

2003 No.1589

SOCIAL SECURITY

The Social Security (Back to Work Bonus and Lone Parent Run-on) (Amendment and Revocation) Regulations 2003

Made - - - - - *17th June 2003*

Laid before Parliament *25th June 2003*

Coming into force in accordance with regulation 1(1)

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 123(1)(a), (d) and (e), 130(4), 131(10), 135(1), 136(3) and (5)(b), 137(1) and (2)(d), 175(1) and (3) to (5) of the Social Security Contributions and Benefits Act 1992(a), sections 26, 35(1) and (3) and 36(2) to (5) of the Jobseekers Act 1995(b) and sections 1(1), 5(1)(a) and (b), 6(1)(a) and (b), 78(2), 128A(1), 189(1), (4) and (5) and 191 of the Social Security Administration Act 1992(c) 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 the Secretary of State to be representative of the authorities concerned(d) and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(e) hereby makes the following Regulations:

Citation commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Back to Work Bonus and Lone Parent Run-on) (Amendment and Revocation) Regulations 2003 and shall come into force on 25th October 2004 with the exception of regulation 6 which shall come into force on 29th January 2005 and regulation 9 which shall come into force on 28th January 2006.

(2) In these Regulations—

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- (a) 1992 c.4; section 123(1)(e) was substituted by the Local Government Finance Act 1992 (c.14); section 137 is an interpretation provision and is cited for the meaning given to the word “prescribed”.
- (b) 1995 (c.18); section 35 (1) is an interpretation provision and is cited for the meaning given to the words “prescribed” and “regulations”.
- (c) 1992 c.5. In section 1, subsections (1A) to (1C) (relating to claims) were added by the Social Security Administration (Fraud) Act 1997 section 19; subsection 6(1) was amended by the Local Government Finance Act 1992 (c.14), Schedule 9 paragraph 12(1)(a); section 128A was inserted by the Jobseekers Act 1995 section 28(2) and is prospectively repealed by the Social Security Administration (Fraud) Act 1997 section 22 and Schedule 2; section 189 is amended by the Social Security Act 1998; the Social Security Contributions and Benefits Act 1992 (c.4); the Social Security Contributions (Transfer of Functions, etc) Act 1999 (c.2), the Tax Credits Act 2002 (c.21); section 191 is an interpretation provision cited for the meaning given to the word “prescribe”.
- (d) See section 176(1) of the Social Security Administration Act 1992.
- (e) See section 170 and 173(1)(b) of the Social Security Administration Act 1992 and paragraph 67 of the Schedule 2 to the Jobseekers Act 1995 which added that Act to the list of “relevant enactments” in respect of which regulations must normally be referred to the Committee.

- (a) “the Back to Work Bonus Regulations” means the Social Security (Back to Work Bonus) (No. 2) Regulations 1996(a);
- (b) “the Claims and Payments Regulations” means the Social Security (Claims and Payments) Regulations 1987(b);
- (c) “the Council Tax Benefit Regulations” means the Council Tax Benefit (General) Regulations 1992(c);
- (d) “the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987(d);
- (e) “the Housing Benefit Supply of Information Regulations” means the Housing Benefit (Supply of Information) Regulations 1988(e);
- (f) “the Income Support Regulations” means the Income Support (General) Regulations 1987(f).

Amendment of the Income Support Regulations

2. In the Income Support Regulations—

- (a) in regulation 6(g) (persons not treated as engaged in remunerative work)—
 - (i) omit paragraphs (2), (3) and (6)(b);
 - (ii) after sub-paragraph (a) omit the word “; or”; and
 - (iii) in paragraph (7) omit “(2)(b) or” and “(3) or”;
- (b) in regulation 36(2)(h) (calculation of net earnings or employed earners) for the words “, 15A or 15B” there shall be substituted “or 15A”;
- (c) in regulation 38(2)(i) (calculation of net profit of self-employed earners), omit “or 15B”;
- (d) omit sub-paragraph (7) of paragraph 12 of Schedule 2 (applicable amounts), paragraph 15B of Schedule 8 (sums to be disregarded in the calculation of income), paragraph 70 of Schedule 9 (sums to be disregarded in the calculation of income other than earnings) and paragraph 57 of Schedule 10 (capital to be disregarded)(j).

Amendment of the Housing Benefit Regulations

3. In the Housing Benefit Regulations—

- (a) in regulation 62A (extended payments)(k)—
 - (i) in paragraph (1) omit “other than a case to which paragraph (1A) applies”;
 - (ii) omit paragraph (1A);
 - (iii) in paragraph (1B) omit “or (1A)”;
 - (iv) omit paragraph (5)(a)(i) and in paragraph (5)(a)(ii) omit “(ii) in any other case—” and renumber sub-head (aa) as head (i) and sub-head (bb) as head (ii);
- (b) in paragraph (14)(c) of regulation 72 (time and manner in which claims are to be made)(l) omit “has certified the matters specified in regulation 62A(1A)(b) to be the relevant authority or”;

(a) S.I. 1996/2570, as amended by S.I. 1997/454, 1999/2556, 1999/3178, 2001/488, 2001/1711, 2002/4990, 2002/1397, 2002/2497 and 2002/3197.

(b) S.I. 1987/1968.

(c) S.I. 1992/1814.

(d) S.I. 1987/1971.

(e) S.I. 1988/662, as amended by S.I. 1999/2556 and 2001/537.

(f) S.I. 1987/1967.

(g) Regulations 5 and 6 were added by S.I. 2001/488. Regulation 6(2) and (3) were added by S.I. 1999/2556

(h) As amended by S.I. 1999/2556.

(i) As amended by S.I. 1999/2556.

(j) These provisions were inserted by S.I. 1999/2556.

(k) Regulation 62A was inserted by S.I. 1996/194 and amended by S.I. 1999/2556, S.I. 2001/537 and S.I. 2001/1605.

(l) Regulation 72(14) is amended by S.I. 1999/2556, 2001/537 and 2001/1605.

- (c) in regulation 76 (who is to make a decision)(a)—
 - (i) in paragraph (4) omit “and subject to paragraph (5),”; and
 - (ii) omit paragraph (5);
- (d) in Schedule 5A(b) (extended payments of housing benefit)—
 - (i) paragraph 12(1) shall be renumbered paragraph 12 and in that renumbered paragraph—
 - (aa) in the definition of “claimant” omit “, subject to sub-paragraph (2),”; and
 - (bb) in the definition of “the relevant benefit period” omit “or, as the case may be, (1A)(a)”; and
 - (ii) omit paragraph 12(2).

Amendment of the Council Tax Benefit Regulations

4. In the Council Tax Benefit Regulations—

- (a) in regulation 53A(c) (extended payments)—
 - (i) in paragraph (1) omit “other than a case to which paragraph (1A) applies”;
 - (ii) omit paragraph (1A);
 - (iii) in paragraph (1B) omit “or (1A)”;
 - (iv) omit paragraph (5)(a)(i) and in paragraph (5)(a)(ii) omit “(ii) in any other case—” and renumber sub-head (aa) as head (i) and sub-head (bb) as head (ii);
- (b) in paragraph (15)(c) of regulation 62 (time and manner in which claims are to be made)(d) omit “has certified the matters specified in regulation 53A(1A)(b) to the relevant authority or”;
- (c) in regulation 66(e) (who is to make a decision)—
 - (i) in paragraph (4) omit “and subject to paragraph (5),”; and
 - (ii) omit paragraph (5);
- (d) in regulation 95(3)(f)(information to be supplied by an authority to another authority) omit sub-paragraph (aa);
- (e) in Schedule 5A(extended payments of council tax benefit)(g)—
 - (i) paragraph 8(1) shall be renumbered paragraph 8 and in that renumbered paragraph—
 - (aa) in the definition of “claimant” omit “, subject to sub-paragraph (2),”; and
 - (bb) in the definition of “the relevant benefit period” omit “or as the case may be, (1A)(a)”; and
 - (ii) omit paragraph 8(2).

Amendment of the Social Security Claims and Payment Regulations

5. In regulation 3 of the Social Security Claims and Payments Regulations(a), (claims not required for entitlement to benefit in certain cases)—

(a) Paragraphs 4 and 5 were inserted by S.I. 1996/194 and were amended by S.I. 1996/1510, 1999/2556, 2001/537 and 2001/1605.

(b) Schedule 5A was inserted by S.I. 1996/194 and was amended by S.I. 1999/2556 and S.I. 1996/1510. Relevant amending instruments are S.I. 2000/724, 2001/537 and 2001/1605.

(c) Regulation 53A was inserted by S.I. 1996/194. Relevant amending instruments are S.I. 1999/2556, S.I. 2001/537 and S.I. 2001/1605.

(d) Relevant amending instruments are S.I. 2001/1605, S.I. 1996/1510.

(e) Paragraphs (4) and (5) were inserted by S.I. 1996/194. Relevant amending instruments are S.I. 1996/1510, S.I. 1996/2432, S.I. 1999/2556, S.I. 2001/635, S.I. 2001/537 and S.I. 2001/1605.

(f) The relevant amending instrument is S.I. 1999/2556.

(g) Schedule 5A was inserted by S.I. 1996/194. Relevant amending instruments are S.I. 1996/1510, S.I. 1999/2556, S.I. 2000/724, S.I. 2001/537 and S.I. 2001/1605.

- (a) in paragraph (h)(i) omit “ 6(2) or”; and
- (b) in paragraph (h)(iii) omit “ regulation 6(3) or, as the case may be,”.

Amendment of the Social Fund(Recovery by Deductions from Benefits) Regulations 1988

- 6.** In the Social Fund (Recovery by Deductions from Benefits) Regulations 1988**(b)**—
- (a) in regulation 3(a) (benefits from which an award may be recovered) omit “, other than a back to work bonus payable by way of income support or jobseeker’s allowance in pursuance of section 26 of the Jobseekers Act 1995”;
 - (b) in regulation 3(c) omit “ other than a back to work bonus payable by way of income support or jobseeker’s allowance in pursuance of Section 26 of the Jobseekers Act 1995”.

Revocation of provisions in the Housing Benefit Supply of Information Regulations

7. Paragraph (3)(aa) of regulation 5 (information to be supplied by an authority to another authority) of the Housing Benefit Supply of Information Regulations is revoked.

Revocation of the Back to Work Bonus Regulations

8. Subject to regulation 10 of these Regulations, the Back to Work Bonus Regulations are revoked.

Revocation of provisions relating to the Back to Work Bonus Regulations

9.—(1) In the Council Tax Benefit Regulations, paragraph 49 of Schedule 5(c) (capital to be disregarded) is revoked.

(2) In the Housing Benefit Regulations, paragraph 49 of Schedule 5(d) (capital to be disregarded) is revoked.

Transitional provisions

10.—(1) Subject to paragraph (2), the Back to Work Bonus Regulations shall continue to have effect as if regulation 8 of these Regulations had not been made, in relation to a person who—

- (a) satisfies the requirements of regulation 6 (waiting period) of the Back to Work Bonus Regulations on 24th October 2004; and either
- (b) satisfies regulation 7 (requirements for a bonus) or regulation 17 (persons attaining pensionable age) of the Back to Work Bonus Regulations on 24th October 2004 but whose claim for a bonus had not been determined on or before that date; or
- (c) satisfies the conditions contained in regulation 7 or regulation 17 of the Back to Work Bonus Regulations on any day during the period from 25th October 2004 to 28th January 2005; or
- (d) satisfies the conditions contained in regulation 7 or 17 on or before 28th January 2005 other than the requirement to make a claim within—
 - (i) for a person who satisfies the conditions in regulation 7(2), the period specified in regulation 7(2)(c);
 - (ii) for a person who satisfies the conditions in regulation 7(3), the period specified in regulation 7(3)(d);
 - (iii) for a person who satisfies the conditions in regulation 7(4), the period specified in regulation 7(4)(c);

(a) Relevant amending instruments are S.I. 1999/2556 and S.I. 2001/488.
(b) S.I. 1988/35, as amended by S.I. 1996/1944, 1998/662, 1999/2556 and 2001/537.
(c) The relevant amending instrument is S.I. 1996/1510.
(d) The relevant amending instrument is S.I. 1996/1510.

- (iv) for a person who satisfies the conditions in regulation 7(5), the period specified in regulation 7(5)(e); and
- (v) for a person who satisfies the conditions in regulation 17, the period specified in regulation 17(5)

but who satisfies the requirements set out in regulation 23(6) of the Back to Work Bonus Regulations.

(2) For the purposes of paragraph (1), in regulation 1 (citation, commencement and interpretation) of the Back to Work Bonus Regulations—

(a) for the definition of “bonus period” substitute—

““bonus period” means a period beginning on the first day of entitlement to a qualifying benefit (provided that that day is not after 24th October 2004) in a period of entitlement to a qualifying benefit which falls after the waiting period and which ends on the last day of that period of entitlement or on 24th October 2004 whichever of these two dates is the earlier;”

(b) for the definition of “waiting period” substitute—

““waiting period” means the period of 91 consecutive days to which regulation 6 refers, provided that none of those days falls after 24th October 2004;”

(3) For paragraph (3) in regulation 17 substitute—

“(3) In the case of a person who is entitled to a bonus in accordance with paragraph (1)—

- (a) the bonus period and the period of entitlement to a qualifying benefit shall end on the date he attained the age of 60, or as the case may be, pensionable age, whichever is the later, provided that that date is not after 24th October 2004;
- (b) where that date would be after 24th October 2004 the bonus period and period of entitlement to a qualifying benefit shall be treated as ending on 24th October 2004.

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

17th June 2003

Maria Eagle
Parliamentary Under-Secretary of State,
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the amendment and revocation of the lone parent run-on and the back to work bonus provisions. They also provide for the removal of the special two-week rule that applies to lone parents claiming mortgage interest run-on, housing benefit run-on, and council tax benefit run on. Lone Parents will be entitled to the standard four week run-on provided for other claimants.

Regulation 2 provides for the amendment of the Income Support (General) Regulations 1987 (S.I. 1987/1967) relating to the lone parent run-on.

Regulation 3 deals with amendments to the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971).

Regulation 4 amends the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814).

Regulation 5 amends the Social Security (Claims and Payments) Regulations 1987 (S.I. 1988/1968).

Regulation 6 amends the Social Fund (Recovery by Deductions from Benefits) Regulations 1988 (S.I. 1988/35) in relation to deductions from income support.

Regulation 7 makes amendments consequential upon the abolition of the lone-parent run-on to the Housing Benefit (Supply of Information) Regulations 1988 (S.I. 1988/662).

Regulation 8 revokes the Social Security (Back to Work Bonus) (No 2) Regulations 1996 (S.I. 1996/2570) subject to the saving provisions contained in regulation 10.

Regulation 9 provides for consequential amendments where regulations make reference to the back to work bonus.

Regulation 10 provides transitional protection for claimants who have acquired an entitlement to back to work bonus prior to 25th October 2004. The transitional period runs from 25th October 2004 through to 28th January 2005. This regulation allows those claimants with an existing entitlement to claim their bonus provided that their claim is made prior to 29th January 2005. However no time after 24th October 2004 will count towards the "bonus period" which is used to assess the level of bonus to be paid, and no claimant without an entitlement prior to 24th October 2004 may acquire such an entitlement after that date.

These Regulations do not impose a charge on business.

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**The Social Security (Back to Work Bonus and Lone Parent Run-
on) (Amendment and Revocation) Regulations 2003**

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