

2005 No. 2183

SOCIAL SECURITY

The Income-related Benefits (Amendment) Regulations 2005

Made - - - - *3rd August 2005*

Laid before Parliament *4th August 2005*

Coming into force - - *5th August 2005*

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(a), sections 12(1) and (4)(b), 35(1) and 36(2) and (4)(a) of the Jobseekers Act 1995(b) and sections 15(6)(b) and 17(1) of the State Pension Credit Act 2002(c) and of all other powers enabling him in that behalf, it having appeared to him that, by reason of the urgency of the matter, it is inexpedient either to consult 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(d) or to refer proposals to make these Regulations to the Social Security Advisory Committee(e), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Income-related Benefits (Amendment) Regulations 2005 and shall come into force on 5th August 2005.

Amendment of the Income Support (General) Regulations 1987

2.—(1) The Income Support (General) Regulations 1987(f) are amended as follows.

(2) In Schedule 10 (capital to be disregarded), after paragraph 22 insert—

“**22A.**—(1) An amount equal to any interim assistance grant paid by the London Bombings Relief Charitable Fund for the purpose of relieving immediate need faced by the claimant arising in consequence of—

- (a) an injury he suffered in the terrorist attacks carried out in London on 7th July 2005 as a result of which he stayed at least one night in hospital, or

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- (a) 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 given to the word “prescribed”. Sections 175(1) and (4) were amended by the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2), Schedule 3, paragraph 29. Section 175(1), (3) and (4) are applied to provisions of the State Pension Credit Act 2002 by section 19(1) of that Act.
- (b) 1995 c.18; section 35(1) is an interpretation provision and is cited because of the meaning given to the words “prescribed” and “regulations”.
- (c) 2002 c.16; section 17(1) is an interpretation provision and is cited because of the meaning given to the words “prescribed” and “regulations”.
- (d) See section 176(1) and (2)(a) of the Social Security Administration Act 1992 (c.5).
- (e) See sections 170 and 173(1)(a) of the Social Security Administration Act 1992.
- (f) S.I. 1987/1967.

(b) the death of a partner or close relative of his in, or as a result of, those attacks.

(2) A disregard which applies by virtue of sub-paragraph (1) shall have effect only in relation to—

- (a) an award of income support during which the grant is paid, and
- (b) where that award is followed by one or more further awards of income support which begins immediately after the end of the previous award, such further award, provided that the claimant in respect of that further award—
 - (i) is the person who received the grant, or
 - (ii) is the partner of that person, or was the partner of that person at the date of the latter's death.

(3) In sub-paragraph (1), “the London Bombings Relief Charitable Fund” means the company limited by guarantee (number 5505072) and registered charity of that name established on 11th July 2005 for the purpose of (amongst other things) relieving sickness, disability or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7th July 2005.”.

Amendment of the Housing Benefit (General) Regulations 1987

3.—(1) The Housing Benefit (General) Regulations 1987^(a) are amended as follows.

(2) In Schedule 5 (capital to be disregarded), after paragraph 23 insert—

“**23A.**—(1) An amount equal to any interim assistance grant paid by the London Bombings Relief Charitable Fund for the purpose of relieving immediate need faced by the claimant arising in consequence of—

- (a) an injury he suffered in the terrorist attacks carried out in London on 7th July 2005 as a result of which he stayed at least one night in hospital, or
- (b) the death of a partner or close relative of his in, or as a result of, those attacks.

(2) A disregard which applies by virtue of sub-paragraph (1) shall have effect only in relation to—

- (a) an award of housing benefit during which the grant is paid, and
- (b) where that award is followed by one or more further awards of housing benefit which begins immediately after the end of the previous award, such further award, provided that the claimant in respect of that further award—
 - (i) is the person who received the grant, or
 - (ii) is the partner of that person, or was the partner of that person at the date of the latter's death.

(3) In sub-paragraph (1), “the London Bombings Relief Charitable Fund” means the company limited by guarantee (number 5505072) and registered charity of that name established on 11th July 2005 for the purpose of (amongst other things) relieving sickness, disability or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7th July 2005.”.

(3) In Schedule 5ZA (capital to be disregarded)^(b), after paragraph 16 insert—

“**16A.**—(1) An amount equal to any interim assistance grant paid by the London Bombings Relief Charitable Fund for the purpose of relieving immediate need faced by the claimant arising in consequence of—

- (a) an injury he suffered in the terrorist attacks carried out in London on 7th July 2005 as a result of which he stayed at least one night in hospital, or

^(a) S.I. 1987/1971.

^(b) Schedule 5ZA was inserted by S.I. 2003/325, regulation 21 and Schedule 2, in relation to the persons referred to in regulation 2(1) of that S.I.

(b) the death of a partner or close relative of his in, or as a result of, those attacks.

(2) A disregard which applies by virtue of sub-paragraph (1) shall have effect only in relation to—

- (a) an award of housing benefit during which the grant is paid, and
- (b) where that award is followed by one or more further awards of housing benefit which begins immediately after the end of the previous award, such further award, provided that the claimant in respect of that further award—
 - (i) is the person who received the grant, or
 - (ii) is the partner of that person, or was the partner of that person at the date of the latter's death.

(3) In sub-paragraph (1), “the London Bombings Relief Charitable Fund” means the company limited by guarantee (number 5505072) and registered charity of that name established on 11th July 2005 for the purpose of (amongst other things) relieving sickness, disability or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7th July 2005.”

(4) The amendment made by paragraph (3) is to the Housing Benefit (General) Regulations 1987 as modified in their application to persons to whom regulation 2(1) of the Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003 applies^(a).

Amendment of the Council Tax Benefit (General) Regulations 1992

4.—(1) The Council Tax Benefit (General) Regulations 1992^(b) are amended as follows.

(2) In Schedule 5 (capital to be disregarded), after paragraph 23 insert—

“**23A.**—(1) An amount equal to any interim assistance grant paid by the London Bombings Relief Charitable Fund for the purpose of relieving immediate need faced by the claimant arising in consequence of—

- (a) an injury he suffered in the terrorist attacks carried out in London on 7th July 2005 as a result of which he stayed at least one night in hospital, or
- (b) the death of a partner or close relative of his in, or as a result of, those attacks.

(2) A disregard which applies by virtue of sub-paragraph (1) shall have effect only in relation to—

- (a) an award of council tax benefit during which the grant is paid, and
- (b) where that award is followed by one or more further awards of council tax benefit which begins immediately after the end of the previous award, such further award, provided that the claimant in respect of that further award—
 - (i) is the person who received the grant, or
 - (ii) is the partner of that person, or was the partner of that person at the date of the latter's death.

(3) In sub-paragraph (1), “the London Bombings Relief Charitable Fund” means the company limited by guarantee (number 5505072) and registered charity of that name established on 11th July 2005 for the purpose of (amongst other things) relieving sickness, disability or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7th July 2005.”

(3) In Schedule 5ZA (capital to be disregarded)^(c), after paragraph 16 insert—

(a) S.I. 2003/325.

(b) S.I. 1992/1814.

(c) Schedule 5ZA was inserted by S.I. 2003/325, regulation 21 and Schedule 2, in relation to the persons referred to in regulation 12(1) of that S.I.

“16A.—(1) An amount equal to any interim assistance grant paid by the London Bombings Relief Charitable Fund for the purpose of relieving immediate need faced by the claimant arising in consequence of—

- (a) an injury he suffered in the terrorist attacks carried out in London on 7th July 2005 as a result of which he stayed at least one night in hospital, or
- (b) the death of a partner or close relative of his in, or as a result of, those attacks.

(2) A disregard which applies by virtue of sub-paragraph (1) shall have effect only in relation to—

- (a) an award of council tax benefit during which the grant is paid, and
- (b) where that award is followed by one or more further awards of council tax benefit which begins immediately after the end of the previous award, such further award, provided that the claimant in respect of that further award—
 - (i) is the person who received the grant, or
 - (ii) is the partner of that person, or was the partner of that person at the date of the latter’s death.

(3) In sub-paragraph (1), “the London Bombings Relief Charitable Fund” means the company limited by guarantee (number 5505072) and registered charity of that name established on 11th July 2005 for the purpose of (amongst other things) relieving sickness, disability or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7th July 2005.”.

(4) The amendment made by paragraph (3) is to the Council Tax Benefit (General) Regulations 1992 as modified in their application to persons to whom regulation 12(1) of the Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003 applies.

Amendment of the Jobseeker’s Allowance Regulations 1996

5.—(1) The Jobseeker’s Allowance Regulations 1996(a) are amended as follows.

(2) In Schedule 8 (capital to be disregarded), after paragraph 27 insert—

“27A.—(1) An amount equal to any interim assistance grant paid by the London Bombings Relief Charitable Fund for the purpose of relieving immediate need faced by the claimant arising in consequence of—

- (a) an injury he suffered in the terrorist attacks carried out in London on 7th July 2005 as a result of which he stayed at least one night in hospital, or
- (b) the death of a partner or close relative of his in, or as a result of, those attacks.

(2) A disregard which applies by virtue of sub-paragraph (1) shall have effect only in relation to—

- (a) an award of a jobseeker’s allowance during which the grant is paid, and
- (b) where that award is followed by one or more further awards of a jobseeker’s allowance which begins immediately after the end of the previous award, such further award, provided that the claimant in respect of that further award—
 - (i) is the person who received the grant,
 - (ii) is the partner of that person, or was the partner of that person at the date of the latter’s death, or
 - (iii) in the case of a joint-claim jobseeker’s allowance, is a joint-claim couple either member of which received the grant.

(3) In sub-paragraph (1), “the London Bombings Relief Charitable Fund” means the company limited by guarantee (number 5505072) and registered charity of that name established on 11th July 2005 for the purpose of (amongst other things) relieving sickness,

(a) S.I. 1996/207.

disability or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7th July 2005.”.

Amendment of the State Pension Credit Regulations 2002

6.—(1) The State Pension Credit Regulations 2002(a) are amended as follows.

(2) In Part I of Schedule V (capital disregarded for the purpose of calculating income), after paragraph 15 insert—

“15A.—(1) An amount equal to any interim assistance grant paid by the London Bombings Relief Charitable Fund for the purpose of relieving immediate need faced by the claimant arising in consequence of the death of a partner or close relative of his in, or as a result of, the terrorist attacks carried out in London on 7th July 2005.

(2) A disregard which applies by virtue of sub-paragraph (1) shall have effect only in relation to—

- (a) an award of state pension credit during which the grant is paid, and
- (b) where that award is followed by one or more further awards of state pension credit which begins immediately after the end of the previous award, such further award, provided that the claimant in respect of that further award—
 - (i) is the person who received the grant, or
 - (ii) is the partner of that person, or was the partner of that person at the date of the latter’s death.

(3) In sub-paragraph (1), “the London Bombings Relief Charitable Fund” means the company limited by guarantee (number 5505072) and registered charity of that name established on 11th July 2005 for the purpose of (amongst other things) relieving sickness, disability or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7th July 2005.”.

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

Stephen C. Timms
Minister of State,
Department for Work and Pensions

3rd August 2005

(a) S.I. 2002/1792.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Income Support (General) Regulations 1987, the Housing Benefit (General) Regulations 1987, the Council Tax Benefit (General) Regulations 1992 and the Jobseeker's Allowance Regulations 1996 so as to make provision in each set of Regulations for an interim assistance grant paid by the London Bombings Relief Charitable Fund to a person who was injured, or was a partner or close relative of someone killed, in or as a result of the terrorist attacks carried out in London on 7th July 2005, to be disregarded when calculating that person's capital for the purpose of an award of benefit where the grant is paid during the award. The disregard will last for the remainder of that award (or further awards if there is no break in-between).

They also amend the State Pension Credit Regulations 2002 so as to provide for an interim assistance grant paid by that Fund to a person who was a partner or close relative of someone killed in, or as a result of, those attacks to be disregarded when calculating that person's income from capital for the purpose of an award of state pension credit where the grant is paid during the award. Again, the disregard will last for the remainder of that award (or further awards if there is no break in-between).

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the cost of business.

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