
STATUTORY INSTRUMENTS

2007 No. 1619

SOCIAL SECURITY

**The Housing Benefit and Council Tax Benefit
(War Pension Disregards) Regulations 2007**

<i>Made</i>	- - - -	<i>5th June 2007</i>
<i>Laid before Parliament</i>		<i>12th June 2007</i>
<i>Coming into force</i>	- -	<i>3rd July 2007</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred upon him by sections 134(8)(a) and 139(6)(a) of the Social Security Administration Act 1992⁽¹⁾.

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.

This instrument contains only regulations made by virtue of, or consequential upon, paragraphs 3 and 4 of Schedule 5 to the Welfare Reform Act 2007 and is made before the end of the period of 6 months beginning with the coming into force date of those paragraphs⁽²⁾.

Citation and commencement

1. These Regulations may be cited as The Housing Benefit and Council Tax Benefit (War Pension Disregards) Regulations 2007 and shall come into force on 3rd July 2007.

War disablement pensions

2. The war disablement pensions that are prescribed for the purpose of sections 134(8)(a) and 139(6)(a) of the Social Security Administration Act 1992, are specified in Part 1 of the Schedule.

(1) 1992 c.5; sections 134(8)(a) and 139(6)(a) were amended by the Welfare Reform Act 2007 (c.5), Schedule 5, paragraphs 3 and 4.

(2) See section 173(5) of the Social Security Administration Act 1992. The requirement to refer Regulations to the Social Security Advisory Committee does not apply where Regulations are contained in a statutory instrument made before the end of the period of six months beginning with the coming into force of the enactment under which the regulations were made or consequential upon a specified enactment and made before the end of the period of 6 months beginning with the coming into force of that enactment.

War widow's pensions

3. The war widow's pensions that are prescribed for the purpose of sections 134(8)(a) and 139(6)(a) of the Social Security Administration Act, are specified in Part 2 of the Schedule.

Amendment of the Housing Benefit Regulations 2006

4. The Housing Benefit Regulations 2006(3) shall be amended as follows—
- (a) in regulation 2(1) (interpretation), omit the definition of “war widower’s pension”; and
 - (b) in regulation 40 (calculation of income other than earnings), omit paragraphs (3), (4) and (4A).

Amendment of the Council Tax Benefit Regulations 2006

5. The Council Tax Benefit Regulations 2006(4) shall be amended as follows—
- (a) in regulation 2(1) (interpretation), omit the definition of “war widower’s pension”; and
 - (b) in regulation 30 (calculation of income other than earnings), omit paragraphs (3), (4) and (4A).

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

6. The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(5) shall be amended as follows—
- (a) in regulation 2(1) (interpretation), omit the definition of “war widower’s pension”; and
 - (b) in regulation 33 (calculation of income other than earnings), omit paragraphs (10), (13) and (14).

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

7. The Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(6) shall be amended as follows—
- (a) in regulation 2(1) (interpretation), omit the definition of “war widower’s pension”; and
 - (b) in regulation 23 (calculation of income other than earnings), omit paragraphs (10), (13) and (14).

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

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

5th June 2007

(3) S.I. 2006/213; Regulation 40(4A) was inserted by S.I. 2006/2813.
(4) S.I. 2006/215; Regulation 30(4A) was inserted by S.I. 2006/2813.
(5) S.I. 2006/214; Regulation 33(14) was inserted by S.I. 2006/2813.
(6) S.I. 2006/216; Regulation 23(14) was inserted by S.I. 2006/2813.

THE SCHEDULE

Regulations 2 and 3

War disablement and war widow's pensions

PART 1

War disablement pensions

1. The war disablement pensions prescribed are—
 - (a) any retirement pay, pension or allowance granted in respect of disablement under powers conferred by or under—
 - (i) the Air Force (Constitution) Act 1917(7);
 - (ii) the Personal Injuries (Emergency Provisions) Act 1939(8);
 - (iii) the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939(9);
 - (iv) the Polish Resettlement Act 1947(10);
 - (v) Part VII or section 151 of the Reserve Forces Act 1980(11);
 - (b) the following pay, pension or allowances, but only the part attributable to disablement or disability—
 - (i) a wounds pension granted to a member of the armed forces of the Crown;
 - (ii) retired pay of a disabled officer granted on account of medical unfitness attributable to or aggravated by service in the armed forces of the Crown;
 - (iii) a disablement or disability pension granted to a member of the armed forces of the Crown, other than a commissioned officer, on account of medical unfitness attributable to or aggravated by service in the armed forces of the Crown;
 - (iv) a disablement pension granted to a person who has been employed in the nursing services of any of the armed forces of the Crown on account of medical unfitness attributable to or aggravated by service in the armed forces of the Crown; and
 - (c) a payment made under article 14(1)(b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005(12).

PART 2

War widow's pensions

2. The war widow's pensions prescribed are—
 - (a) pensions or allowances granted in respect of death due to service or war injury and payable to widows, widowers or surviving civil partners by virtue of—
 - (i) the Air Force (Constitution) Act 1917;
 - (ii) the Personal Injuries (Emergency Provisions) Act 1939;

(7) 1917 c.51 (7 & 8 Geo 5).

(8) 1939 c. 82 (2 & 3 Geo 6).

(9) 1939 c. 38 (2 & 3 Geo). Sections 3, 4 and 5 were amended by the Pensions (mercantile Marine) Act 1942, section 2, 6 and Schedule.

(10) 1947 c. 19 (10 & 11 Geo 6). Section 1 was amended by the Civil Partnership Act 2004, section 257 and Schedule 26, paragraph 17.

(11) 1980 (c.9). Amendments and repeals have been made to Part VII by the Armed Forces Act 2006, Section 358, S78(2), Schedule 14 from a date to be appointed.

(12) S.I. 2005/439.

Status: This is the original version (as it was originally made).

- (iii) the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939;
- (iv) the Polish Resettlement Act 1947;
- (v) Part VII or section 151 of the Reserve Forces Act 1980;
- (b) the whole or any part of a pension payable to a widow, widower or surviving civil partner—
 - (i) under the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 2006⁽¹³⁾ insofar as that Order is made under the Naval and Marine Pay and Pensions Act 1865; or
 - (ii) only under section 12(1) of the Social Security (Miscellaneous Provisions) Act 1977; and under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the Armed Forces of the Crown;
- (c) a payment made under article 21(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 2 and Part 1 of the Schedule prescribe the war disablement pensions for the purpose of section 134(8)(a) and section 139(6)(a) of the Social Security Administration Act 1992 (c.5). Those sections give local authorities a power to modify the housing benefit and council tax benefit schemes to disregard some or all of any prescribed war disablement pension or war widow's pension. Regulation 3 and Part 2 of the Schedule prescribes the war widow's pensions for the purpose of section 134(8)(a) or section 139(6)(a).

Regulations 5 to 7 make consequential amendments to the Housing Benefit Regulations 2006, the Council Tax Benefit Regulations 2006, the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 and the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) 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 and the voluntary sector.

⁽¹³⁾ S.I. 2006/606.