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STATUTORY INSTRUMENTS

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**2002 No. 841**

**SOCIAL SECURITY**

**The Social Security (Miscellaneous  
Amendments) Regulations 2002**

<i>Made</i>	- - - -	<i>26th March 2002</i>
<i>Laid before Parliament</i>		<i>2nd April 2002</i>
<i>Coming into force</i>	- -	<i>8th April 2002</i>

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 123(1)(a), (d) and (e), 135(1), 136(3) and (5)(b), 137(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(1) and sections 4(5), 12(1) and (4)(b), 35(1) and 36(2) and (4) of the Jobseekers Act 1995(2) and sections 134(8)(b) and 139(6)(b) of the Social Security Administration Act 1992(3) 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(4) and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(5), hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Social Security (Miscellaneous Amendments) Regulations 2002 and shall come into force on 8th April 2002.

(2) In these Regulations “the Income Support Regulations” means the Income Support (General) Regulations 1987(6), “the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987(7), “the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance

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- (1) 1992 c. 4; section 123(1)(e) was substituted by the Local Government Finance Act 1992 (c. 14), Schedule 9, paragraph 1(1); 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) 1992 c. 5; section 139(6) was amended by the Local Government Finance Act 1992 (c. 14), Schedule 9, paragraph 20(5) and by the Local Government etc. (Scotland) Act 1994 (c. 39), Schedule 13, paragraph 175(3).
- (4) See section 176(1) of the Social Security Administration Act 1992.
- (5) See sections 170 and 173(1)(b) of the Social Security Administration Act 1992; paragraph 67 of Schedule 2 to the Jobseekers Act added that Act to the list of “relevant enactments” in respect of which regulations must normally be referred to Committee.
- (6) S.I. 1987/1967.
- (7) S.I. 1987/1971.

Regulations 1996(8) and “the Council Tax Benefit Regulations” means the Council Tax Benefit (General) Regulations 1992(9).

### **Income Support: Income Disregard**

2.—(1) In regulation 2 of the Income Support Regulations, after the definition of “voluntary organisation”(10) insert the following definition—

““war widower’s pension” means any widower’s pension or allowance granted in respect of a death due to service or war injury and payable by virtue of the Air Force (Constitution) Act 1917, the Personal Injuries (Emergency Provisions) Act 1939, the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939, the Polish Resettlement Act 1947 or Part VII or section 151 of the Reserve Forces Act 1980 or a pension or allowance for a widower granted under any scheme mentioned in section 315(2)(e) of the Income and Corporation Taxes Act 1988;”.

(2) In head (i) of regulation 42(4)(a)(11) of the Income Support Regulations after “war widow’s pension” insert “or war widower’s pension” and after “widow” insert “or widower”.

(3) In head (i) of regulation 51(3)(a)(12) of the Income Support Regulations after “war widow’s pension” insert “or war widower’s pension” and after “widow” insert “or widower”.

(4) In Schedule 9 to the Income Support Regulations—

- (a) in paragraph 16(b)(13) after “pension” insert “or war widower’s pension”;
- (b) in paragraph 16(c)(14) after “widow” insert “or widower”;
- (c) in paragraphs 54 and 55(15) after “widows” insert “or widowers”;
- (d) in paragraph 56(1)(a)(16) after “widow” insert “or widower”, and
- (e) in paragraph 56(1)(b) after “widows” insert “or widowers”.

### **Jobseeker’s Allowance: Income Disregard**

3.—(1) In regulation 1 of the Jobseeker’s Allowance Regulations, after the definition of “war widow’s pension” insert the following definition—

““war widower’s pension” means a pension payable to a man as a widower under any of the enactments mentioned in the definition of “war disablement pension” in respect of death or disablement of any person;”.

(2) In head (i) of regulation 105(10)(a) of the Jobseeker’s Allowance Regulations(17) after “war widows pension” insert “or war widower’s pension”.

(3) In head (i) of regulation 113(3)(a) of the Jobseeker’s Allowance Regulations(18) after “war widow’s pension” insert “or war widower’s pension”.

(4) In Schedule 7 to the Jobseeker’s Allowance Regulations—

- (a) in paragraphs 17(a) and (b) after “widow's” insert “or widower's”;
- (b) in paragraphs 53 and 54 after “widows” insert “or widowers”;

(8) S.I. 1996/207.

(9) S.I. 1992/1814.

(10) The definition “voluntary organisation” was inserted by regulation 17 of S.I. 1995/516.

(11) Head (i) of paragraph 4(a) was amended by regulation 6 of S.I. 1995/2792 and regulation 2 of S.I. 1995/3282.

(12) Head (i) of paragraph (3)(a) was amended by regulation 9 of S.I. 1997/65.

(13) Paragraph 16 was substituted by regulation 6(3) of S.I. 1995/2792.

(14) Paragraph 16(c) was amended by regulation 2(1)(d) and (2) of S.I. 1995/3282.

(15) Paragraphs 54 and 55 were added by regulation 32(3) of S.I. 1994/2139.

(16) Paragraph 56 was added by regulation 32(3) of S.I. 1994/2139.

(17) Paragraph 10 was amended by regulation 2(1)(a) of S.I. 1998/2117.

(18) Paragraph 3(a) was amended by regulation 3(1)(a) of S.I. 1998/2117.

- (c) in paragraph 55(1)(a) after “widow” insert “or widower”, and
- (d) in paragraph 55(1)(b) after “widows” insert “or widowers”.

### **Council Tax Benefit: Income Disregard and Discretionary Disregard**

4.—(1) In regulation 2 of the Council Tax Benefit Regulations, after the definition of “voluntary organisation”**(19)** insert the following definition—

““war widower’s pension” means any widower’s pension or allowance granted in respect of a death due to service or war injury and payable by virtue of the Air Force (Constitution) Act 1917, the Personal Injuries (Emergency Provisions) Act 1939, the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939, the Polish Resettlement Act 1947 or Part VII or section 151 of the Reserve Forces Act 1980 or a pension or allowance for a widower granted under any scheme mentioned in section 315(2)(e) of the Income and Corporation Taxes Act 1988;”.

(2) In regulation 24 of the Council Tax Benefit Regulations, after paragraph (2) insert the following—

“(2A) An authority may modify this Part so as to provide for disregarding, in determining a person’s income, the whole or any part of any war widower’s pension payable to that person or to his partner or to a person to whom he is polygamously married.”.

(3) In Schedule 4 to the Council Tax Benefit Regulations—

- (a) in paragraph 14(b)**(20)** after “pension” insert “or war widower’s pension”;
- (b) in paragraph 14(c)**(21)** after “widow” insert “or widower”;
- (c) in paragraphs 52 and 53**(22)** after “widows” insert “or widowers”;
- (d) in paragraph 54(1)(a)**(23)** after “widow” insert “or widower”, and
- (e) in paragraph 54(1)(b) after “widows” insert “or widowers”.

### **Housing Benefit: Income Disregard and Discretionary Disregard**

5.—(1) In regulation 2 of the Housing Benefit Regulations, after the definition of “voluntary organisation”**(24)** insert the following definition—

““war widower’s pension” means any widower’s pension or allowance granted in respect of a death due to service or war injury and payable by virtue of the Air Force (Constitution) Act 1917, the Personal Injuries (Emergency Provisions) Act 1939, the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939, the Polish Resettlement Act 1947 or Part VII or section 151 of the Reserve Forces Act 1980 or a pension or allowance for a widower granted under any scheme mentioned in section 315(2)(e) of the Income and Corporation Taxes Act 1988;”.

(2) In regulation 33 of the Housing Benefit Regulations, after paragraph (2) insert the following—

“(2A) An authority may modify this Part so as to provide for disregarding, in determining a person’s income (whether he is the occupier of a dwelling or any other person whose income falls to be aggregated with that of the occupier of a dwelling), the whole or any part of any war widower’s pension payable to that person.”.

(3) In Schedule 4 to the Housing Benefit Regulations—

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**(19)** The definition of “voluntary organisation” was inserted by regulation 14 of S.I. 1995/560.

**(20)** Paragraph 14 was substituted by regulation 2 of S.I. 1994/2792.

**(21)** Paragraph 14(c) was amended by regulation 2(1)(a) and (2) of S.I. 1995/3282.

**(22)** Paragraphs 52 and 53 were added by regulation 28(b) of S.I. 1995/2137.

**(23)** Paragraph 54 was added by regulation 28(b) of S.I. 1994/2137.

**(24)** The definition of “voluntary organisation” was inserted by regulation 2 of S.I. 1995/560.

- (a) in paragraph 14(b)(25) after “pension” insert “or war widower’s pension”;
- (b) in paragraph 14(c)(26) after “widow” insert “or widower”;
- (c) in paragraphs 53 and 54(27) after “widows” insert “or widowers”;
- (d) in paragraph 55(1)(a)(28) after “widow” insert “or widower”, and
- (e) in paragraph 55(1)(b) after “widows” insert “or widowers”.

### **Income Support and Jobseeker’s Allowance: Amendment to Housing Costs: Linking Rules**

6. In sub-paragraph (13) of paragraph 14 of Schedule 3 to the Income Support Regulations (Housing Costs: Linking rule)(29) and in sub-paragraph (15) of paragraph 13 of Schedule 2 to the Jobseeker’s Allowance Regulations (Housing Costs: Linking rule)(30) after “paragraph 6(1)(a)” insert “, 6(1)(b)”.

Signed by authority of the Secretary of State for Work and Pensions

*Malcolm Wicks*  
Parliamentary Under-Secretary of State,  
Department for Work and Pensions

26th March 2002

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(25) Paragraph 14 was substituted by regulation 5 of S.I. 1995/2792.  
(26) Paragraph 14(c) was amended by regulation 2(1)(c) and (2) of S.I. 1995/3282.  
(27) Paragraphs 53 and 54 were added by regulation 12(b) of S.I. 1994/2137.  
(28) Paragraph 55 was added by regulation 12(b) of S.I. 1994/2137.  
(29) Sub-paragraph (13) was added by regulation 6 of S.I. 2001/488.  
(30) Sub-paragraph (15) was added by regulation 12(b) of S.I. 2001/488.

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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, Regulations 2, 3, 4(3) and 5(3) provide for income disregards in respect of war widowers' pensions under the principal sets of regulations.

Under sections 134 and 139 of the Social Security Administration Act 1992 authorities administering housing and council tax benefit may modify their schemes to provide for disregarding all or any part of a war widow's pension in calculating a claimant's income. In respect of both of these benefits, regulations 4(2) and 5(2) will enable them to make corresponding provision in respect of war widowers' pensions.

Regulation 6 also amends Schedule 3 to the Income Support (General) Regulations and Schedule 2 to the Jobseeker's Allowance Regulations to extend the 52 week linking provisions to claimants whose housing costs are met in part.

These Regulations do not impose any charge on business.