

2003 No. 2279

SOCIAL SECURITY

**The Social Security (Miscellaneous Amendments)
(No. 2) Regulations 2003**

Made - - - - 7th September 2003

Laid before Parliament 10th September 2003

Coming into force in accordance with regulation 1

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 123(1)(a), (d) and (e), 130(2) and (4), 135(1), 136(3) and (5)(b), 137(1) and 175(1) and (3) to (6) of the Social Security Contributions and Benefits Act 1992(a) and sections 4(5), 12(1), (2) and (4)(b), 35(1) and 36(2) and (4) of the Jobseekers Act 1995(b) and of all other powers enabling him in that behalf, after consultation in respect of provisions in these Regulations relating to housing benefit and council tax benefit with organisations appearing to the Secretary of State to be representative of the authorities concerned(c) and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations shall not be referred to it(d), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Miscellaneous Amendments) (No.2) Regulations 2003 and shall come into force—

- (a) for the purposes of regulations 1 to 5, on 1st October 2003;
- (b) for the purposes of regulation 6, on 6th October 2003.

[Regulation 2 makes various amendments to S.I. 1987/1967.]

[Regulation 3 makes various amendments to S.I. 1996/207.]

[Regulation 4 makes various amendments to S.I. 1987/1971.]

[Regulation 5 makes various amendments to S.I. 1992/1814.]

[Regulation 6 amends Schedule 2 of S.I. 2003/325.]

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- (a) 1992 c. 4; section 123(1)(e) was substituted by the Local Government Finance Act 1992 (c. 14), Schedule 9, paragraph 1(1); section 130(2) was amended by paragraph 3 of Schedule 9 to the Local Government Finance Act 1992 (c. 14) and by paragraph 174(4) of Schedule 13 to the Local Government etc. (Scotland) Act 1994 (c. 39); section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”; section 175(1) and (4) was amended by section 2 of the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2); section 175(5) was amended by paragraph 36 of Schedule 1 to the Social Security (Incapacity for Work) Act 1994 (c. 18); section 175(6) was amended by paragraph 10 of the Schedule 9 to the Local Government Finance Act 1992.
 - (b) 1995 c. 18; section 35(1) is an interpretation provision and is cited because of the meaning ascribed to the words “prescribed” and “regulations”.
 - (c) See section 176(1) of the Social Security Administration Act 1992 (c. 5).
 - (d) See sections 170 and 173(1)(b) of the Social Security Administration Act 1992; paragraph 67 of Schedule 2 to the Jobseekers Act 1995 added that Act to the list of “relevant enactments” in section 170(5) in respect of which regulations must normally be referred to the Committee.

7th September 2003

Andrew Smith
Secretary of State,
Department for Work and Pensions

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

These Regulations amend the Income Support (General) Regulations 1987 (S.I.1987/1967), the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207), the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971), the Council Tax Benefit (General) Regulations 1992 (S.I.1992/1814) ("the principal sets of regulations") and the Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003 (S.I.2003/325).

Regulations 2(2), 3(2), 4(2) and 5(2) amend the principal sets of Regulations by inserting a definition of "ERA payment" in the interpretation provisions of each of the principal sets of Regulations. Regulations 2(4)(c), 2(5)(d), 3(4)(c), 3(5)(d), 4(5)(c), 4(6)(e), 5(4)(c) and 5(5)(e) make provision in each of the principal sets of Regulations for ERA payments made under the Employment, Retention and Advancement Scheme to be disregarded both in calculation of income other than earnings and as capital. The Employment, Retention and Advancement Scheme is an arrangement made by the Secretary of State under section 2 of the Employment and Training Act 1973 (c. 50) that provides assistance to individuals to improve their job retention or career advancement (or both). Information about the Employment, Retention and Advancement Scheme can be obtained from offices of Jobcentre Plus.

Regulations 2(3), 3(3), 4(4) and 5(3) amend the principal sets of regulations in relation to the awards of carer premium. They revoke sub-paragraph (2) because all those who are entitled now fall with sub-paragraph (1) and make associated changes.

Regulations 2(4)(a), 2(5)(d), 3(4)(a), 3(5)(d), 4(5)(a), 4(6)(e), 5(4)(a) and 5(5)(e) amend the principal sets of regulations to provide for income and capital disregards of payments made under the Adoption and Children Act 2002 (c. 38).

Regulations 2(4)(b), 2(5)(c), 3(4)(b), 3(5)(c), 4(5)(b), 4(6)(d), 5(4)(b), 5(5)(d) and 6(2) amend the principal sets of regulations and the Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003 to clarify the extent of income and capital disregards in relation to the scheme known as "supporting people".

Regulations 2(5)(a) and (b), 3(5)(a) and (b), 4(6)(b) and (c) and 5(5)(b) and (c) amend the principal sets of regulations to reflect changes to court procedure following the introduction of the Civil Procedure Rules 1998 in England and Wales and the Children (Scotland) Act 1995 in Scotland.

Regulations 2(5)(d), 3(5)(d), 4(6)(e) and 5(5)(e) add to the capital disregards in the principal sets of regulations payments made to a claimant in respect of community care services.

Regulation 4(3) amends references to the scheme known as "supporting people" in relation to the circumstances in which the costs of cleaning exterior windows and communal areas of a claimant's accommodation can be met by housing benefit under the Housing Benefit (General) Regulations 1987.

Regulations 4(6)(a) and 5(5)(a) amend the Housing Benefit (General) Regulations 1987 and the Council Tax Benefit (General) Regulations 1992 to remove the capital disregard for arrears of council tax benefit and housing benefit respectively.

These Regulations do not impose a charge on business.