

2002 No. 490

SOCIAL SECURITY

The Social Security (Loss of Benefit) (Consequential Amendments) Regulations 2002

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| <i>Made</i> - - - - | <i>5th March 2002</i> |
| <i>Laid before Parliament</i> | <i>8th March 2002</i> |
| <i>Coming into force</i> - | <i>1st April 2002</i> |

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 22(5), 122(1), 123(1)(a), (d) and (e), 124(1)(e), 135(1), 137(1) and 175(1) and (3) of the Social Security Contributions and Benefits Act 1992(a), sections 5(3), 26(1) and (4)(d), 35(1) and 36(1), (2) and (4) of the Jobseekers Act 1995(b), sections 9(1), 10(3) and (6), 79(1) and 84 of the Social Security Act 1998(c) and sections 62(3), 65(1) and 69(1), (2)(a) and (7) of, and paragraphs 3(1), 4(4) and (6) and 23(1) of Schedule 7 to, the Child Support, Pensions and Social Security Act 2000(d) and of all other powers enabling him in that behalf, after consultation, in respect of the provisions relating to housing benefit and council tax benefit, with organisations appearing to him to be representative of the authorities concerned(e), by this Instrument, which contains only regulations which are consequential upon sections 7 to 13 of the Social Security Fraud Act 2001(f) and which is made before the end of the period of six months beginning with the coming into force of those sections of that Act(g), makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Loss of Benefit) (Consequential Amendments) Regulations 2002 and shall come into force on 1st April 2002.

(2) In these Regulations—

“the Council Tax Benefit Regulations” means the Council Tax Benefit (General) Regulations 1992(h);

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- (a) 1992 c. 4; section 22(5) is amended by paragraph 22 of Schedule 2 to the Jobseekers Act 1995 (c. 18). Section 123(1)(e) is substituted and section 137 amended, with respect to council tax benefit, by Schedule 9 to the Local Government Finance Act 1992 (c. 14). Section 124(1)(e) is inserted by paragraph 30(5) of Schedule 2 to the Jobseekers Act 1995. Sections 122(1) and 137(1) are interpretation provisions and are cited because of the meaning ascribed to the words “prescribe” and “prescribed” respectively.
 - (b) Section 35(1) is an interpretation provision and is cited because of the meaning ascribed to the words “prescribed” and “regulations”.
 - (c) 1998 c. 14; section 84 is an interpretation provision and is cited because of the meaning ascribed to the word “prescribe”.
 - (d) 2000 c. 19; sections 65(1) and 69(7) and paragraph 23(1) of Schedule 7 are interpretation provisions and are cited because of the meaning ascribed to the word “prescribed”.
 - (e) See section 176(1) of the Social Security Administration Act 1992 (c. 5) as amended by section 69(6) of the Child Support, Pensions and Social Security Act 2000.
 - (f) 2001 c. 11.
 - (g) Section 12(3)(a) of that Act added sections 7 to 11 of that Act to the list of “the relevant enactments” in respect of which regulations must normally be referred to the Social Security Advisory Committee. See however section 173(5)(b) of the Social Security Administration Act 1992.
 - (h) S.I. 1992/1814.

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987(a);

“the Income Support Regulations” means the Income Support (General) Regulations 1987(b);

“the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations 1996(c).

[Regulation 2 amends various paragraphs of S.I. 1987/1967, 1987/1971, 1992/1814 and 1996/207.]

[Regulation 3 amends regulation 7 and 8 of S.I. 1975/556.]

[Regulation 4 amends paragraph 4 of S.I. 1987/1967.]

[Regulation 5 amends regulation 2 of S.I. 1987/1971, 1992/1814.]

Regulation 6 amends regulation 3 of S.I. 1996/2570.]

[Regulation 7 amends regulation 47 of S.I. 1996/207.]

[Regulation 8 amends various regulations of S.I. 1999/991.]

[Regulation 9 amends various regulations of S.I. 2001/1002.]

[Regulation 10 amends regulation 3 of S.I. 2001/1167.]

[Regulation 11 amends regulation 3 of S.I. 2001/1395.]

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

5th March 2002

Malcolm Wicks
Parliamentary Under-Secretary of State,
Department for Work and Pensions

(a) S.I. 1987/1971.

(b) S.I. 1987/1967.

(c) S.I. 1996/207.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in consequence of sections 7 to 13 of the Social Security Fraud Act 2001 (c. 11) (“the Act”) which relate to restrictions in payment of certain benefits where a person has been convicted of one or more benefit offences in each of two separate proceedings and one offence is committed within three years of the conviction for another such offence (“the loss of benefit provisions”).

The Regulations are made before the end of the period of six months beginning with the coming into force of the relevant provisions of the Act and are therefore exempt from the requirement in section 172(1) of the Social Security Administration Act 1992 (c. 5) to refer proposals to make these Regulations to the Social Security Advisory Committee and are made without reference to that Committee.

Regulation 2 amends the income-related benefit regulations so as to ensure that entitlement to the severe disability premium is not affected through the application of the loss of benefit provisions.

Regulation 3 amends the Social Security (Credits) Regulations 1975 (S.I. 1975/556) to ensure that those whose invalid care allowance or jobseeker’s allowance is restricted through the application of the loss of benefit provisions do not lose credits.

Regulation 4 amends the Income Support (General) Regulations 1987 (S.I. 1987/1967) to ensure that those whose invalid care allowance is restricted through the application of the loss of benefit provisions are still treated as carers for the purposes of those Regulations.

Regulation 5 amends the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971) and the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814), to ensure that those whose jobseeker’s allowance is restricted through the application of the loss of benefit provisions, do not lose their housing benefit or council tax benefit as a result.

Regulation 6 makes a consequential amendment to the Social Security (Back to Work Bonus) (No. 2) Regulations 1996 (S.I. 1996/2570).

Regulation 7 amends the Jobseeker’s Allowance Regulations 1996 (S.I. 1996/207) to ensure that days where contribution-based jobseeker’s allowance is not payable because of the loss of benefit provisions are treated as days of entitlement to that allowance.

Regulations 8 and 9 amend the Social Security and Child Support (Decisions and Appeals) Regulations 1999 (S.I. 1999/991) and the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001 (S.I. 2001/1002) respectively to ensure that the decision-making and appeals mechanisms apply to decisions to restrict payment of benefit as a result of the loss of benefit provisions.

Regulation 10 amends the Discretionary Financial Assistance Regulations 2001 (S.I. 2001/1167) to provide that discretionary housing payments shall not be made where the requirement for financial assistance arises as a consequence of the application of the loss of benefit provisions.

Regulation 11 amends the Social Security (Breach of Community Order) Regulations 2001 (S.I. 2001/1395) so as to provide that a reduction in income support imposed for breach of a community order under section 62 of the Child Support, Pensions and Social Security Act 2000 (c. 19) shall not take effect where a reduction of income support under the loss of benefit provisions is in operation.

These Regulations do not impose a charge on business.

