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## EXPLANATORY NOTE

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

These Regulations amend a number of different regulations relating to social security.

Regulation 2 amends the Income Support (General) Regulations 1987 (“the Income Support Regulations”) to make it clear that a particular reference to an Act is a reference to the Social Security Contributions and Benefits Act 1992.

Regulations 2 and 4 amend the Income Support Regulations and the Jobseeker’s Allowance Regulations 1996 (“the Jobseeker’s Allowance Regulations”) to provide that Child Dependency Increases paid to income support and jobseeker’s allowance claimants are disregarded for the purposes of income support or jobseeker’s allowance.

Regulations 2, 4, 6 to 11 amend income and capital disregard provisions in the Income Support Regulations, the Jobseeker’s Allowance Regulations, the State Pension Credit Regulations 2002, the Housing Benefit Regulations 2006 (“the Housing Benefit Regulations”), the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (“the Housing Benefit (SPC) Regulations”), the Council Tax Benefit Regulations 2006 (“the Council Tax Benefit Regulations”), the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (“the Council Tax Benefit (SPC) Regulations”) and the Employment and Support Allowance Regulations 2008 (“the Employment and Support Allowance Regulations”) to replace references to the Fostering of Children (Scotland) Regulations 1996 with references to the Looked After Children (Scotland) Regulations 2009.

Regulations 2, 4, 7, 9 and 11 amend income disregard provisions in the Income Support Regulations, the Jobseeker’s Allowance Regulations, the Housing Benefit Regulations, the Council Tax Benefit Regulations and the Employment and Support Allowance Regulations to include payments made under section 22 (promotion of welfare of children in need) of the Children (Scotland) Act 1995 .

Regulation 3 amends the Social Security (Claims and Payments) Regulations 1987 to provide that contributory jobseeker’s allowance and contributory employment and support allowance, where both income-based and contributory elements of those allowances are in payment at the same time, are relevant benefits for the purpose of making mortgage interest payments direct to lenders where the income-based elements of those benefits alone is insufficient for this purpose.

Regulation 4 amends the Jobseeker’s Allowance Regulations to revoke, subject to savings, provisions specifying that members of a joint-claim couple who are incapable of work due to health issues, being blind, or because they are disabled or deaf students do not have to satisfy the conditions of section 1(2B)(b) (joint-claim couples qualifying conditions for Jobseeker’s Allowance) of the Jobseekers Act 1995.

Regulation 5 amends the Employment Protection (Recoupment of Jobseeker’s Allowance and Income Support) Regulations 1996 to provide for the recoupment of income-related employment and support allowance payments where an employment tribunal makes an award in favour of a claimant.

Regulations 7 to 10 amend the Housing Benefit Regulations, the Housing Benefit (SPC) Regulations, the Council Tax Benefit Regulations and the Council Tax Benefit (SPC) Regulations to insert references to kinship carers.

Regulation 11 amends the Employment and Support Allowance Regulations to provide that any part of a student loan which has not be taken up will not be treated as deemed income for benefit calculation purposes where a student has suspended his or her studies due to incapacitating illness.

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Regulation 12 amends the Social Security (Incapacity Benefit Work-focused Interviews) Regulations 2008 to clarify that the amount of benefit by which claimants may have their benefit reduced is an amount equivalent to the work-related activity component provided for in the Employment and Support Allowance Regulations.

A full impact assessment has not been published for this instrument as it has no impact on the private and voluntary sectors.