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## STATUTORY INSTRUMENTS

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**2003 No. 2279**

### **SOCIAL SECURITY**

#### **The Social Security (Miscellaneous Amendments) (No.2) Regulations 2003**

*Made - - - - 7th September 2003*

*Laid before Parliament 10th September 2003*

*Coming into force in accordance with regulation 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(2) and (4), 135(1), 136(3) and (5)(b), 137(1) and 175(1) and (3) to (6) of the Social Security Contributions and Benefits Act 1992 <sup>F1</sup> and sections 4(5), 12(1), (2) and (4)(b), 35(1) and 36(2) and (4) of the Jobseekers Act 1995 <sup>F2</sup> 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 <sup>F3</sup> and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations shall not be referred to it <sup>F4</sup>, hereby makes the following Regulations:

- F1** 1992 c. 4; section 123(1)(e) was substituted by the [Local Government Finance Act 1992 \(c. 14\), Schedule 9](#), paragraph 1(1); section 130(2) was amended by paragraph 3 of Schedule 9 to the [Local Government Finance Act 1992 \(c. 14\)](#) and by paragraph 174(4) of Schedule 13 to the [Local Government etc. \(Scotland\) Act 1994 \(c. 39\)](#); section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”; section 175(1) and (4) was amended by section 2 of the [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#); section 175(5) was amended by paragraph 36 of Schedule 1 to the [Social Security \(Incapacity for Work\) Act 1994 \(c. 18\)](#); section 175(6) was amended by paragraph 10 of the Schedule 9 to the Local Government Finance Act 1992.
- F2** 1995 c. 18; section 35(1) is an interpretation provision and is cited because of the meaning ascribed to the words “prescribed” and “regulations”.
- F3** See section 176(1) of the [Social Security Administration Act 1992 \(c. 5\)](#).
- F4** 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 section 170(5) in respect of which regulations must normally be referred to the Committee.

**Citation and commencement**

1. These Regulations may be cited as the Social Security (Miscellaneous Amendments) (No.2) Regulations 2003 and shall come into force—

- (a) for the purposes of regulations 1 to 5, on 1st October 2003;
- (b) for the purposes of regulation 6, on 6th October 2003.

**Amendment of the Income Support (General) Regulations 1987**

2.—(1) The Income Support (General) Regulations 1987 <sup>F5</sup> shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1) (interpretation), after the definition of “employment zone contractor”<sup>F6</sup> there shall be inserted the following definition—

““ERA payment” means a payment made in respect of participation in the Employment Retention and Advancement Scheme for the provision of assistance to individuals to improve their job retention or career advancement (or both) under section 2 of the Employment and Training Act 1973 <sup>F7</sup>.”.

(3) In paragraph 14ZA of Schedule 2 (applicable amounts) <sup>F8</sup>—

- (a) sub-paragraph (2) shall be omitted;
- (b) in paragraph (b) of sub-paragraph (3) the words “or ceases to be treated as entitled” shall be omitted;
- (c) in sub-paragraph (3A)—
  - (i) in paragraph (a) before “the Sunday” there shall be inserted “ where sub-paragraph (3)(a) applies, ”;
  - (ii) paragraph (b) shall be omitted;
- (d) in sub-paragraph (4)—
  - (i) paragraph (b) shall be omitted;
  - (ii) for paragraph (c) there shall be substituted—
    - “(c) in any other case, the person who has been entitled to a carer’s allowance ceased to be entitled to that allowance.”.

(4) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings)—

- (a) in paragraph 25—
  - (i) in sub-paragraph (1)(a) <sup>F9</sup> after “(permitted allowances)” there shall be inserted “ or paragraph 3 of Schedule 4 to the Adoption and Children Act 2002 <sup>F10</sup> ”;
  - (ii) after sub-paragraph (1) there shall be inserted—
    - “(1A) Any payment, other than a payment to which sub-paragraph (1)(a) applies, made to the claimant in accordance with regulations made under paragraph 3 of Schedule 4 to the Adoption and Children Act 2002.”;
- (b) for paragraph 76(1) <sup>F11</sup> there shall be substituted—

“76. —

(1) Any payment made by a local authority, or by the National Assembly for Wales, to or on behalf of the claimant or his partner relating to a service which is provided to develop or sustain the capacity of the claimant or his partner to live independently in his accommodation.”;

(c) after paragraph 76 there shall be inserted the following paragraph—

“77. Any ERA payment.”.

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

- (a) in paragraph 44 <sup>F12</sup> for the words “under the provisions of Order 80 of the Rules of the Supreme Court, the County Court under Order 10 of the County Court Rules 1981” there shall be substituted “or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998”<sup>F13</sup>;
- (b) in paragraph 45 <sup>F14</sup> for the words “Rule 43.15 of the Act of Sederunt (Rules of the Court of Session 1994) 1994 or under Rule 131 of the Act of Sederunt (Rules of the Court, consolidation and amendment) 1965” there shall be substituted “section 13 of the Children (Scotland) Act 1995”<sup>F15</sup>;
- (c) for paragraph 66(1) <sup>F16</sup> there shall be substituted—

“66. —

(1) Any payment made by a local authority, or by the National Assembly for Wales, to or on behalf of the claimant or his partner relating to a service which is provided to develop or sustain the capacity of the claimant or his partner to live independently in his accommodation.”;

(d) after paragraph 66 the following paragraphs shall be added—

“67. Any payment made under the Community Care (Direct Payments) Act 1996 <sup>F17</sup>, regulations made under section 57 of the Health and Social Care Act 2001 <sup>F18</sup> or under section 12B of the Social Work (Scotland) Act 1968 <sup>F19</sup>.

68. Any payment made to the claimant in accordance with regulations made under paragraph 3 of Schedule 4 to the Adoption and Children Act 2002.

69. Any ERA payment but only for a period of 52 weeks from the date of receipt of that payment.”.

**F5** [S.I.1987/1967](#).

**F6** The definition “employment zone contractor” was inserted by regulation 2 of [S.I.2000/724](#).

**F7** [1973 c. 50](#) as amended by the [Employment Act 1988 \(c. 19\)](#), the [Trade Union Reform and Employment Rights Act 1993 \(c. 19\)](#) and the [Employment Act 1989 \(c. 38\)](#).

**F8** [Paragraph 14ZA](#) was inserted by [S.I.1990/1776](#) and amended by [S.I.1991/1559](#), [S.I.1991/2742](#), [S.I.2000/681](#), [S.I.2002/2020](#) and [S.I. 2002/2497](#).

**F9** Sub-paragraph (1)(a) was substituted by [S.I.1992/468](#) and amended by [S.I.2003/455](#).

**F10** [c.38](#).

**F11** [Paragraph 76](#) was inserted by [S.I.2003/511](#).

**F12** [Paragraph 44](#) was inserted by [S.I.1994/2139](#) and amended by [S.I.1997/2197](#).

**F13** [S.I.1998/3132](#).

**F14** [Paragraph 45](#) was inserted by [S.I.1994/2139](#) and amended by [S.I.1997/2197](#).

**F15** [c.36](#).

**F16** [Paragraph 66](#) was inserted by [S.I.2003/511](#).

**F17** c.30.

**F18** c.15.

**F19** c.49.

### Amendment of the Jobseeker's Allowance Regulations 1996

**3.—**(1) The Jobseeker's Allowance Regulations 1996 <sup>F20</sup> shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 1(3) (interpretation), after the definition of “employment zone contractor”<sup>F21</sup> there shall be inserted the following definition—

““ERA payment” means a payment made in respect of participation in the Employment Retention and Advancement Scheme for the provision of assistance to individuals to improve their job retention or career advancement (or both) under section 2 of the Employment Training Act 1973 <sup>F22</sup>.”.

(3) In Schedule 1 (applicable amounts)—

(a) in paragraph 17 <sup>F23</sup>—

(i) sub-paragraph (2) shall be omitted;

(ii) in paragraph (b) of sub-paragraph (3) the words “or ceases to be treated as entitled” shall be omitted;

(iii) in sub-paragraph (3A)—

(aa) in paragraph (a) before “the Sunday” there shall be inserted “ where sub-paragraph (3)(a) applies, ”;

(bb) paragraph (b) shall be omitted;

(iv) in sub-paragraph (4)—

(aa) paragraph (b) shall be omitted;

(bb) for paragraph (c) there shall be substituted—

“(c) in any other case, the person who has been entitled to a carer's allowance ceased to be entitled to that allowance.”;

(b) in paragraph 20J <sup>F24</sup>—

(i) in sub-paragraph (1) the words “and in receipt of” shall be omitted;

(ii) sub-paragraph (2) shall be omitted;

(iii) in paragraph (b) of sub-paragraph (3) the words “or ceases to be treated as entitled” shall be omitted;

(iv) in sub-paragraph (3A)—

(aa) in paragraph (a) before “the Sunday” there shall be inserted “ where sub-paragraph (3)(a) applies, ”;

(bb) paragraph (b) shall be omitted;

(v) in sub-paragraph (4)—

(aa) paragraph (b) shall be omitted;

(bb) for paragraph (c) there shall be substituted—

“(c) in any other case, the member who has been entitled to a carer's allowance ceased to be entitled to that allowance.”.

(4) In Schedule 7 (sums to be disregarded in the calculation of income other than earnings)—

(a) in paragraph 26 <sup>F25</sup>—

- (i) in sub-paragraph (1)(a) after “(permitted allowances)” there shall be inserted “ or paragraph 3 of Schedule 4 to the Adoption and Children Act 2002 ”;
- (ii) after sub-paragraph (1) there shall be inserted—
  - “(1A) Any payment, other than a payment to which sub-paragraph (1)(a) applies, made to the claimant in accordance with regulations made under paragraph 3 of Schedule 4 to the Adoption and Children Act 2002.”;
- (b) for paragraph 72(1) <sup>F26</sup> there shall be substituted—

“72. –

(1) Any payment made by a local authority, or by the National Assembly for Wales, to or on behalf of the claimant or his partner relating to a service which is provided to develop or sustain the capacity of the claimant or his partner to live independently in his accommodation.”;

- (c) after paragraph 72 there shall be inserted the following paragraph—

“73. Any ERA payment.”;

- (5) In Schedule 8 (capital to be disregarded)—

- (a) in paragraph 42 <sup>F27</sup> for the words “under the provisions of Order 80 of the Rules of the Supreme Court, the County Court under Order 10 of the County Court Rules 1981” there shall be substituted “ or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998 ” <sup>F28</sup>;
- (b) in paragraph 43 <sup>F29</sup> for the words “Rule 43.15 of the Act of Sederunt (Rules of the Court of Session 1994) 1994 or under Rule 131 of the Act of Sederunt (Rules of the Court, consolidation and amendment) 1965” there shall be substituted “ section 13 of the Children (Scotland) Act 1995 ”;
- (c) for paragraph 59(1) <sup>F30</sup> there shall be substituted—

“59. –

(1) Any payment made by a local authority, or by the National Assembly for Wales, to or on behalf of the claimant or his partner relating to a service which is provided to develop or sustain the capacity of the claimant or his partner to live independently in his accommodation.”;

- (d) after paragraph 59 the following paragraphs shall be added—

“60. Any payment made under the Community Care (Direct Payments) Act 1996, regulations made under section 57 of the Health and Social Care Act 2001 or under section 12B of the Social Work (Scotland) Act 1968.

61. Any payment made to the claimant in accordance with regulations made under paragraph 3 of Schedule 4 to the Adoption and Children Act 2002.

62. Any ERA payment but only for a period of 52 weeks from the date of receipt of that payment.”.

*Status: Point in time view as at 06/03/2006.*

*Changes to legislation: There are currently no known outstanding effects for the The Social Security (Miscellaneous Amendments) (No.2) Regulations 2003. (See end of Document for details)*

- F20** [S.I.1996/207](#).
- F21** The definition “employment zone contractor” was inserted by regulation 2 of [S.I. 2000/724](#).
- F22** 1973 (c. 50) as amended by the [Employment Act 1988 \(c. 19\)](#), the [Trade Union Reform and Employment Rights Act 1993 \(c. 19\)](#) and the [Employment Act 1989 \(c. 38\)](#).
- F23** [Paragraph 17](#) was amended by [S.I.2000/681](#), [S.I.2000/2020](#) and [S.I.2003/511](#).
- F24** [Paragraph 20J](#) was inserted by [S.I.2000/1978](#) and amended by [S.I.2002/2020](#), [S.I. 2002/2380](#) and [S.I.2003/511](#).
- F25** The relevant amending instrument is [S.I.1998/563](#).
- F26** [Paragraph 72](#) was inserted by [S.I.2003/511](#).
- F27** [Paragraph 42](#) was amended by [S.I.1997/2197](#).
- F28** [S.I.1998/3132](#).
- F29** [Paragraph 43](#) was amended by [S.I.1997/2197](#).
- F30** [Paragraph 59](#) was inserted by [S.I.2003/511](#).

### **Amendment of the Housing Benefit (General) Regulations 1987**

<sup>F31</sup>**4.** . . . . .

- F31** [Reg. 5](#) revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), [Sch. 1](#) (with regs. 2, 3, [Sch. 3](#), [Sch. 4](#))

### **Amendment of the Council Tax Benefit (General) Regulations 1992**

<sup>F31</sup>**5.** . . . . .

- F31** [Reg. 5](#) revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), [Sch. 1](#) (with regs. 2, 3, [Sch. 3](#), [Sch. 4](#))

### **Amendment of the Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003**

<sup>F32</sup>**6.** . . . . .

- F32** [Reg. 6](#) revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), [Sch. 1](#) (with regs. 2, 3, [Sch. 3](#), [Sch. 4](#))

*Andrew Smith*  
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 (General) Regulations 1987 (S.I. 1987/1971), the Council Tax Benefit (General) Regulations 1992 (S.I.1992/1814) ("the principal sets of regulations") and the Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003 (S.I.2003/325).

Regulations 2(2), 3(2), 4(2) and 5(2) amend the principal sets of Regulations by inserting a definition of "ERA payment" in the interpretation provisions of each of the principal sets of Regulations. Regulations 2(4)(c), 2(5)(d), 3(4)(c), 3(5)(d), 4(5)(c), 4(6)(e), 5(4)(c) and 5(5)(e) make provision in each of the principal sets of Regulations for ERA payments made under the Employment, Retention and Advancement Scheme to be disregarded both in calculation of income other than earnings and as capital. The Employment, Retention and Advancement Scheme is an arrangement made by the Secretary of State under section 2 of the Employment and Training Act 1973 (c. 50) that provides assistance to individuals to improve their job retention or career advancement (or both). Information about the Employment, Retention and Advancement Scheme can be obtained from offices of Jobcentre Plus.

Regulations 2(3), 3(3), 4(4) and 5(3) amend the principal sets of regulations in relation to the awards of carer premium. They revoke sub-paragraph (2) because all those who are entitled now fall with sub-paragraph (1) and make associated changes.

Regulations 2(4)(a), 2(5)(d), 3(4)(a), 3(5)(d), 4(5)(a), 4(6)(e), 5(4)(a) and 5(5)(e) amend the principal sets of regulations to provide for income and capital disregards of payments made under the Adoption and Children Act 2002 (c. 38).

Regulations 2(4)(b), 2(5)(c), 3(4)(b), 3(5)(c), 4(5)(b), 4(6)(d), 5(4)(b), 5(5)(d) and 6(2) amend the principal sets of regulations and the Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003 to clarify the extent of income and capital disregards in relation to the scheme known as "supporting people".

Regulations 2(5)(a) and (b), 3(5)(a) and (b), 4(6)(b) and (c) and 5(5)(b) and (c) amend the principal sets of regulations to reflect changes to court procedure following the introduction of the Civil Procedure Rules 1998 in England and Wales and the Children (Scotland) Act 1995 in Scotland.

Regulations 2(5)(d), 3(5)(d), 4(6)(e) and 5(5)(e) add to the capital disregards in the principal sets of regulations payments made to a claimant in respect of community care services.

Regulation 4(3) amends references to the scheme known as "supporting people" in relation to the circumstances in which the costs of cleaning exterior windows and communal areas of a claimant's accommodation can be met by housing benefit under the Housing Benefit (General) Regulations 1987.

Regulations 4(6)(a) and 5(5)(a) amend the Housing Benefit (General) Regulations 1987 and the Council Tax Benefit (General) Regulations 1992 to remove the capital disregard for arrears of council tax benefit and housing benefit respectively.

These Regulations do not impose a charge on business.

**Status:**

Point in time view as at 06/03/2006.

**Changes to legislation:**

There are currently no known outstanding effects for the The Social Security (Miscellaneous Amendments) (No.2) Regulations 2003.