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STATUTORY INSTRUMENTS

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**2003 No. 2279**

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

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

2.—(1) The Income Support (General) Regulations 1987<sup>M1</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>M2</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>M3</sup>.”.

(3) In paragraph 14ZA of Schedule 2 (applicable amounts)<sup>M4</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>M5</sup> after “(permitted allowances)” there shall be inserted “ or paragraph 3 of Schedule 4 to the Adoption and Children Act 2002<sup>M6</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>M7</sup> there shall be substituted—

(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>M8</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>M9</sup>;

(b) in paragraph 45 <sup>M10</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>M11</sup> ”;

(c) for paragraph 66(1) <sup>M12</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>M13</sup>, regulations made under section 57 of the Health and Social Care Act 2001 <sup>M14</sup> or under section 12B of the Social Work (Scotland) Act 1968 <sup>M15</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.”.

#### Marginal Citations

**M1** [S.I.1987/1967](#).

**M2** The definition “employment zone contractor” was inserted by regulation 2 of [S.I.2000/724](#).

**M3** [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 \(c. 38\)](#).

**M4** [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](#).

**M5** Sub-paragraph (1)(a) was substituted by [S.I.1992/468](#) and amended by [S.I.2003/455](#).

**M6** [c.38](#).

- M7** Paragraph 76 was inserted by S.I.2003/511.
- M8** Paragraph 44 was inserted by S.I.1994/2139 and amended by S.I.1997/2197.
- M9** S.I.1998/3132.
- M10** Paragraph 45 was inserted by S.I.1994/2139 and amended by S.I.1997/2197.
- M11** c.36.
- M12** Paragraph 66 was inserted by S.I.2003/511.
- M13** c.30.
- M14** c.15.
- M15** c.49.

**Changes to legislation:**

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