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STATUTORY INSTRUMENTS

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**2009 No. 2655**

**The Social Security (Miscellaneous  
Amendments) (No. 4) Regulations 2009**

**Amendments to the Council Tax Benefit Regulations 2006**

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

(2) In regulation 2(1) (interpretation) at the appropriate places insert the following—

““enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament;”;

““public authority” includes any person certain of whose functions are functions of a public nature;”;

““service user group” means a group of individuals that is consulted by or on behalf of—

- (a) a Health Board, Special Health Board or the Agency in consequence of a function under section 2B of the National Health Service (Scotland) Act 1978,
- (b) a landlord authority in consequence of a function under section 105 of the Housing Act 1985,
- (c) a public authority in consequence of a function under section 49A of the Disability Discrimination Act 1995,
- (d) a best value authority in consequence of a function under section 3 of the Local Government Act 1999,
- (e) a local authority landlord or registered social landlord in consequence of a function under section 53 of the Housing (Scotland) Act 2001,
- (f) a relevant English body or a relevant Welsh body in consequence of a function under section 242 of the National Health Service Act 2006,
- (g) a Local Health Board in consequence of a function under section 183 of the National Health Service (Wales) Act 2006,
- (h) the Commission or the Office of the Health Professions Adjudicator in consequence of a function under sections 4, 5, or 108 of the Health and Social Care Act 2008,
- (i) the regulator or a registered provider in consequence of a function under sections 98, 193 or 196 of the Housing and Regeneration Act 2008, or
- (j) a public or local authority in Great Britain in consequence of a function conferred under any other enactment,

for the purposes of monitoring and advising on a policy of that body or authority which affects or may affect persons in the group, or of monitoring or advising on services provided by that body or authority which are used (or may potentially be used) by those persons;”.

(3) After regulation 25(2)(c) (earnings of employed earners) insert—

- “(d) any payment in respect of expenses arising out of the claimant’s participation in a service user group.”.
- (4) In regulation 32 (notional income)—
- (a) after paragraph (2)(g)(2) insert—
- “(h) any sum to which paragraph (13) applies;”;
- (b) after paragraph (12) insert—
- “(13) Paragraphs (1), (2), (6) and (9) shall not apply in respect of any amount of income other than earnings, or earnings of an employed earner, arising out of the claimant’s participation in a service user group.”.
- (5) In Schedule 3(3) (sums to be disregarded in the calculation of earnings)—
- (a) for paragraph 1(b)(i) substitute—
- “(i) any payment of the nature described in—
- (aa) regulation 25(1)(e), or
- (bb) section 28, 64 or 68 of the Employment Rights Act 1996 (guarantee payments, suspension from work on medical or maternity grounds); and”;
- (b) in paragraphs 1(c) and 2(b)(ii) for “regulation 25(1)(e), (i)” substitute “paragraph 1(b)(i) or (ii)(bb) or regulation 25(1)(i)”;
- (c) in paragraph 2(b)(i) for “regulation 25(1)(e)” substitute “paragraph 1(b)(i) or (ii)(bb)”.
- (6) In Schedule 4 (sums to be disregarded in the calculation of income other than earnings)—
- (a) after paragraph 2 insert—
- “**2A.** Any payment in respect of expenses arising out of the claimant’s participation in a service user group.”;
- (b) in paragraph 16—
- (i) in sub-paragraph (b)(4) for “any corresponding pension payable to a widower or surviving civil partner” substitute “war widower’s pension”;
- (ii) in sub-paragraph (d)(5)—
- (aa) for “payment under the Armed Forces Pension Scheme 1975 or the Armed Forces Pension Scheme 2005” substitute “pension or payment falling within article 31(1)(a) or (b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005”;
- (bb) for “the pension payable under either of those schemes” substitute “that pension or payment”;
- (cc) for the last “the” substitute “any”;
- (c) before paragraph 26(1)(c)(6) insert—
- “(ba) which is a payment made by a local authority in pursuance of section 15(1) of, and paragraph 15 of Schedule 1 to, the Children Act 1989 (local authority contribution to a child’s maintenance where the child is living with a person as a result of a residence order) or in Scotland section 50 of the Children Act 1975 (payments towards maintenance of children);”;

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(2) Relevant amending instruments are [S.I. 2005/2465](#), [2006/588](#), [2007/719](#) and [1749](#).

(3) Relevant amending instrument is [S.I. 2007/2618](#).

(4) Relevant amending instrument is [S.I. 2008/1042](#).

(5) Relevant amending instrument is [S.I. 2008/3157](#).

(6) Relevant amending instrument is [S.I. 2008/3157](#).

(d) for paragraph 48A(7), substitute—

“**48A.**—(1) Any payment of child maintenance made or derived from a liable relative where the child or young person in respect of whom the payment is made is a member of the claimant’s family, except where the person making the payment is the claimant or the claimant’s partner.

(2) In paragraph (1)—

“child maintenance” means any payment towards the maintenance of a child or young person, including any payment made voluntarily and payments made under—

- (a) the Child Support Act 1991;
- (b) the Child Support (Northern Ireland) Order 1991;
- (c) a court order;
- (d) a consent order;
- (e) a maintenance agreement registered for execution in the Books of Council and Session or the sheriff court books;

“liable relative” means a person listed in regulation 54 (interpretation) of the Income Support (General) Regulations 1987, other than a person falling within subparagraph (d) of that definition.”.