

## 2007 No. 1619

### SOCIAL SECURITY

#### The Housing Benefit and Council Tax Benefit (War Pension Disregards) Regulations 2007

<i>Made</i> - - - -	<i>5th June 2007</i>
<i>Laid before Parliament</i>	<i>12th June 2007</i>
<i>Coming into force</i> -	<i>3rd July 2007</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred upon him by sections 134(8)(a) and 139(6)(a) of the Social Security Administration Act 1992(a).

In accordance with section 176(1) of the Social Security Administration Act 1992, the Secretary of State has consulted with organisations appearing to him to be representative of the authorities concerned.

This instrument contains only regulations made by virtue of, or consequential upon, paragraphs 3 and 4 of Schedule 5 to the Welfare Reform Act 2007 and is made before the end of the period of 6 months beginning with the coming into force date of those paragraphs(b).

#### Citation and commencement

1. These Regulations may be cited as The Housing Benefit and Council Tax Benefit (War Pension Disregards) Regulations 2007 and shall come into force on 3rd July 2007.

#### War disablement pensions

2. The war disablement pensions that are prescribed for the purpose of sections 134(8)(a) and 139(6)(a) of the Social Security Administration Act 1992, are specified in Part 1 of the Schedule.

#### War widow's pensions

3. The war widow's pensions that are prescribed for the purpose of sections 134(8)(a) and 139(6)(a) of the Social Security Administration Act, are specified in Part 2 of the Schedule.

[Regulation 4 amends regulations 2 and 40 of S.I. 2006/213.]

[Regulation 5 amends regulations 2 and 30 of S.I. 2006/215.]

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(a) 1992 c. 5; sections 134(8)(a) and 139(6)(a) were amended by the Welfare Reform Act 2007 (c. 5), Schedule 5, paragraphs 3 and 4.

(b) See section 173(5) of the Social Security Administration Act 1992. The requirement to refer Regulations to the Social Security Advisory Committee does not apply where Regulations are contained in a statutory instrument made before the end of the period of six months beginning with the coming into force of the enactment under which the regulations were made or consequential upon a specified enactment and made before the end of the period of 6 months beginning with the coming into force of that enactment.

**SI 2007/1619**

**Regs. 6-7**

**HOUSING BENEFIT AND COUNCIL TAX BENEFIT (WAR PENSION  
DISREGARDS) REGULATIONS 2007**

[Regulation 6 amends regulations 2 and 33 of S.I. 2006/214.]

[Regulation 7 amends regulations 2 and 23 of S.I. 2006/216.]

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

5th June 2007

*James Plaskitt*  
Parliamentary Under-Secretary of State,  
Department for Work and Pensions

►<sup>1</sup>THE SCHEDULE

Regulations 2 and 3

<sup>1</sup>The Schedule substituted by reg. 2(2) of S.I. 2009/3389 as from 26.1.10.

War disablement and war widow's pensions

PART 1

War disablement pensions

1. The war disablement pensions prescribed are—

- (a) any retired pay or pension or allowance payable in respect of disablement under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003(a);
- (b) any retired pay or pension payable, to a member of the armed forces of the Crown in respect of a disablement which is attributable to service, under—
  - (i) an Order in Council made under section 3 of the Naval and Marine Pay and Pensions Act 1865(b),
  - (ii) the Army Pensions Warrant 1977(c),
  - <sup>2</sup>(iia) the Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Warrant 2010(d);◄
  - (iii) any order or regulations made under section 2 of the Air Force (Constitution) Act 1917(e),
  - (iv) any order or regulations made under section 4 of the Reserve Forces Act 1996(f),
  - (v) any instrument amending or replacing any of the instruments referred to in paragraphs (i) to (iv), or
  - (vi) any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown; and
- (c) a payment made under article 14(1)(b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005(g).

<sup>2</sup>Para. 1(iia) of the Sch. inserted by reg. 8(2) of S.I. 2010/2449 as from 1.11.10.

PART 2

War widow's pensions

2. The war widow's pensions prescribed are—

- (a) any pension or allowance payable to a widow, widower or surviving civil partner under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;
- (b) a pension payable, to a widow, widower or surviving civil partner of a member of the armed forces of the Crown in respect of death which is attributable to service, under—

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(a) 2003 c. 1. Subsection (2) was inserted by section 19(4) of the Finance Act 2005 (c. 7).

(b) 1865 c. 73 (28 & 29 Vict). Section 3 was amended by the Armed Forces Act 2006 (c. 52). Schedule 16, paragraph 2 and by the Armed Forces (Pension and Compensation) Act 2004 (c. 32), section 4.

(c) This is available from The Stationery Office.

(d) Royal Warrant made on 16th February 2010.

(e) 1917 c. 51 (7 & 8 Geo 5). Section 2 was amended by the Armed Forces Act 2006, Schedule 16, paragraph 13.

(f) 1996 c. 14. Section 4 was amended by the Armed Forces Act 2006, Schedule 14, paragraph 26.

(g) S.I. 2005/439.

<sup>1</sup>Para. 2(iia) of the Sch. inserted by reg. 8(3) of S.I. 2010/2449 as from 1.11.10.

- (i) an Order in Council made under section 3 of the Naval and Marine Pay and Pensions Act 1865,
- (ii) the Army Pensions Warrant 1977,
- <sup>1</sup>(iia) the Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Warrant 2010; ◀
- (iii) any order or regulations made under section 2 of the Air Force (Constitution) Act 1917,
- (iv) any order or regulations made under section 4 of the Reserve Forces Act 1996,
- (v) any instrument amending or replacing any of the instruments referred to in paragraphs (i) to (iv), or
- (vi) any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown; and
- (c) a payment made under article 21(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005. ◀

#### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Regulation 2 and Part 1 of the Schedule prescribe the war disablement pensions for the purpose of section 134(8)(a) and section 139(6)(a) of the Social Security Administration Act 1992 (c. 5). Those sections give local authorities a power to modify the housing benefit and council tax benefit schemes to disregard some or all of any prescribed war disablement pension or war widow's pension. Regulation 3 and Part 2 of the Schedule prescribes the war widow's pensions for the purpose of section 134(8)(a) or section 139(6)(a).

Regulations 5 to 7 make consequential amendments to the Housing Benefit Regulations 2006, the Council Tax Benefit Regulations 2006, the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 and the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006.

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