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## EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814) (“the Council Tax Benefit Regulations”), the Disability Working Allowance (General) Regulations 1991 (S.I. 1991/2887) (“the Disability Working Allowance Regulations”), the Family Credit (General) Regulations 1987 (S.I. 1987/1973) (“the Family Credit Regulations”), the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971) (“the Housing Benefit Regulations”), the Income Support (General) Regulations 1987 (S.I. 1987/1967) (“the Income Support Regulations”), the Disability Working Allowance and Income Support (General) Amendment Regulations 1995 (S.I. 1995/482), the Housing Benefit and Council Tax Benefit (Miscellaneous Amendments) (No. 2) Regulations 1995 (S.I. 1995/626) and the Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968).

The Council Tax Benefit Regulations, the Disability Working Allowance Regulations, the Family Credit Regulations, the Housing Benefit Regulations and the Income Support Regulations are amended to—

**a)** insert new definitions of “pension fund holder” and “retirement annuity contract” and amend the definition of “personal pension scheme” (regulations 2(2), 3(2), 4(2), 5(2) and 6(2));

**b)** extend the provision governing the calculation of notional income as it has effect with respect to personal pensions and retirement annuity contracts (regulations 2(5), 3(4), 4(4), 5(6) and 6(4));

**c)** exclude personal pension schemes and retirement annuity contracts from the calculation of a person’s notional capital (regulations 2(6), 3(5), 4(5), 5(7) and 6(5));

**d)** amend the provision governing the treatment of a person’s entitlement to capital which is jointly held (regulations 2(7), 3(6), 4(6), 5(8) and 6(6));

**e)** amend the Schedules specifying sums to be disregarded in calculating income other than earnings (regulations 2(10), 3(8), 4(7), 5(12) and 6(9));

**f)** amend the Schedules specifying sums to be disregarded in calculating capital (regulations 2(11), 3(9), 4(8), 5(13) and 6(10)).

The Council Tax Benefit Regulations and the Housing Benefit Regulations are amended with respect to the information that must be provided to an appropriate authority on a claim for council tax or housing benefit by the claimant and any person or organisation which manages his personal pension scheme, or administers his retirement annuity contract (regulations 2(8) and 5(9)).

The Disability Working Allowance Regulations are further amended with respect to the disabilities which put a person at a disadvantage in getting a job (regulation 3(7)).

The Housing Benefit Regulations are further amended with respect to the circumstances in which benefit may be withheld on a rent officer not being afforded access to a dwelling and the effect of a rent assessment committee’s determination of a reasonable rent which is terminated, subject to a transitional saving (regulations 5(4) and (10) and 7).

In the Council Tax Benefit Regulations, the Housing Benefit regulations and the Income Support Regulations the additional condition governing entitlement to a higher pensioner or disability premium is amended with respect to persons who are treated as incapable of work (regulations 2(9), 5(11) and 6(8)).

Transitional provisions is made with respect to certain persons incapable of work on 12th April 1995 with respect to their entitlement to benefit while temporarily absent from Great Britain or with respect to disabled students who are incapable of work and also with respect to the amount of benefit to which certain claimants are entitled, where an adjudication officer first determines on or

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after 13th April 1995 that the claimant does not satisfy the incapacity for work test (the all work test) and an appeal against that determination is outstanding on 2nd October 1995 (regulation 8). The transitional provisions in the Housing benefit and Council Tax Benefit (Miscellaneous Amendments) (No. 2) Regulations 1995 are amended with respect to a person's entitlement to a disability premium where he was entitled to that premium on 12th April 1995 and he is treated as incapable of work from 13th April 1995 (regulation 9).

In the Social Security (Claims and Payments) Regulations 1987 regulations 7 and 32 are amended to specify the information to be provided by claimants for disability working allowance, family credit and income support and by the person or organisation which manages his personal pension scheme, or administers his retirement annuity contract (regulation 10).

An assessment of the cost to business of applying these Regulations has been placed in the Libraries of both Houses of Parliament. Copies can be obtained by post from the Department of Social Security, Room 05/10, Adelphi, 1-11 John Adam Street, London WC2N 6HT.

**Changes to legislation:**

There are currently no known outstanding effects for the The Income-related Benefits Schemes and Social Security (Claims and Payments) (Miscellaneous Amendments) Regulations 1995.