

2006 No. 2813

SOCIAL SECURITY

**The Housing Benefit and Council Tax Benefit (Amendment)
Regulations 2006**

<i>Made</i>	- - - -	<i>19th October 2006</i>
<i>Laid before Parliament</i>		<i>27th October 2006</i>
<i>Coming into force</i>	- -	<i>20th November 2006</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 134(8)(b) and 139(6)(b) of the Social Security Administration Act 1992(a).

In accordance with section 176(1) of the Social Security Administration Act 1992, the Secretary of State has consulted with organisations appearing to him to be representative of the authorities concerned.

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

Citation and commencement

1. These Regulations may be cited as the Housing Benefit and Council Tax Benefit (Amendment) Regulations 2006 and shall come into force on 20th November 2006.

Amendment of the Housing Benefit Regulations 2006

2. In regulation 40 of the Housing Benefit Regulations 2006(c) (calculation of income other than earnings) after paragraph (4) insert—

“(4A) An authority may modify this Part so as to provide for disregarding, in determining a person’s income (whether he is the occupier of a dwelling or any other person whose income falls to be aggregated with that of the occupier of the dwelling), the whole or any part of any payment made under article 14(1)(b) or 21(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005(d).”.

(a) 1992 c.5. Section 139(6) was amended by section 103 and paragraph 20(5) Schedule 9 to the Local Government Finance Act 1992 (c. 14) and section 180(1) and paragraph 175(3) of Schedule 13 to the Local Government etc. (Scotland) Act 1994 (c. 39).

(b) See sections 170 and 173(1)(b) of the Social Security Administration Act 1992 (c.5).

(c) S.I. 2006/213, to which there are amendments not relevant to these Regulations.

(d) S.I. 2005/439.

Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

3. In regulation 33 of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(a) (calculation of weekly income) after paragraph (13) add—

“(14) An authority may modify this Part so as to provide for disregarding, in determining a person’s income (whether he is the occupier of a dwelling or any other person whose income falls to be aggregated with that of the occupier of the dwelling), the whole or any part of any payment made under article 14(1)(b) or 21(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005.”.

Amendment of the Council Tax Benefit Regulations 2006

4. In regulation 30 of the Council Tax Benefit Regulations 2006(b) (calculation of income other than earnings) after paragraph (4) insert—

“(4A) An authority may modify this Part so as to provide for disregarding, in determining a person’s income, the whole or any part of any payment payable under article 14(1)(b) or 21(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005 to that person, or to his partner or to a person to whom he is polygamously married.”.

Amendment of the Council Tax (Persons who have attained the qualifying age for state pension credit) Regulations 2006

5. In regulation 23 of the Council Tax (Persons who have attained the qualifying age for state pension credit) Regulations 2006(c) (calculation of weekly income) after paragraph (13) add—

“(14) An authority may modify this Part so as to provide for disregarding, in determining a person’s income, the whole or any part of any payment payable under article 14(1)(b) or 21(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005 to that person, or to his partner or to a person to whom he is polygamously married.”.

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

James Plaskitt
Parliamentary Under-Secretary of State,
Department for Work and Pensions

19th October 2006

(a) S.I. 2006/214, to which there are amendments not relevant to these Regulations.
(b) S.I. 2006/215, to which there are amendments not relevant to these Regulations.
(c) S.I. 2006/216, to which there are amendments not relevant to these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Housing Benefit Regulations 2006 (S.I. 2006/213), the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (S.I. 2006/214), the Council Tax Benefit Regulations 2006 (S.I. 2006/215), and the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (S.I. 2006/216) to grant authorities the power to modify those Regulations to provide that certain payments made under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005 (S.I. 2005/439) may be disregarded from the calculation of income for housing benefit or council tax benefit purposes.

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