
STATUTORY INSTRUMENTS

2023 No. 640

The Social Security (Income and Capital Disregards) (Amendment) Regulations 2023

Amendment of the Employment and Support Allowance Regulations 2008

- 7.—(1) The Employment and Support Allowance Regulations 2008(1) are amended as follows.
- (2) In regulation 2(1) (interpretation)—
- (a) for the definition of “Grenfell Tower payment” substitute—
- ““Grenfell Tower payment” means a payment made for the purpose of providing compensation or support in respect of the fire on 14th June 2017 at Grenfell Tower;”;
- (b) at the appropriate places insert—
- ““the Horizon system” means any version of the computer system used by the Post Office known as Horizon, Horizon Legacy, Horizon Online or HNG-X;”;
- ““the Post Office” means Post Office Limited (registered number 02154540);”;
- ““Post Office compensation payment” means a payment made by the Post Office or the Secretary of State for the purpose of providing compensation or support which is—
- (a) in connection with the failings of the Horizon system; or
- (b) otherwise payable following the judgment in *Bates and Others v Post Office Ltd* ((No. 3) “Common Issues”)(2);”;
- ““vaccine damage payment” means a payment made under the Vaccine Damage Payments Act 1979;”;
- (c) in the definition of “qualifying person”, for “or a Windrush payment” substitute “, a Windrush payment, a Post Office compensation payment or a vaccine damage payment”.
- (3) In regulation 107(5A) (notional income), after sub-paragraph (c) insert—
- “(d) a Post Office compensation payment.”.
- (4) In regulation 112(8)(b) (income treated as capital), after paragraph (iii) insert—
- “(iv) Post Office compensation payment.”.
- (5) In regulation 115(5A) (notional capital), after sub-paragraph (c) insert—
- “(d) a Post Office compensation payment;
- (e) a vaccine damage payment.”.
- (6) In Schedule 6 (housing costs), in paragraph 19(8)(b) (non-dependant deductions), for “or Windrush payment” substitute “, Windrush payment or Post Office compensation payment”.
- (7) In Schedule 8 (sums to be disregarded in the calculation of income other than earnings), in paragraph 41—

(1) [S.I. 2008/794](#). Relevant amending instruments are [S.I. 2020/618](#) and [2021/1405](#).

(2) [2019] EWHC 606 (QB).

- (a) in sub-paragraph (1A), after paragraph (c) insert—
 - “(d) Post Office compensation payment.”;
 - (b) in each of sub-paragraphs (2) to (6), for “or a Windrush payment” substitute “, a Windrush payment, a Post Office compensation payment or a vaccine damage payment”.
- (8) In Schedule 9 (capital to be disregarded), in paragraph 27—
- (a) in sub-paragraph (1A), after “Windrush payment” insert “, Post Office compensation payment or vaccine damage payment”;
 - (b) in each of sub-paragraphs (2) to (6), for “or a Windrush payment” substitute “, a Windrush payment, a Post Office compensation payment or a vaccine damage payment”.