

## 2013 No. 2536

### SOCIAL SECURITY

#### The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2013

<i>Made</i> - - - -	<i>2nd October 2013</i>
<i>Laid before Parliament</i>	<i>8th October 2013</i>
<i>Coming into force</i>	<i>29th October 2013</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 22(5), 95(1), 123(1)(a), 124(1)(d) and (e), 135(1) and (2), 136(3) and (5), 137(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(a), sections 5(1)(a) and (p), 189(1), (4), (5) and (6) and 191 of the Social Security Administration Act 1992(b), sections 2(3B), 4(2), (5) and (12), 6(4), 7(4), 12(1) and (4)(b), 17, 19C, 20(3), 35(1) and 36(1), (2) and (4) of, and paragraphs 1 and 12 of Schedule 1 to, the Jobseekers Act 1995(c), sections 10(3) and (6) and 79(4) and (5) of the Social Security Act 1998(d), section 115(3), (4) and (7) of the Immigration and Asylum Act 1999(e), sections 1(5)(a), 15(6)(b) and 17(1) of the State Pension Credit Act 2002(f) and sections 2(1), 3, 4(2), 8, 9, 16A, 17(1) and (3), 24(1), (2) and (3), and 25(2), (3) and (5) of, and paragraphs 4(1) and 6(3) and (8) of Schedule 1 and paragraphs 1, 9, 10 and 15 of Schedule 2 to, the Welfare Reform Act 2007(g).

In accordance with section 173(1)(b) of the Social Security Administration Act 1992, the Secretary of State has obtained the agreement of the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it.

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- (a) 1992 c. 4. Section 22(5) was amended by paragraph 22 of Schedule 2 to the Jobseekers Act 1995 (c. 18) and paragraph 9(1) and (3)(b) of Schedule 3 to the Welfare Reform Act 2007 (c. 5), it is also amended by paragraphs 1 and 2 of Schedule 3, and Part 1 of Schedule 14, to the Welfare Reform Act 2012 (c. 5) from a date to be appointed. Sections 123, 124, 136 and 137 are repealed by Part 1 of Schedule 14 to the Welfare Reform Act 2012 from a date to be appointed. Section 137(1) is an interpretation provision and is cited because of the meaning given to the word “prescribed”.
- (b) 1992 c. 5. Section 189(4) and (5) were amended by paragraphs 109(c), (d) and (e) of Schedule 7 and Schedule 8 to the Social Security Act 1998 (c. 14) and paragraph (4) and (6) were amended by S.I. 2013/252. Section 191 is an interpretation provision and is cited because of the meaning given to the word “prescribe”. The definition of “prescribe” was amended by paragraphs 2 and 10 of Schedule 5 to the Welfare Reform Act 2007 (c. 5).
- (c) 1995 c. 18. Section 2(3B) was inserted by section 12(1) and (5) of the Welfare Reform Act 2009 (c. 24). Sections 6 and 7 are substituted by section 49(1) and (3) of the Welfare Reform Act 2012 from a date to be appointed. Section 19C was inserted by section 46(1) of the Welfare Reform Act 2012 and is to be repealed by Part 4 of Schedule 14 to that Act from a date to be appointed. Section 35 is an interpretation provision and is cited because of the meaning given to the words “prescribed” and “regulations”.
- (d) 1998 c. 14.
- (e) 1999 c. 33.
- (f) 2002 c. 16. Section 17(1) is an interpretation provision and is cited because of the meaning given to the words “prescribed” and “regulations”.
- (g) 2007 c. 5. Section 16A was inserted by section 56 of the Welfare Reform Act 2012 and is to be repealed by Part 5 of Schedule 14 to that Act from a date to be appointed. Section 24(1) is an interpretation provision and is cited because of the meaning given to the word “prescribed” and “regulations”.

In respect of provisions relating to housing benefit, in accordance with section 176(1) of that Act, the Secretary of State has consulted with organisations appearing to him to be representative of the authorities concerned.

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Social Security (Miscellaneous Amendments) (No. 3) Regulations 2013 and come into force on 29th October 2013.

(2) Regulations 4(7)(a) and (b), 6(5)(a) and (b) and (14)(a) and (b), 7(a) and (b) and 10(5)(a) and (b) extend to England and Wales only.

[Reg. 2 substitutes para. 2 of Sch. 1 of S.I. 1975/467.]

[Para. 3 omits regulation 8A(4) in S.I. 1975/556.]

[Para. 4 has various amendments to S.I. 1987/1967.]

[Para. 5 has various substitutions to S.I. 1987/1968.]

[Para. 6 has various amendments to S.I. 1996/207.]

[Para. 7 has various omissions and insertions to S.I. 1996/2745.]

[Para. 8 inserts paras (f) and (g) into Sch. 3C of S.I. 1999/991 of the orange vols.]

[Para. 9 has various omissions to S.I. 2000/636.]

[Para. 10 has various amendments to S.I. 2002/1792.]

[Para. 11 has various amendments to S.I. 2006/213.]

[Para. 12 has various amendments to S.I. 2006/214.]

[Para. 13 has various amendments to S.I. 2008/794.]

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

2nd October 2013

*Freud*  
Parliamentary Under Secretary of State  
Department for Work and Pensions

### EXPLANATORY NOTE

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

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

Regulations 2, 4(7), 6(3), (5) and (14), 7, 10(5), 11(5), 12(5) and 13(22) amend the Social Security (Employed Earners' Employments for Industrial Injuries Purposes) Regulations 1975 (S.I. 1975/467), the Income Support (General) Regulations 1987 (S.I. 1987/1967) ("the 1987 Regulations"), the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207) ("the 1996 Regulations"), the Social Security Benefit (Computation of Earnings) Regulations 1996 (S.I. 1996/2745), the State Pension Credit Regulations 2002 (S.I. 2002/1792) ("the 2002 Regulations"), the Housing Benefit Regulations 2006 (S.I. 2006/213), the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (S.I. 2006/214) and the Employment and Support Allowance Regulations 2008 (S.I. 2008/794) ("the 2008 Regulations") respectively. The amendments make provision for the earnings of part-time fire-fighters employed by a fire and rescue authority under the Fire and Rescue Services Act 2004 or by the Scottish Fire and Rescue Service established under section 1A of the Fire (Scotland) Act 2005 to be disregarded in the calculation of earnings and for such persons to be treated as not engaged in remunerative work.

Regulation 3 amends the Social Security (Credits) Regulations 1975 (S.I. 1975/556) so as to omit a provision which no longer has any effect.

Regulation 4(5), 6(8), 10(3), 11(3), 12(3) and 13(24) amend the 1987 Regulations, the 1996 Regulations, the 2002 Regulations, the Housing Benefit Regulations 2006, the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 and the 2008 Regulations respectively. The amendments update the categories of persons who are exempt from the habitual residence test to omit some obsolete categories and include a person who has been granted leave or who is deemed to have been granted leave, in certain circumstances, outside the rules made under section 3(2) of the Immigration Act 1971.

Regulation 5(2) amends the Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968) and regulations 11(4) and 12(4) amend the Housing Benefit Regulations 2006 and the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 respectively to give a claimant more options about how to notify a change to their claim before it is determined. The changes allow a change to be made by telephone, in writing or by any other means that the Secretary of State may decide or accept, regardless of how the original claim was made.

Regulation 5(3) amends paragraph 4 of Schedule 9 to the Social Security (Claims and Payments) Regulations 1987 following the revocation of regulation 15(7) of the State Pension Credit Regulations 2002 (S.I. 2002/1792). It omits references to that provision and substitutes an equivalent definition of the accommodation in respect of which costs may be paid by the Secretary of State directly to the person to whom those costs are payable.

Regulations 6(2), (4), (6), (7), and (9) to (13) amend the 1996 Regulations in order to ensure consistency with the Jobseeker's Allowance Regulations 2013 (S.I. 2013/378).

Regulation 8 amends the Social Security and Child Support (Decisions and Appeals) Regulations 1999 (S.I. 1999/991) to provide for part week payments of severe disability premium to employment and support allowance claimants who become resident or leave residence in a care home. This aligns the treatment of employment and support allowance claimants with that of income support claimants.

Regulation 9 amends the Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000 (S.I. 2000/636) so as to omit a provision for certain people not to be excluded from entitlement to income related benefits under section 115 of the Immigration and Asylum Act who would otherwise be excluded. Regulation 4(3), (4) and (6) make amendments consequential to this.

Regulation 13(2) to (21), (25) to (37) amends the 2008 Regulations in order to ensure consistency with the Employment and Support Allowance Regulations 2013 (S.I. 2013/379).

Regulation 13(23) amends regulation 45 of the 2008 Regulations so as to clarify an amendment made by the Social Security (Miscellaneous Amendments) (No. 3) Regulations 2010 (S.I. 2010/840).

Regulations 4(2), 10(2), 11(2) and 12(2) make minor amendments to the 1987 Regulations, the 2002 Regulations and the Housing Benefit Regulations 2006, the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 to reflect amendments made to the 1996 Regulations and 2008 Regulations. Regulations 10(4) and 12(6) make minor amendments to the 2002 Regulations and the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 so as to include reference to relevant provisions in the Universal Credit Regulations 2013.

An impact assessment has not been produced for this instrument as it has no impact on businesses and civil society organisations. The instrument has no impact on the public sector.