

## 2001 No. 1118

### SOCIAL SECURITY

#### The Social Security Amendment (Capital Disregards and Recovery of Benefits) Regulations 2001

<i>Made</i> - - - -	<i>21st March 2001</i>
<i>Laid before Parliament</i>	<i>22nd March 2001</i>
<i>Coming into force</i>	<i>12th April 2001</i>

The Secretary of State for Social Security, in exercise of the powers conferred upon him by sections 123(1)(a), (d) and (e), 136(5)(b), 137(1), 138(1)(a) and (4) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(a), sections 12(4)(b), 35(1) and 36(1) and (2) of the Jobseekers Act 1995(b), section 189(4) to (6) of the Social Security Administration Act 1992(c) and sections 29 and 30(1) of, and paragraph 4 of Schedule 1 to, the Social Security (Recovery of Benefits) Act 1997(d) and of all other powers enabling him in that behalf, after consultation, in respect of regulation 2(2) of these Regulations, with organisations appearing to him to be representative of the authorities concerned(e) and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(f), hereby makes the following Regulations:

#### Citation and commencement

1. These Regulations shall be cited as the Social Security Amendment (Capital Disregards and Recovery of Benefits) Regulations 2001 and shall come into force on 12th April 2001.

[Regulation 2 inserts paragraph 64 into Schedule 10 of S.I. 1987/1967 and paragraph 57 into Schedule 8 of S.I. 1996/207.]

[Regulation 3 amends regulation 8 of S.I. 1987/481.]

[Regulation 4 amends regulation 2 of S.I. 1997/2205.]

Signed by authority of the Secretary of State for Social Security.

*Hugh Bayley*  
Parliamentary Under-Secretary of State,  
Department of Social Security

21st March 2001

- (a) 1992 c. 4; section 123(1)(d) was inserted and section 137 amended, with respect to council tax benefit, by Schedule 9 to the Local Government Finance Act 1992 (c. 14). Sections 137(1) and 138(4) are interpretation provisions and are cited because of the meaning ascribed to the word "prescribed".
- (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) 1992 c. 5; section 189(4) to (6) is applied by section 30(4) of the Social Security (Recovery of Benefits) Act 1997 (c. 27).
- (d) Section 29 is cited because of the meaning ascribed to the words "prescribed" and "regulations".
- (e) See section 176(1) of the Social Security Administration Act 1992.
- (f) See sections 170 and 173(1)(b) of the Social Security Administration Act 1992; paragraph 67 of Schedule 2 to the Jobseekers Act 1995 and paragraph 8(a) of Schedule 3 to the Social Security (Recovery of Benefits) Act 1997 added those Acts to the list of "relevant enactments" in respect of which regulations must normally be referred to the Committee.

**EXPLANATORY NOTE**

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

These Regulations amend the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814), the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971), the Income Support (General) Regulations 1987 (S.I. 1987/1967), the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207), the Social Fund Maternity and Funeral Expenses (General) Regulations 1987 (S.I. 1987/481) and the Social Security (Recovery of Benefits) Regulations 1997 (S.I. 1997/2205).

In particular, regulation 2 provides that payments under a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeldt-Jakob disease which are made to certain persons and payments made by, or out of the estate of, persons receiving such payments which are made to certain persons, shall be disregarded in council tax benefit, housing benefit, income support and jobseeker's allowance. That regulation also prescribes the extent of the disregard and the period in respect of which the disregard is to apply.

Regulation 3 provides that any payment from such a trust shall be disregarded for the purpose of any deduction to be made from a social fund funeral payment.

Regulation 4 amends regulation 2 of the Social Security (Recovery of Benefits) Regulations 1997 by adding to the list of trusts exempted from the scope of the Social Security (Recovery of Benefits) Act 1997 (c.27), such trusts as are established out of funds provided by the Secretary of State for the relief of persons who suffered, or who are suffering, from variant Creutzfeldt-Jakob disease.

These Regulations do not impose any charge on business.