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## STATUTORY INSTRUMENTS

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**2007 No. 1619**

### **SOCIAL SECURITY**

#### **The Housing Benefit and Council Tax Benefit (War Pension Disregards) Regulations 2007**

<i>Made</i>	- - - -	<i>5th June 2007</i>
<i>Laid before Parliament</i>		<i>12th June 2007</i>
<i>Coming into force</i>	- -	<i>3rd July 2007</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred upon him by sections 134(8)(a) and 139(6)(a) of the Social Security Administration Act 1992 <sup>M1</sup>.

In accordance with section 176(1) of the Social Security Administration Act 1992, the Secretary of State has consulted with organisations appearing to him to be representative of the authorities concerned.

This instrument contains only regulations made by virtue of, or consequential upon, paragraphs 3 and 4 of Schedule 5 to the Welfare Reform Act 2007 and is made before the end of the period of 6 months beginning with the coming into force date of those paragraphs <sup>M2</sup>.

#### **Marginal Citations**

- M1** 1992 c.5; sections 134(8)(a) and 139(6)(a) were amended by the [Welfare Reform Act 2007 \(c.5\), Schedule 5, paragraphs 3 and 4](#).
- M2** See section 173(5) of the Social Security Administration Act 1992. The requirement to refer Regulations to the Social Security Advisory Committee does not apply where Regulations are contained in a statutory instrument made before the end of the period of six months beginning with the coming into force of the enactment under which the regulations were made or consequential upon a specified enactment and made before the end of the period of 6 months beginning with the coming into force of that enactment.

#### **Citation and commencement**

**1.** These Regulations may be cited as The Housing Benefit and Council Tax Benefit (War Pension Disregards) Regulations 2007 and shall come into force on 3rd July 2007.

*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Housing Benefit and Council Tax Benefit (War Pension Disregards) Regulations 2007. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

### War disablement pensions

2. The war disablement pensions that are prescribed for the purpose of sections 134(8)(a) and 139(6)(a) of the Social Security Administration Act 1992, are specified in Part 1 of the Schedule.

### War widow's pensions

3. The war widow's pensions that are prescribed for the purpose of sections 134(8)(a) and 139(6)(a) of the Social Security Administration Act, are specified in Part 2 of the Schedule.

### Amendment of the Housing Benefit Regulations 2006

4. The Housing Benefit Regulations 2006 <sup>M3</sup> shall be amended as follows—
- (a) in regulation 2(1) (interpretation), omit the definition of “war widower's pension”; and
  - (b) in regulation 40 (calculation of income other than earnings), omit paragraphs (3), (4) and (4A).

#### Marginal Citations

M3 [S.I. 2006/213](#); [Regulation 40\(4A\)](#) was inserted by [S.I. 2006/2813](#).

### Amendment of the Council Tax Benefit Regulations 2006

5. The Council Tax Benefit Regulations 2006 <sup>M4</sup> shall be amended as follows—
- (a) in regulation 2(1) (interpretation), omit the definition of “war widower's pension”; and
  - (b) in regulation 30 (calculation of income other than earnings), omit paragraphs (3), (4) and (4A).

#### Marginal Citations

M4 [S.I. 2006/215](#); [Regulation 30\(4A\)](#) was inserted by [S.I. 2006/2813](#).

### Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

6. The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 <sup>M5</sup> shall be amended as follows—

- (a) in regulation 2(1) (interpretation), omit the definition of “war widower's pension”; and
- (b) in regulation 33 (calculation of income other than earnings), omit paragraphs (10), (13) and (14).

#### Marginal Citations

M5 [S.I. 2006/214](#); [Regulation 33\(14\)](#) was inserted by [S.I. 2006/2813](#).

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### **Amendment of the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006**

7. The Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 <sup>M6</sup> shall be amended as follows—

- (a) in regulation 2(1) (interpretation), omit the definition of “war widower's pension”; and
- (b) in regulation 23 (calculation of income other than earnings), omit paragraphs (10), (13) and (14).

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#### **Marginal Citations**

**M6** [S.I. 2006/216](#); [Regulation 23\(14\)](#) was inserted by [S.I. 2006/2813](#).

Signed by authority of the Secretary of State for Work and Pensions.

Department for Work and Pensions  
5th June 2007

*James Plaskitt*  
Parliamentary Under-Secretary of State,

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[<sup>F1</sup>THE SCHEDULE

War disablement and war widow's<sup>F2</sup>... pensions

.....

**Textual Amendments**

**F1** Sch. substituted (5.1.2009) by [Social Security \(Miscellaneous Amendments\) \(No.7\) Regulations 2008 \(S.I. 2008/3157\)](#), regs. 1(1), **10**

**F2** Words in Sch. omitted (26.10.2009) by virtue of [Social Security \(Miscellaneous Amendments\) \(No.4\) Regulations 2009 \(S.I. 2009/2655\)](#), regs. 1(1), **10(2)**

PART 1

War disablement pensions

1. A war disablement pension is—
- (a) any retired pay or pension or allowance payable in respect of disablement under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003; or
  - (b) a payment made under article 14(1)(b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005.

PART 2

War widow's<sup>F3</sup>... pensions

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**Textual Amendments**

**F3** Words in Sch. Pt. 2 omitted (26.10.2009) by virtue of [Social Security \(Miscellaneous Amendments\) \(No.4\) Regulations 2009 \(S.I. 2009/2655\)](#), regs. 1(1), **10(2)**

2. A war widow's pension is—
- (a) any pension or allowance payable to a woman as a widow under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person; or
  - (b) a payment made under article 21(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005.

<sup>F4</sup> 3. ....]

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**Textual Amendments**

**F4** Paragraph 3 Sch. Pt. 2 omitted (26.10.2009) by virtue of [Social Security \(Miscellaneous Amendments\) \(No.4\) Regulations 2009 \(S.I. 2009/2655\)](#), regs. 1(1), **10(3)**

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Housing Benefit and Council Tax Benefit (War Pension Disregards) Regulations 2007. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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## EXPLANATORY NOTE

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

Regulation 2 and Part 1 of the Schedule prescribe the war disablement pensions for the purpose of section 134(8)(a) and section 139(6)(a) of the Social Security Administration Act 1992 (c.5). Those sections give local authorities a power to modify the housing benefit and council tax benefit schemes to disregard some or all of any prescribed war disablement pension or war widow's pension. Regulation 3 and Part 2 of the Schedule prescribes the war widow's pensions for the purpose of section 134(8)(a) or section 139(6)(a).

Regulations 5 to 7 make consequential amendments to the Housing Benefit Regulations 2006, the Council Tax Benefit Regulations 2006, the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 and the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the cost of business, charities and the voluntary sector.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Housing Benefit and Council Tax Benefit (War Pension Disregards) Regulations 2007. Any changes that have already been made by the team appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- [schedule subst \(26.1.2010\)](#) by [S.I. 2009/3389 reg 2](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. Pt. 1 para. 1(b)(ia) inserted by [S.I. 2010/2449 reg. 8\(2\)](#)
- Sch. Pt. 2 para. 2(b)(ia) inserted by [S.I. 2010/2449 reg. 8\(3\)](#)