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STATUTORY INSTRUMENTS

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**2000 No. 2545**

**The Social Security Amendment (Capital Limits and Earnings Disregards) Regulations 2000**

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Social Security Amendment (Capital Limits and Earnings Disregards) Regulations 2000 and shall come into force—

- (a) for the purposes of—
  - (i) this regulation and regulation 2(3); and
  - (ii) regulations 3 and 4 and paragraph 1 of the Schedule (in so far as those regulations and that paragraph relate to council tax benefit),on 1st April 2001;
- (b) for the purposes of regulation 2(4) and for the purposes of regulations 3 and 4 and paragraph 1 of the Schedule (in so far as those regulations and that paragraph relate to housing benefit)—
  - (i) in a case where rent is payable at intervals of a whole number of weeks, on 2nd April 2001; and
  - (ii) in any other case, on 1st April 2001;
- (c) for all other purposes, on 9th April 2001.

(2) Regulation 2(1) of these Regulations shall, in relation to any particular claimant for income support, have effect from the first day of the first benefit week to commence for that claimant on or after 9th April 2001 and in this paragraph, the expressions “benefit week” and “claimant” shall have the same meaning as in regulation 2(1) of the Income Support Regulations(1).

(3) Regulation 2(2) of these Regulations shall, in relation to any particular claimant for a jobseeker’s allowance, have effect from the first day of the first benefit week to commence for that claimant on or after 9th April 2001 and in this paragraph, the expression “benefit week” shall have the same meaning as in regulation 1(3) of the Jobseeker’s Allowance Regulations(2).

(4) In these Regulations—

“the Council Tax Benefit Regulations” means the Council Tax Benefit (General) Regulations 1992(3);

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987(4);

“the Income Support Regulations” means the Income Support (General) Regulations 1987(5);

“the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations 1996(6).

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(1) The definition of “benefit week” was amended by S.I.1988/1445.  
(2) The definition of “benefit week” was amended by S.I. 1996/1517 and 2538.  
(3) S.I. 1992/1814.  
(4) S.I. 1987/1971.  
(5) S.I. 1987/1967.  
(6) S.I. 1996/207.

**Capital limits**

- 2.—(1) In the Income Support Regulations(7)—
- (a) in regulation 41(1) (capital treated as income), after the figure “£8,000” there shall be inserted the words “or, in a case where regulation 45(aa) applies, £12,000”;
  - (b) in regulation 45 (capital limit)—
    - (i) in paragraph (a), after the word “paragraph” there shall be inserted the words “(aa) or”;
    - (ii) after paragraph (a), there shall be inserted the following paragraph—
      - “(aa) where the circumstances prescribed in regulation 53(1ZA) apply in the claimant’s case, the prescribed amount is £12,000.”;
  - (c) in regulation 53 (calculation of tariff income from capital)—
    - (i) in paragraph (1), after the word “paragraph” there shall be inserted the words “(1ZA) or”;
    - (ii) after paragraph (1) there shall be inserted the following paragraph—
      - “(1ZA) Where the claimant—
        - (a) is aged 60 or over or has a partner who is aged 60 or over;
        - (b) is not a person to whom the circumstances prescribed in paragraph (1B) apply; and
        - (c) has capital which, calculated in accordance with this Part, exceeds £6,000, that capital shall be treated as equivalent to a weekly income of £1 for each complete £250 in excess of £6,000 but not exceeding £12,000.”;
      - (iii) in both paragraphs (2) and (3), after “(1)” there shall be inserted “, (1ZA)”.
- (2) In the Jobseeker’s Allowance Regulations(8)—
- (a) in regulation 104(1) (capital treated as income), after the figure “£8,000” there shall be inserted the words “or, in a case where regulation 107(aa) applies, £12,000”;
  - (b) in regulation 107 (capital limit)—
    - (i) in paragraph (a), after the word “paragraph” there shall be inserted the words “(aa) or”;
    - (ii) after paragraph (a), there shall be inserted the following paragraph—
      - “(aa) where the circumstances prescribed in regulation 116(1ZA) apply in the claimant’s case, the prescribed amount is £12,000.”;
  - (c) in regulation 116 (calculation of tariff income from capital)—
    - (i) in paragraph (1), after the word “paragraph” there shall be inserted the words “(1ZA) or”;
    - (ii) after paragraph (1) there shall be inserted the following paragraph—
      - “(1ZA) Where the claimant—
        - (a) is aged 60 or over or has a partner who is aged 60 or over;
        - (b) is not a person to whom the circumstances prescribed in paragraph (1B) apply; and
        - (c) has capital which, calculated in accordance with this Part, exceeds £6,000,

(7) The relevant amending instruments are S.I. 1990/671, 1996/462 and 1999/3178.

(8) The relevant amending instruments are S.I. 1996/1516, 1997/65 and 1999/2860.

that capital shall be treated as equivalent to a weekly income of £1 for each complete £250 in excess of £6,000 but not exceeding £12,000.”;

(iii) in both paragraphs (2) and (3), after “(1)” there shall be inserted “,(1ZA)”.

(3) In regulation 37(1) of the Council Tax Benefit Regulations (calculation of tariff income from capital), for the words from “£3,000” to the end of the paragraph there shall be substituted the words—

“—

- (a) £6,000 in the case where the claimant is aged 60 or over or has a partner who is aged 60 or over;
- (b) £3,000 in any other case,

it shall be treated as equivalent to a weekly income of £1 for each complete £250 in excess of £3,000 or, as the case may be, £6,000 but not exceeding £16,000.”.

(4) In regulation 45 of the Housing Benefit Regulations (calculation of tariff income from capital)<sup>(9)</sup>—

- (a) in paragraph (1), after the word “paragraph” there shall be inserted the words “(1ZA) or”;
- (b) after paragraph (1) there shall be inserted the following paragraph—

“(1ZA) Where the claimant—

- (a) is aged 60 or over or has a partner who is aged 60 or over;
- (b) is not a person to whom the circumstances prescribed in paragraph (1B) apply;
- and
- (c) has capital which, calculated in accordance with this Part, exceeds £6,000,

that capital shall be treated as equivalent to a weekly income of £1 for each complete £250 in excess of £6,000 but not exceeding £16,000.”;

- (c) in both paragraphs (2) and (3), after “(1)” there shall be inserted “,(1ZA)”.

### **Sums to be disregarded in the calculation of earnings**

**3.** In each of the provisions specified in the Schedule to these Regulations (which relate to sums to be disregarded in the calculation of earnings) but subject to regulation 4 below, for the sum “£15”, wherever that sum appears, there shall be substituted the sum “£20”.

### **Saving**

**4.** Paragraph 3(4)(c) of Schedule 3 to both the Council Tax Benefit Regulations and to the Housing Benefit Regulations, paragraph 4(4)(c) of Schedule 8 to the Income Support Regulations and paragraph 5(4)(c) of Schedule 6 to the Jobseeker’s Allowance Regulations shall have effect as if regulation 3 above had not been made in a case where the claimant was entitled, by virtue of subparagraph (2) or (3) of those paragraphs as in force immediately before the coming into force of these Regulations, to a disregard of £15.

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(9) Regulation 45 was amended by S.I. 1990/671 and 1996/462.

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

18th September 2000

*Hugh Bayley*  
Parliamentary Under-Secretary of State,  
Department of Social Security