

EXPLANATORY MEMORANDUM TO
THE SOCIAL SECURITY (EMERGENCY FUNDS) (AMENDMENT)
REGULATIONS 2017

2017 No. 689

1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Department for Work and Pensions and is laid before Parliament by Command of Her Majesty.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

- 2.1 This instrument makes amendments to various sets of Regulations following the terror attacks in Manchester on 22 May 2017 and London on 22 March and 3 June 2017. The amendments ensure payments made by the We Love Manchester Emergency Fund and London Emergencies Trust are fully disregarded for the purpose of calculating entitlement to income-related benefits and funeral expenses payments for anyone already in receipt of those benefits or those who may become new claimants.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 The instrument comes into force less than 21 days after it is laid to mitigate circumstances where payments from the We Love Manchester Emergency Fund and the London Emergencies Trust would be taken into account by DWP when determining benefit entitlement. Early payments are being made for those in immediate need and urgent amendment is needed to ensure payments from these emergency funds are fully disregarded.

Other Matters of interest to the House of Commons

- 3.2 As this instrument is subject to negative resolution procedure, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

- 4.1 This instrument amends Regulations relating to income-related benefits and funeral expenses payments to provide for an income and capital disregard in respect of payments made by the We Love Manchester Emergency Fund and the London Emergencies Trust. This is similar to the approach we took in the treatment of payments made following the terrorist attacks of 7 July 2005 from the London Bombings Relief Charitable Fund (LBRCF).
- 4.2 This instrument makes amendments to the Income Support (General) Regulations 1987 (S.I. 1987/1967)¹, the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207)²,

¹ http://www.legislation.gov.uk/uksi/1987/1967/pdfs/uksi_19871967_300916_en.pdf

² http://www.legislation.gov.uk/uksi/1996/207/pdfs/uksi_19960207_300916_en.pdf

the State Pension Credit Regulations 2002 (S.I. 2002/1792)³, the Social Fund Maternity and Funeral Expenses (General) Regulations (S.I. 2005/3061)⁴, the Housing Benefit Regulations 2006 (S.I.2006/213)⁵, the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (S.I. 2006/214)⁶, the Employment and Support Allowance Regulations 2008 (S.I. 2008/794)⁷ and the Universal Credit Regulations 2013 (S.I. 2013/376)⁸ to provide that payments made by the Fund and Trust are disregarded for the purpose of calculating entitlement to income-related benefits and are not deducted in calculating the amount of a Funeral Expenses Payment.

5. Extent and Territorial Application

- 5.1 The extent of this instrument is Great Britain.
- 5.2 The territorial application of this instrument is Great Britain.
- 5.3 Subject to the agreement of the Northern Ireland Assembly, the Department for Communities in Northern Ireland will be making corresponding provision for Northern Ireland.

6. European Convention on Human Rights

- 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

What is being done and why

- 7.1 The We Love Manchester Emergency Fund and the London Emergencies Trust came into being following the terror attacks in Manchester on 22 May 2017 and in London on 3 June and 22 March 2017. These funds will be making payments to victims of the attack and their dependents.
- 7.2 The various social security income-related benefits, including funeral expenses payments have different rules of entitlement including those relating to the treatment of income and capital. However, these benefits do have exceptions that allow some sources of income and capital to be disregarded, or not deducted in the case of a Funeral Expenses payment, in the calculation of benefit entitlement either in full or in part. The regulations already provide for the specific disregard of various existing compensation payments but not those from the new Fund or Trust.
- 7.3 The policy in relation to any payment made from the We Love Manchester Emergency Fund or London Emergencies Trust is that it should be disregarded in full, or not deducted in the case of a Funeral Expenses payment, so that no existing or future benefit payment is affected.
- 7.4 The Department does not hold information in relation to benefit receipt among individuals who will receive support from the Fund or Trust. We cannot therefore

³ http://www.legislation.gov.uk/uksi/2002/1792/pdfs/uksi_20021792_300916_en.pdf

⁴ <http://www.legislation.gov.uk/uksi/2005/3061/contents>

⁵ http://www.legislation.gov.uk/uksi/2006/213/pdfs/uksi_20060213_311216_en.pdf

⁶ http://www.legislation.gov.uk/uksi/2006/214/pdfs/uksi_20060214_300916_en.pdf

⁷ http://www.legislation.gov.uk/uksi/2008/794/pdfs/uksi_20080794_300916_en.pdf

⁸ <http://www.legislation.gov.uk/uksi/2013/376/contents>

identify precisely how many benefit claims will be affected by the proposed changes. It is likely that the numbers affected will be very small.

Consolidation

- 7.5 Informal consolidation of new instruments is available to the public free of charge via the National Archives website: <http://www.legislation.gov.uk/>.

8. Consultation

- 8.1 Due to the urgent nature of the amendment required, no public consultation was carried out. However, the Department has consulted both the Social Security Advisory Committee and the Local Authority Associations who agreed that this instrument need not be referred to them for formal consultation.

9. Guidance

- 9.1 A guidance bulletin detailing these changes will be issued to decision makers in the Department for Work and Pensions, and to Local Authority operational staff, to support this instrument coming into force.

10. Impact

- 10.1 There is no impact on business, charities or voluntary bodies.
- 10.2 The impact on the public sector is expected to be negligible. Whilst it is not possible to estimate exactly how many payments the We Love Manchester Emergency Fund or the London Emergencies Trust will make, the total number bereaved or hospitalised was in the low hundreds and it is likely that only a small proportion are in receipt of relevant benefits.
- 10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

- 11.1 The legislation does not apply to activities that are undertaken by small businesses.

12. Monitoring & review

- 12.1 No specific monitoring and review of the disregard will be carried out above and beyond that which is already in place as part of the Department's routine data collection and engagement with relevant stakeholders.

13. Contact

- 13.1 Sue Bonner at the Department for Work and Pensions, Telephone: 020 7449 7966 or email: sue.bonner@dpw.gsi.gov.uk can answer any queries regarding the instrument.