
STATUTORY INSTRUMENTS

2008 No. 3157

**The Social Security (Miscellaneous
Amendments) (No. 7) Regulations 2008**

Amendment of the Housing Benefit Regulations 2006

5.—(1) The Housing Benefit Regulations 2006(1) are amended as follows.

(2) In regulation 2(1) (interpretation)—

- (a) in the definition of “concessionary payment”, for “under the Act” substitute “or tax credits under the benefit Acts or the Tax Credits Act”;
- (b) in the definition of “registered housing association”(2), in sub-paragraph (a), for “National Assembly for Wales” substitute “Welsh Ministers”;
- (c) in the definition of “training allowance”, in sub-paragraphs (a) and (c), for “National Assembly for Wales” substitute “Welsh Ministers”;
- (d) insert the following definitions at the appropriate places in alphabetical order—

“war disablement pension” means any retired pay or pension or allowance payable in respect of disablement under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003(3);

“war pension” means a war disablement pension, a war widow’s pension or a war widower’s pension;

“war widow’s pension” means any pension or allowance payable to a woman as a widow under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;

“war widower’s pension” means any pension or allowance payable to a man as a widower or to a surviving civil partner under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;”.

(3) In regulation 28(11)(d)(vi) (treatment of child care charges), for “under a war pension scheme or” substitute “paid as part of a war disablement pension or under”.

(4) In regulation 53(1) (interpretation)—

- (a) in the definition of “access funds”, in sub-paragraph (e), for “National Assembly for Wales” substitute “Welsh Ministers”;
- (b) in the definition of “full-time course of study”(4), for “National Assembly for Wales” (where three times occurring) substitute “Welsh Ministers”.

(5) In Schedule 1 (ineligible services changes), in paragraph 1(a)(iv), for “National Assembly for Wales” substitute “Welsh Ministers”.

(6) In Schedule 5 (sums to be disregarded in the calculation of income other than earnings)—

(1) [S.I. 2006/213](#).

(2) The definition of “registered housing association” was substituted by [S.I. 2008/586](#).

(3) [2003 c. 1](#). Subsection (2) was inserted into section 639 by section 19(4) of the Finance Act 2005 ([c. 7](#)).

(4) The definition of “full-time course of study” was amended by [S.I. 2005/3238 \(W. 243\)](#) (as amended by [S.I. 2006/217](#)).

- (a) in paragraph 8, for “article 26A of the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 1983” substitute “article 20 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006(5)”;
- (b) in paragraph 11—
 - (i) for sub-paragraph (1)(a)(iii) substitute—
 - “(iii) directions made under section 73ZA of the Education (Scotland) Act 1980(6) and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992(7); or”;
 - (ii) for sub-paragraph (2)(c) substitute—
 - “(c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992,”;
- (c) in paragraph 15—
 - (i) in sub-paragraph (c) omit “the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 1983 insofar as that Order is made under the Naval and Marine Pay and Pensions Act 1865 or the Pensions and Yeomanry Pay Act 1884, or is made only under section 12(1) of the Social Security (Miscellaneous Provisions) Act 1977 and”;
 - (ii) in sub-paragraph (d), after “payment” insert “and, if the amount of that payment has been abated to less than £10 by a payment under the Armed Forces Pension Scheme 1975 or the Armed Forces Pension Scheme 2005, so much of the pension payable under either of those schemes as would not, in aggregate with the amount of the guaranteed income payment disregarded, exceed £10”;
- (d) in paragraph 25—
 - (i) in sub-paragraph (1)(a), for “section 51” substitute “section 51A”;
 - (ii) omit sub-paragraph (1)(b);
- (e) in paragraph 27—
 - (i) in sub-paragraph (d) omit “or”;
 - (ii) in sub-paragraph (e), for “1977.” substitute “1977 or established by an order made under section 18(2)(c) of the National Health Service Act 2006(8); or”;
 - (iii) after sub-paragraph (e) insert—
 - “(f) a Local Health Board established under section 16BA of the National Health Service Act 1977 or established by an order made under section 11 of the National Health Service (Wales) Act 2006(9).”;
- (f) in paragraph 35(7), for “Bombing” substitute “Bombings”;
- (g) omit paragraphs 38 and 43;
- (h) for paragraphs 44 and 45 substitute—

“44.—(1) Any payment or repayment made—

(5) S.I. 2006/606.

(6) Section 73ZA was inserted by the Further and Higher Education (Scotland) Act 2005 (asp 6), section 19(1).

(7) 1992 c. 37.

(8) 2006 c. 41.

(9) 2006 c. 42.

- (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003⁽¹⁰⁾ (travelling expenses and health service supplies);
- (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007⁽¹¹⁾ (travelling expenses and health service supplies);
- (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003⁽¹²⁾ (travelling expenses and health service supplies).

(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers which is analogous to a payment or repayment mentioned in sub-paragraph (1).

45. Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988⁽¹³⁾ in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins).”;

- (i) for paragraphs 51, 52 and 53 substitute—

“**51.** Any council tax benefit.

52.—(1)) If the claimant is in receipt of any benefit under Part 2, 3 or 5 of the Act, any increase in the rate of that benefit arising under Part 4 (increases for dependants) or section 106(a) (unemployability supplement) of the Act, where the dependant in respect of whom the increase is paid is not a member of the claimant’s family.

(2) If the claimant is in receipt of any pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006, any increase in the rate of that pension or allowance under that Order, where the dependant in respect of whom the increase is paid is not a member of the claimant’s family.

53. Any supplementary pension under article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (pensions to surviving spouses and surviving civil partners) and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under that Order.”;

- (j) for paragraph 55(1)(b) substitute—

“(b) equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006.”;

- (k) omit paragraphs 55A and 55B;⁽¹⁴⁾

- (l) in paragraph 63(1), for “National Assembly for Wales” substitute “Welsh Ministers”.

- (7) In Schedule 6 (capital to be disregarded)—

- (a) for paragraphs 39, 40 and 41 substitute—

“**39.** Any arrears of supplementary pension which is disregarded under paragraph 53 of Schedule 5 (sums to be disregarded in the calculation of income other than earnings) or

⁽¹⁰⁾ S.I. 2003/2382.

⁽¹¹⁾ S.I. 2007/1104 (W. 116).

⁽¹²⁾ S.S.I. 2003/460.

⁽¹³⁾ 1988 c. 7.

⁽¹⁴⁾ These transitory modifications were inserted by Schedule 4 of S.I. 2006/217 and lapsed on 14 June 2007 (on the coming into force of section 12(2)(e) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (2004 c. 19)).

of any amount which is disregarded under paragraph 54 or 55 of that Schedule, but only for a period of 52 weeks from the date of receipt of the arrears.

40.—(1) Any payment or repayment made—

- (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
- (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
- (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies),

but only for a period of 52 weeks from the date of receipt of the payment or repayment.

(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers which is analogous to a payment or repayment mentioned in sub-paragraph (1), but only for a period of 52 weeks from the date of receipt of the payment or repayment.

41. Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins), but only for a period of 52 weeks from the date of receipt of the payment.”;

(b) omit paragraphs 48A and 48B;(15)

(c) in paragraph 51—

(i) for sub-paragraph (1)(a)(iii) substitute—

“(iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992; or”;

(ii) for sub-paragraph (2)(c) substitute—

“(c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992,”;

(d) in paragraph 56 omit “within the meaning of section 25 of the Social Security Act 1989”;

(e) in paragraph 57(1), for “National Assembly for Wales” substitute “Welsh Ministers”.

(15) These transitory modifications were inserted by Schedule 4 of S.I. 2006/217 and lapsed on 14 June 2007 (on the coming into force of section 12(2)(e) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (2004 c. 19)).