
STATUTORY INSTRUMENTS

2012 No. 757

**The Social Security (Miscellaneous
Amendments) Regulations 2012**

PART 4

Other amendments

Amendment to the Income Support Regulations: persons in relevant education

14. At the end of regulation 13(3)(b)(iii) of the Income Support Regulations (circumstances in which persons in relevant education are to be entitled to income support)(1) add—

“; or

- (iv) who is entitled to an employment and support allowance which includes a work-related activity component or support component.”.

Amendments to the Social Security (Claims and Payments) Regulations 1987

15.—(1) The Social Security (Claims and Payments) Regulations 1987(2) are amended as follows.

(2) In regulation 21 (direct credit transfer)—

- (a) in paragraph (1)(3), for the words from the beginning to “regulation 33(1)(c) or (d),” substitute “The Secretary of State may arrange for benefit to”;
- (b) omit paragraph (5).

(3) In regulation 38(1)(bb)(4) (extinguishment of right of payment of sums by way of benefit where payment is not obtained within the prescribed period), for “the person entitled to it and the Secretary of State have” substitute “the Secretary of State has”.

(4) In Schedule 9 (deductions from benefit and direct payment to third parties)—

(a) in paragraph 1(1) (interpretation)—

(i) for the definition of “water charges”(5) substitute—

““water charges” means—

- (a) as respects England and Wales, any water and sewerage charges under Chapter 1 of Part 5 of the Water Industry Act 1991(6);

(1) Regulation 13(3) is amended by [S.I.1991/1559](#), and, in relation to England and Wales, by [S.I.1992/4680](#).

(2) [S.I.1987/1968](#).

(3) Paragraph (1) is substituted by [S.I.2002/2441](#) and amended by [S.I.2006/832](#).

(4) Regulation 38(1)(bb) is inserted by [S.I.2005/337](#).

(5) The definition is substituted by [S.I.1992/2595](#).

(6) [1991 c.56](#).

- (b) as respects Scotland, any water and sewerage charges established by Scottish Water under a charges scheme made under section 29A of the Water Industry (Scotland) Act 2002(7);”;
- (ii) at the end of the definition of “water undertaker”(8) add “or in respect of any area in Scotland, Scottish Water(9)”;
- (b) in paragraph 8(4) (maximum amount of payments to third parties)(10), in sub-paragraph (b)(i), for “sub-paragraphs (a)(i) to (iii)” substitute “sub-paragraphs (a)(i) to (iv)”.

Amendment to the Social Security (Payments on account, Overpayments and Recovery) Regulations 1988

16. In regulation 11(2)(b) of the Social Security (Payments on account, Overpayments and Recovery) Regulations 1988 (recovery of overpayments by automated or other direct credit transfer)(11), for “before he agreed to the arrangement” substitute “before the arrangement came into effect”.

Amendment to the Social Security and Child Support (Decisions and Appeals) Regulations 1999

17. In regulation 7 of the Social Security and Child Support (Decisions and Appeals) Regulations 1999(12) (date from which a decision superseded under section 10 takes effect), in paragraph (7) (b)(ii)(aa), after “Income Support Regulations” insert “, regulation 2 of the Jobseeker’s Allowance Regulations”.

Amendments to the Social Fund Winter Fuel Payment Regulations 2000

- 18.—(1) The Social Fund Winter Fuel Payment Regulations 2000(13) are amended as follows.
- (2) In regulation 3 (persons not entitled to a social fund winter fuel payment), in paragraph (1)(14), in sub-paragraph (a), for “in the qualifying week” substitute “throughout the qualifying week”.
 - (3) In regulation 3(1)(b) and (2)(a) and regulation 4(1) (making a winter fuel payment without a claim), for “before the 31st March” substitute “on or before the 31st March”.

Amendment to the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001

19. In regulation 1(2) (interpretation) of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001(15), in the definition of “official error” for “sub-paragraphs (a) to (c)” substitute “sub-paragraph (a) or (b)”.

Amendments to the Employment and Support Allowance Regulations

- 20.—(1) The Employment and Support Allowance Regulations are amended as follows.

(7) 2002 asp 3. Section 29A is inserted by the Water Services etc. (Scotland) Act 2005 (asp 3).
 (8) The definition is inserted by S.I.1991/2284.
 (9) Scottish Water is a body corporate established under section 20 of the Water Industry (Scotland) Act 2002.
 (10) Paragraph 8(4) is added by S.I. 2006/2377 and amended by S.I.2008/1554 and 2010/1907.
 (11) S.I.1988/664. Regulation 11 is amended by S.I.1999/2571 and 2005/34.
 (12) S.I.1999/991. Regulation 7(7) is substituted by S.I.2006/832.
 (13) S.I. 2000/729.
 (14) Regulation 3(1) is amended by S.I. 2009/1488.
 (15) S.I. 2001/1002.

- (2) In regulation 8(2) (relaxation of the first contribution condition) **(16)**—
 - (a) at the end of sub-paragraph (c) add “or”;
 - (b) at the end of sub-paragraph (ca) omit “; or”; and
 - (c) omit sub-paragraph (d).
- (3) In regulation 14 (meaning of education) **(17)**, after paragraph (2) insert—
 - “(2A) Paragraph (2) does not apply to any course of study which the claimant is required to attend for the purpose of meeting a requirement to undertake work-related activity.”.

Amendment to the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2010

21. In regulation 16 of the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2010**(18)** (application of other enactments applying to employment and support allowances) after paragraph (1) insert—

- “(1A) Where—
 - (a) a person makes a claim for an employment and support allowance subsequent to the termination of that person’s entitlement to an employment and support allowance by virtue of these Regulations; and
 - (b) the period of limited capability for work in relation to that claim would link, by virtue of regulation 145(1) of the 2008 Regulations, to a period of limited capability for work in respect of which an award was made by virtue of these Regulations,

that person’s entitlement to an award of an employment and support allowance shall be determined in accordance with these Regulations.”.

(16) Regulation 8 is amended by [S.I.2010/2446](#) and by [S.I.2011/2862](#).

(17) [S.I.2008/794](#).

(18) [S.I.2010/1907](#) as amended by [S.I.2010/2430](#) and [S.I.2011/2425](#).