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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend a number of different regulations relating to social security.

Regulations 2, 4(7), 6(3), (5) and (14), 7, 10(5), 11(5), 12(5) and 13(22) amend the Social Security (Employed Earners' Employments for Industrial Injuries Purposes) Regulations 1975 (S.I. 1975/467), the Income Support (General) Regulations 1987 (S.I. 1987/1967) ("the 1987 Regulations"), the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207) ("the 1996 Regulations"), the Social Security Benefit (Computation of Earnings) Regulations 1996 (S.I. 1996/2745), the State Pension Credit Regulations 2002 (S.I. 2002/1792) ("the 2002 Regulations"), the Housing Benefit Regulations 2006 (S.I. 2006/213), the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (S.I. 2006/214) and the Employment and Support Allowance Regulations 2008 (S.I. 2008/794) ("the 2008 Regulations") respectively. The amendments make provision for the earnings of part-time fire-fighters employed by a fire and rescue authority under the Fire and Rescue Services Act 2004 or by the Scottish Fire and Rescue Service established under section 1A of the Fire (Scotland) Act 2005 to be disregarded in the calculation of earnings and for such persons to be treated as not engaged in remunerative work.

Regulation 3 amends the Social Security (Credits) Regulations 1975 (S.I. 1975/556) so as to omit a provision which no longer has any effect.

Regulation 4(5), 6(8), 10(3), 11(3), 12(3) and 13(24) amend the 1987 Regulations, the 1996 Regulations, the 2002 Regulations, the Housing Benefit Regulations 2006, the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 and the 2008 Regulations respectively. The amendments update the categories of persons who are exempt from the habitual residence test to omit some obsolete categories and include a person who has been granted leave or who is deemed to have been granted leave, in certain circumstances, outside the rules made under section 3(2) of the Immigration Act 1971.

Regulation 5(2) amends the Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968) and regulations 11(4) and 12(4) amend the Housing Benefit Regulations 2006 and the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 respectively to give a claimant more options about how to notify a change to their claim before it is determined. The changes allow a change to be made by telephone, in writing or by any other means that the Secretary of State may decide or accept, regardless of how the original claim was made.

Regulation 5(3) amends paragraph 4 of Schedule 9 to the Social Security (Claims and Payments) Regulations 1987 following the revocation of regulation 15(7) of the State Pension Credit Regulations 2002 (S.I. 2002/1792). It omits references to that provision and substitutes an equivalent definition of the accommodation in respect of which costs may be paid by the Secretary of State directly to the person to whom those costs are payable.

Regulations 6(2), (4), (6), (7), and (9) to (13) amend the 1996 Regulations in order to ensure consistency with the Jobseeker's Allowance Regulations 2013 (S.I. 2013/378).

Regulation 8 amends the Social Security and Child Support (Decisions and Appeals) Regulations 1999 (S.I. 1999/991) to provide for part week payments of severe disability premium to employment and support allowance claimants who become resident or leave residence in a care home. This aligns the treatment of employment and support allowance claimants with that of income support claimants.

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

Regulation 9 amends the Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000 (S.I. 2000/636) so as to omit a provision for certain people not to be excluded from entitlement to income related benefits under section 115 of the Immigration and Asylum Act who would otherwise be excluded. Regulation 4(3), (4) and (6) make amendments consequential to this.

Regulation 13(2) to (21), (25) to (37) amends the 2008 Regulations in order to ensure consistency with the Employment and Support Allowance Regulations 2013 (S.I. 2013/379).

Regulation 13(23) amends regulation 45 of the 2008 Regulations so as to clarify an amendment made by the Social Security (Miscellaneous Amendments) (No. 3) Regulations 2010 (S.I. 2010/840).

Regulations 4(2), 10(2), 11(2) and 12(2) make minor amendments to the 1987 Regulations, the 2002 Regulations and the Housing Benefit Regulations 2006, the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 to reflect amendments made to the 1996 Regulations and 2008 Regulations. Regulations 10(4) and 12(6) make minor amendments to the 2002 Regulations and the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 so as to include reference to relevant provisions in the Universal Credit Regulations 2013.

An impact assessment has not been produced for this instrument as it has no impact on businesses and civil society organisations. The instrument has no impact on the public sector.