
STATUTORY INSTRUMENTS

2009 No. 2655

The Social Security (Miscellaneous Amendments) (No. 4) Regulations 2009

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

9.—(1) The Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006⁽¹⁾ are amended as follows.

(2) In regulation 2(1) (interpretation) at the appropriate places insert the following—

““enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament;”;

““public authority” includes any person certain of whose functions are functions of a public nature;”;

““service user group” means a group of individuals that is consulted by or on behalf of—

- (a) a Health Board, Special Health Board or the Agency in consequence of a function under section 2B of the National Health Service (Scotland) Act 1978,
- (b) a landlord authority in consequence of a function under section 105 of the Housing Act 1985,
- (c) a public authority in consequence of a function under section 49A of the Disability Discrimination Act 1995,
- (d) a best value authority in consequence of a function under section 3 of the Local Government Act 1999,
- (e) a local authority landlord or registered social landlord in consequence of a function under section 53 of the Housing (Scotland) Act 2001,
- (f) a relevant English body or a relevant Welsh body in consequence of a function under section 242 of the National Health Service Act 2006,
- (g) a Local Health Board in consequence of a function under section 183 of the National Health Service (Wales) Act 2006,
- (h) the Commission or the Office of the Health Professions Adjudicator in consequence of a function under sections 4, 5, or 108 of the Health and Social Care Act 2008,
- (i) the regulator or a registered provider in consequence of a function under sections 98, 193 or 196 of the Housing and Regeneration Act 2008, or
- (j) a local authority or any a public authority in Great Britain (not being a body or authority mentioned in paragraphs (a) to (i) above) in consequence of a function conferred under any enactment,

for the purposes of monitoring and advising on a policy of that body or authority which affects or may affect persons in the group, or of monitoring or advising on services provided by that body or authority which are used (or may potentially be used) by those persons;”.

(3) After regulation 25(2)(e) (earnings of employed earners) add—

“(f) any payment in respect of expenses arising out of the claimant’s participation in a service user group.”.

(4) In regulation 31 (notional income)—

(a) in paragraph (8)(2) after “(8A)” insert “and (8C)”;

(b) after paragraph (8B) add—

“(8C) Paragraph (8) shall not apply in respect of any amount of income other than earnings, or earnings of an employed earner, arising out of the claimant’s participation in a service user group.”.

(5) In Schedule 3 (amounts to be disregarded in the calculation of income other than earnings)—

(a) in paragraph 1(b)(3) for “any corresponding pension payable to a widower or surviving civil partner” substitute “war widower’s pension”;

(b) in paragraph 1(d)(4)—

(i) for “payment under the Armed Forces Pension Scheme 1975 or the Armed Forces Pension Scheme 2005” substitute “pension or payment falling within article 31(1) (a) or (b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005”;

(ii) for “the pension payable under either of those schemes” substitute “that pension or payment”;

(iii) for the last “the” substitute “any”.

(2) Relevant amending instruments are [S.I. 2005/2677](#) and [2006/217](#).

(3) Relevant amending instrument is [S.I. 2008/1042](#).

(4) Relevant amending instrument is [S.I. 2008/3157](#).