
STATUTORY INSTRUMENTS

2006 No. 3274

SOCIAL SECURITY

**The Social Security (Miscellaneous
Amendments) (No. 5) Regulations 2006**

Made - - - - *7th December 2006*
Laid before Parliament *14th December 2006*
Coming into force - - *8th January 2007*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 123(1)(a) and (d), 135(1), 137(1) and (2)(h) and 175(1) and (3) to (5) of the Social Security Contributions and Benefits Act 1992(1), sections 4(5), 35(1) and 36(1), (2) and (4) of the Jobseekers Act 1995(2) and sections 2(3)(b) and 17(1) of the State Pension Credit Act 2002(3).

The Social Security Advisory Committee has agreed that proposals in respect of these Regulations should not be referred to it(4).

In respect of the provisions in these Regulations relating to Housing Benefit the Secretary of State has consulted with organisations appearing to him to be representative of the authorities concerned(5).

Citation and commencement

1. These Regulations may be cited as the Social Security (Miscellaneous Amendments) (No. 5) Regulations 2006 and shall come into force on 8th January 2007.

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- (1) 1992 c. 4. Section 137(1) is an interpretation provision and is cited because of the meaning given to the word “prescribed”. Section 175(1) and (3) to (5) is applied to the provisions of the State Pension Credit Act 2002 (c. 16) by section 19(1) of that Act. Section 175(1) and (4) was amended by paragraph 29 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2).
- (2) 1995 c. 18. Section 35(1) is an interpretation provision and is cited because of the meaning given to the word “prescribed”. Section 35(1) was amended by section 2 of, and paragraph 62 of Schedule 3 to, the Social Security Contributions (Transfer of Functions, etc.) Act 1999.
- (3) 2002 c. 16. Section 17(1) is an interpretation provision and is cited because of the meaning given to the words “prescribed” and “regulations”.
- (4) See sections 170 and 173(1)(b) of the Social Security Administration Act 1992 (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 added those Acts to the list of “relevant enactments” in respect of which regulations must normally be referred to the Committee.
- (5) See section 176(1) of the Social Security Administration Act 1992

Amendment of the Income Support (General) Regulations 1987

2. In paragraph 3(6)(c) of Schedule 3 to the Income Support (General) Regulations 1987(6) (circumstances in which a person is to be treated as occupying a dwelling as his home) after “four benefit weeks” insert “from the first day of the benefit week in which the move occurs”.

Amendment of the Jobseeker’s Allowance Regulations 1996

3. In paragraph 3(6)(c) of Schedule 2 to the Jobseeker’s Allowance Regulations 1996(7) (circumstances in which a person is to be treated as occupying a dwelling as his home) after “four benefit weeks” insert “from the first day of the benefit week in which the move occurs”.

Amendment of the State Pension Credit Regulations 2002

4.—(1) Subject to paragraphs (2) and (3), in paragraph 4(6)(c) of Schedule 2 to the State Pension Credit Regulations 2002(8) (circumstances in which a person is to be treated as occupying a dwelling as his home) after “four benefit weeks” insert “from the first day of the benefit week where the move takes place on that day, but if it does not, from the first day of the next following benefit week”.

(2) This paragraph applies in the case of any person to whom regulation 36(6) of the State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002(9) (persons entitled to income support immediately before the appointed day) applies.

(3) Where paragraph (2) applies, paragraph 4(6)(c) of Schedule 2 to the State Pension Credit Regulations 2002 is to be read as if after “four benefit weeks” there were inserted “from the first day of the benefit week in which the move occurs”.

Amendment of the Housing Benefit Regulations 2006

5. In regulation 7(6)(d) of the Housing Benefit Regulations 2006(10) (circumstances in which a person is or is not to be treated as occupying a dwelling as his home), after “4 benefit weeks” insert “from the date on which he moved”.

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

6. In regulation 7(6)(d) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(11) (circumstances in which a person is or is not to be treated as occupying a dwelling as his home), after “four benefit weeks” insert “from the date on which he moved”.

(6) S.I. 1987/1967. The relevant amending instrument is S.I. 1995/1613.

(7) S.I. 1996/207. There are no relevant amending instruments.

(8) S.I. 2002/1792. There are no relevant amending instruments.

(9) S.I. 2002/3019. There are no relevant amending instruments.

(10) S.I. 2006/213. There are no relevant amending instruments.

(11) S.I. 2006/214. There are no relevant amending instruments.

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

7th December 2006

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the Income Support (General) Regulations 1987 (S.I. 1987/1967), the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207), the State Pension Credit Regulations 2002 (S.I. 2002/1792), the Housing Benefit Regulations 2006 (S.I. 2006/213), and the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (S.I. 2006/214).

The Regulations clarify the start date for the four benefit week period ("the period") during which housing costs in relation to income support, jobseeker's allowance and state pension credit, and rent in relation to housing benefit, may be paid in respect of two dwellings in cases where the claimant is treated as occupying both dwellings as his home if he could not have avoided liability in respect of those two dwellings.

Regulation 2 amends the Income Support (General) Regulations 1987. The date on which the period begins is the first day of the benefit week in which the move occurs.

Regulation 3 amends the Jobseeker's Allowance Regulations 1996 in the same manner as regulation 2 the Income Support (General) Regulations 1987.

Regulation 4(1) amends the State Pension Credit Regulations 2002. The date on which the period begins is the first day of the benefit week where the move takes place on that day, but if it does not, from the first day of the next following benefit week after the date of the move. This regulation also makes transitional provision for those persons to whom regulation 36(6) of the State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 applies. Paragraph (3) modifies the State Pension Credit Regulations 2002. The date on which the period begins for the cases to which paragraph (2) applies, is the first day of the benefit week in which the move occurs.

Regulation 5 amends the Housing Benefit Regulations 2006. The date on which the period begins is the date on which he moved.

Regulation 6 amends the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 in the same manner as regulation 5 amends the Housing Benefit Regulations 2006.

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