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STATUTORY INSTRUMENTS

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**2008 No. 1042**

**The Social Security (Miscellaneous  
Amendments) (No.2) Regulations 2008**

**Amendments to the Council Tax Benefit Regulations**

- 5.—(1) The Council Tax Benefit Regulations shall be amended as follows.
- (2) In regulation 2(1) (interpretation) omit the definition of “person on state pension credit”.
- (3) In regulation 18 (treatment of child care charges)—
- (a) for paragraph (11)(a) substitute “the claimant’s applicable amount includes a disability premium on account of the other member’s incapacity”;
- (b) in paragraph (11)(b), omit “or a higher pensioner premium”; and
- (c) in paragraph (11)(g), for “Department of Health and Social Services for Northern Ireland”, substitute “Department of Health, Social Services and Public Safety in Northern Ireland”.
- (4) In regulation 32(1) (notional income), omit paragraphs (3) to (5).
- (5) In regulation 43 (students – interpretation)—
- (a) for the definition of “sandwich course” substitute—
- ““sandwich course” has the meaning prescribed in regulation 2(9) of the Education (Student Support) Regulations 2008, regulation 4(2) of the Education (Student Loans) (Scotland) Regulations 2007(2) or regulation 2(8) of the Education (Student Support) Regulations (Northern Ireland) 2007(3), as the case may be;”;
- (b) in the definition of “student loan” for “Students’ Allowances (Scotland) Regulations 1999”, substitute “Students’ Allowances (Scotland) Regulations 2007(4)”.
- (6) In regulation 50(2) (other amounts to be disregarded) for “Students’ Allowance (Scotland) Regulations 1999”, substitute “Students’ Allowances (Scotland) Regulations 2007”.
- (7) In regulation 70 (date of claim where claim sent or delivered to a gateway office) in sub-paragraph (1)(a)(ii) and sub-paragraph (1)(c)(iii) for “4 weeks”, substitute “one month”.
- (8) In regulation 71(1) (date of claim where claim sent or delivered to an office of a designated authority) for “4 weeks”, substitute “one month”.
- (9) In regulation 72(1) (evidence and information) for “4 weeks”, substitute “one month”.
- (10) In Schedule 1(5) (applicable amounts)—
- (a) in paragraph 3(4)(e), omit “9, 10, 11 or”;
- (b) for paragraph 6, substitute—
- “6. -The following premiums, namely—
- (a) a severe disability premium to which paragraph 14 applies;

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(1) A relevant amending instrument is [S.I. 2007/1749](#).

(2) [S.S.I. 2007/154](#).

(3) [S.R.\(NI\) 2007 No. 195](#).

(4) [S.S.I. 2007/153](#)

(5) Relevant amending instruments are [S.I. 2006/378](#), [2007/688](#), [2007/2618](#) and [S.I. 2008/632](#).

- (b) an enhanced disability premium to which paragraph 15 applies;
- (c) a disabled child premium to which paragraph 16 applies; and
- (d) a carer premium to which paragraph 17 applies,

may be applicable in addition to any other premium which may apply under this Schedule.”;

- (c) omit paragraphs 9, 10 and 11;
  - (d) in paragraph 13 omit from the heading “Higher Pensioner and Disability Premiums” and substitute “Disability Premium”;
  - (e) in paragraph 13(3), omit “the higher pensioner premium or”;
  - (f) omit paragraph 13(4);
  - (g) in paragraph 13(9) for “within the meaning of paragraph 11(5)”, substitute “(a person to whom regulation 13A(1) of the Social Security (Incapacity for Work) (General) Regulations 1995 applies, and who again becomes incapable of work for the purposes of Part 12A of the Act)”;
  - (h) in paragraph 20—
    - (i) omit sub-paragraphs (2), (3) and (4); and
    - (ii) in sub-paragraph (5)(a), omit “or (b)”.
- (11) In Schedule 3 (sums to be disregarded in the calculation of earnings)—
- (a) for paragraph 3(3)(a) substitute “the claimant is a member of a couple and his applicable amount includes an amount by way of the disability premium under Schedule 1; and”;
  - (b) omit paragraph 3(4) and (5);
  - (c) in paragraph 9 for “one of more employments”, substitute “one or more employments”;
  - (d) in paragraph 16(2)(b)(iv)(aa) omit “a higher pensioner premium or”, “11 or” and “respectively”;
  - (e) in paragraph 16(2)(b)(iv)(bb) omit “higher pensioner premium or”.
- (12) In Schedule 4 (sums to be disregarded in the calculation of income other than earnings)—
- (a) for paragraph 16(b), substitute “a war widow’s pension or any corresponding pension payable to a widower or surviving civil partner;”;
  - (b) in paragraph 45—
    - (i) for sub-paragraph (1)(a), substitute—
      - “(a) as respects England, under regulation 5, 6 or 11 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);”;
    - (ii) for sub-paragraph (1)(b), substitute—
      - “(b) as respects Wales, under regulation 5, 6 or 10 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);”;
    - (iii) after sub-paragraph (1)(b), insert—
      - “(c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No.2) Regulations 2003 (travelling expenses and health service supplies);”;
  - (c) in paragraph 46 omit “8,”;

(d) for paragraph 48, substitute—

“**48.**—(1) Where a claimant’s applicable amount includes an amount by way of family premium, £15 of any payment of maintenance, other than child maintenance, whether under a court order or not, which is made or due to be made by the claimant’s former partner, or the claimant’s partner’s former partner.

(2) For the purpose of sub-paragraph (1) where more than one maintenance payment falls to be taken into account in any week, all such payments shall be aggregated and treated as if they were a single payment.

(3) A payment made by the Secretary of State in lieu of maintenance shall, for the purpose of sub-paragraph (1), be treated as a payment of maintenance made by a person specified in sub-paragraph (1).

**48A.**—(1) Any payment of child maintenance which is made by the parent of the child except where the person making the payment is the claimant or the claimant’s partner.

(2) In this paragraph, “child maintenance” means any payment towards the maintenance of a child or young person, including any payment made voluntarily and payments made through or under—

- (a) the Child Support Act 1991;
- (b) the Child Support (Northern Ireland) Order 1991;
- (c) a court order (including a consent order);
- (d) a minute of agreement as registered for execution in the Books of Council Session or the sheriff court books,

and for this purpose a “young person” is a person referred to in regulation 9 (persons of a prescribed description for the definition of family in section 137(1) of the Act).

(3) For the purpose of sub-paragraph (1) where more than one maintenance payment falls to be taken into account in any week, all such payments shall be aggregated and treated as if they were a single payment.

(4) A payment made by the Secretary of State in lieu of maintenance shall, for the purpose of sub-paragraph (1), be treated as a payment of maintenance made by a person specified in sub-paragraph (1).”; and

(e) omit paragraph 64.

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

- (a) in paragraph 40(1)(a) for “or 12” substitute “or 11” and after “Regulations”, insert “2003”;
- (b) in paragraph 40(1)(b) for “3, 5 or 8” substitute “5, 6 or 10” and for “National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988” substitute “National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007”;
- (c) in paragraph 40 (1)(c) for “or 8” substitute “or 11”, and after “(Scotland)” insert “(No. 2)”;
- (d) in paragraph 41 omit “8,”;
- (e) in paragraph 43 after “Disabled Persons (Employment) Act 1944” omit “or”; and
- (f) in paragraph 57(1)(b) for “time”, substitute “date”.