Regulations 2006.

(2) These Regulations shall come into force—

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- (a) 1992 c.4. Section 123(1)(e) was amended by paragraph 1(1) of Schedule 9 to the Local Government Finance Act 1992 (c.14), section 124(1)(d) and (e) was amended by paragraph 30 of Schedule 2 to the Jobseekers Act 1995 (c.18), section 175(1) and (4) was amended by paragraph 29 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2) and section 175(5) was amended by Schedule 3 to the Jobseekers Act 1995.
- (b) 1995 c.18. Section 3(1) was amended, and section 3A was inserted, by paragraph 4 of Schedule 7 to the Welfare Reform and Pensions Act 1999 (c.30), section 36(4) was amended by paragraph 63 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 and paragraphs 8A and 9C of Schedule 1 were inserted by paragraph 16 of Schedule 7 to the Welfare Reform and Pensions Act 1999.
- (c) 2002 c.16. Section 17(1) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”.
- (d) 1992 c.5. Section 176(1) was amended by paragraph 23 of Schedule 9 to the Local Government Finance Act 1992, section 69 of the Child Support, Pensions and Social Security Act 2000 (c.19) and paragraph 3(4) of Schedule 13 to the Housing Act 1996 (c.52).
- (e) See sections 170 and 173(1)(b) of the Social Security Administration Act 1992. The list of “relevant enactments” in respect of which regulations must normally be referred to the Committee was extended by adding the Jobseekers Act 1995 (paragraph 67 of Schedule 2 to that Act) and the State Pension Credit Act 2002 (c.16) (paragraph 20 of Schedule 2 to that Act).

- (a) except for the purposes of the regulations listed in sub-paragraph (b), on 10th April 2006, and
- (b) for the purposes of regulations 2(8), 3(10), 4(4) and 5(4) on 10th April 2006 immediately after article 16(3) of the Social Security Benefits Up-rating Order 2006(a) comes into force.

Amendment of the Income Support (General) Regulations 1987

2.—(1) The Income Support (General) Regulations 1987(b) shall be amended in accordance with the provisions of this regulation.

(2) For regulation 12 (relevant education)(c), there shall be substituted—

“12. For the purposes of these Regulations, a person is to be treated as receiving relevant education if he is a qualifying young person within the meaning of section 142 of the Contributions and Benefits Act (child and qualifying young person)(d).”.

(3) In regulation 13(2) (circumstances in which persons in relevant education are to be entitled to income support)(e)—

- (a) for “aged 16 or over but under 19” there shall be substituted “who is a qualifying young person within the meaning of section 142 of the Contributions and Benefits Act (child and qualifying young person)”; and
- (b) for sub-paragraph (b) there shall be substituted—
 - “(b) has in his applicable amount the disability premium or severe disability premium; or
 - (bb) has satisfied the provisions of paragraph 7 of Schedule 1B for a continuous period of not less than 196 days, and for this purpose any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period; or
 - (bc) he is a person to whom paragraph 1 of Part I of the Schedule to the Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000(f) applies; or”.

(4) In regulation 14 (persons of a prescribed description)(g)—

- (a) in paragraph (1), for the words from “aged 16 or over” to “(meaning of child)” there shall be substituted “who falls within the definition of qualifying young person in section 142 of the Contributions and Benefits Act (child and qualifying young person)”; and
- (b) paragraph (2)(a) shall be omitted.

(5) In regulation 54 (interpretation for liable relatives) in the definition of “young claimant”, for “19” there shall be substituted “20”.

(6) In regulation 61(1) (interpretation for students)(h) in the definition of “full-time student”, for “means a person,” there shall be substituted “means a person who is not a qualifying young person or child within the meaning of section 142 of the Contributions and Benefits Act (child and qualifying young person) and”.

(7) In Schedule 1B (prescribed categories of person)(i)—

- (a) in paragraph 15 (persons in education), for “severely handicapped persons” there shall be substituted “disabled persons, persons with limited leave to enter or remain”; and

(a) S.I. 2006/645.

(b) S.I. 1987/1967.

(c) Relevant amending instruments are S.I.s 1990/547 and 2004/2308.

(d) Section 142 was substituted by the Child Benefit Act 2005 (c.6).

(e) Relevant amending instrument is S.I. 1991/1559.

(f) S.I. 2000/636.

(g) Relevant amending instruments are S.I.s 1988/1445 and 2001/3070.

(h) The definition of “full-time student” was inserted by S.I. 2000/1981.

(i) Schedule 1B was inserted by S.I. 1996/206 and relevant amending instrument is S.I. 2001/652.

- (b) before paragraph 28, there shall be inserted the heading “**Persons engaged in training**”.
- (c) in paragraph 28, after “A person who is” there shall be inserted “not a qualifying young person or child within the meaning of section 142 of the Contributions and Benefits Act (child and qualifying young person) and who is”.

(8) In Schedule 2 paragraph 2(1) (applicable amounts)(a), in paragraph (b) of column (1) of the table for “nineteenth” there shall be substituted “twentieth”.

(9) In Schedule 10 (capital to be disregarded), in paragraph 64(2)(c)(ii)(bb) and (4)(c)(ii)(bb)(b) for “19” there shall be substituted “20”.

Amendment of the Jobseeker’s Allowance Regulations 1996

3.—(1) The Jobseeker’s Allowance Regulations 1996(c) shall be amended in accordance with the provisions of this regulation.

(2) In regulation 1(3) (citation, commencement and interpretation) in the opening words of the definition of “full-time student”, after “training allowance” there shall be inserted “or a person who is a qualifying young person or child within the meaning of section 142 of the Benefits Act (child and qualifying young person)”.

(3) In regulation 3C(1)(c) (entitlement of a new joint-claim couple to a jobseeker’s allowance)(d), for the words after “16 and are” there shall be substituted “not qualifying young persons within the meaning of section 142 of the Benefits Act (child and qualifying young person)”.

(4) For regulation 54(2) (relevant education), there shall be substituted—

“(2) A child or young person shall be treated as receiving full-time education where he is a qualifying young person or child within the meaning of section 142 of the Benefits Act (child and qualifying young person).”.

(5) In regulation 57 (interpretation of Part IV), for the definition of “child benefit extension period” there shall be substituted—

““child benefit extension period” means the extension period within the meaning of regulation 5(3) of the Child Benefit (General) Regulations 2006 (extension period: 16 and 17 year olds)(e).”.

(6) In regulation 76 (persons of a prescribed description)—

(a) in paragraph (1), for “aged 16 or over but under 19 who is treated as a child for the purposes of section 142 of the Benefits Act (meaning of child)” there shall be substituted “who falls within the definition of qualifying young person in section 142 of the Benefits Act (child and qualifying young person)”; and

(b) paragraph (2)(a) shall be omitted.

(7) In regulation 117 (interpretation for liable relatives) in the definition of “young claimant”, for “19” there shall be substituted “20”.

(8) In regulation 170(1) (persons in receipt of a training allowance)(f), after “within paragraph (2)” there shall be inserted “and is not a qualifying young person or child within the meaning of section 142 of the Benefits Act (child and qualifying young person)”.

(9) In Schedule A1 (categories of members of a joint-claim couple who are not required to satisfy the conditions in section 1(2B)(b))(g)—

(a) Paragraph 2 was omitted but remains in force for certain cases – see S.I. 2003/455. Relevant amending instruments are S.I.s 1995/559, 1996/2545 and 1999/2555.
 (b) Paragraph 64 was inserted by S.I. 2001/1118.
 (c) S.I. 1996/207.
 (d) Regulation 3C was inserted by S.I. 2000/1978.
 (e) S.I. 2006/223.
 (f) Relevant amending instruments are S.I.s 2001/652 and 2001/1711.
 (g) Schedule A1 was inserted by S.I. 2000/1978 and relevant amending instruments are S.I.s 2001/518 and 2001/652.

- (a) in paragraph 2 (member studying full-time), for the words “aged 16 or over but under 19 and is receiving full-time education for the purposes of” in all three places they appear, there shall be substituted “a qualifying young person within the meaning of”; and
- (b) in paragraph 16 (young persons in training), after “A member who” there shall be inserted “is not a qualifying young person or child within the meaning of section 142 of the Benefits Act (child and qualifying young person) and who”.

(10) In Schedule 1 paragraph 2(1) (applicable amounts)(a), in paragraph (b) of column (1) of the table for “nineteenth” there shall be substituted “twentieth”.

(11) In Schedule 8 (capital to be disregarded), in paragraph 57(2)(c)(ii)(bb) and (4)(c)(ii)(bb)(b) for “19” there shall be substituted “20”.

Amendments in relation to Housing Benefit

4.—(1) The Housing Benefit Regulations 2006(c) (referred to in this regulation as “the Housing Benefit Regulations”) and the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(d) (referred to in this regulation as “the Housing Benefit (SPC) Regulations”) shall be amended in accordance with the provisions of this regulation.

(2) In regulation 19 of the Housing Benefit Regulations and the Housing Benefit (SPC) Regulations (persons of prescribed description)—

- (a) in paragraph (1), for “aged 16 or over but under 19 who is treated as a child for the purposes of section 142 of the Act (meaning of child)” there shall be substituted “who falls within the definition of qualifying young person in section 142 of the Act (child and qualifying young person)”;
- (b) at the end of paragraph (2)(a), there shall be inserted “or”; and
- (c) paragraph (2)(b) shall be omitted.

(3) For regulation 56(2)(h) of the Housing Benefit Regulations (full-time students to be treated as not liable to make payments in respect of a dwelling), there shall be substituted—

“(h) who is—

- (i) aged under 19 and whose course of study is not a course of higher education, or
- (ii) a qualifying young person or child within the meaning of section 142 of the Act (child and qualifying young person);”.

(4) In Schedule 3 paragraph 2(1) of the Housing Benefit Regulations and the Housing Benefit (SPC) Regulations (applicable amounts), in paragraph (b) of column (1) of the table for “nineteenth” there shall be substituted “twentieth”.

(5) In Schedule 6 of the Housing Benefit Regulations (capital to be disregarded), in paragraph 55(2)(c)(ii)(bb) and (4)(c)(ii)(bb) for “19” there shall be substituted “20”.

Amendment in relation to Council Tax Benefit

5.—(1) The Council Tax Benefit Regulations 1992(e) (referred to in this regulation as “the Council Tax Benefit Regulations”) and the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2005(f) (referred to in this regulation as “the Council Tax Benefit (SPC) Regulations”) shall be amended in accordance with the provisions of this regulation.

(a) Paragraph 2 was omitted but remains in force for certain cases – see S.I. 2003/455. Relevant amending instruments are S.I.s 1996/2545 and 1999/2555.
 (b) Paragraph 57 was inserted by S.I. 2001/1118.
 (c) S.I. 2006/213.
 (d) S.I. 2006/214.
 (e) S.I. 2006/215.
 (f) S.I. 2006/216.

(2) In regulation 9 of the Council Tax Benefit Regulations and the Council Tax Benefit (SPC) Regulations (persons of prescribed description for the definition of family in section 137(1) of the Act)—

- (a) in paragraph (1), for “aged 16 or over but under 19 who is treated as a child for the purposes of section 142 of the Act (meaning of child)” there shall be substituted “who falls within the definition of qualifying young person in section 142 of the Act (child and qualifying young person)”;
- (b) at the end of paragraph (2)(a), there shall be inserted “or”; and
- (c) paragraph (2)(b) shall be omitted.

(3) For regulation 45(3)(h) of the Council Tax Benefit Regulations (students who are excluded from entitlement to council tax benefit), there shall be substituted—

“(h) who is—

- (i) aged under 19 and whose course of study is not a course of higher education, or
- (ii) a qualifying young person or child within the meaning of section 142 of the Act (child and qualifying young person);”.

(4) In Schedule 1 paragraph 2(1) of the Council Tax Benefit Regulations and the Council Tax Benefit (SPC) Regulations (applicable amounts), in paragraph (b) of column (1) of the table for “nineteenth” there shall be substituted “twentieth”.

(5) In Schedule 5 of the Council Tax Benefit Regulations (capital to be disregarded), in paragraph 57(2)(c)(ii)(bb) and (4)(c)(ii)(bb) for “19” in both places it appears there shall be substituted “20”.

Amendment of the State Pension Credit Regulations 2002

6.—(1) The State Pension Credit Regulations 2002(a) shall be amended in accordance with the provisions of this regulation.

(2) In regulation 3(4)(a) (persons temporarily absent from Great Britain), for “has not attained the age of 19, is treated as a child for the purposes of” there shall be substituted “is a child or qualifying young person within the meaning of”.

(3) In paragraph 2(2)(f) of Schedule I (circumstances in which persons are treated as being or not being severely disabled), for “treated as a” there shall be substituted “a qualifying young person or”.

(4) In Schedule II (housing costs)(b), for “19” there shall be substituted “20” in all of the following places—

- (a) paragraph 1(2)(a)(iii)(aa),
- (b) paragraph 1(5)(a),
- (c) paragraph 4(7)(c)(i),
- (d) paragraph 4(11)(c)(iii),
- (e) paragraph 4(11)(c)(vi),
- (f) paragraph 5(11)(b),
- (g) paragraph 10(1)(a),
- (h) paragraph 10(5)(b), and
- (i) paragraph 12(2)(l).

(5) In Schedule V (income from capital)—

(a) S.I. 2002/1792.

(b) Relevant amending instruments are S.I.s 2002/3197, 2004/2327 and 2005/2687.

- (a) in paragraph 6(2)(c), for “treated as” there shall be substituted “who is a qualifying young person or”; and
 - (b) in paragraph 15(8) in the definition of “child”, for “treated as” there shall be substituted “who is a qualifying young person or”.
- (6) In Schedule VI (sums disregarded from claimant’s earnings), in paragraph 1(2)(b) for “treated as” there shall be substituted “who is a qualifying young person or”.

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

13th March 2006

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

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 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) and the State Pension Credit Regulations 2002 (S.I. 2002/1792).

The Child Benefit Act 2005 (c.6) and the Child Benefit (General) Regulations 2006 (S.I. 2006/223) change the entitlement conditions to child benefit, in particular the conditions relating to the person's age and the education or training they are doing. The changes made to social security legislation by these Regulations are mainly consequential to those changes (in order to maintain the interrelationship between child benefit and social security benefits).

Regulation 2 amends the Income Support (General) Regulations 1987. Regulation 2(2) amends the circumstances in which a person is treated as receiving relevant education. Regulation 2(3)(b) amends the circumstances in which a disabled person receiving relevant education can be entitled to income support. Regulation 2(4) amends the definition of "young person" and regulation 2(6) amends the definition of "full-time student". Regulation 2(7) amends the circumstances in which a person can be entitled to income support by virtue of being engaged in training.

Regulation 3 amends the Jobseeker's Allowance Regulations 1996. Regulation 3(2) amends the definition of "full-time student", regulation 3(5) amends the definition of "child benefit extension period" and regulation 3(6) amends the definition of "young person". Regulation 3(3) and (9) amends the circumstances in which a joint-claim couple can be entitled to a jobseeker's allowance. Regulation 3(4) amends the circumstances in which a person is treated as receiving relevant education. Regulation 3(8) amends the circumstances in which a person can be entitled to a jobseeker's allowance when he is engaged in training.

Regulations 4 and 5 amend 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) Regulations 2006. Regulations 4(2) and 5(2) amend the definition of "young person". Regulations 4(3) and 5(3) amend the circumstances in which a student is entitled to housing benefit and council tax benefit respectively.

Regulation 6 amends the State Pension Credit Regulations 2002. Regulation 6(2) amends the definition of "young person".

The other provisions in these Regulations make changes to update references to the new child benefit legislation and make minor consequential amendments.

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

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