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STATUTORY INSTRUMENTS

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**2005 No. 777**

**The Social Security (Claims and Payments)  
Amendment (No. 2) Regulations 2005**

**Amendment of Schedule 9 to the Claims and Payments Regulations**

**3.**—(1) Schedule 9 to the Claims and Payments Regulations (deductions from benefit and direct payment to third parties) shall be amended in accordance with the following paragraphs of this regulation.

(2) In paragraph 1(1) (interpretation)—

- (a) in the definition of “housing costs”<sup>(1)</sup> omit “and feu duty” in paragraphs (a), (b) and (c),
- (b) omit the definition of “income support”, and
- (c) in the definition of “specified benefit”—

(i) for paragraph (a)<sup>(2)</sup> substitute—

“(a) income support or, where in respect of any period it is paid together with any incapacity benefit or severe disablement allowance—

- (i) in a combined payment;
- (ii) in part to the beneficiary and in part to another person in accordance with regulation 34; or
- (iii) by means of two or more instruments of payment,

income support and incapacity benefit or severe disablement allowance if the income support alone is insufficient for the purposes of this Schedule;”, and

(ii) for paragraph (d)<sup>(3)</sup> substitute—

“(d) state pension credit or, where in respect of any period it is paid together with any retirement pension, incapacity benefit or severe disablement allowance—

- (i) in a combined payment;
- (ii) in part to the beneficiary and in part to another person in accordance with regulation 34; or
- (iii) by means of two or more instruments of payment,

state pension credit and retirement pension, incapacity benefit or severe disablement allowance if the state pension credit alone is insufficient for the purposes of this Schedule;”.

(3) In paragraph 4(2A)<sup>(4)</sup> (miscellaneous accommodation costs: amount in respect of personal expenses) for the amount “£18.10” in each place where it appears substitute the amount “£18.80”.

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(1) The definition of “housing costs” was substituted by [S.I. 1996/1460](#) and amended by [S.I. 2002/3019](#).

(2) Paragraph (a) was substituted by [S.I. 2002/2441](#).

(3) Paragraph (d) was inserted by [S.I. 2002/3019](#).

(4) Sub-paragraph (2A) was inserted by [S.I. 2003/2325](#) and amended by [S.I. 2004/576](#).

(4) In paragraph 8(1)(5) (maximum amount of payments to third parties) for “regulation 7 of the Council Tax Regulations and regulation 6 of the Fines Regulations” substitute “regulation 5 of the Council Tax Regulations(6) and regulation 4 of the Fines Regulations(7)”.

(5) In paragraph 9(8) (priority as between certain debts)—

(a) in sub-paragraph (1A)(b) for—

“regulation 2 of the Community Charges Regulations, regulation 2 of the Community Charges (Scotland) Regulations, regulation 6 of the Fines Regulations and regulation 7 of the Council Tax Regulations”

substitute—

“regulation 3 of the Community Charges Regulations(9), regulation 3 of the Community Charges (Scotland) Regulations(10), regulation 4 of the Fines Regulations and regulation 5 of the Council Tax Regulations”,

(b) in sub-paragraph (1B)(e) for—

“regulation 2 of the Community Charges Regulations (deductions from income support), regulation 2 of the Community Charges (Scotland) Regulations (deductions from income support) or any liability mentioned in regulation 7 of the Council Tax Regulations (deductions from debtor’s income support)”

substitute—

“regulation 3 of the Community Charges Regulations (deductions from income support etc.), regulation 3 of the Community Charges (Scotland) Regulations (deductions from income support etc.) or any liability mentioned in regulation 5 of the Council Tax Regulations (deductions from debtor’s income support etc.)”, and

(c) in sub-paragraph (1B)(f) for “regulation 6 of the Fines Regulations (deductions from offenders income support)” substitute “regulation 4 of the Fines Regulations (deductions from offender’s income support etc.)”.

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(5) Relevant amendments to paragraph 8(1) were made by S.I. 1993/495 and 1994/2319.

(6) Regulation 5 was substituted by S.I. 1999/3178 (C. 81) and amended by S.I. 2002/3019.

(7) Regulation 4 was substituted by S.I. 1999/3178 and amended by S.I. 2002/3019 and 2004/2889.

(8) Paragraph 9 was substituted by S.I. 1993/495 and amended by S.I. 2002/3019.

(9) Regulation 3 was substituted by S.I. 1999/3178 and amended by S.I. 2002/3019.

(10) Regulation 3 was substituted by S.I. 1999/3178 and amended by S.I. 2002/3019.