

2003 No. 2325

SOCIAL SECURITY

The Social Security (Third Party Deductions and Miscellaneous Amendments) Regulations 2003

Made - - - - *9th September 2003*
Laid before Parliament *15th September 2003*
Coming into force - - *6th October 2003*

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 5(1)(p)(a), 189(1) and (4) and 191 of the Social Security Administration Act 1992 (b) and of sections 123(1)(a), 135(1), 137(1) and 175(1) and (3) of the Social Security Contributions and Benefits Act 1992(c) and of all other powers enabling him in that behalf and after agreement by the Social Security Advisory Committee that the proposals in regard to these Regulations should not be referred to it(d) hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Third Party Deductions and Miscellaneous Amendments) Regulations 2003 and shall come into force on 6th October 2003.

Amendment of the Social Security (Claims and Payments) Regulations 1987

2.—(1) Schedule 9 (deductions from benefit and direct payment to third parties) to the Social Security (Claims and Payments) Regulations 1987(e) shall be amended in accordance with this regulation.

(2) In paragraph 4 (miscellaneous accommodation costs)—

- (a) in sub-paragraph (1)(f) for “or jobseeker’s allowance” substitute “, jobseeker’s allowance or state pension credit”;
- (b) in sub-paragraph (1)(a);
 - (i) before “is made” insert “in the case of income support”; and
 - (ii) for “as the case may be,” substitute “in the case of jobseeker’s allowance”;
- (c) for sub-paragraph (1)(b) substitute—
 - “(b) is made—

(a) See the State Pension Credit Act 2002 (c.16) section 11 and schedule 1, paragraph 3(2).
(b) 1992 c. 5. Section 191 is an interpretation provision and is cited for the meaning given to the word “prescribe”.
(c) 1992 c.4. s137(1) is an interpretation provision and is cited for the meaning given to the word “prescribed”.
(d) See sections 170 and 173(1)(b) of the Social Security Administration Act 1992.
(e) S.I. 1987/1968. Relevant amending instruments are S.I. 1989/136, 1989/1686, 1991/2284, 1992/3147, 1993/2113, 1996/1460, 1999/3178, 2002/398 and 2002/3019.
(f) Sub-paragraph (1) was amended by S.I. 1989/136, 1989/1686, 1991/2284, 1992/1347, 1996/1460, 1999/3178 and 2002/398.

- (i) in the case of an award of income support, to a person who is in residential accommodation within the meaning of regulation 21(3) of the Income Support Regulations(a); or
 - (ii) to person who is in accommodation provided under section 3(1) of, and Part II of the Schedule to, the Polish Resettlement Act 1947(b) (provision by the Secretary of State of accommodation in camps) except where that person is in receipt of state pension credit; or
 - (iii) in the case of an award of jobseeker’s allowance, to a person who is in residential accommodation within the meaning of regulation 85(4) of the Jobseeker’s Allowance Regulations(c); or
 - (iv) in the case of an award of state pension credit, to a person who is in accommodation provided within the meaning of regulation 15(7) of the State Pension Credit Regulations(d);”;
- (d) in sub-paragraph (1)—
- (i) for “hereafter in this paragraph referred to as “miscellaneous accommodation costs”” substitute “or to a person who is only temporarily absent from such accommodation”;
 - (ii) after “to whom the charges in respect of that accommodation are payable” insert “hereafter in this paragraph referred to as “miscellaneous accommodation costs””; and
 - (iii) for “except in a case to which paragraph 13A of Schedule 7 to the Income Support Regulations apply” substitute “except in a case where accommodation is provided under section 3(1) of, and Part II of the Schedule to, the Polish Resettlement Act 1947”;
- (e) for sub-paragraphs (2) and (3) substitute—
- “(2) Subject to sub-paragraphs (3) and (3A), the amount of any payment of income support, jobseeker’s allowance or state pension credit to a third party determined under sub-paragraph (1) shall be—
- (a) in a case where the beneficiary is not in accommodation—
 - (i) as specified in sub-paragraph (1)(b)(i) or (iii); or
 - (ii) as specified in regulation 15(7)(d) of the State Pension Credit Regulations, an amount equal to the award of income support, jobseeker’s allowance, or guarantee credit payable to the claimant but excluding an amount, if any, which when added to any other income of the beneficiary as determined in accordance with regulation 28 of the Income Support Regulations, regulation 93 of the Jobseeker’s Allowance Regulations or regulation 17 of the State Pension Credit Regulations will equal the amount prescribed in respect of personal expenses in sub-paragraph (2A); and
 - (b) in any other case, the amount of the award of income support, jobseeker’s allowance or guarantee credit, excluding the amount allowed by sub-paragraph (2A) in respect of personal expenses.
- (2A) The amount in respect of personal expenses where a beneficiary is in accommodation referred to in paragraphs 4(1)(a) or (b) shall be—
- (a) for a single person the sum of £17.50;
 - (b) for a couple where both members of the couple are in such accommodation, £17.50 for each member;

(a) S.I. 1987/1967. Relevant amending instruments are S.I. 1992/3147, 1994/2139 and S.I. 1995/516.
 (b) c.14.
 (c) S.I. 1996/1460 as amended by S.I. 1996/2538.
 (d) S.I. 2002/1792.

- (c) for a member of a polygamous marriage where more than one member is in such accommodation, £17.50 for each member in such accommodation.
- (3) This sub-paragraph shall apply where an award is made of—
- (a) income support calculated in accordance with Part VII of the Income Support Regulations (calculation of income support for part-weeks); or
 - (b) jobseeker’s allowance calculated in accordance with Part XI of the Jobseeker’s Allowance Regulations (part-weeks); or
 - (c) state pension credit for a period of less than a week calculated under regulation 13A of the State Pension Credit Regulations^(a) (part-weeks), or a part week payment of state pension credit calculated otherwise.
- (3A) Where sub-paragraph (3) applies then the amount of any payment to a third party determined under sub-paragraph (1) shall be an amount calculated in accordance with sub-paragraph (2)(a) or (b) as appropriate except that in respect of—
- (a) the income of the beneficiary, if any; and
 - (b) the amount allowed for personal expenses by sub-paragraph (2A) above,
- the amount shall be the amount used in the calculation under the provisions listed in sub-paragraph (3)(a), (b) or (c), divided by 7 and multiplied by the number of days in the part-week and no payment shall be made to a third party where the Secretary of State certifies it would be impracticable to do so in that particular case.”;
- (f) in sub-paragraph (4) for “(2) or (3)” substitute “(2) or (3A)”.

Amendment to the Income Support (General) Regulations 1987

3. In regulation 21 (special cases) of the Income Support (General) Regulations 1987—
- (a) omit paragraph (1B); and
 - (b) in paragraph (2) for “paragraph 1,2,3 or 18 (patients)” substitute “paragraph 1,2 or 3 (patients)”.

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

9th September 2003

Maria Eagle
Parliamentary Under-Secretary of State,
Department for Work and Pensions

^(a) Regulation 13A was inserted by regulation 23 of S.I. 2002/3019.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for amendments to the Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968) (“the Claims and Payments Regulations”) and the Income Support (General) Regulations 1987 (S.I. 1987/1967) (“the Income Support Regulations”).

Regulation 2 substitutes references to the Part III accommodation rate contained in paragraph 13 of Schedule 7 of the Income Support Regulations 1987 and paragraph 15 of Schedule 5 of the Jobseeker’s Allowance Regulations 1996 (S.I. 1996/1460) which are being revoked, with references to the Polish Resettlement Act 1947 (c.19), regulation 21(3) of the Income Support Regulations or regulation 85(4) of the Jobseekers Allowance Regulations 1996 as appropriate.

Regulation 2 also provides for direct payments to third parties to be made from the guarantee credit award of state pension credit. The circumstances where deductions from state pension credit may be taken are those specified in regulation 15(7) of the State Pension Credit Regulations 2002 (S.I. 2002/1792.)

The Regulations provide for a specific amount to form the amount prescribed for personal expenses which is the minimum amount kept by a claimant after deductions have been made.

Regulation 3 omits paragraph (1B) of Schedule 7 of the Income Support Regulations which is no longer relevant due to the change in the hospital down-rating period from 6 weeks to 52 weeks. This regulation also removes an obsolete reference to paragraph 18 of Schedule 7 (applicable amounts in special cases) to the Income Support (General) Regulations 1987 in regulation 21(2) of the same Regulations.

These Regulations do not impose a charge on business.

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