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STATUTORY INSTRUMENTS

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**2000 No. 681**

**SOCIAL SECURITY**

**The Social Security (Miscellaneous  
Amendments) Regulations 2000**

*Made - - - - 9th March 2000*  
*Laid before Parliament 9th March 2000*  
*Coming into force in accordance with regulation 1*

The Secretary of State for Social Security, in exercise of the powers conferred upon him by sections 123(1)(a), (d) and (e), 124(1)(e), 130(2) and (4), 135(1), 136(3) and (5)(b), 137(1) and (2)(d) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992<sup>M1</sup> and sections 4(5), 12(4)(b), 35(1) and 36(1), (2) and (4) of the Jobseekers Act 1995<sup>M2</sup> and of all other powers enabling him in that behalf, after consultation, in respect of provisions in these Regulations relating to housing benefit and council tax benefit, with organisations appearing to the Secretary of State to be representative of the authorities concerned<sup>M3</sup> and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it<sup>M4</sup>, hereby makes the following Regulations:

**Marginal Citations**

- M1** 1992 c. 4; section 123(1)(e) was substituted by the [Local Government Finance Act 1992 \(c. 14\)](#), [Schedule 9, paragraph 1\(1\)](#); sections 124(1)(e) and 137(2)(d) were respectively inserted and substituted by the [Jobseekers Act 1995 \(c. 18\)](#), [Schedule 2, paragraphs 30\(5\) and 35\(3\)](#); section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word "prescribed".
- M2** 1995 c. 18; section 35(1) is an interpretation provision and is cited because of the meaning ascribed to the words "prescribed" and "regulations".
- M3** See section 176(1) of the [Social Security Administration Act 1992 \(c. 5\)](#).
- M4** See sections 170 and 173(1)(b) of the [Social Security Administration Act 1992 \(c. 5\)](#); paragraph 67 of Schedule 2 to the Jobseekers Act 1995 added that Act to the list of "relevant enactments" in respect of which regulations must normally be referred to the Committee.

**Citation, commencement and interpretation** **E+W+S**

1.—(1) These Regulations may be cited as the Social Security (Miscellaneous Amendments) Regulations 2000 and shall, subject to paragraph <sup>F1</sup>... (3) of this regulation, come into force—

- (a) for the purposes of regulation 1 <sup>F2</sup>..., on 1st April 2000;

- (b) for the purposes of regulations 4(4), 5 (in so far as it relates to housing benefit) and 10,
  - (i) in a case where rent is payable at intervals of a whole number of weeks, on 3rd April 2000; and
  - (ii) in any other case, on 1st April 2000;
- (c) for the purposes of the remainder of these Regulations, on 3rd April 2000.

<sup>F3</sup>(2) .....

(3) Regulation 11 of these Regulations shall come into force immediately before the coming into force of regulation 12 of the Social Security (Payments to Reduce Under-occupation) Regulations 2000 <sup>M5</sup>.

(4) In these Regulations–

<sup>F4</sup> ...

<sup>F4</sup> ...

“the Income Support Regulations” means the Income Support (General) Regulations 1987 <sup>M6</sup>;

“the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations 1996 <sup>M7</sup>.

**Textual Amendments**

- F1** Reg. 1(1) revoked in part (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)
- F2** Reg. 1(1)(a) revoked in part (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)
- F3** Reg. 1(2) revoked (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)
- F4** Words in reg. 1(4) revoked (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

**Marginal Citations**

- M5** S.I. 2000/637.
- M6** S.I. 1987/1967.
- M7** S.I. 1996/207.

**Remunerative work** **E+W+S**

2. In the Income Support Regulations–

- (a) in regulation 5(6) <sup>M8</sup> (persons treated as engaged in remunerative work), for the words “paragraph (a) to paragraph (k) of regulation 6” there shall be substituted the words “regulation 6(1) ”;
- (b) in regulation 6 <sup>M9</sup> (persons not treated as engaged in remunerative work)–
  - (i) sub-paragraphs (a) and (e) to (g) in paragraph (1) shall be omitted;
  - (ii) in paragraph (1)(j), for the words “paragraph 2(6) of Schedule 8 to the Social Security Act 1989” there shall be substituted the words “ section 171F(2) of the Contributions and Benefits Act <sup>M10</sup> ”;
  - (iii) after paragraph (3) there shall be added the following paragraph–

- “(4) The following persons shall not be treated as engaged in remunerative work—
- (a) a person who is mentally or physically disabled and by reason of that disability—
    - (i) his earnings are reduced to 75 per cent. or less of what a person without that disability and working the same number of hours would reasonably be expected to earn in that employment or in comparable employment in the area; or
    - (ii) his number of hours of work are 75 per cent. or less of what a person without that disability would reasonably be expected to undertake in that employment or in comparable employment in the area;
  - (b) subject to regulation 5(4) and (5) (persons treated as engaged in remunerative work), a person to whom section 126 of the Contributions and Benefits Act (trade disputes) applies or in respect of whom section 124(1) of that Act (conditions of entitlement to income support) has effect as modified by section 127(b) of that Act (effect of return to work);
  - (c) a person to whom paragraph 4 of Schedule 1B applies;
  - (d) a person who is in employment and who lives in, or is temporarily absent from, a residential care home, a nursing home or residential accommodation, and either—
    - (i) his, or his partner’s, applicable amount falls to be calculated in accordance with Part I of Schedule 4 (applicable amounts of persons in residential care and nursing homes) or, as the case may be, paragraph 9, 10 to 10C, 13, 16 or 18 of Schedule 7 (applicable amounts in special cases); or
    - (ii) he or his partner satisfies the conditions specified in paragraph 2A(2) of Part I of Schedule 2 (conditions for entitlement to a residential allowance).”;
- (c) in the definition of “part-time employment” in both regulation 29(4D)(a) (calculation of earnings derived from employed earner’s employment) and regulation 35(3)(c) (earnings of employed earners)<sup>M11</sup>, after “6(1)” there shall be inserted the words “ and (4) ”;
- (d) in Schedule 1B<sup>M12</sup> (prescribed categories of person)—
- (i) in paragraph 8, for the words “regulation 6(1)(a)” there shall be substituted the words “ regulation 6(4)(a) ”;
  - (ii) in paragraph 9, for the words “regulation 6(1)(g)” there shall be substituted the words “ regulation 6(4)(d) ”.

#### **Marginal Citations**

**M8** Regulation 5(6) was added by [S.I. 1988/1445](#) and amended by [S.I. 1993/2119](#).

**M9** Regulation 6 was renumbered regulation 6(1) and paragraphs (2) and (3) were inserted by [S.I. 1999/2556](#); paragraph (1)(f) was substituted by [S.I. 1996/206](#); paragraph (1)(j) was inserted by [S.I. 1992/468](#).

**M10** Section 171F was inserted by the [Social Security \(Incapacity for Work\) Act 1994 \(c. 8\)](#), [section 6\(1\)](#).

**M11** Regulations 29(4D) and 35(3) were inserted by [S.I. 1989/1323](#). The relevant amending instrument is [S.I. 1999/2556](#).

**M12** Schedule 1B was inserted by [S.I. 1996/206](#). The relevant amending instrument is [S.I. 1999/2556](#).

### Date on which income is treated as paid **E+W+S**

3.—(1) In regulation 31 of the Income Support Regulations (date on which income is treated as paid)—

- (a) in paragraph (1), after the words “paragraph (2)” there shall be inserted the words “ or (3) ”;
- (b) at the end there shall be added the following paragraph—

“(3) Working families’ tax credit under section 128 of the Contributions and Benefits Act and disabled person’s tax credit under section 129 of that Act<sup>M13</sup> shall be treated as paid on the first day of the benefit week in which the Tuesday following the day on which the award of that tax credit commenced falls.”.

(2) In regulation 96 of the Jobseeker’s Allowance Regulations (date on which income is treated as paid)—

- (a) in paragraph (1), after the words “paragraph (2)” there shall be inserted the words “ or (3) ”;
- (b) at the end there shall be added the following paragraph—

“(3) Working families’ tax credit under section 128 of the Benefits Act and disabled person’s tax credit under section 129 of that Act shall be treated as paid on the first day of the benefit week in which the Tuesday following the day on which the award of that tax credit commenced falls.”.

#### Marginal Citations

**M13** References to family credit and disability working allowance in sections 128 and 129 of that Act were substituted respectively with references to working families' tax credit and disabled person's tax credit by section 1(2) of, and paragraph 2(g) and (h) of Schedule 1 to, the [Tax Credits Act 1999 \(c. 10\)](#).

### Invalid care allowance **E+W+S**

4.—(1) In paragraph 4(b) of Schedule 1B to the Income Support Regulations (prescribed categories of persons: persons caring for another person), for the words “who is in receipt of” there shall be substituted the words “ who is both entitled to, and in receipt of, ”.

(2) In Schedule 2 to the Income Support Regulations (applicable amounts)—

- (a) in paragraph 13 (severe disability premium)—

- (i) for head (iii) of paragraph (a) of sub-paragraph (2)<sup>M14</sup> there shall be substituted the following sub-head—

- “(iii) no person is entitled to, and in receipt of, an invalid care allowance under section 70 of the Contributions and Benefits Act in respect of caring for him;”;

- (ii) in paragraph (b) of sub-paragraph (2)—

- (aa) at the beginning, for the words “if he” there shall be substituted the words “ in the case of a claimant who ”;

- (bb) for the words from “an invalid care allowance” to “to anyone” there shall be substituted the words “ a person is entitled to, and in receipt of, an invalid care allowance in respect of caring for only one of the couple or, in the case of a polygamous marriage, for one or more but not all the partners of the marriage or, as the case may be, no person is entitled to, and in receipt of, such an allowance ”;

- (iii) in sub-paragraph (3A)<sup>M15</sup>—

- (aa) the words “as being in receipt of” shall be omitted;
  - (bb) at the beginning of head (a) there shall be inserted the words “ as being in receipt of ”;
  - (cc) for head (b) there shall be substituted the following head–
    - “(b) as being entitled to and in receipt of an invalid care allowance if he would, but for the person for whom he was caring being a patient in hospital for a period exceeding 28 days, be so entitled and in receipt.”;
- (b) in paragraph 14ZA <sup>M16</sup> (carer premium)–
- (i) in sub-paragraph (1), for the words “in receipt of invalid care allowance under section 37 of the Social Security Act” there shall be substituted the words “ entitled to an invalid care allowance under section 70 of the Contributions and Benefits Act ”;
  - (ii) in sub-paragraph (2), for the words “in receipt of” in the last place where those words occur there shall be substituted the words “ entitled to an ”;
  - (iii) for sub-paragraphs (3) and (4) there shall be substituted the following sub-paragraphs–
    - “(3) Where a carer premium is awarded but the person in respect of whom it has been awarded ceases to be entitled to an invalid care allowance, the condition for the award of the premium shall be treated as satisfied for a period of eight weeks from the date on which–
      - (a) where sub-paragraph (2) applies, the person in respect of whose care the invalid care allowance has been claimed ceased to be in receipt of the allowances referred to in paragraph (b) of that sub-paragraph;
      - (b) in any other case, that person ceased to be entitled to an invalid care allowance.
    - (4) Where a person who has been entitled to an invalid care allowance ceases to be entitled to that allowance and makes a claim for income support, the condition for the award of the carer premium shall be treated as satisfied for a period of eight weeks from the date on which–
      - (a) where sub-paragraph (2) applies, the person in respect of whose care the invalid care allowance has been claimed ceased to be in receipt of the allowances referred to in paragraph (b) of that sub-paragraph;
      - (b) in any other case, that person was last entitled to an invalid care allowance.”.
- (3) In Schedule 1 to the Jobseeker’s Allowance Regulations (applicable amounts)–
- (a) in paragraph 15 (severe disability premium)–
    - (i) for sub-paragraph (1)(c), there shall be substituted the following–
      - “(c) no person is entitled to, and in receipt of, an invalid care allowance under section 70 of the Benefits Act in respect of caring for him;”;
    - (ii) in sub-paragraph (2)(d)–
      - (aa) in head (i), for the words from the beginning to “engaged in” there shall be substituted the words “ no person is entitled to, and in receipt of, an invalid care allowance under section 70 of the Benefits Act in respect of ”;
      - (bb) in head (ii), for the words “in receipt of” there shall be substituted the words “ entitled to ”;

- (iii) in sub-paragraph (5)–
  - (aa) the words “as being in receipt of” shall be omitted;
  - (bb) at the beginning of head (a) there shall be inserted the words “ as being in receipt of ”;
  - (cc) for head (b) there shall be substituted the following head–
    - “(b) as being entitled to and in receipt of an invalid care allowance if he would, but for the person for whom he was caring being a patient in hospital for a period exceeding 28 days, be so entitled and in receipt.”;
- (b) in paragraph 17 (carer premium)–
  - (i) in sub-paragraph (1), for the words “in receipt of” there shall be substituted the words “ entitled to ”;
  - (ii) in sub-paragraph (2), for the words “in receipt of” in the first place where those words occur there shall be substituted the words “ entitled to ”;
  - (iii) for sub-paragraphs (3) and (4) there shall be substituted the following sub-paragraphs–
    - “(3) Where a carer premium is awarded but the person in respect of whom it has been awarded ceases to be entitled to an invalid care allowance, the condition for the award of the premium shall be treated as satisfied for a period of eight weeks from the date on which–
      - (a) where sub-paragraph (2) applies, the person in respect of whose care the invalid care allowance has been claimed ceased to be in receipt of the allowances referred to in paragraph (c) of that sub-paragraph;
      - (b) in any other case, that person ceased to be entitled to an invalid care allowance.
    - (4) Where a person who has been entitled to an invalid care allowance ceases to be entitled to that allowance and makes a claim for a jobseeker’s allowance, the condition for the award of the carer premium shall be treated as satisfied for a period of eight weeks from the date on which–
      - (a) where sub-paragraph (2) applies, the person in respect of whose care the invalid care allowance has been claimed ceased to be in receipt of the allowances referred to in paragraph (c) of that sub-paragraph;
      - (b) in any other case, that person was last entitled to an invalid care allowance.”.

F5(4) .....

F5(5) .....

**Textual Amendments**

**F5** Reg. 4(4)(5) revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

**Marginal Citations**

**M14** The relevant amending instrument to paragraph 13(2) is [S.I. 1989/1678](#).

**M15** Paragraph 13(3A) was inserted by [S.I. 1988/663](#) and amended by [S.I. 1991/2742](#).

**M16** Paragraph 14ZA was inserted by S.I. 1990/1776. The relevant amending instruments are S.I. 1991/1559 and 2742.

**Child care charges** **E+W+S**

**F6** 5. ....

**Textual Amendments**

**F6** Reg. 5 revoked (6.3.2006) by *The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006* (S.I. 2006/217), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

**Claimants entitled to the disability premium for a past period** **E+W+S**

6. In column (1), in paragraph 19 of Schedule 7 to the Income Support Regulations (applicable amounts in special cases: claimants entitled to the disability premium for a past period), in subparagraph (a), for “19(2)” there shall be substituted “ 19(4) ”.

**Disregard of local authority payments** **E+W+S**

7. In paragraph 66 of Schedule 9 to the Income Support Regulations <sup>M17</sup> (sums to be disregarded in the calculation of income other than earnings), for the words “Parts III and IV of the National Health Service and Community Care Act 1990 refer” there shall be substituted the words “ Part III of the National Assistance Act 1948 <sup>M18</sup> refers or to which the Social Work (Scotland) Act 1968 <sup>M19</sup> refers ”.

**Marginal Citations**

**M17** Paragraph 66 was inserted by S.I. 1998/2117.

**M18** 1948 c. 29.

**M19** 1968 c. 49.

**Eligible rent** **E+W+S**

**F7** 8. ....

**Textual Amendments**

**F7** Reg. 8 revoked (6.3.2006) by *The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006* (S.I. 2006/217), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

**Amendment of the Social Security Amendment (Education Maintenance Allowance) Regulations 2000** **E+W+S**

9. For regulation 2(4) of the Social Security Amendment (Education Maintenance Allowance) Regulations 2000 there shall be substituted the following paragraph— <sup>M20</sup>

- “(4) The paragraphs specified for the purposes of paragraph (3) of this regulation are—
- (a) paragraph 60 of Schedule 5 to the Council Tax Benefit Regulations;
  - (b) paragraph 60 of Schedule 5 to the Housing Benefit Regulations;

*Changes to legislation: There are currently no known outstanding effects for the The Social Security (Miscellaneous Amendments) Regulations 2000. (See end of Document for details)*

- (c) paragraph 57 of Schedule 10 to the Income Support Regulations;
- (d) paragraph 52 of Schedule 8 to the Jobseeker’s Allowance Regulations.”.

**Marginal Citations**

**M20** [S.I. 2000/55](#).

**Amendment of the Housing Benefit (General) Amendment (No. 3) Regulations 1999** **E+W**  
**+S**

<sup>F8</sup>**10.** .....

**Textual Amendments**

**F8** [Reg. 10](#) revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

**Amendment of the Social Security (Payments to Reduce Under-occupation) Regulations 2000** **E+W+S**

**11.** In paragraph (2)(c) of regulation 12 of the Social Security (Payments to Reduce Under-occupation) Regulations 2000 <sup>M21</sup> for “1992” there shall be substituted “ 1987 ”.

**Marginal Citations**

**M21** [S.I. 2000/637](#).

**Revocations** **E+W+S**

**12.** The following provisions shall be revoked–

- (a) paragraph 4(5) and (6) of Schedule 8 and paragraph 12 of Schedule 9 to the Income Support Regulations;
- (b) paragraph 5(5) and (6) of Schedule 6 to the Jobseeker’s Allowance Regulations;

<sup>F9</sup>(c) .....

**Textual Amendments**

**F9** [Reg. 12\(c\)](#) revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

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

*Angela Eagle*  
Parliamentary Under-Secretary of State,  
Department of Social Security



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## 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) and the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814) ("the principal sets of regulations").

In particular, these Regulations—

—provide that certain categories of persons shall not be treated as engaged in remunerative work for the purposes of income support, substitute an out of date legislative reference in that provision and make consequential amendments (regulation 2);

—prescribe the day on which working families' tax credit and disabled person's tax credit is treated as paid for the purposes of determining a person's income and thereby, his entitlement to income support and jobseeker's allowance (regulation 3);

—ensure that the periods that the severe disability and carer premia are payable in the principal sets of regulations remain independent of the method of payment of invalid care allowance (regulation 4);

—extend the definition of relevant child care charges in housing benefit and council tax benefit to include care provided by a child care provider approved by an organisation accredited by the Secretary of State under the scheme established by the Tax Credit (New Category of Child Care Provider) Regulations 1999 (S.I. 1999/3110) (regulation 5);

—correct two incorrect statutory references in the Income Support Regulations (regulations 6 and 7);

—preserve the meaning of Metropolitan Police District in regulation 51 of the Housing Benefit Regulations as a consequence of the redrawing of the boundaries of that district from 1st April 2000 (regulation 8);

—corrects erroneous references in the Social Security Amendment (Education Maintenance Allowance) Regulations 2000 (S.I. 2000/55) (regulation 9) and in the Social Security (Payments to Reduce Under-occupation) Regulations 2000 (S.I. 2000/637) (regulation 11);

—omit certain disregards from the principal sets of regulations on the basis that they are now otiose (regulation 12).

Regulation 10(2) and (3) amends the Housing Benefit (General) Amendment (No. 3) Regulations 1999 (S.I. 1999/2734) to correct two minor errors in so far as those Regulations amend the Housing Benefit (General) Regulations 1987. Regulation 10(4) amends those Regulations to remove the requirement that, for certain warden services to be met by housing benefit where the dwelling is one of a group of dwellings, those services must be wholly or mainly for assisting persons in that group of dwellings.

These Regulations do not impose any charge on business.

**Changes to legislation:**

There are currently no known outstanding effects for the The Social Security (Miscellaneous Amendments) Regulations 2000.