

*This instrument corrects errors in S.I. 1995/2792 and is being issued free of charge to all known recipients of that instrument*

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STATUTORY INSTRUMENTS

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**1995 No. 3282**

**SOCIAL SECURITY**

**The Income-related Benefits Schemes (Widows'  
etc. Pensions Disregards) Amendment Regulations 1995**

*Made* - - - - *18th December 1995*  
*Laid before Parliament* *19th December 1995*  
*Coming into force* - - *20th December 1995*

The Secretary of State for Social Security, in exercise of powers conferred by sections 123(1), 136(5) (a) and (b), 137(1) and 175(1) of the Social Security Contributions and Benefits Act 1992<sup>(1)</sup>, sections 134(8)(b), 139(6)(b)<sup>(2)</sup>, 189(1) and 191(1) of the Social Security Administration Act 1992<sup>(3)</sup> and all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals in respect of these regulations should not be referred to it<sup>(4)</sup> and after consultation with organisations appearing to him to be representative of the authorities concerned<sup>(5)</sup>, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Income-related Benefits Schemes (Widows' et. Pensions Disregards) Amendment Regulations 1995 and shall come into force on 20th December 1995.

**Amendment of widows' pensions disregards in the income-related benefits schemes**

2.—(1) In this Regulation “the relevant provisions” means—

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- (1) 1992 c. 4; section 137(1) is cited because of the meaning which is ascribed to the word “prescribed”.
- (2) 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).
- (3) 1992 c. 5; section 191(1) is cited because of the meaning which it ascribes to the word “prescribe”.
- (4) See section 172(1) of the Social Security Administration Act 1992 as to the Secretary of State’s duty to refer to the Social Security Advisory Committee before making regulations under that Act and the Social Security Contributions and Benefits Act 1992.
- (5) See section 176(1)(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)) as to the Secretary of State’s duty to consult organisations appearing to him to be representative of authorities concerned before making regulations relating to housing benefit and council tax benefit.

- (a) paragraph 14(c) of Schedule 4 to the Council Tax Benefit (General) Regulations 1992<sup>(6)</sup> (sums to be disregarded in the calculation of income other than earnings);
- (b) paragraph 14(c) of Schedule 2 to the Family Credit (General) Regulations 1987<sup>(7)</sup> (sums to be disregarded in the calculation of income other than earnings);
- (c) paragraph 14(c) of Schedule 4 to the Housing Benefit (General) Regulations 1987<sup>(8)</sup> (sums to be disregarded in the calculation of income other than earnings);
- (d) paragraph (4) of regulation 42 of the Income Support (General) Regulations 1987<sup>(9)</sup> (notional income);
- (e) paragraph 16(c) of Schedule 9 to the Income Support (General) Regulations 1987 (sums to be disregarded in the calculation of income other than earnings);
- (f) regulations 7 and 8 of the Income-related Benefits Schemes Amendment (No. 2) Regulations 1995<sup>(10)</sup> (powers of local authorities to modify their housing benefit and council tax benefit schemes).

(2) In each of the relevant provisions, after the words “the Naval and Marine Pay and Pensions Act 1865” there shall be inserted the words “or the Pensions and Yeomanry Pay Act 1884<sup>(11)</sup>”.

### **Amendment of Schedule 3 to the Disability Working Allowance (General) Regulations**

3. Paragraph 14 of Schedule 3 to the Disability Working Allowance (General) Regulations 1991<sup>(12)</sup> (sums to be disregarded in the calculation of income other than earnings) shall be amended as follows—

- (a) in sub-paragraph (a) for “8 or 9” there shall be substituted “6 or 7”;
- (b) in sub-paragraph (c) after the words “the Naval and Marine Pay and Pensions Act 1865” there shall be inserted the words “or the Pensions and Yeomanry Pay Act 1884”.

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

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

18th December 1995

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<sup>(6)</sup> S.I. 1992/1814: paragraph 14 was substituted by S.I. 1995/2792.

<sup>(7)</sup> S.I. 1987/1973: paragraph 14 was substituted by S.I. 1995/2792.

<sup>(8)</sup> S.I. 1987/1971: paragraph 14 was substituted by S.I. 1995/2792.

<sup>(9)</sup> S.I. 1987/1967: relevant amending instruments are S.I. 1988/1445, 1990/127 and 547, 1991/1559, 1992/1101, 1993/315, 963, 1249 and 2119 and 1995/2792.

<sup>(10)</sup> S.I. 1995/2792.

<sup>(11)</sup> 47 and 48 Vict. c.55.

<sup>(12)</sup> S.I. 1991/2887: paragraph 14 was substituted by S.I. 1995/2792.

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## 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. 1987/1971), the Income Support (General) Regulations 1987 (S.I. 1987/1973), the Housing Benefit (General) Regulations 1987 (S.I. 1987/1967) and the Income-related Benefits Schemes Amendment (No. 2) Regulations 1995 (S.I. 1995/2792) so as to ensure that the first £10 of pensions paid to soldiers' widows under the Pensions and Yeomanry Pay Act 1884 (47 & 48 Vict. c.55) are disregarded for the purposes of those income-related benefits, and that local authorities may modify their housing benefit and council tax benefit schemes so as to disregard the balance of those pensions, or any part thereof, for the purposes of those schemes.

They also correct a cross-reference in the Disability Working Allowance (General) Regulations 1991.

These Regulations do not impose any costs on business.