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## STATUTORY INSTRUMENTS

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# 2003 No. 511

## SOCIAL SECURITY

### The Social Security (Miscellaneous Amendments) Regulations 2003

<i>Made</i>	- - - -	<i>5th March 2003</i>
<i>Laid before Parliament</i>		<i>11th March 2003</i>
<i>Coming into force</i>	- -	<i>1st April 2003</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), 136(3) and (5)(b), 137(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992 <sup>M1</sup> and sections 4(5), 12(1), (2), (3) and (4)(b), 35(1), and 36(2) and (4) of, and paragraphs 1(1), 3(b), 4, 5 and 8A of Schedule 1 to, 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 shall 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\(1\)](#); section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”. Sections 175(1) and (4) were amended by section 2 of the [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#).
- 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”. Paragraph 8A of Schedule 1 was inserted by section 59 of the [Welfare Reform and Pensions Act 1999 \(c. 30\)](#).
- 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; [paragraph 67](#) of Schedule 2 to the Jobseekers Act 1995 added that Act to the list of “relevant enactments” in section 170(5) in respect of which regulations must normally be referred to the Committee.

#### Citation and commencement

1. These Regulations may be cited as the Social Security (Miscellaneous Amendments) Regulations 2003 and shall come into force on 1<sup>st</sup> April 2003.

*Status: Point in time view as at 01/04/2003.*

*Changes to legislation: There are currently no known outstanding effects for the The Social Security (Miscellaneous Amendments) Regulations 2003. (See end of Document for details)*

### **Amendment of the Income Support (General) Regulations 1987**

2.—(1) The Income Support (General) Regulations 1987<sup>M5</sup> shall be amended in accordance with the following provisions of this regulation.

(2) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings) after paragraph 75<sup>M6</sup> the following paragraph shall be added—

“76.—(1) Any payment made by a local authority to or on behalf of the claimant or his partner relating to—

- (a) welfare services within the meaning of section 93(1) or (2) of the Local Government Act 2000<sup>M7</sup>;
- (b) housing support services in respect of which the Scottish Ministers have paid a grant to the local authority under section 91(1) of the Housing (Scotland) Act 2001<sup>M8</sup>,

where the claimant or his partner qualified for that payment.

(2) For the purposes of sub-paragraph (1) “local authority” includes, in England, a county council.”

(3) In Schedule 10 (capital to be disregarded)—

- (a) in paragraph 25<sup>M9</sup> at the end there shall be added the words “ or, where that dwelling is occupied as the home by the former partner who is a lone parent, for as long as it is so occupied ”;
- (b) after paragraph 65<sup>M10</sup> the following paragraph shall be added—

“66.—(1) Any payment made by a local authority to or on behalf of the claimant or his partner relating to—

- (a) welfare services within the meaning of section 93(1) or (2) of the Local Government Act 2000;
- (b) housing support services in respect of which the Scottish Ministers have paid a grant to the local authority under section 91(1) of the Housing (Scotland) Act 2001,

where the claimant or his partner qualified for that payment.

(2) For the purposes of sub-paragraph (1) “local authority” includes, in England, a county council.”

#### **Marginal Citations**

**M5** [S.I.1987/1967](#).

**M6** [Paragraph 75](#) was inserted by [S.I.2001/2333](#).

**M7** [2000 c. 22](#).

**M8** [2001 asp 10](#).

**M9** [Paragraph 25](#) was inserted by [S.I.1988/910](#).

**M10** [Paragraph 65](#) was inserted by [S.I.2001/3481](#).

### **Amendment of the Jobseeker’s Allowance Regulations 1996**

3.—(1) The Jobseeker’s Allowance Regulations 1996<sup>M11</sup> shall be amended in accordance with the following provisions of this regulation.

(2) In Schedule 7 (sums to be disregarded in the calculation of income other than earnings) after paragraph 71 <sup>M12</sup> the following paragraph shall be added—

“72.—(1) Any payment made by a local authority to or on behalf of the claimant or his partner relating to—

- (a) welfare services within the meaning of section 93(1) or (2) of the Local Government Act 2000;
- (b) housing support services in respect of which the Scottish Ministers have paid a grant to the local authority under section 91(1) of the Housing (Scotland) Act 2001,

where the claimant or his partner qualified for that payment.

(2) For the purposes of sub-paragraph (1) “local authority” means—

- (a) in relation to England, a county council, a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;
- (b) in relation to Wales, a county council or a county borough council;
- (c) in relation to Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 <sup>M13</sup>.”.

(3) In Schedule 8 (capital to be disregarded)—

- (a) in paragraph 5 at the end there shall be added the words “ or, where that dwelling is occupied as the home by the former partner who is a lone parent, for as long as it is so occupied ”;
- (b) after paragraph 58 <sup>M14</sup> the following paragraph shall be added—

“59.—(1) Any payment made by a local authority to or on behalf of the claimant or his partner relating to—

- (a) welfare services within the meaning of section 93(1) or (2) of the Local Government Act 2000;
- (b) housing support services in respect of which the Scottish Ministers have paid a grant to the local authority under section 91(1) of the Housing (Scotland) Act 2001,

where the claimant or his partner qualified for that payment.

(2) For the purposes of sub-paragraph (1) “local authority” means—

- (a) in relation to England, a county council, a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;
- (b) in relation to Wales, a county council or a county borough council;
- (c) in relation to Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.”.

(4) In the regulations and Schedules specified in paragraph (5) below, for the words “invalid care allowance” wherever they occur, there shall be substituted the words “ carer’s allowance ” preceded, where appropriate, by “a” instead of “an”.

(5) The regulations and Schedules referred to in paragraph (4) above are regulations 46, 48, 51 <sup>M15</sup>, 121, 150 and 153 and Schedule A1 <sup>M16</sup>, Parts III to IVB of Schedule 1 <sup>M17</sup>, Schedule 6 <sup>M18</sup> and Schedule 6A <sup>M19</sup>.

*Status: Point in time view as at 01/04/2003.*

*Changes to legislation: There are currently no known outstanding effects for the The Social Security (Miscellaneous Amendments) Regulations 2003. (See end of Document for details)*

#### **Marginal Citations**

- M11** [S.I.1996/207](#).
- M12** [Paragraph 71](#) was inserted by [S.I.2001/2333](#).
- M13** [1994 c. 39](#).
- M14** [Paragraph 58](#) was inserted by [S.I.2001/3481](#).
- M15** The relevant amending instrument is [S.I.1996/1516](#).
- M16** [Schedule A1](#) was inserted by [S.I.2000/1978](#).
- M17** [Parts IVA and IVB](#) were inserted by [S.I.2000/1978](#). The relevant amending instruments are [S.I.2002/490](#), [S.I.2002/2020](#) and [S.I.2002/2380](#).
- M18** The relevant amending instrument is [S.I.2000/2545](#).
- M19** [Schedule 6A](#) was inserted by [S.I.2000/1978](#). The relevant amending instrument is [S.I.2000/2545](#).

#### **Amendment of the Housing Benefit (General) Regulations 1987**

**4.—(1)** The Housing Benefit (General) Regulations 1987 <sup>M20</sup> shall be amended in accordance with the following provisions of this regulation.

(2) In [Schedule 4](#) (sums to be disregarded in the calculation of income other than earnings) after [paragraph 74](#) <sup>M21</sup> the following paragraph shall be added—

**“75.—(1)** Any payment made by a local authority to or on behalf of the claimant or his partner relating to—

- (a) welfare services within the meaning of [section 93\(1\) or \(2\) of the Local Government Act 2000](#);
- (b) housing support services in respect of which the Scottish Ministers have paid a grant to the local authority under [section 91\(1\) of the Housing \(Scotland\) Act 2001](#),

where the claimant or his partner qualified for that payment.

(2) For the purposes of sub-paragraph (1) “local authority” includes, in England, a county council.”.

(3) After [paragraph 67](#) <sup>M22</sup> of [Schedule 5](#) (capital to be disregarded) the following paragraph shall be added—

**“68.—(1)** Any payment made by a local authority to or on behalf of the claimant or his partner relating to—

- (a) welfare services within the meaning of [section 93\(1\) or \(2\) of the Local Government Act 2000](#);
- (b) housing support services in respect of which the Scottish Ministers have paid a grant to the local authority under [section 91\(1\) of the Housing \(Scotland\) Act 2001](#),

where the claimant or his partner qualified for that payment.

(2) For the purposes of sub-paragraph (1) “local authority” includes, in England, a county council.”.

#### **Marginal Citations**

- M20** [S.I.1987/1971](#).
- M21** [Paragraph 74](#) was inserted by [S.I.2001/2333](#).

**M22** Paragraph 67 was inserted by S.I.2001/3481.

## Amendment of the Council Tax Benefit (General) Regulations 1992

5.—(1) The Council Tax Benefit (General) Regulations 1992 <sup>M23</sup> shall be amended in accordance with the following provisions of this regulation.

(2) In Schedule 4 (sums to be disregarded in the calculation of income other than earnings)—

(a) after paragraph 4A <sup>M24</sup> the following paragraph shall be added—

“**4B.** Where the claimant, or the person who was the partner of the claimant on 31<sup>st</sup> March 2003, was entitled on that date to income support or an income-based jobseeker’s allowance but ceased to be so entitled on or before 5<sup>th</sup> April 2003 by virtue only of regulation 13 of the Housing Benefit (General) Amendment (No.3) Regulations 1999 <sup>M25</sup>, the whole of his income.”.

(b) after paragraph 73 <sup>M26</sup> the following paragraph shall be added—

“**74.**—(1) Any payment made by a local authority to or on behalf of the claimant or his partner relating to—

- (a) welfare services within the meaning of section 93(1) or (2) of the Local Government Act 2000;
- (b) housing support services in respect of which the Scottish Ministers have paid a grant to the local authority under section 91(1) of the Housing (Scotland) Act 2001,

where the claimant or his partner qualified for that payment.

(2) For the purposes of sub-paragraph (1) “local authority” includes, in England, a county council.”.

(3) After paragraph 67 <sup>M27</sup> of Schedule 5 (capital to be disregarded) the following paragraph shall be added—

“**68.**—(1) Any payment made by a local authority to or on behalf of the claimant or his partner relating to—

- (a) welfare services within the meaning of section 93(1) or (2) of the Local Government Act 2000;
- (b) housing support services in respect of which the Scottish Ministers have paid a grant to the local authority under section 91(1) of the Housing (Scotland) Act 2001,

where the claimant or his partner qualified for that payment.

(2) For the purposes of sub-paragraph (1) “local authority” includes, in England, a county council.”.

### Marginal Citations

**M23** S.I.1992/1814.

**M24** Paragraph 4A was inserted by S.I.2001/518.

**M25** S.I.1999/2734.

**M26** Paragraph 73 was inserted by S.I.2001/2333.

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**Status:** Point in time view as at 01/04/2003.

**Changes to legislation:** There are currently no known outstanding effects for the The Social Security (Miscellaneous Amendments) Regulations 2003. (See end of Document for details)

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**M27** Paragraph 67 was inserted by S.I.2001/3481.

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

5th March 2003

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

## 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").

Regulations 2(2) and (3)(b), 3(2) and (3)(b), 4(2) and (3) and 5(2)(b) and (3) amend the principal sets of regulations to provide that payments made in relation to the provision of welfare services within the meaning of sections 93(1) and (2) of the Local Government Act 2000 (c. 22) or section 91(1) of the Housing (Scotland) Act 2001 (asp 10) shall be disregarded in the calculation of both income and capital.

Regulations 2(3)(a) and 3(3)(a) provide, in relation to income support and jobseeker's allowance, for a capital disregard of the value of a dwelling, which the claimant has ceased to occupy following estrangement or divorce, where the dwelling is occupied as a home by the former partner who is a lone parent.

Regulations 3(4) and (5) make minor amendments to the Jobseeker's Allowance Regulations 1996 which are a consequence of the change of the name of invalid care allowance to carer's allowance.

Regulation 5(2)(a) amends the Council Tax Benefit (General) Regulations 1992 to provide that where a claimant or the person who was the partner of the claimant on 31<sup>st</sup> March 2003 was entitled to income support or income based jobseeker's allowance at that date but ceased to be so entitled by virtue only of regulation 13 of the Housing Benefit (General) Amendment (No.3) Regulations 1999 (S.I.1999/2734), the whole of their income is to be disregarded.

These Regulations do not impose a charge on business.

**Status:**

Point in time view as at 01/04/2003.

**Changes to legislation:**

There are currently no known outstanding effects for the The Social Security (Miscellaneous Amendments) Regulations 2003.