

2009 No. 2343

SOCIAL SECURITY

**The Social Security (Miscellaneous Amendments) (No. 3)
Regulations 2009**

<i>Made</i>	- - - -	<i>26th August 2009</i>
<i>Laid before Parliament</i>		<i>2nd September 2009</i>
<i>Coming into force</i>	- -	<i>1st October 2009</i>

The Secretary of State for Work and Pensions, in exercise of the powers conferred by sections 30E(1), 171D(2), 171G(2) and 175(1) of, and paragraph 2(3) of Schedule 7 to, the Social Security Contributions and Benefits Act 1992(a) and sections 3(2)(d) and 17(3)(b) of, and paragraph 10 of Schedule 2 to, the Welfare Reform Act 2007(b) makes the following Regulations:

The Social Security Advisory Committee and the Industrial Injuries Advisory Council have agreed that the proposals in these Regulations should not be referred to them (c).

Citation and commencement

1. These Regulations may be cited as the Social Security (Miscellaneous Amendments) (No.3) Regulations 2009 and shall come into force on 1st October 2009.

Amendment of the Social Security (General Benefit) Regulations 1982

2. In regulation 16 of the Social Security (General Benefit) Regulations 1982(d) (earnings level for the purpose of unemployability supplement) for “£4,784” substitute “£4,836”.

Amendment of the Social Security (Incapacity Benefit) Regulations 1994

3. In regulation 8 of the Social Security (Incapacity Benefit) Regulations 1994(e) (limit of earnings from councillor’s allowance) for “£92.00” substitute “£93.00”.

(a) 1992 c.4. Section 30E was inserted by section 3(1) of the Social Security (Incapacity for Work) Act 1994 (c.18) and sections 171D and 171G were inserted by section 6(1) of the same Act. Section 171G(2) is cited because of the meaning given to the word “prescribed”. Section 175(1) was amended by paragraph 29 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2).

(b) 2007 c.5.

(c) See sections 170, 171, 172(1) and (2) and 173(1)(b) of the Social Security Administration Act 1992.

(d) S.I. 1982/1408. The amount in regulation 16 was most recently amended by S.I. 2008/2365.

(e) S.I. 1994/2946. The amount in regulation 8 was most recently amended by S.I. 2008/2365.

Amendment of the Social Security (Incapacity for Work) (General) Regulations 1995

4. In paragraphs (3) and (4) of regulation 17 of the Social Security (Incapacity for Work) (General) Regulations 1995(a) (exempt work) for “£92.00” substitute “£93.00”.

Amendment of the Employment and Support Allowance Regulations 2008

- 5.—(1) The Employment and Support Allowance Regulations 2008(b) are amended as follows.
- (2) In paragraphs (3) and (4) of regulation 45 (exempt work) for “£92.00” substitute “£93.00”.
 - (3) In regulation 76 (1) (deductions for councillor’s allowance) for “£92.00” substitute “£93.00”.
 - (4) In paragraphs 5, 6 and 7 of schedule 7 (sums to be disregarded in the calculation of earnings) for “92.00” substitute “£93.00” each time it appears.

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

26th August 2009

William D. McKenzie
Parliamentary Under-Secretary of State
Department for Work and Pensions

(a) S.I. 1995/311. Regulation 17 was substituted by S.I. 2006/757 and the amount was most recently amended by S.I. 2008/2365.

(b) S.I. 2008/794. The amounts specified in regulation 45 and 76 and paragraphs 5, 6 and 7 of schedule 7 were most recently amended by S.I. 2008/2428.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend—

- (i) the Social Security (General Benefit) Regulations 1982,
- (ii) the Social Security (Incapacity Benefit) Regulations 1994,
- (iii) the Social Security (Incapacity for Work) (General) Regulations 1995; and
- (iv) the Employment and Support Allowance Regulations 2008.

Regulation 2 amends regulation 16 of the Social Security (General Benefit) Regulations 1982 to increase the prescribed amount of earnings in a year, for the purposes of Part 1 of Schedule 7 to the Social Security Contributions and Benefits Act 1992 (“the 1992 Act”) (earnings level for unemployment supplement), from £4,784 to £4,836.

Regulation 3 amends regulation 8 of the Social Security (Incapacity Benefit) Regulations 1994 to increase the prescribed amount for the purposes of section 30E(1) of the 1992 Act (net amount of councillor’s allowance in excess of prescribed amount to be deducted from incapacity benefit) from £92.00 to £93.00.

Regulation 4 amends regulation 17 of the Social Security (Incapacity for Work) (General) Regulations 1995 to increase the exempt work limits in paragraphs (3) and (4) from £92.00 to £93.00.

Regulation 5 amends regulation 45 of the Employment and Support Allowance Regulations 2008 to increase the exempt work limits in paragraphs (3) and (4) from £92.00 to £93.00. It amends regulation 76 to increase the amount of councillor’s allowance which can be received by a claimant before a deduction in the amount of Employment and Support Allowance is made. It also makes corresponding amendments to Schedule 7. The amendment to paragraph 5 concerns the amount of a claimant’s earnings that can be disregarded when determining entitlement to income-related Employment and Support Allowance. The amendments to paragraphs 6 and 7 concern the amount of earnings of the partner that can be disregarded if the claimant is not using the full disregard.

A full impact assessment has not been published for this instrument as it has no impact on the costs of business, charities or voluntary sectors.

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STATUTORY INSTRUMENTS

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