
STATUTORY INSTRUMENTS

2003 No. 2325

The Social Security (Third Party Deductions and Miscellaneous Amendments) Regulations 2003

Amendment of the Social Security (Claims and Payments) Regulations 1987

2.—(1) Schedule 9 (deductions from benefit and direct payment to third parties) to the Social Security (Claims and Payments) Regulations 1987 ^{M1} shall be amended in accordance with this regulation.

(2) In paragraph 4 (miscellaneous accommodation costs)—

(a) in sub-paragraph (1) ^{M2} for “or jobseeker’s allowance” substitute “, jobseeker’s allowance or state pension credit”;

(b) in sub-paragraph (1)(a);

(i) before “is made” insert “ in the case of income support ”; and

(ii) for “as the case may be,” substitute “ in the case of jobseeker’s allowance ”;

(c) for sub-paragraph (1)(b) substitute—

“(b) is made—

(i) in the case of an award of income support, to a person who is in residential accommodation within the meaning of regulation 21(3) of the Income Support Regulations ^{M3}; or

(ii) to person who is in accommodation provided under section 3(1) of, and Part II of the Schedule to, the Polish Resettlement Act 1947 ^{M4} (provision by the Secretary of State of accommodation in camps) except where that person is in receipt of state pension credit; or

(iii) in the case of an award of jobseeker’s allowance, to a person who is in residential accommodation within the meaning of regulation 85(4) of the Jobseeker’s Allowance Regulations ^{M5}; or

(iv) in the case of an award of state pension credit, to a person who is in accommodation provided within the meaning of regulation 15(7) of the State Pension Credit Regulations ^{M6}”;

(d) in sub-paragraph (1)—

(i) for “hereafter in this paragraph referred to as “miscellaneous accommodation costs”” substitute “ or to a person who is only temporarily absent from such accommodation ”;

(ii) after “to whom the charges in respect of that accommodation are payable” insert “ hereafter in this paragraph referred to as “miscellaneous accommodation costs” ”; and

(iii) for “except in a case to which paragraph 13A of Schedule 7 to the Income Support Regulations apply” substitute “ except in a case where accommodation is provided under section 3(1) of, and Part II of the Schedule to, the Polish Resettlement Act 1947 ”;

- (e) for sub-paragraphs (2) and (3) substitute—
- “(2) Subject to sub-paragraphs (3) and (3A), the amount of any payment of income support, jobseeker’s allowance or state pension credit to a third party determined under sub-paragraph (1) shall be—
- (a) in a case where the beneficiary is not in accommodation—
 - (i) as specified in sub-paragraph (1)(b)(i) or (iii); or
 - (ii) as specified in regulation 15(7)(d) of the State Pension Credit Regulations, an amount equal to the award of income support, jobseeker’s allowance, or guarantee credit payable to the claimant but excluding an amount, if any, which when added to any other income of the beneficiary as determined in accordance with regulation 28 of the Income Support Regulations, regulation 93 of the Jobseeker’s Allowance Regulations or regulation 17 of the State Pension Credit Regulations will equal the amount prescribed in respect of personal expenses in sub-paragraph (2A); and
 - (b) in any other case, the amount of the award of income support, jobseeker’s allowance or guarantee credit, excluding the amount allowed by sub-paragraph (2A) in respect of personal expenses.
- (2A) The amount in respect of personal expenses where a beneficiary is in accommodation referred to in paragraphs 4(1)(a) or (b) shall be—
- (a) for a single person the sum of £17.50;
 - (b) for a couple where both members of the couple are in such accommodation, £17.50 for each member;
 - (c) for a member of a polygamous marriage where more than one member is in such accommodation, £17.50 for each member in such accommodation.
- (3) This sub-paragraph shall apply where an award is made of—
- (a) income support calculated in accordance with Part VII of the Income Support Regulations (calculation of income support for part-weeks); or
 - (b) jobseeker’s allowance calculated in accordance with Part XI of the Jobseeker’s Allowance Regulations (part-weeks); or
 - (c) state pension credit for a period of less than a week calculated under regulation 13A of the State Pension Credit Regulations^{M7} (part-weeks), or a part week payment of state pension credit calculated otherwise.
- (3A) Where sub-paragraph (3) applies then the amount of any payment to a third party determined under sub-paragraph (1) shall be an amount calculated in accordance with sub-paragraph (2)(a) or (b) as appropriate except that in respect of—
- (a) the income of the beneficiary, if any; and
 - (b) the amount allowed for personal expenses by sub-paragraph (2A) above,
- the amount shall be the amount used in the calculation under the provisions listed in sub-paragraph (3)(a), (b) or (c), divided by 7 and multiplied by the number of days in the part-week and no payment shall be made to a third party where the Secretary of State certifies it would be impracticable to do so in that particular case.”;
- (f) in sub-paragraph (4) for “(2) or (3)” substitute “ (2) or (3A) ”.

Marginal Citations

- M1** [S.I. 1987/1968](#). Relevant amending instruments are [S.I. 1989/136](#), 1989/1686, 1991/2284, 1992/3147, 1993/2113, 1996/1460, 1999/3178, 2002/398 and 2002/3019.
- M2** Sub-paragraph (1) was amended by [S.I. 1989/136](#), 1989/1686, 1991/2284, 1992/1347, 1996/1460, 1999/3178 and 2002/398.
- M3** [S.I. 1987/1967](#). Relevant amending instruments are [S.I. 1992/3147](#), 1994/2139 and [S.I. 1995/516](#).
- M4** c.14.
- M5** [S.I. 1996/1460](#) as amended by [S.I. 1996/2538](#).
- M6** [S.I. 2002/1792](#).
- M7** [Regulation 13A](#) was inserted by regulation 23 of [S.I. 2002/3019](#).

Changes to legislation:

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