
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Income Support (General) Regulations 1987 (S.I. 1987/1967), the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207), the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971), the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814), the Family Credit (General) Regulations 1987 (S.I. 1987/1973) and the Disability Working Allowance (General) Regulations 1991 (S.I. 1991/2887).

In particular, these Regulations—

- provide new rules in all the income-related benefits and jobseeker's allowance for the disregard of certain sums from the calculation of income other than earnings for the purpose of the benefits mentioned above; the new rules relate to payments made under the Community Care (Direct Payments) Act 1996 (c. 30) and to Career Development Loans (regulation 2(1), (2), (3)(b), (4)(b), (5) and (6));
- extend the disregards in relation to income support and jobseeker's allowance to income from personal pensions and retirement annuity contracts (regulation 2(3)(a) and (4)(a));
- treat Career Development Loans as income in the income-related benefits and in jobseeker's allowance (regulation 3(3));
- modify the definition of "housing benefit expenditure" for the purpose of income support and jobseeker's allowance (regulation 4);
- in income support and jobseeker's allowance, ensure that a former student's income is disregarded in respect of any period after their course or training is completed (regulation 2(3)(b) and (4)(b)) and, in relation to Career Development Loans and income paid to former students who have abandoned their course, to ensure that such income is not taken into account beyond the date the course would have ended or beyond the date any repayment has been made and to specify the rate at which such income is taken into account (regulations 5, 6 and 7);
- extend the rules on notional capital in income support in relation to pensions paid to widows of former service personnel so that they coincide with the corresponding rules relating to notional income (regulation 9);
- in housing benefit and council tax benefit, clarify the position on which official errors would result in such benefit being irrecoverable (regulation 11);
- in housing benefit, provide that where overpayments of benefit which are recovered from a landlord, the tenant's liability to pay rent shall not be discharged in respect of the overpayment recovered (regulations 12 and 13);
- in housing benefit, specify the day on which a member of the family of a claimant for housing benefit is to be treated as reaching the age of 16 for the purpose of determining deductions to be made from the claimant's eligible rent on account of charges made for meals which form part of that rent (regulation 14);
- in council tax benefit, provide that where a claimant's appropriate maximum council tax benefit is calculated in a case where he is jointly and severally liable for council tax with other residents in a dwelling, a student who is excluded from entitlement to benefit shall be excluded from the calculation (regulation 15);
- change the position relating to the date upon which reviews of decisions relating to disability working allowance take effect (regulation 16);

Status: *This is the original version (as it was originally made).*

— correct some technical errors and erroneous references (regulations 2(7), 3(1) and (2), 8 and 10).

These Regulations do not impose a charge on business.