
STATUTORY INSTRUMENTS

2001 No. 22

SOCIAL SECURITY

**The Social Security Amendment
(Capital Disregards) Regulations 2001**

<i>Made</i>	- - - -	<i>6th January 2001</i>
<i>Laid before Parliament</i>		<i>11th January 2001</i>
<i>Coming into force</i>	- -	<i>1st February 2001</i>

The Secretary of State for Social Security, in exercise of the powers conferred upon him by sections 123(1)(a), (d) and (e), 136(5)(b), 137(1) and 175(1) and (3) of the Social Security Contributions and Benefits Act 1992(1) and sections 12(4)(b), 35(1) and 36(1) and (2) of the Jobseekers Act 1995(2) 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 him to be representative of the authorities concerned(3) and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(4), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security Amendment (Capital Disregards) Regulations 2001 and shall come into force on 1st February 2001.

Income support, jobseeker's allowance, housing benefit and council tax benefit: capital disregard

2. There shall be added as—

- (a) paragraph 61 of Schedule 10 to the Income Support (General) Regulations 1987(5) (capital to be disregarded);

(1) 1992 c. 4; sections 123(1) and 137(1) were amended to have effect with respect to council tax benefit by Schedule 9 to the Local Government Finance Act 1992 (c. 14), paragraphs 1(1) and 9; section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”.

(2) 1995 c. 18; section 35(1) is an interpretation provision and is cited because of the meaning ascribed to the words “prescribed” and “regulations”.

(3) See section 176(1) of the Social Security Administration Act 1992 (c. 5).

(4) See sections 170 and 173(1)(b) of the Social Security Administration Act 1992; 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. Section 173(7) defines “regulations”.

(5) S.I.1987/1967; paragraph 60 was added by S.I. 2000/637.

- (b) paragraph 56 of Schedule 8 to the Jobseeker's Allowance Regulations 1996⁽⁶⁾;
- (c) paragraph 64 of Schedule 5 to the Council Tax Benefit (General) Regulations 1992⁽⁷⁾;
- (d) paragraph 64 of Schedule 5 to the Housing Benefit (General) Regulations 1987⁽⁸⁾,

the following paragraph—

“Where an ex-gratia payment of £10,000 has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or internment of—

- (a) the claimant;
- (b) the claimant's partner;
- (c) the claimant's deceased spouse; or
- (d) the claimant's partner's deceased spouse,

by the Japanese during the Second World War, £10,000.”

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

6th January 2001

P. Hollis
Parliamentary Under-Secretary of State,
Department of Social Security

⁽⁶⁾ S.I. 1996/207; paragraph 55 was added by S.I. 2000/637.
⁽⁷⁾ S.I. 1992/1814; paragraph 62 was added by S.I. 2000/724.
⁽⁸⁾ S.I. 1987/1971; paragraph 63 was added by S.I. 2000/637.

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](#)).

In particular, regulation 2 provides that ex-gratia payments of £10,000 made on or after 1st February 2001 by the Secretary of State in consequence of a person's imprisonment or internment by the Japanese during the Second World War, shall be disregarded as capital when ascertaining entitlement to those benefits.

These Regulations do not impose a charge on business.