

2001 No. 859

SOCIAL SECURITY

**The Social Security (Miscellaneous Amendments) (No. 3)
Regulations 2001**

Made - - - - - 9th March 2001

Laid before Parliament 9th March 2001

Coming into force in accordance with regulation 1

The Secretary of State for Social Security, in exercise of the powers conferred upon him by sections 123(1)(a), (d) and (e), 124(1)(e), 135(1), 136(3) and (5)(a) and (b), 137(1), 138(1)(a) and (4) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(a) and sections 12(4)(b), 35(1) and 36(1) and (2) of the Jobseekers Act 1995(b) 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(c) and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(d), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Miscellaneous Amendments) (No. 3) Regulations 2001 and shall come into force—

- (a) for the purposes of this regulation and regulation 2 (in so far as it relates to council tax benefit), regulation 6(a) and, subject to paragraph (2) below, regulation 5, on 1st April 2001;
- (b) for the purposes of regulation 2 (in so far as it relates to housing benefit) and regulation 6(b)—
 - (i) in a case where rent is payable at intervals of a whole number of weeks, on 2nd April 2001;
 - (ii) in any other case, on 1st April 2001;
- (c) for all other purposes, subject to paragraphs (3) and (4) below, on 9th April 2001.

(2) Regulation 5 below shall come into force immediately before the coming into force of regulation 1 of the Social Security Amendment (Enhanced Disability Premium) Regulations 2000(e).

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- (a) 1992 c. 4; section 123(1)(d) was inserted and section 137 amended, with respect to council tax benefit, by Schedule 9 to the Local Government Finance Act 1992 (c. 14). Section 124(1)(e) was added by paragraph 30(5) of Schedule 2 to the Jobseekers Act 1995 (c. 18) Sections 137(1) and 138(4) are interpretation provisions and are cited because of the meaning ascribed to the word “prescribed”.
 - (b) Section 35(1) is an interpretation provision and is cited because of the meaning ascribed to the words “prescribed” and “regulations”.
 - (c) See section 176(1) of the Social Security Administration Act 1992 (c. 5).
 - (d) 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.
 - (e) S.I. 2000/2629.

(3) Regulations 3 and 6(c) of these Regulations shall, in relation to any particular claimant for income support, have effect from the first day of the first benefit week to commence for that claimant on or after 9th April 2001 and in this paragraph, the expressions “benefit week” and “claimant” shall have the same meaning as in regulation 2(1) of the Income Support Regulations(a).

(4) Regulation 6(d) of these Regulations shall, in relation to any particular claimant for a jobseeker’s allowance, have effect from the first day of the first benefit week to commence for that claimant on or after 9th April 2001 and in this paragraph, the expression “benefit week” shall have the same meaning as in regulation 1(3) of the Jobseeker’s Allowance Regulations(b).

(5) In these Regulations—

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

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987(d);

“the Income Support Regulations” means the Income Support (General) Regulations 1987(e);

“the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations 1996(f).

Amendment of the Council Tax Benefit Regulations and of the Housing Benefit Regulations

2.—(1) In the definition of “attendance allowance” in regulation 2(1) (interpretation) of—

(a) the Council Tax Benefit Regulations, in paragraph (b), after “104” there shall be inserted “or 105”;

(b) the Housing Benefit Regulations—

(i) in paragraph (a), for the words “section 35 of the Social Security Act” there shall be substituted the words “Part III of the Contributions and Benefits Act”;

(ii) in paragraph (b), for “61” there shall be substituted the words “104 or 105”;

(iii) in paragraph (c), for the words “section 159(3)(b) of”, there shall be substituted the words “paragraph 7(2)(b) of Schedule 8 to”.

(2) In paragraph (2A) of both regulation 13A of the Council Tax Benefit Regulations and regulation 21A of the Housing Benefit Regulations(g) (treatment of child care charges), for the words “paragraph (2)” there shall be substituted the words “paragraphs (2ZA) and (2ZC)”.

(3) At the end of Schedule 5 to both the Council Tax Benefit Regulations and to the Housing Benefit Regulations(h) (capital to be disregarded), there shall be added the following paragraph—

“65. Any training grant payable under the New Deal 50 Plus Employment Credit Scheme pursuant to arrangements made under section 2(1) of the Employment and Training Act 1973 but only for a period of 52 weeks from the date of payment.”.

Amendment of the Income Support Regulations

3.—(1) The Income Support Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 42(3)(b) (notional income), for the words “9 or 10” there shall be substituted the words “8 or 9” and for “1987” there shall be substituted “1988”.

(3) For regulation 71(2) (applicable amounts in urgent cases) there shall be substituted the following paragraph—

(a) The definition of “benefit week” was amended by S.I. 1988/1445.

(b) The definition of “benefit week” was amended by S.I. 1996/1517 and 2538.

(c) S.I. 1992/1814.

(d) S.I. 1987/1971.

(e) S.I. 1987/1967.

(f) S.I. 1996/207.

(g) Regulation 13A of the Council Tax Benefit Regulations and regulation 21A of the Housing Benefit Regulations were both inserted by S.I. 1994/1924. Paragraph (2A) was inserted in both instances by S.I. 1996/2545.

(h) Paragraph 64 was inserted in both cases by S.I. 2001/22.

“(2) In a case to which paragraph 1 of Part I of the Schedule to the Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000(a) applies, the period for which a claimant’s weekly applicable amount is to be calculated in accordance with paragraph (1) shall be any period, or the aggregate of any periods, not exceeding 42 days during any one period of leave to which that paragraph of that Part of the Schedule to those Regulations applies.”.

(4) In paragraph 4 of Schedule 1B(b) (prescribed categories of person), at the end of sub-paragraph (a)(ia) there shall be inserted the word “or”.

(5) At the end of paragraph 70 of Schedule 9(c) (sums to be disregarded in the calculation of income other than earnings), there shall be added the words “or any payment of an employment credit made to that person as a participant in the New Deal 50 Plus Employment Credit Scheme pursuant to arrangements made under section 2(1) of the Employment and Training Act 1973”.

(6) In Schedule 10 (capital to be disregarded)—

(a) the second paragraph 57(d) shall be omitted;

(b) at the end there shall be added the following paragraph—

“63. Any education maintenance allowance payable by virtue of regulations made under section 518 of the Education Act 1996(e) (payment of school expenses; grant of scholarships etc.) which is payable as a termly bonus or as an achievement bonus at the end of an academic term but only for the period of 52 weeks from the date of receipt of that allowance.”.

Amendment of the Social Fund Maternity and Funeral Expenses (General) Regulations 1987

4. For regulation 9(3)(b) of the Social Fund Maternity and Funeral Expenses (General) Regulations 1987(f) (effect of capital) there shall be substituted the following sub-paragraph—

“(b) in the case of a claim for a Sure Start Maternity Grant or a funeral payment which is made within 12 months of the death of the spouse of the claimant, any lump sum payable to that claimant as a widow or as a widower by virtue of section 36 of the Social Security Contributions and Benefits Act 1992(g) (bereavement payment) shall be disregarded;”.

Amendment of the Social Security Amendment (Enhanced Disability Premium) Regulations 2000

5. Regulation 1 of the Social Security Amendment (Enhanced Disability Premium) Regulations 2000(h) (citation and commencement) shall be renumbered regulation 1(1) and—

(a) in paragraph (c) of the renumbered regulation 1(1), after the word “purposes” there shall be inserted the words “but subject to paragraphs (2) and (3) below”;

(b) after the renumbered regulation 1(1) there shall be added the following paragraphs—

“(2) Regulation 2 of these Regulations shall, in relation to any particular claimant for income support, have effect from the first day of the first benefit week to commence for that claimant on or after 9th April 2001 and in this paragraph, the expressions “benefit week” and “claimant” shall have the same meaning as in regulation 2(1) of the Income Support (General) Regulations 1987(i).

(3) Regulation 5 of these Regulations shall, in relation to any particular claimant for a jobseeker’s allowance, have effect from the first day of the first benefit week to commence for that claimant on or after 9th April 2001 and in this paragraph, the expression “benefit week” shall have the same meaning as in regulation 1(3) of the Jobseeker’s Allowance Regulations 1996(a).”.

(a) S.I. 2000/636.

(b) Schedule 1B was inserted by S.I. 1996/206. Paragraph 4(a)(ia) was inserted by S.I. 1996/1517.

(c) Paragraph 70 was inserted by S.I. 1999/2556.

(d) The second paragraph 57 reg inserted by S.I. 2000/55 and substituted by S.I. 2000/681.

(e) 1996 c. 56; section 518 was substituted by section 129 of the School Standards and Framework Act 1998 (c. 31).

(f) S.I. 1987/481; regulation 9(3)(b) was amended by S.I. 2000/528.

(g) 1992 c. 4; section 36 was substituted by section 54(1) of the Welfare Reform and Pensions Act 1999 (c.30).

(h) S.I. 2000/2629.

(i) The definition of “benefit week” was amended by S.I. 1988/1445.

(j) The definition of “benefit week” was amended by S.I. 1996/1517 and 2538.

Common amendments

6.—(1) In paragraph (5)(a) of both regulation 35 of the Council Tax Benefit Regulations and regulation 43A of the Housing Benefit Regulations^(a) (diminishing notional capital rule), for the words “and (b)” there shall be substituted the words “to (g)”.

(2) In paragraph (4)(a) of regulation 51A of the Income Support Regulations^(b) (diminishing notional capital rule), for the words “(a), (b) and (c)” there shall be substituted the words “(a) to (d)”.

(3) At the end of—

(a) paragraph 26 of Schedule 4 to the Council Tax Benefit Regulations;

(b) paragraph 25 of Schedule 4 to the Housing Benefit Regulations;

(c) paragraph 27 of Schedule 9 to the Income Support Regulations;

(d) paragraph 28 of Schedule 7 to the Jobseeker’s Allowance Regulations,

(sums to be disregarded in the calculation of income other than earnings)^(c) there shall be added the following—

“or

(e) a primary care trust established under section 16A of the National Health Service Act 1977^(d)”.

Signed by authority of the Secretary of State for Social Security.

Jeff Rooker

Minister of State,

Department of Social Security

9th March 2001

(a) Regulation 43A was inserted by S.I. 1990/1775. The relevant amending instruments are S.I. 1991/235, 1992/2148, 1993/317 and 1996/1510 and 1944.

(b) Regulation 51A was inserted by S.I. 1990/1776. The relevant amending instrument is S.I. 1993/315.

(c) The relevant paragraph was substituted in each case by S.I. 1998/563.

(d) 1977 c. 49. Section 16A was inserted by section 2 of the Health Act 1999 (c. 8).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814), the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971), the Income Support (General) Regulations 1987 (S.I. 1987/1967), the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207) and the Social Fund Maternity and Funeral Expenses (General) Regulations 1987 (S.I. 1987/481).

In particular, they—

- create a new disregard in housing benefit and council tax benefit in respect of training grants payable under the New Deal 50 Plus Employment Credit Scheme (regulation 2(3));
- update the legislative references in the definition of “attendance allowance” applying in council tax benefit and housing benefit (regulation 2(1)), amend references in the rules relating to the treatment of child care charges in housing benefit and council tax benefit (regulation 2(2)), the diminishing notional capital rule (regulation 6(1) and (2)) and in the notional income rule in income support (regulation 3(2)) and correct an error relating to the period in respect of which certain groups may have access to urgent case payments in income support (regulation 3(3));
- clarify the links between the sub-paragraphs prescribing when a carer is entitled to income support (regulation 3(4)), allow employment credits to be disregarded if paid to a lone parent whilst she is entitled to income support during a “run-on” period (regulation 3(5)) and amend duplicate paragraph numbering in Schedule 10 to the Income Support (General) Regulations 1987 (regulation 3(6));
- allow a bereavement payment to be disregarded for the purpose of ascertaining entitlement to Sure Start Maternity Grants and funeral payments (regulation 4);
- change the commencement date of the Social Security Amendment (Enhanced Disability Premium) Regulations 2000 (S.I. 2000/2629) in relation to income support and jobseeker's allowance so as to take into account benefit weeks (regulation 5);
- allow the disregard in all the benefits in respect of payments made in respect of persons in the temporary care of another person to apply to payments made by primary care trusts (regulation 6(3)).

These Regulations do not impose a charge on business.

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