

2005 No. 3391

SOCIAL SECURITY

**The Income-related Benefits (Amendment) (No. 2) Regulations
2005**

<i>Made</i> - - - -	<i>8th December 2005</i>
<i>Laid before Parliament</i>	<i>9th December 2005</i>
<i>Coming into force</i> - -	<i>12th December 2005</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 123(1)(a), (d) and (e), 136(3) and (5)(b), 136A(3), 137(1), 138(1)(a) and (4) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(a), sections 12(1) and (4)(b), 35(1) and 36(2) and (4)(a) of the Jobseekers Act 1995(b), section 29 and paragraph 8 of Schedule 1 to the Social Security (Recovery of Benefits) Act 1997(c) and sections 15(6)(b) and 17(1) of the State Pension Credit Act 2002(d).

The Social Security Advisory Committee has agreed that proposals in respect of these Regulations should not be referred to it(e).

The Secretary of State considers that, because of the urgency of the matter, it is inexpedient to consult, 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(f):

Citation and commencement

1. These Regulations may be cited as the Income-related Benefits (Amendment) (No. 2) Regulations 2005 and shall come into force on 12th December 2005.

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- (a) 1992 c.4. Section 123(1)(e) was substituted by the Local Government Finance Act 1992 (c.14), Schedule 9 paragraph 1(1). Section 136A was inserted by paragraph 3 of Schedule 2 to the State Pension Credit Act 2002 (c.16). Sections 137(1) and 138(4) are interpretation provisions and are cited because of the meaning given to the word “prescribed”. Section 175(1) and (4) were amended by the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2), section 2 and Schedule 3 paragraph 29. Section 175(1), (3) and (4) are applied to provisions of the State Pension Credit Act 2002 by section 19(1) of that Act.
 - (b) 1995 c.18. Section 35(1) is an interpretation provision and is cited because of the meaning given to the words “prescribed” and “regulations”. Sections 35(1) and 36(4) were amended by section 2 of, and paragraphs 62 and 63 respectively of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999.
 - (c) 1997 c.27. Section 29 is an interpretation provision and is cited because of the meaning given to the words “prescribed” and “regulations”.
 - (d) 2002 c.16. Section 17(1) is an interpretation provision and is cited because of the meaning given to the words “prescribed” and “regulations”.
 - (e) See sections 172(1) and 173(1)(b) of the Social Security Administration Act (c.5). Paragraph 67 of Schedule 2 to the Jobseekers Act 1995 and paragraph 20 of Schedule 2 to the State Pension Credit Act 2002 respectively added those Acts to the list of “relevant enactments” in respect of which regulations must normally be referred to the Committee.
 - (f) See section 176(1) and (2)(a) of the Social Security Administration Act 1992 (c.5) as amended by section 103 of, and paragraph 23 of Schedule 9 to, the Local Government Finance Act 1992.

Amendments of the Income Support (General) Regulations 1987

2.—(1) The Income Support (General) Regulations 1987(**a**) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) at the appropriate place insert the following definition—

““the London Bombings Relief Charitable Fund” means the company limited by guarantee (number 5505072) and registered charity of that name established on 11th July 2005 for the purpose of (amongst other things) relieving sickness, disability or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7th July 2005;”;

(b) in the definition of “qualifying person”(b) for the words “or the Skipton Fund” substitute “, the Skipton Fund or the London Bombings Relief Charitable Fund”.

(3) In regulation 51(3A)(a) (notional capital)(c) for the words “or the Skipton Fund” substitute “, the Skipton Fund or the London Bombings Relief Charitable Fund”.

(4) In paragraph 39(7) of Schedule 9 (sums to be disregarded in the calculation of income other than earnings)(d) for the words “and the Skipton Fund” substitute “, the Skipton Fund and the London Bombings Relief Charitable Fund”.

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

(a) in paragraph 22(e)—

(i) in sub-paragraph (1) for the words “or the Skipton Fund” substitute “, the Skipton Fund or the London Bombings Relief Charitable Fund”;

(ii) in sub-paragraph (7) for the words “and the Skipton Fund” substitute “, the Skipton Fund and the London Bombings Relief Charitable Fund”;

(b) omit paragraph 22A(f).

Amendments of the Housing Benefit (General) Regulations 1987

3.—(1) The Housing Benefit (General) Regulations 1987(**g**) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) at the appropriate place insert the following definition—

““the London Bombings Relief Charitable Fund” means the company limited by guarantee (number 5505072) and registered charity of that name established on 11th July 2005 for the purpose of (amongst other things) relieving sickness, disability or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7th July 2005;”;

(b) in the definition of “qualifying person”(h) for the words “or the Skipton Fund” substitute “, the Skipton Fund or the London Bombings Relief Charitable Fund”.

(3) In regulation 43(3A)(a) (notional capital)(i) for the words “or the Skipton Fund” substitute “, the Skipton Fund or the London Bombings Relief Charitable Fund”.

(4) In regulation 73(3)(a)(ii) (evidence and information)(j) for “or the Skipton Fund” substitute “, the Skipton Fund or the London Bombings Relief Charitable Fund”.

(a) S.I.1987/1967.

(b) The definition of “qualifying person” was inserted by S.I. 1992/1101 and amended by S.I. 1993/1249 and 2004/1141.

(c) Paragraph (3A) was inserted by S.I. 1998/2117; relevant amending instrument is S.I. 2004/2308.

(d) Paragraph 39(7) was inserted by S.I. 1992/1101 and amended by S.I. 1993/1249 and 2004/2308.

(e) Paragraph 22 was substituted by S.I. 1991/1175 and paragraph 22(7) was inserted by S.I. 1992/1101; relevant amending instruments are S.I. 1993/1249 and 2004/1141.

(f) Paragraph 22A was inserted by S.I. 2005/2183.

(g) S.I. 1987/1971.

(h) The definition of “qualifying person” was inserted by S.I. 1992/1101 and amended by S.I. 1993/1249 and 2004/1141.

(i) Paragraph (3A) was inserted by S.I. 1998/2164; relevant amending instrument is S.I. 2004/2308.

(j) Paragraph (3) was added by S.I. 1992/432; relevant amending instruments are S.I. 1992/1101, 1993/1249 and 2004/2308.

(5) In paragraph 34(7) of Schedule 4 (sums to be disregarded in the calculation of income other than earnings)(a) for “and the Skipton Fund” substitute “, the Skipton Fund and the London Bombings Relief Charitable Fund”.

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

(a) in paragraph 23(b)—

(i) in sub-paragraph (1) for the words “or the Skipton Fund” substitute “, the Skipton Fund or the London Bombings Relief Charitable Fund”;

(ii) in sub-paragraph (7) for the words “and the Skipton Fund” substitute “, the Skipton Fund and the London Bombings Relief Charitable Fund”;

(b) omit paragraph 23A(c).

(7) In Schedule 5ZA (capital to be disregarded)(d)—

(a) in paragraph 16(1)(a)(e) after “Skipton Fund” insert “, the London Bombings Relief Charitable Fund”;

(b) omit paragraph 16A(f).

(8) The amendments made by paragraph (7) are to the Housing Benefit (General) Regulations 1987 as modified in their application to persons to whom regulation 2(1) of the Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003(g) applies.

Amendments of the Council Tax Benefit (General) Regulations 1992

4.—(1) The Council Tax Benefit (General) Regulations 1992(h) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) at the appropriate place insert the following definition—

““the London Bombings Relief Charitable Fund” means the company limited by guarantee (number 5505072) and registered charity of that name established on 11th July 2005 for the purpose of (amongst other things) relieving sickness, disability or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7th July 2005;”;

(b) in the definition of “qualifying person”(i) for the words “or the Skipton Fund” substitute “, the Skipton Fund or the London Bombings Relief Charitable Fund”.

(3) In regulation 34(3A)(a)(j) (notional capital) for the words “or the Skipton Fund” substitute “, the Skipton Fund or the London Bombings Relief Charitable Fund”.

(4) In regulation 63(3)(a)(ii) (evidence and information)(k) for “or the Skipton Fund” substitute “, the Skipton Fund or the London Bombings Relief Charitable Fund”.

(5) In paragraph 35(7) of Schedule 4 (sums to be disregarded in the calculation of income other than earnings)(l) for the words “and the Skipton Fund” substitute “, the Skipton Fund and the London Bombings Relief Charitable Fund”.

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

(a) in paragraph 23(m)—

(a) Paragraph 34(7) was inserted by S.I. 1992/1101 and amended by S.I. 1993/1249 and 2004/2308.

(b) Paragraph 23 was substituted by S.I. 1991/1175; relevant amending instruments are S.I. 1992/1101, 1993/1249 and 2004/1141.

(c) Paragraph 23A was inserted by S.I. 2005/2183.

(d) Schedule 5ZA was inserted by S.I. 2003/325, in relation to the persons referred to in regulation 2(1) of that instrument.

(e) Relevant amending instrument is S.I. 2004/1141.

(f) Paragraph 16A was inserted by S.I. 2005/2183.

(g) S.I. 2003/325.

(h) S.I. 1992/1814.

(i) Relevant amending instruments are S.I. 1993/1249 and 2004/1141.

(j) Paragraph (3A) was inserted by S.I. 1998/2164; relevant amending instrument is S.I. 2004/2308.

(k) Relevant amending instruments are S.I. 1993/1249 and 2004/2308.

(l) Relevant amending instrument are S.I. 1993/1249 and 2004/2308.

(m) Relevant amending instruments are S.I. 1993/1249 and 2004/1141.

- (i) in sub-paragraph (1) for the words “or the Skipton Fund” substitute “, the Skipton Fund or the London Bombings Relief Charitable Fund”;
- (ii) in sub-paragraph (7) for the words “and the Skipton Fund” substitute “, the Skipton Fund and the London Bombings Relief Charitable Fund”;
- (b) omit paragraph 23A(a).
- (7) In Schedule 5ZA (capital to be disregarded)(b)—
 - (a) in paragraph 16(1)(a)(c) after “Skipton Fund” insert “, the London Bombings Relief Charitable Fund”;
 - (b) omit paragraph 16A(d).
- (8) The amendments made by paragraph (7) are to the Council Tax Benefit (General) Regulations 1992 as modified in their application to persons to whom regulation 12(1) of the Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003 applies.

Amendments of the Jobseeker’s Allowance Regulations 1996

- 5.—(1) The Jobseeker’s Allowance Regulations 1996(e) are amended as follows.
- (2) In regulation 1(3) (citation, commencement and interpretation)—
 - (a) at the appropriate place insert the following definition—
 - ““the London Bombings Relief Charitable Fund” means the company limited by guarantee (number 5505072) and registered charity of that name established on 11th July 2005 for the purpose of (amongst other things) relieving sickness, disability or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7th July 2005;”;
 - (b) in the definition of “qualifying person”(f) for the words “or the Skipton Fund” substitute “, the Skipton Fund or the London Bombings Relief Charitable Fund”.
- (3) In regulation 113(3A)(a) (notional capital)(g) for the words “or the Skipton Fund” substitute “, the Skipton Fund or the London Bombings Relief Charitable Fund”.
- (4) At the end of paragraph 41(7) of Schedule 7 (sums to be disregarded in the calculation of income other than earnings)(h) add “and the London Bombings Relief Charitable Fund”.
- (5) In Schedule 8 (capital to be disregarded)—
 - (a) in paragraph 27(1)(i) after the words “Skipton Fund” insert “, the London Bombings Relief Charitable Fund”;
 - (b) omit paragraph 27A(j).

Amendments of the Social Security (Recovery of Benefits) Regulations 1997

- 6.—(1) The Social Security (Recovery of Benefits) Regulations 1997(k) are amended as follows.
- (2) In regulation 2(2)(exempted trusts and payments)(l), after sub-paragraph (j) add—
 - “(k) any payment made from the London Bombings Relief Charitable Fund, the company limited by guarantee (number 5505072) and registered charity of that

(a) Paragraph 23A was inserted by S.I. 2005/2183.
 (b) Schedule 5ZA was inserted by S.I. 2003/325 in relation to the persons referred to in regulation 12(1) of that instrument.
 (c) Relevant amending instrument is S.I. 2004/1141.
 (d) Paragraph 16A was inserted by S.I. 2005/2183.
 (e) S.I. 1996/207.
 (f) Relevant amending instrument is S.I. 2004/1141.
 (g) Paragraph (3A) was inserted by S.I. 1998/2117; relevant amending instrument is S.I. 2004/2308.
 (h) Paragraph 41(7) was inserted by S.I. 2004/2308.
 (i) Paragraph 27(1) was amended by S.I. 2004/1141.
 (j) Paragraph 27A was inserted by S.I. 2005/2183.
 (k) S.I. 1997/2205.
 (l) Relevant amending instrument is S.I. 2004/1141.

name established on 11th July 2005 for the purpose of (amongst other things) relieving sickness, disability or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7th July 2005.”.

Amendments of the State Pension Credit Regulations 2002

- 7.—(1) The State Pension Credit Regulations 2002(a) are amended as follows.
- (2) In regulation 1(2) (citation, commencement and interpretation)—
- (a) at the appropriate place insert the following definition—
- ““the London Bombings Relief Charitable Fund” means the company limited by guarantee (number 5505072) and registered charity of that name established on 11th July 2005 for the purpose of (amongst other things) relieving sickness, disability or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7th July 2005;”;
- (b) in the definition of “qualifying person”(b) for the words “or the Skipton Fund” substitute “, the Skipton Fund or the London Bombings Relief Charitable Fund”.
- (3) In Schedule 5 (income from capital)—
- (a) in paragraph 15(c)—
- (i) in sub-paragraph (1) for the words “or the Skipton Fund” substitute “, the Skipton Fund or the London Bombings Relief Charitable Fund”;
- (ii) in sub-paragraph (7) for the words “and the Skipton Fund” substitute “, the Skipton Fund and the London Bombings Relief Charitable Fund”;
- (b) omit paragraph 15A(d).

Amendments of the Social Fund Maternity and Funeral Expenses (General) Regulations 2005

- 8.—(1) The Social Fund Maternity and Funeral Expenses (General) Regulations 2005(e) are amended as follows.
- (2) In regulation 10 (deductions from an award of a funeral payment)—
- (a) in paragraph (2)—
- (i) in sub-paragraph (f) omit “or”;
- (ii) at the end of sub-paragraph (g) insert—
- “or
- (h) the London Bombings Relief Charitable Fund;”;
- (b) in paragraph (3) for the words “and “the Skipton Fund”” substitute “, “the Skipton Fund” and “the London Bombings Relief Charitable Fund””.

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

Stephen C. Timms
Minister of State,

8th December 2005

Department for Work and Pensions

(a) S.I. 2002/1792.
(b) The definition of “qualifying person” was amended by S.I. 2004/1141.
(c) Relevant amending instrument is S.I. 2004/1141.
(d) Paragraph 15A was inserted by S.I. 2005/2183.
(e) S.I. 2005/3061.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulations 1 to 5 amend the Income Support (General) Regulations 1987, the Housing Benefit (General) Regulations 1987, the Council Tax Benefit (General) Regulations 1992 and the Jobseeker's Allowance Regulations 1996 to make provision in each set of Regulations for grants paid by the London Bombings Relief Charitable Fund ("the Fund"), and certain payments derived from these grants, to be disregarded when calculating that person's capital or income for the purpose of an award of benefit.

Regulation 7 also amends the State Pension Credit Regulations 2002 to provide for grants paid by the Fund to a person, and certain payments derived from these grants, to be disregarded when calculating that person's income from capital for the purpose of an award of state pension credit.

These Regulations revoke the previous disregards that applied in respect of payments from the Fund.

In relation to housing benefit and council tax benefit, regulations 3(4) and 4(4) provide that a person is not required to furnish any evidence and information about a payment from the Fund when making a claim or in connection with an award.

Regulation 6 amends regulation 2(2) of the Social Security (Recovery of Benefits) Regulations 1997 to include an exemption for payments made from the Fund from the compensation recovery scheme.

Regulation 8 amends regulation 10 of the Social Fund Maternity and Funeral Expenses (General) Regulations 2005 to ensure that payments from the Fund are not deducted in calculating the amount of a funeral payment.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the cost of business.

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