

1995 No.2792

SOCIAL SECURITY

The Income-related Benefits Schemes Amendment (No. 2) Regulations 1995

<i>Made</i> - - - -	<i>26th October 1995</i>
<i>Laid before Parliament</i>	<i>27th October 1995</i>
<i>Coming into force</i> -	<i>28th October 1995</i>

The Secretary of State for Social Security, in exercise of the powers conferred by sections 123(1), 136(5)(b), 137(1) and 175(1) of the Social Security Contributions and Benefits Act 1992(a), sections 134(8)(b), 139(6)(b)(b), 189(1) and 191(1) of the Social Security Administration Act 1992(c) and all other powers enabling him in that behalf, it appearing to him that by reason of the urgency of the matter it is inexpedient to consult with either the Social Security Advisory Committee(d) or with organisation appearing to him to be representative of the authorities concerned(e), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Income-related Benefits Schemes Amendment (No. 2) Regulations 1995 and shall come into force on 28th October 1995.

[Reg. 2 substitutes para. 14 of Sch. 4 to S.I. 1992/1814].

[Reg. 3 substitutes para. 14 of Sch. 3 to S.I. 1991/2887].

[Reg. 4 substitutes para. 14 of Sch. 2 to S.I. 1987/1973.]

[Reg. 5 substitutes para. 14 of Sch. 4 to S.I. 1987/1971.]

[Reg. 6(1) introduces amendments to S.I. 1987/1967.]

[Reg. 6(2) amends reg. 42(4) of S.I. 1987/1967.]

[Reg. 6(3) substitutes para. 16 of Sch. 9 to S.I. 1987/1967.]

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- (a) 1992 (c.4); section 137(1) is cited because of the meaning which it ascribes to the word “prescribed”.
- (b) Section 139, as currently in force, was substituted by section 103 of, and paragraph 20 of Schedule 9 to the Local Government Finance Act 1992 (c.14).
- (c) 1992 (c.5); section 191(1) is cited because of the meaning which it ascribes to the word “prescribe”.
- (d) See section 173(1)(a) of the Social Security Administration Act 1992 as to the Secretary of State’s power to make regulations without consulting the Social Security Advisory Committee in cases or urgency.
- (e) See section 176(2)(a) of the Social Security Administration Act 1992 (as amended by section 103 of, and paragraph 23 of Schedule 9 to, the Local Government Finance Act 1992 (c.14)) for the Secretary of State’s power to make regulations relating to housing benefit and council tax benefit without consulting organisations appearing to him to be representative of authorities concerned with those benefits in cases or urgency.

Power to modify housing benefit schemes

7. An authority may modify the housing benefit scheme administered by the authority so as to provide for disregarding, in determining a woman's income (whether she is the occupier of a dwelling or any other person whose income falls to be aggregated with that of the occupier of a dwelling), the whole or any part of a pension payable to her as a widow under the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983 insofar as that Order is made under the Naval and Marine Pay and Pensions Act 1965 ►or the Pensions and Yeomanry Pay Act 1884◄, or is made only under section 12(1) of the Social Security (Miscellaneous Provisions) Act 1977 and any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown, to the extent that such a pension does not fall to be disregarded by virtue of paragraph 14 of Schedule 4 to the Housing Benefit (General) Regulations 1987(a).

Words inserted into reg. 7 and reg. 8 by reg. 2(1)(f) and (2) of S.I. 1995/3282 as from 20.12.95.

Power to modify council tax benefit schemes

8. A billing or levying authority may modify the council tax benefit scheme administered by the authority so as to provide for disregarding, in determining a woman's income, the whole or any part of a pension payable to her as a widow under the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983 insofar as that Order is made under the Naval and marine Pay and Pensions Act 1985 ►or the Pensions and Yeomanry Pay Act 1884◄, or is made only under section 12(1) of the Social Security (Miscellaneous Provisions) Act 1977 and any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown, to the extent that such a pension does not fall to be disregarded by virtue of paragraph 14 of Schedule 4 to the Council Tax Benefit (General) Regulations 1991(b).

Signed by authority of the Secretary of State for Social Services.

26th October 1995

Roger Evans
Parliamentary Under-Secretary of State,
Department of Social Security

(a) See regulation 5 above.

(b) See regulation 2 above.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814), the Disability Working Allowance (General) Regulations 1991 (S.I. 1991/2887), the Family Credit (General) Regulations 1987 (S.I. 1987/1973), the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971) and the Income Support (General) Regulations 1987 (S.I. 1987/1967), so as to secure uniformity of treatment, in respect of those benefits, or pensions payable to women in respect of their being, or having been, widows of members of the Royal Navy, the Army or the Royal Air Force under the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983 (S.I. 1983/883 (*regulations 2 to 6*)).

The Regulations also empower local authorities to modify their council tax benefit and housing benefit schemes so as to disregard pensions payable under that Order to women by reason of their being, or having been, widows of members of the Royal Navy or the Army to the extent that they are not required to be disregarded by paragraph 14 of Schedule 4 to either the Council Tax Benefit (General) Regulations 1992 or the Housing Benefit (General) Regulations 1987 (*regulations 7 and 8*).

These Regulations do not impose any costs on business.

