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STATUTORY INSTRUMENTS

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**2013 No. 443**

**The Social Security (Miscellaneous  
Amendments) Regulations 2013**

**Amendments to the Employment and Support Allowance Regulations 2008**

- 9.—(1) The Employment and Support Allowance Regulations 2008<sup>(1)</sup> are amended as follows.
- (2) After the definition of “limited capability for work assessment” in regulation 2(1) (interpretation), insert—
- ““local welfare provision” means occasional financial or other assistance given by a local authority, the Scottish Ministers or the Welsh Ministers, or a person authorised to exercise any function of, or provide a service to, them, to or in respect of individuals for the purpose of—
- (a) meeting, or helping to meet, an immediate short term need—
    - (i) arising out of an exceptional event, or exceptional circumstances; and
    - (ii) that requires to be met in order to avoid a risk to the well-being of an individual; or
  - (b) enabling individuals to establish or maintain a settled home, where those individuals have been or, without the assistance, might otherwise be—
    - (i) in prison, hospital, a residential care establishment or other institution; or
    - (ii) homeless or otherwise living an unsettled way of life;”.
- (3) In regulation 119 (interpretation) in paragraph (d)(ii) of the definition of “payment”<sup>(2)</sup>—
- (a) omit “the payment is”; and
  - (b) for “rent, housing costs,” insert “rent for which housing benefit is payable, housing costs to the extent that they are met under regulation 67(1)(c) or 68(1)(d) (housing costs),”.
- (4) In paragraph 5(7)(c)(ii) of Schedule 6 (housing costs) after “pending” insert “local welfare provision or”.
- (5) In Schedule 8 (sums to be disregarded in the calculation of income other than earnings)—
- (a) after paragraph 35, insert—
    - “**35A.** Any local welfare provision.”; and
  - (b) in paragraph 44, after “section 13”, insert “, section 13A”.
- (6) In Schedule 9 (capital to be disregarded)—
- (a) after paragraph 23, insert—
    - “**23A.** Any local welfare provision.”; and
  - (b) in paragraph 35<sup>(3)</sup>, after “section 13”, insert “, section 13A”.

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(1) [S.I. 2008/794](#).

(2) Relevant amending instrument is [S.I. 2008/2428](#).

(3) Paragraph 35 was amended by [S.I. 2008/2428](#).