
STATUTORY INSTRUMENTS

2011 No. 2425

**The Social Security (Miscellaneous
Amendments) (No. 3) Regulations 2011**

PART 3

AMENDMENTS TO SECONDARY LEGISLATION

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

20.—(1) The Housing 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)—

(a) after the definition of “care home” insert—

““the Caxton Foundation” means the charitable trust of that name established on 28th March 2011 out of funds provided by the Secretary of State for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with its provisions;”;

(b) in the definition of “person who requires overnight care(2)” for the full-out words at the end of paragraph (b) substitute—

“but, in a case where P is treated as occupying a dwelling which P does not actually occupy, sub-paragraphs (b)(ii) and (iii) are to be treated as satisfied where the relevant authority is satisfied that the dwelling contains such an additional bedroom and that P did or will reasonably so require and so arrange at such time as P actually occupied or occupies the dwelling;” and

(c) in the definition of “qualifying person” after “the Skipton Fund” insert “, the Caxton Foundation”.

(3) In regulation 10 (persons from abroad) omit paragraph (4A)(f)(i)(3).

(4) In regulation 22 (applicable amounts) omit paragraph (1)(d)(4).

(5) In regulation 38(1) (earnings of self-employed earners) omit the words from “and shall include” to the end of the paragraph.

(6) In regulation 42 (income paid to third parties)—

(a) in paragraph (1) for “paragraph (2)” substitute “paragraphs (2) or (3)”; and

(b) after paragraph (2) insert—

(1) [S.I. 2006/214](#).

(2) The definition of “person who requires overnight care” was inserted by regulation 3(2) of [S.I. 2010/2835](#).

(3) Paragraph (4A) was inserted by regulation 5(2)(a) of [S.I. 2006/1026](#). Sub-paragraph (f) was substituted by regulation 6 of [S.I. 2006/3341](#).

(4) Regulation 22 was amended by regulation 2(3) of [S.I. 2005/2502](#) (as amended by [S.I. 2006/217](#)) and regulation 4(4) of [S.I. 2008/1042](#).

“(3) Paragraph (1) shall not apply in respect of any payment of income other than earnings, or earnings derived from employment as an employed earner, arising out of the claimant’s participation in a service user group.”.

(7) In regulation 55(10)(b) (non-dependant deductions) after “MFET Limited” insert “, the Skipton Fund, the Caxton Foundation”.

(8) In regulation 67(4)(a)(ii) (evidence and information) and paragraph 16(1)(a) of Schedule 6 (capital to be disregarded) after “the Skipton Fund” insert “, the Caxton Foundation”.

(9) In regulation 77(4)(5) (circumstances in which payment may be made to a landlord), in the definition of “landlord” for “regulation 95” substitute “regulation 76”.

(10) In Schedule 3 (applicable amounts)—

(a) in paragraph 3 (family premium) omit sub-paragraph (2)(6); and

(b) in paragraph 7(2)(7) (enhanced disability premium) after “claimant” insert “or partner”.

(11) In Part 1 (capital to be disregarded generally) of Schedule 6 (capital to be disregarded), after paragraph 26C(8) insert—

“**26D.** Any payments made by virtue of regulations made under—

(a) section 57 of the Health and Social Care Act 2001 (direct payments)(9);

(b) section 12B of the Social Work (Scotland) Act 1968 (direct payments in respect of community care services)(10); or

(c) sections 12A to 12C of the National Health Service Act 2006 (direct payments for health care)(11).”.

(5) Paragraph (4) was substituted by regulation 3(8)(b) of [S.I. 2010/2835](#).

(6) Sub-paragraph (2) was substituted by regulation 3(8) of [S.I. 2010/2449](#).

(7) Paragraph 7(2) was inserted by regulation 13(2)(c) of [S.I. 2011/674](#).

(8) Paragraph 26C was inserted by regulation 7 of [S.I. 2009/583](#).

(9) [2001 c. 15](#); section 57 was amended by the Health and Social Care Act 2008 ([c. 14](#)), section 146(1) to (7). In relation to Wales it was amended by the [Social Care Charges \(Wales\) Measure 2010 \(2010 nawm 2\)](#), section 16.

(10) [1968 c.49](#); section 12B was inserted by the Community Care (Direct Payments) Act 1996 ([c. 30](#)), section 4; it was amended by the Regulation of Care (Scotland) Act 2001 ([2002 asp 8](#)), section 70; the Community Care and Health (Scotland) Act 2002 ([2002 asp 5](#)), section 7 and Schedule 2, paragraph 1(2); and the Adult Support and Protection (Scotland) Act 2007 ([2007 asp 10](#)), section 63.

(11) [2006 c. 41](#); sections 12A to 12C were inserted by the Health Act 2009 ([c. 21](#)), section 11.