
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Income Support (General) Regulations 1987 (S.I. 1987/1967), the Housing Benefit (General) Regulations 1987 (S.I. 1897/1971), the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814) and the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207) (“the Income-related Benefits Regulations”). These Regulations also further amend the State Pension Credit Regulations 2002 (S.I. 2002/1792) (“the State Pension Credit Regulations”).

Regulation 2(1) amends the interpretation provisions of the Income-related Benefits Regulations and the State Pension Credit Regulations in relation to the introduction of the Armed Forces and Reserve Forces Compensation Scheme (“the new scheme”) established under section 1(2) of the Armed Forces (Pensions and Compensation) Act 2004 (c. 32).

Regulation 2(2) amends regulation 15(5) of the State Pension Credit Regulations 2002 adding certain payments made under the new scheme to the descriptions of income which are prescribed for the purposes of section 15(1)(j) of the State Pension Credit Act 2002 (c. 16).

Regulation 2(4) makes similar amendment to the Housing Benefit (General) Regulations 1987 and to the Council Tax Benefit (General) Regulations 1992 as modified by the Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003 (S.I. 2003/325) for persons who have attained the qualifying age for state pension credit.

Regulation 2(5) and (6) amends the Income Support (General) Regulations 1987 and the Jobseeker's Allowance Regulations 1996 to include within the notional income and notional capital rules, payments made under the new scheme.

Regulation 2(7) and (8) provides a £10 weekly income disregard for guaranteed income payments made under the new scheme.

The Income-related Benefits Regulations are also amended to—

—remove out of date references to “earnings top-up” and “the Earnings Top-up Scheme” (regulations 3(2), (3)(a) and (6), 4(2), (5), (6)(b) and (7), 5(2), (6), (7)(c) and (8), 6(2) to (4) and (6)).

—exclude from the full income disregard, payments of housing benefit received by claimants direct from a local authority in respect of persons temporarily in their care (regulations 3(5)(a) and (c), 4(4) and (6)(a), 5(5) and (7)(a) and (b) and 6(5)).

The Income Support (General) Regulations 1987 are amended to remove out of date references to domestic “rates” (regulation 3(3)(b), (4) and (5)(b)).

The Housing Benefit (General) Regulations 1987 are also amended to remove references to “rates”, “eligible rates” and “rateable unit” (regulation 4 (2)(a) and (8)).

Regulation 5(4) corrects a reference to primary legislation in the Council Tax Benefit (General) Regulations 1992.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Miscellaneous Amendments) Regulations 2005.