
STATUTORY INSTRUMENTS

1998 No. 2231

The Social Security (Welfare to Work) Regulations 1998

PART III

**AMENDMENT OF INCOME-RELATED BENEFITS
AND JOBSEEKER'S ALLOWANCE REGULATIONS**

Amendment of the Council Tax Benefit (General) Regulations 1992

8. The Council Tax Benefit (General) Regulations 1992⁽¹⁾ shall be amended in accordance with the following paragraphs—

(a) in paragraph 11 of Schedule 1 (applicable amounts) the following sub-paragraphs shall be added—

“(4) In the case of a claimant who is a welfare to work beneficiary, references in sub-paragraphs (1)(b)(ii), (2)(b)(ii), (3)(b) and (3)(c)(i) to a period of 8 weeks shall be treated as references to a period of 52 weeks.

(5) A person is a welfare to work beneficiary if he is a person—

(a) to whom regulation 13A(1) of the Social Security (Incapacity for Work) (General) Regulations 1995 applies; and

(b) who again becomes incapable of work for the purposes of Part XIIA of the Contributions and Benefits Act 1992⁽²⁾.”;

(b) in paragraph 13 of Schedule 1 after sub-paragraph (7) the following sub-paragraph shall be added—

“(8) In the case of a claimant who is a welfare to work beneficiary within the meaning of paragraph 11(5)—

(a) the reference to a period of 8 weeks in sub-paragraph (3), and

(b) the reference to a period of 56 days in sub-paragraph (6)

shall in each case be treated as a reference to a period of 52 weeks.”.

Amendment of the Council Tax Benefit (General) Amendment Regulations 1997

9. In regulation 3 of the Council Tax Benefit (General) Amendment Regulations 1997⁽³⁾ (saving)—

(a) in paragraph (1) for the words “paragraph (2)” there shall be substituted the words “paragraphs (2) to (8)”;

(b) in paragraph (2)(a) at the end there shall be added the year “1998”;

(c) after paragraph (3) the following paragraphs shall be added—

⁽¹⁾ S.I. 1992/1814; relevant amending instruments are S.I. 1993/688, 1994/2137, 1995/560, 626, 2303.

⁽²⁾ Part XIIA was inserted by sections 5 and 6 of the Social Security (Incapacity for Work) Act 1994 (c. 18).

⁽³⁾ S.I. 1997/1841; regulation 3 was inserted by S.I. 1998/911.

“(4) Subject to paragraphs (5) to (7) below, where a person to whom paragraph (1) applies (“the claimant”) becomes, or whose partner becomes, a welfare to work beneficiary and

- (a) the claimant ceases to be entitled to council tax benefit in respect of his residence in the relevant dwelling but subsequently becomes re-entitled to council tax benefit in respect of the same residence; and
- (b) the first day of that entitlement is within 52 weeks of the claimant or his partner becoming a welfare to work beneficiary,

paragraphs (1) to (3) above shall again have effect in his case as if his entitlement to council tax benefit had been continuous.

(5) Where the claimant ceases to be entitled to council tax benefit within the last 12 weeks of the 52 weeks following the date he or his partner becomes a welfare to work beneficiary, the period of 52 weeks to which paragraph (4)(b) refers shall be extended by an additional period of weeks equal to the difference between 12 weeks and the number of weeks remaining in the 52 week period when he ceased to be entitled to council tax benefit.

(6) Paragraphs (1) to (3) above shall continue to have effect in the case of a claimant who—

- (a) has ceased to be a welfare to work beneficiary or whose partner has ceased to be such a beneficiary; and
- (b) is entitled to council tax benefit at the end of the 52 week period to which paragraph (4)(b) refers.

(7) Where—

- (a) a claimant dies or ceases to reside in the relevant dwelling within 52 weeks of becoming a welfare to work beneficiary;
- (b) more than 12 weeks have elapsed since the claimant’s entitlement to benefit ended;
- (c) the claimant’s partner was resident in the dwelling concerned on 31st March 1998;
- (d) the partner has remained continuously resident in that dwelling since that date; and
- (e) the partner claims council tax benefit within 12 weeks of the date the claimant died or ceased to reside in the relevant dwelling,

paragraph (1) above shall apply to the partner as if it was the partner whose entitlement to council tax benefit has been continuous.

(8) For the purposes of this regulation “welfare to work beneficiary” means a person to whom regulation 13A(1) of the Social Security (Incapacity for Work) (General) Regulations 1995 applies.”.

Amendment of the Housing Benefit (General) Regulations 1987

10. The Housing Benefit (General) Regulations 1987(4) shall be amended in accordance with the following paragraphs—

- (a) in paragraph 10 of Schedule 2 (applicable amounts) the following sub-paragraphs shall be added—

(4) S.I. 1987/1971; relevant amending instruments are S.I. 1988/1971, 1990/546, 1991/2742, 1993/317, 2313, 1994/2137, 1995/560, 626 and 2303.

“(4) In the case of a claimant who is a welfare to work beneficiary, references in sub-paragraphs (1)(b)(ii), (2)(b)(ii), (3)(b) and (3)(c)(i) to a period of 8 weeks shall be treated as references to a period of 52 weeks.

(5) A person is a welfare to work beneficiary if he is a person—

(a) to whom regulation 13A(1) of the Social Security (Incapacity for Work) (General) Regulations 1995 applies; and

(b) who again becomes incapable of work for the purposes of Part XIIA of the Contributions and Benefits Act 1992(5).”;

(b) in paragraph 12 of Schedule 2 after sub-paragraph (7) the following sub-paragraph shall be added—

“(8) In the case of a claimant who is a welfare to work beneficiary within the meaning of paragraph 10(5)—

(a) the reference to a period of 8 weeks in sub-paragraph (3), and

(b) the reference to a period of 56 days in sub-paragraph (6),

shall in each case be treated as a reference to a period of 52 weeks.”.

Amendment of the Housing Benefit (General) Amendment Regulations 1995

11.—(1) Regulation 10 of the Housing Benefit (General) Amendment Regulations 1995(6) (saving provision) shall be amended in accordance with the following paragraphs.

(2) In paragraph (2)(b)—

(a) the words “was either” shall be omitted;

(b) in heads (i) and (ii) the word “was” shall be inserted at the beginning;

(c) after head (ii) the word “or” and the following head shall be added—

“(iii) is a person to whom paragraph (2A) applies.”.

(3) After paragraph (2) the following paragraph shall be inserted—

“(2A) This paragraph applies in the case of a person (“the claimant”) who becomes, or whose partner becomes, a welfare to work beneficiary, and—

(a) the claimant ceases to be entitled to housing benefit in respect of his residence in the dwelling he occupies as his home;

(b) the claimant subsequently becomes re-entitled to housing benefit—

(i) in respect of the same dwelling, or

(ii) in respect of a different dwelling in a case to which paragraph (2)(a)(ii) applies; and

(c) the first day of that entitlement is within 52 weeks of the claimant or his partner becoming a welfare to work beneficiary.”.

(4) After paragraph (5A)(7) the following paragraph shall be inserted—

“(5B) Paragraphs (1) to (5A) above shall continue to have effect in the case of a claimant who has ceased to be a to work beneficiary or whose partner has ceased to be such a beneficiary where the claimant is entitled to housing benefit at the end of the 52 week period to which paragraph (2A)(c) refers.”.

(5) In paragraph (6)—

(5) Part XIIA was inserted by sections 5 and 6 of the Social Security (Incapacity for Work) Act 1994 (c. 18).

(6) S.I. 1995/1644; relevant amending instruments S.I. 1996/462, 1944 and 2432 and 1998/563.

(7) Paragraph (5A) was inserted by S.I. 1996/2432.

- (a) in paragraph (ii) of the definition of “previous beneficiary” at the end there shall be added the words “or was on that date within 52 weeks of having become a welfare to work beneficiary”;
- (b) after the definition of “previous beneficiary” the following definition shall be added—
 - ““welfare to work beneficiary” means a person to whom regulation 13A(1) of the Social Security (Incapacity for Work) (General) Regulations 1995 applies;”.

Amendment of the Housing Benefit and Council Tax Benefit (General) Amendment Regulations 1997

12. Regulation 4 of the Housing Benefit and Council Tax Benefit (General) Amendment Regulations 1997 (savings)(8) shall be amended in the following manner—

- (a) in paragraph (1) for the words “(2) or (2A)” there shall be substituted the words “(2), (2A) or (2AB)”;
- (b) after paragraph (2A) there shall be inserted the following paragraphs—
 - “(2AB) This paragraph applies in the case of a person—
 - (a) who was entitled to housing benefit in respect of the dwelling he occupied as his home on or before 5th October 1997;
 - (b) whose entitlement to housing benefit in respect of that dwelling was continuous from that date until it ceased because either the person or his partner became a welfare to work beneficiary;
 - (c) who on the day before entitlement to housing benefit ceased, was in receipt of an addition to benefit by virtue of paragraph (4) or (5) of regulation 11 of the principal Regulations as they had effect on 5th October 1997; and
 - (d) who subsequently becomes re-entitled to housing benefit in respect of that dwelling within 52 weeks of him or his partner becoming a welfare to work beneficiary.
 - (2AC) Paragraph (2A) above shall continue to have effect in the case of a person who has ceased to be a welfare to work beneficiary or whose partner has ceased to be such a beneficiary where the person is entitled to housing benefit at the end of the 52 week period to which paragraph (2AB) refers.”;
- (c) in paragraph (2B) after the definition of “benefit period” the following definition shall be added—

““welfare to work beneficiary” means a person to whom regulation 13A(1) of the Social Security (Incapacity for Work) (General) Regulations 1995 applies.”.

Amendment of the Income Support (General) Regulations 1987

13.—(1) The Income Support (General) Regulations 1987(9) shall be amended in accordance with the following paragraphs.

(2) In regulation 2 (interpretation) the following definition shall be inserted in the appropriate place—

- ““welfare to work beneficiary” means a person—
 - (a) to whom regulation 13A(1) of the Social Security (Incapacity for Work) (General) Regulations 1995 applies; and

(8) S.I. 1997/852; relevant amending instrument S.I. 1997/1975.

(9) S.I. 1987/1967; relevant amending instruments are S.I. 1988/663, 1992/468, 1993/315, 1995/482, 2303 and 2927 and 1996/1944.

- (b) who again becomes incapable of work for the purposes of Part XIIA of the Contributions and Benefits Act 1992⁽¹⁰⁾;
- (3) In Schedule 2 (applicable amounts)–
 - (a) in paragraph 10 (higher pensioner premium) the following sub-paragraph shall be added–

“(4) In the case of a claimant who is a welfare to work beneficiary, references in sub-paragraphs (1)(b)(ii), (2)(b)(ii) and (3)(b) to a period of 8 weeks shall be treated as references to a period of 52 weeks.”;
 - (b) in paragraph 12 (additional condition for higher pensioner and disability premiums) after sub-paragraph (1) there shall be inserted the following sub-paragraph–

“(1A) In the case of a claimant who is a welfare to work beneficiary, the reference in sub-paragraph (1)(b) to a period of 56 days shall be treated as a reference to a period of 52 weeks.”.
- (4) In Schedule 3 (housing costs)–
 - (a) in paragraph 7 (transitional protection) the following sub-paragraph shall be added–

“(10) In the case of a person who is a welfare to work beneficiary, the references in sub-paragraphs (5)(c) and (7) to a period of 12 weeks shall be treated as references to a period of 52 weeks.”;
 - (b) in paragraph 14 (linking rule) the following sub-paragraph shall be added–

“(10) In the case of a person who is a welfare to work beneficiary, the references in sub-paragraphs (1)(a)(ii), (1)(d) and (1)(f)(iii) to a period of 12 weeks shall be treated as references to a period of 52 weeks.”.

Amendment of the Jobseeker’s Allowance Regulations 1996

14.—(1) The Jobseeker’s Allowance Regulations 1996⁽¹¹⁾ shall be amended in accordance with the following paragraphs.

(2) In regulation 1 (citation, commencement and interpretation) the following definition shall be inserted in the appropriate place–

““welfare to work beneficiary” means a person–

- (a) to whom regulation 13A(1) of the Social Security (Incapacity for Work) (General) Regulations 1995 applies; and
- (b) who again becomes incapable of work for the purposes of Part XIIA of the Contributions and Benefits Act 1992;

(3) In paragraph 12 of Schedule 1 (applicable amounts) the following sub-paragraph shall be added–

“(3) In this paragraph where a claimant’s partner is a welfare to work beneficiary, sub-paragraphs (1)(a)(ii) and (2)(b) shall apply to him as if for the words “8 weeks” there were substituted the words “52 weeks”.

(4) In paragraph 13 of Schedule 2 (housing costs) the following sub-paragraph shall be added–

“(12) Where the claimant’s partner to whom this paragraph applies is a welfare to work beneficiary, sub-paragraphs (1)(a)(ii), (1)(d) and (1)(f)(iii) shall apply to him as if for the words “twelve weeks” there were substituted the words “52 weeks”.

⁽¹⁰⁾ Part XIIA was inserted by sections 5 and 6 of the Social Security (Incapacity for Work) Act 1994 (c. 18).

⁽¹¹⁾ S.I. 1996/207.

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