
STATUTORY INSTRUMENTS

2009 No. 583

**The Social Security (Miscellaneous
Amendments) Regulations 2009**

Amendments to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

7.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credits) Regulations 2006 are amended as follows.

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

(a) in the appropriate place insert the following definition—

““basic rate”, where it relates to the rate of tax, has the same meaning as in the Income Tax Act 2007 (see section 989 of that Act);”;

(b) omit the definition of “starting rate”(1).

(3) In—

(a) regulation 2(1) (interpretation), in paragraphs (a) and (c) of the definition of “training allowance”(2),

(b) regulation 7(18) (circumstances in which a person is or is not to be treated as occupying a dwelling as his home), in the definition of “training course”, and

(c) Schedule 3 (applicable amounts), in paragraph 5(1)(b),

before “Scottish Enterprise” insert “Skills Development Scotland,”.

(4) In regulation 29(1) (meaning of “income”)—

(a) for sub-paragraph (q) substitute—

“(q) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark;”;

(b) for sub-paragraph (r) substitute—

“(r) any payment in respect of any—

(i) book registered under the Public Lending Right Scheme 1982; or

(ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982;”.

(5) In regulation 33 (calculation of weekly income)—

(a) for paragraph (5)(a) substitute—

“(a) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark;”;

(b) for paragraph (5)(b) substitute—

“(b) any payment in respect of any —

(1) Definition of “starting rate” was inserted by [S.I. 2007/2618](#).

(2) The relevant amending instrument is [S.I. 2008/3157](#).

- (i) book registered under the Public Lending Right Scheme 1982; or
- (ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982; or”;
- (c) for paragraph (8)(b) substitute—
 - “**(b)** any amount to which paragraph (5) applies where the claimant is the first owner of the copyright, design, patent or trademark, or an original contributor to the book or work referred to in paragraph (5)(b).”;
- (d) after paragraph (8) insert—
 - “(8A) For the purpose of paragraph (8)(b), and for that purpose only, the amounts specified in paragraph (5) shall be treated as though they were earnings.”.
- (6) In regulation 36(5)(a)(**3**) (calculation of net earnings of employed earners) and regulation 40(1)(**4**) (deduction of tax and contributions of self-employed earners)—
 - (a) omit “the starting rate or, as the case may be, the starting rate and”;
 - (b) for “starting” substitute “basic”.
- (7) In Schedule 4 (sums disregarded from claimant’s earnings)—
 - (a) at the end of paragraph 5(1)(c) insert “or” and the following sub-paragraph—
 - “(d) has, or is treated as having, limited capability for work within the meaning of section 1(4) of the Welfare Reform Act or limited capability for work-related activity within the meaning of section 2(5) of that Act and either—
 - (i) the assessment phase as defined in section 24(2) of the Welfare Reform Act has ended; or
 - (ii) regulation 7 of the Employment and Support Allowance Regulations (circumstances where the condition that the assessment phase has ended before entitlement to the support component or the work-related activity component arises does not apply) applies.”;
 - (b) in paragraph 8 after “copyright,” insert “design,”.
- (8) In Schedule 6 (capital to be disregarded), after paragraph 26B(**5**) insert—
 - “**26C.** Any payment made under Part 8A of the Act (entitlement to health in pregnancy grant).”.

(3) The relevant amending instrument is [S.I. 2007/2618](#).
(4) The relevant amending instrument is [S.I. 2007/2618](#).
(5) Inserted by [S.I. 2008/3157](#).