

**2007 No. 2538**

**SOCIAL SECURITY**

**The Independent Living Fund (2006) Order 2007**

*Made* - - - - *27th August 2007*

*Laid before Parliament* *5th September 2007*

*Coming into force* - - *1st October 2007*

The Secretary of State for Work and Pensions in exercise of the power conferred by section 61(3) of the Welfare Reform Act 2007(a), makes the following Order:

**Citation and commencement**

1. This Order may be cited as the Independent Living Fund (2006) Order 2007 and shall come into force on 1st October 2007.

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

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

(2) In Regulation 2(1) (interpretation)(c)—

(a) before the definition of “the Independent Living Funds” insert the following definition—

““the Independent Living Fund (2006)” means the Trust of that name established by a deed dated 10th April 2006 and made between the Secretary of State for Work and Pensions of the one part and Margaret Rosemary Cooper, Michael Beresford Boyall and Marie Theresa Martin of the other part;”;

(b) in the definition of “the Independent Living Funds” for “the Independent Living (Extension) Fund and the Independent Living (1993) Fund” substitute “the Independent Living (Extension) Fund, the Independent Living (1993) Fund and the Independent Living Fund (2006)”.

(3) In Schedule 10 (capital to be disregarded), in paragraph 29(d) for “the Fund or the Independent Living (1993) Fund” substitute “the Fund, the Independent Living (1993) Fund or the Independent Living Fund (2006)”.

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(a) 2007 c.5.

(b) S.I. 1987/1967.

(c) Regulation 2(1) was amended by S.I. 1988/999 and S.I. 1993/963. There are other amending instruments but none are relevant to this Order.

(d) Paragraph 29 was inserted by S.I. 1988/1445 and amended by S.I. 1990/127, S.I. 1991/1175, S.I. 1992/1101 and S.I. 1993/963.

### **Amendment of the Child Support (Maintenance Assessments and Special Cases) Regulations 1992**

3.—(1) The Child Support (Maintenance Assessments and Special Cases) Regulations 1992(a) are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation)(b), before the definition of “Independent Living (1993) Fund” insert the following definition—

““Independent Living Fund (2006)” means the Trust of that name established by a deed dated 10th April 2006 and made between the Secretary of State for Work and Pensions of the one part and Margaret Rosemary Cooper, Michael Beresford Boyall and Marie Theresa Martin of the other part;”.

(3) In Schedule 4 (cases where child support maintenance is not to be payable), in paragraph (c)(c) for “the Independent Living (1993) Fund or the Independent Living (Extension) Fund” substitute “the Independent Living (1993) Fund, the Independent Living (Extension) Fund or the Independent Living Fund (2006)”.

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

4.—(1) Regulation 1(3) (citation, commencement and interpretation) of the Jobseeker’s Allowance Regulations 1996(d) is amended as follows.

(2) Before the definition of “the Independent Living (1993) Fund” insert the following definition—

““the Independent Living Fund (2006)” means the Trust of that name established by a deed dated 10th April 2006 and made between the Secretary of State for Work and Pensions of the one part and Margaret Rosemary Cooper, Michael Beresford Boyall and Marie Theresa Martin of the other part;”.

(3) In the definition of “the Independent Living Funds” for “the Independent Living (Extension) Fund and the Independent Living (1993) Fund” substitute “the Independent Living (Extension) Fund, the Independent Living (1993) Fund and the Independent Living Fund (2006)”.

### **Amendment of the Housing Renewal Grants Regulations 1996**

5.—(1) The Housing Renewal Grants Regulations 1996(e) are amended as follows.

(2) In Regulation 2(1) (interpretation)—

(a) before the definition of “the Independent Living (1993) Fund” insert the following definition—

““the Independent Living Fund (2006)” means the Trust of that name established by a deed dated 10th April 2006 and made between the Secretary of State for Work and Pensions of the one part and Margaret Rosemary Cooper, Michael Beresford Boyall and Marie Theresa Martin of the other part;”;

(b) in the definition of “the Independent Living Funds” for “the Independent Living (Extension) Fund and the Independent Living (1993) Fund” substitute “the Independent Living (Extension) Fund, the Independent Living (1993) Fund and the Independent Living Fund (2006)”.

(3) In Schedule 4 (capital to be disregarded), in paragraph 32 for “the Fund, or the Independent Living (1993) Fund” substitute “the Fund, the Independent Living (1993) Fund or the Independent Living Fund (2006)”.

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(a) S.I. 1992/1815, revoked by S.I. 2001/155 (as amended by S.I. 2003/347) with savings in S.I. 2001/155 and S.I. 2000/3186 (as amended by S.I. 2004/2415).

(b) Regulation 1(2) was amended by S.I. 1993/913; there are other amending instruments but none are relevant to this Order.

(c) Paragraph (c) was amended by S.I. 1993/913.

(d) S.I. 1996/207, to which there are amendments not relevant to this Order.

(e) S.I. 1996/2890, to which there are amendments not relevant to this Order.

### **Amendment of the State Pension Credit Regulations 2002**

6.—(1) Regulation 1(2) (citation, commencement and interpretation) of the State Pension Credit Regulations 2002(a) is amended as follows.

(2) Before the definition of “the Independent Living Funds” insert the following definition—

““the Independent Living Fund (2006)” means the Trust of that name established by a deed dated 10th April 2006 and made between the Secretary of State for Work and Pensions of the one part and Margaret Rosemary Cooper, Michael Beresford Boyall and Marie Theresa Martin of the other part;”.

(3) In the definition of “the Independent Living Funds” for “the Independent Living (Extension) Fund and the Independent Living (1993) Fund” substitute “the Independent Living (Extension) Fund, the Independent Living (1993) Fund and the Independent Living Fund (2006)”.

### **Amendment of the Tax Credits (Definition and Calculation of Income) Regulations 2002**

7.—(1) Regulation 2(2) (interpretation) of the Tax Credits (Definition and Calculation of Income) Regulations 2002(b) is amended as follows.

(2) Before the definition of “the Independent Living Funds” insert the following definition—

““the Independent Living Fund (2006)” means the Trust of that name established by a deed dated 10th April 2006 and made between the Secretary of State for Work and Pensions of the one part and Margaret Rosemary Cooper, Michael Beresford Boyall and Marie Theresa Martin of the other part;”.

(3) In the definition of “the Independent Living Funds” for “the Independent Living (Extension) Fund and the Independent Living (1993) Fund” substitute “the Independent Living (Extension) Fund, the Independent Living (1993) Fund and the Independent Living Fund (2006)”.

### **Amendment of the Housing Benefit Regulations 2006**

8.—(1) The Housing Benefit Regulations 2006(c) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) before the definition of “the Independent Living Funds” insert the following definition—

““the Independent Living Fund (2006)” means the Trust of that name established by a deed dated 10th April 2006 and made between the Secretary of State for Work and Pensions of the one part and Margaret Rosemary Cooper, Michael Beresford Boyall and Marie Theresa Martin of the other part;”;

(b) in the definition of “the Independent Living Funds” for “the Independent Living (Extension) Fund and the Independent Living (1993) Fund” substitute “the Independent Living (Extension) Fund, the Independent Living (1993) Fund and the Independent Living Fund (2006)”.

(3) In Schedule 6 (capital to be disregarded), in paragraph 34 for “the Fund, or the Independent Living (1993) Fund” substitute “the Fund, the Independent Living (1993) Fund or the Independent Living Fund (2006)”.

### **Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006**

9.—(1) Regulation 2(1) (interpretation) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(d) is amended as follows.

(2) Before the definition of “the Independent Living Funds” insert the following definition—

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(a) S.I. 2002/1792, to which there are amendments not relevant to this Order.

(b) S.I. 2002/2006, to which there are amendments not relevant to this Order.

(c) S.I. 2006/213, to which there are amendments not relevant to this Order.

(d) S.I. 2006/214, to which there are amendments not relevant to this Order.

““the Independent Living Fund (2006)” means the Trust of that name established by a deed dated 10th April 2006 and made between the Secretary of State for Work and Pensions of the one part and Margaret Rosemary Cooper, Michael Beresford Boyall and Marie Theresa Martin of the other part;”.

(3) In the definition of “the Independent Living Funds” for “the Independent Living (Extension) Fund and the Independent Living (1993) Fund” substitute “the Independent Living (Extension) Fund, the Independent Living (1993) Fund and the Independent Living Fund (2006)”.

#### **Amendment of the Council Tax Benefit Regulations 2006**

**10.**—(1) The Council Tax Benefit Regulations 2006(a) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) before the definition of “the Independent Living Funds” insert the following definition—

““the Independent Living Fund (2006)” means the Trust of that name established by a deed dated 10th April 2006 and made between the Secretary of State for Work and Pensions of the one part and Margaret Rosemary Cooper, Michael Beresford Boyall and Marie Theresa Martin of the other part;”;

(b) in the definition of “the Independent Living Funds” for “the Independent Living (Extension) Fund and the Independent Living (1993) Fund” substitute “the Independent Living (Extension) Fund, the Independent Living (1993) Fund and the Independent Living Fund (2006)”.

(3) In Schedule 5 (capital to be disregarded), in paragraph 34 for “the Fund or the Independent Living (1993) Fund” substitute “the Fund, the Independent Living (1993) Fund or the Independent Living Fund (2006)”.

#### **Amendment of the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006**

**11.**—(1) Regulation 2(1) (interpretation) of the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(b) is amended as follows.

(2) Before the definition of “the Independent Living Funds” insert the following definition—

““the Independent Living Fund (2006)” means the Trust of that name established by a deed dated 10th April 2006 and made between the Secretary of State for Work and Pensions of the one part and Margaret Rosemary Cooper, Michael Beresford Boyall and Marie Theresa Martin of the other part;”.

(3) In the definition of “the Independent Living Funds” for “the Independent Living (Extension) Fund and the Independent Living (1993) Fund” substitute “the Independent Living (Extension) Fund, the Independent Living (1993) Fund and the Independent Living Fund (2006)”.

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

*Anne McGuire,*  
Parliamentary Under-Secretary of State,  
Department for Work and Pensions

27th August 2007

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(a) S.I. 2006/215, to which there are amendments not relevant to this Order.  
(b) S.I. 2006/216, to which there are amendments not relevant to this Order.

## **EXPLANATORY NOTE**

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

This Order makes amendments to various provisions of subordinate legislation. The amendments are consequential upon the coming into force of section 61 of the Welfare Reform Act 2007. Section 61 amends the Disability (Grants) Act 1993 to enable the Secretary of State for Work and Pensions to make grants to the Independent Living Fund (2006). From 1st October 2007, the Independent Living Fund (2006) will operate in place of the Independent Living (Extension) Fund and the Independent Living (1993) Fund.

This Order provides that, in matters of social security, child support, tax credits and housing, payments from the Independent Living Fund (2006) will be treated in the same way as payments from the Independent Living (Extension) Fund and the Independent Living (1993) Fund. The amendments to subordinate legislation insert a new definition of “Independent Living Fund (2006)” and include this fund in the definition of “the Independent Living Funds” or where necessary add this fund to those already contained in the substantive provisions.

A full regulatory impact assessment has not been produced for this Order as it has no impact on the costs of business, charities or the voluntary sector.

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