

**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 Sections 123, 124, 136 and 137 are repealed by Part 1 of Schedule 14 to the Welfare Reform Act 2012 from a date to be appointed.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.

(3) Regulations 4(7)(c), 6(5)(c) and (14)(c), 7(c) and 10(5)(c) extend to Scotland only.

### **Amendment to the Social Security (Employed Earners' Employments for Industrial Injuries Purposes) Regulations 1975**

2. In paragraph 2 of Schedule 1 to the Social Security (Employed Earners' Employments for Industrial Injuries Purposes) Regulations 1975(a) for “a fire and rescue authority (as defined in section 1 of the Fire (Scotland) Act 2005) or a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of that Act for the purposes of that authority or board under that Act” substitute “the Scottish Fire and Rescue Service established under section 1A of the Fire (Scotland) Act 2005”.

### **Amendment to the Social Security (Credits) Regulations 1975**

3. Omit regulation 8A(4) of the Social Security (Credits) Regulations 1975(b) (credits for unemployment).

### **Amendments to the Income Support (General) Regulations 1987**

4.—(1) The Income Support (General) Regulations 1987(c) are amended as follows.

(2) In regulation 2(1) (interpretation) in the definition of “enactment” after “Parliament” insert “or the National Assembly for Wales”.

(3) In regulation 4ZA (prescribed categories of person) omit paragraph (3)(a) and the “or” immediately following it.

(4) In regulation 13 (circumstances in which persons in relevant education are entitled to income support) omit paragraph (2)(bc) and the “or” immediately following it.

(5) In regulation 21AA(4) (special cases: supplemental – persons from abroad)—

(a) for sub-paragraph (h) substitute—

“(h) a person who has been granted leave or who is deemed to have been granted leave outside the rules made under section 3(2) of the Immigration Act 1971(d) where that leave is—

(i) discretionary leave to enter or remain in the United Kingdom;

(ii) leave to remain under the Destitution Domestic Violence concession(e); or

(iii) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005(f);”;

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(a) S.I. 1975/467; relevant amending instruments are S.I. 2004/3168 and 2005/2929 and 2060. Paragraph 2 of Schedule 1 to the Regulations is also modified by S.I. 2013/602.

(b) S.I. 1975/556, amended by S.I. 1996/2367; there are other amending instruments but none is relevant.

(c) S.I. 1987/1967; relevant amending instruments are S.I. 1996/1516 and 1517, 2000/1978, 2004/3168, 2005/2060 and 2929, 2006/1026 and 2528, 2007/1749 and 2618, 2008/1554, 2009/362, 583, 2655 and 3228, 2010/1907, 2011/674 and 2862 and 2012/780. Paragraph 7 of Schedule 8 to the Regulations is also modified by S.I. 2013/602.

(d) 1971 c.77.

(e) The Destitution Domestic Violence concession is published by the Home Office at: <http://www.ukba.homeoffice.gov.uk/>.

(f) S.I. 2005/1379, amended by S.I. 2013/630; there are other amending instruments but none is relevant.

- (b) at the end of sub-paragraph (hh) add “or”; and
  - (c) omit sub-paragraphs (j) and (k).
- (6) Omit regulation 22B (period for which applicable amount is to be calculated where person is not excluded from income support under section 115 of the Immigration and Asylum Act 1999).
- (7) In paragraph 7(1) of Schedule 8 (sums to be disregarded in the calculation of earnings)—
- (a) omit paragraph (a);
  - (b) omit paragraph (aa);
  - (c) omit paragraph (ab); and
  - (d) before paragraph (b) insert—
    - “(a) a part-time fire-fighter 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;”.

### **Amendments to the Social Security (Claims and Payments) Regulations 1987**

**5.**—(1) The Social Security (Claims and Payments) Regulations 1987(a) are amended as follows.

(2) For regulation 5(1) (amendment and withdrawal of claim) substitute—

“**5.**—(1) A person who has made a claim for benefit may amend it at any time before a determination has been made on the claim by notice in writing received at an appropriate office, by telephone call to a telephone number specified by the Secretary of State or in such other manner as the Secretary of State may decide or accept.

(1A) Any claim amended in accordance with paragraph (1) may be treated as if it had been so amended in the first instance.”.

(3) In paragraph 4 of Schedule 9 (deductions from benefit and direct payment to third parties)—

(a) for sub-paragraph (1)(b) substitute—

“(b) in the case of income support, jobseeker’s allowance or employment and support allowance, is made to person who is in accommodation provided under section 3(1) of, and Part 2 of the Schedule to, the Polish Resettlement Act 1947(b) (provision by the Secretary of State of accommodation in camps); or

(c) in the case of state pension credit, is made to a person residing in—

(i) a care home as defined in regulation 1(2) of the State Pension Credit Regulations(c);

(ii) an independent hospital as defined in regulation 1(2) of those Regulations;

(iii) an establishment run by the Abbeyfield Society (including all bodies corporate or incorporate which are affiliated to the Society); or

(iv) accommodation provided under section 3(1) of, and Part 2 of the Schedule to, the Polish Resettlement Act 1947 where the person requires personal care;”;

(b) in sub-paragraph (2)(a), for “regulation 15(7)(d) of the State Pension Credit Regulations” substitute “sub-paragraph (1)(c)(ii)”; and

(c) in sub-paragraph (2A), for “or (b)” substitute “, (b) or (c)”.

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(a) S.I. 1987/1968, amended by S.I. 1992/3147, 2003/2325, 2005/34 and 2687, 2008/1554 and 2009/1490.

(b) 1947 (c. 19).

(c) S.I. 2002/1792. amended by S.I. 2002/3197 and 2011/2581.

## Amendments to the Jobseeker's Allowance Regulations 1996

- 6.—(1) The Jobseeker's Allowance Regulations 1996(a) are amended as follows.
- (2) In regulation 1(3) (interpretation)—
- (a) in the definition of “attendance allowance” omit paragraphs (c) and (d); and
  - (b) in the definition of “enactment” after “Parliament” insert “or the National Assembly for Wales”.
- (3) For the definition of “part-time member of a fire brigade” in regulation 4 (interpretation) substitute—
- ““part-time member of a fire brigade” means a person who is a part-time fire-fighter 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;”.
- (4) In regulation 45B(1) (relaxation of the first set of conditions) omit “also”.
- (5) In regulation 53(d) (persons treated as not engaged in remunerative work)—
- (a) omit sub-paragraph (i);
  - (b) omit sub-paragraph (ia);
  - (c) omit sub-paragraph (ib); and
  - (d) before sub-paragraph (ii) insert—
- “(i) a part-time fire-fighter 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;”.
- (6) For regulation 55(4) (short periods of sickness) substitute—
- “(4) The preceding provisions of this regulation do not apply to any person where the first day in respect of which they are unable to work falls within eight weeks beginning with the day the person ceased to be entitled to statutory sick pay.”.
- (7) For regulation 79(1)(a) and (b) (weekly amounts of contribution-based jobseeker's allowance) substitute—
- “(a) in the case of a person who has not attained the age of 25, £56.80 per week;”.
- (8) In regulation 85A(4) (special cases: supplemental – persons from abroad)—
- (a) for sub-paragraph (h) substitute—
- “(h) a person who has been granted leave or who is deemed to have been granted leave outside the rules made under section 3(2) of the Immigration Act 1971 where that leave is—
- (i) discretionary leave to enter or remain in the United Kingdom;
  - (ii) leave to remain under the Destitution Domestic Violence concession(b); or
  - (iii) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005(c);”;
- (b) at the end of sub-paragraph (hh) add “or”; and
  - (c) omit sub-paragraph (j) and (k).

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(a) S.I. 1996/207; relevant amending instruments are S.I. 1996/1517 and 2367, 2000/1978, 2004/3168, 2005/2060 and 2929, 2006/1026 and 2528, 2007/2618, 2008/1554, 2009/362, 583 and 2655, 2010/1907, 2011/674 and 2862 and 2013/1574. The definition of “part-time member of a fire brigade” in regulation 4 and regulation 53 of, and paragraph 9 of Schedule 6 to, the Regulations is also modified by S.I. 2013/602.

(b) The Destitution Domestic Violence concession is published by the Home Office at: <http://www.ukba.homeoffice.gov.uk/>.

(c) S.I. 2005/1379, amended by S.I. 2013/630; there are other amending instruments but none is relevant.

(9) In regulation 94 (calculation of earnings derived from employed earner’s employment and income other than earnings)—

(a) for paragraph (2)(b) substitute—

“(b) in any other case, a period equal to such number of weeks as is equal to the number obtained by applying the formula—

$$\frac{E}{J + D}$$

where—

E is the amount of net earnings, or in the case of income which does not consist of earnings, the amount of that income less any amount paid by way of tax on that income which is disregarded under paragraph 1 of Schedule 7 (sums to be disregarded in the calculation of income other than earnings);

J is the amount of jobseeker’s allowance which would be payable had the payment not been made;

D is an amount equal to the total of the sums which would fall to be disregarded from that payment under Schedule 6 and Schedule 6A (sums to be disregarded in the calculation of earnings) or, as the case may be, any paragraph of Schedule 7 other than paragraph 1 of that Schedule, as is appropriate in the claimant’s case;”;  
and

(b) after paragraph (10) insert—

“(11) For the purposes of the number obtained as referred to in paragraph (2)(b), any fraction is to be treated as a corresponding fraction of a week.”.

(10) In regulation 98(1)(f) (earnings of employed earners) for “131 and 132” substitute “131 or 132” .

(11) In regulation 101(1)(b)(i), (4)(b)(ii) and (10)(a)(ii) (calculation of net profit of self-employed earners) for the words “social security contributions” substitute “national insurance contributions”.

(12) For regulation 102 (deduction of tax and contributions for self-employed earners) substitute—

#### **“Deduction of tax and contributions for self-employed earners**

**102.**—(1) Subject to paragraph (2), the amount to be deducted in respect of income tax under regulation 101(1)(b)(i), (4)(b)(i) or (10)(a)(i) (calculation of net profit of self-employed earners) is to be calculated—

- (a) on the basis of the amount of chargeable income; and
- (b) as if that income were assessable to income tax at the basic rate of tax less only the personal allowance to which the claimant is entitled under sections 35 and 38 to 40 of the Income Tax Act 2007 (personal reliefs) as is appropriate to their circumstances.

(2) If the period determined under regulation 95 is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal allowance deductible under paragraph (1) is to be calculated on a pro rata basis.

(3) Subject to paragraph (4), the amount to be deducted in respect of national insurance contributions under regulation 101(1)(b)(i), (4)(b)(ii) or (10)(a)(ii) is to be the total of—

- (a) the amount of Class 2 contributions payable under section 11(1) or, as the case may be, 11(3) of the Benefits Act at the rate applicable at the date of claim except where the claimant’s chargeable income is less than the amount specified in section 11(4) of that Act (small earnings exception) for the tax year in which the date of claim falls; and

- (b) the amount of Class 4 contributions (if any) which would be payable under section 15 of that Act (Class 4 contributions recoverable under the Income Tax Acts) at the percentage rate applicable at the date of claim on so much of the chargeable income as exceeds the lower limit but does not exceed the upper limit of profits and gains applicable for the tax year in which the date of claim falls.
- (4) If the period determined under regulation 95 is less than a year—
- (a) the amount specified for the tax year referred to in paragraph (3)(a) is to be reduced pro rata; and
  - (b) the limits referred to in paragraph (3)(b) are to be reduced pro rata.
- (5) In this regulation “chargeable income” means—
- (a) except where sub-paragraph (b) applies, the earnings derived from the employment less any expenses deducted under regulation 101(4)(a) or, as the case may be, (5); and
  - (b) in the case of employment as a child minder, one-third of the earnings of that employment.”.
- (13) For regulation 163(4) (calculation of earnings) substitute—
- “(4) In regulation 102 (deduction of tax and contributions for self-employed earners)—
- (a) in paragraphs (1) and (3), for “regulation 101(1)(b)(i)” substitute “regulation 101(3)(a)”;
  - (b) omit paragraphs (2) and (4);
  - (c) in paragraph (5)(a) for “regulation 101(4)(a) or, as the case may be, (5)” substitute “regulation 101(7)”;
  - (d) at the end of the regulation add—
- “(6) For the purposes of paragraphs (1) and (3) the earnings to which the basic rate of tax is to be applied and the amount of personal relief deductible, the amount specified in section 11(4) of the Benefits Act, and the upper limit of profits and gains referred to in paragraph (3)(b), are to be apportioned pro rata according to the period over which the earnings are assessed in accordance with regulation 101.”.
- (14) In paragraph 9(1) of Schedule 6 (sums to be disregarded in the calculation of earnings)—
- (a) omit paragraph (a);
  - (b) omit paragraph (aa);
  - (c) omit paragraph (ab); and
  - (d) before paragraph (b) insert—
- “(a) a part-time fire-fighter 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;”.

### **Amendment to the Social Security Benefit (Computation of Earnings) Regulations 1996**

**7.** In paragraph 9 of Schedule 1 to the Social Security Benefit (Computation of Earnings) Regulations 1996(a) (sums to be disregarded in the calculation of earnings)—

- (a) omit sub-paragraph (a);
- (b) omit sub-paragraph (aa);
- (c) omit sub-paragraph (ab); and
- (d) before sub-paragraph (b) insert—

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(a) S.I. 1996/2745; relevant amending instruments are S.I. 2004/3168 and 2005/2929 and 2060. Paragraph 9 of Schedule 1 to the Regulations is also modified by S.I. 2013/602.

- “(a) a part-time fire-fighter 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;”.

### **Amendment to the Social Security and Child Support (Decisions and Appeals) Regulations 1999**

8. After paragraph 3(e) of Schedule 3C to the Social Security and Child Support (Decisions and Appeals) Regulations 1999(a) (date from which change of circumstances takes effect where claimant entitled to employment and support allowance) insert—

- “(f) regulation 9 of the Social Security (Disability Living Allowance) Regulations 1991 (persons in care homes) applies, or ceases to apply, to the claimant for a period of less than one week; or
- (g) regulations under section 85(1) of the Welfare Reform Act 2012 (care home residents) apply, or cease to apply, to the claimant for a period of less than one week.”.

### **Amendments to the Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000**

9.—(1) The Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000(b) are amended as follows.

(2) Omit regulation 2(8) (persons not excluded from specified benefits under section 115 of the Immigration and Asylum Act 1999).

(3) Omit paragraph 1 of the Schedule (persons not excluded from specified benefits under section 115 of the Immigration and Asylum Act 1999).

### **Amendments to the State Pension Credit Regulations 2002**

10.—(1) The State Pension Credit Regulations 2002(c) are amended as follows.

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

- (a) in the definition of “attendance allowance” omit paragraphs (c) and (d); and
- (b) in the definition of “enactment” after “Parliament” insert “or the National Assembly for Wales”.

(3) In regulation 2(4) (persons not in Great Britain)—

(a) for sub-paragraph (h) substitute—

“(h) a person who has been granted leave or who is deemed to have been granted leave outside the rules made under section 3(2) of the Immigration Act 1971 (where that leave is—

- (i) discretionary leave to enter or remain in the United Kingdom;
- (ii) leave to remain under the Destitution Domestic Violence concession(d); or
- (iii) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005(e);”;

(b) at the end of sub-paragraph (hh) add “or”; and

(c) omit sub-paragraph (j) and (k).

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(a) S.I. 1999/991. Schedule 3C was inserted by regulation 43 of S.I. 2008/1554.

(b) S.I. 2000/636; regulation 2 was amended by S.I. 2009/3228; there are other amending instruments but none is relevant.

(c) S.I. 2002/1792; relevant amending instruments are S.I. 2002/3197, 2003/2274, 2004/3168, 2005/2929 and 2060, 2006/1026 and 2528, 2008/3157, 2009/362 and 2655 and 2013/630. Paragraph 2 of Schedule 6 to the Regulations is also modified by S.I. 2013/602.

(d) The Destitution Domestic Violence concession is published by the Home Office at: <http://www.ukba.homeoffice.gov.uk/>.

(e) S.I. 2005/1379, amended by S.I. 2013/630; there are other amending instruments but none is relevant.



(4) In paragraph 20A(2)(j) of Part 1 of Schedule 5 (capital disregarded for the purpose of calculating income), for “paragraph 17” substitute “paragraph 18”.

(5) In paragraph 2(2) of Schedule 6 (sums disregarded from claimant’s earnings)—

- (a) omit paragraph (a);
- (b) omit paragraph (aa);
- (c) omit paragraph (ab); and
- (d) before paragraph (b) insert—

“(a) a part-time fire-fighter 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;”.

### **Amendments to the Housing Benefit Regulations 2006**

**11.**—(1) The Housing Benefit Regulations 2006(a) are amended as follows.

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

- (a) in the definition of “attendance allowance” omit paragraphs (c) and (d); and
- (b) in the definition of “enactment” after “Parliament” insert “or the National Assembly for Wales”.

(3) In regulation 10 (persons from abroad)—

(a) for paragraph (3B)(h) substitute—

“(h) a person who has been granted leave or who is deemed to have been granted leave outside the rules made under section 3(2) of the Immigration Act 1971 where that leave is—

- (i) discretionary leave to enter or remain in the United Kingdom;
- (ii) leave to remain under the Destitution Domestic Violence concession(b); or
- (iii) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005(c);”

(b) at the end of paragraph (3B)(i) add “or”; and

(c) omit paragraphs (3B)(j) and (jj) and (4).

(4) In regulation 87 (amendment and withdrawal of claim)—

(a) for paragraph (1) substitute—

“(1) A person who has made a claim for benefit may amend it at any time before a determination has been made on the claim by notice in writing received at the designated office, by telephone call to a telephone number specified by the relevant authority under regulation 83(4A) (time and manner in which claims are to be made) or by the Secretary of State under regulation 83(4AA) or in such other manner as the relevant authority or the Secretary of State may decide or accept.”;

(b) omit paragraph (2); and

(c) in paragraph (3) omit “or (2)”.

(5) For paragraph 8(1)(a) and (b) of Schedule 4 (sums to be disregarded in the calculation of earnings) substitute—

“(a) a part-time fire-fighter 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;”.

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(a) S.I. 2006/213; relevant amending instruments are S.I. 2004/3168, 2005/2929 and 2060, 2006/1026 and 2528, 2008/2299 and 2009/362 and 2655. Paragraph 8 of Schedule 4 to the Regulations is also modified by S.I. 2013/602.

(b) The Destitution Domestic Violence concession is published by the Home Office at: <http://www.ukba.homeoffice.gov.uk/>.

(c) S.I. 2005/1379, amended by S.I. 2013/630; there are other amending instruments but none is relevant.



## **Amendments to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006**

**12.**—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(a) are amended as follows.

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

- (a) in the definition of “attendance allowance” omit paragraphs (c) and (d); and
- (b) in the definition of “enactment” after “Parliament” insert “or the National Assembly for Wales”.

(3) In regulation 10 (persons from abroad)—

(a) for paragraph (4A)(h) substitute—

“(h) a person who has been granted leave or who is deemed to have been granted leave outside the rules made under section 3(2) of the Immigration Act 1971 where that leave is—

- (i) discretionary leave to enter or remain in the United Kingdom;
- (ii) leave to remain under the Destitution Domestic Violence concession(b); or
- (iii) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005(c);”;

(b) at the end of paragraph (4A)(i) add “or”; and

(c) omit paragraphs (4A)(j) and (jj) and (5).

(4) In regulation 68 (amendment and withdrawal of claim)—

(a) for paragraph (1) substitute—

“(1) A person who has made a claim for benefit may amend it at any time before a determination has been made on the claim by notice in writing received at the designated office, by telephone call to a telephone number specified by the relevant authority under regulation 64(5A) (time and manner in which claims are to be made) or by the Secretary of State under regulation 64(5B) or in such other manner as the relevant authority or the Secretary of State may decide or accept.”;

(b) omit paragraph (2); and

(c) in paragraph (3) omit “or (2)”.

(5) In paragraph 3(2) of Schedule 4 (sums disregarded from claimant’s earnings) for paragraphs (a) and (b) substitute—

“(a) a part-time fire-fighter 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;”.

(6) In paragraph 22(2) of Schedule 6 (capital to be disregarded) after paragraph (e) insert—

“(f) paragraph 18 of Schedule 10 to the Universal Credit Regulations 2013,”.

## **Amendments to the Employment and Support Allowance Regulations 2008**

**13.**—(1) The Employment and Support Allowance Regulations 2008(d) are amended as follows.

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

- (a) in the definition of “attendance allowance” omit paragraphs (c) and (d);

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(a) S.I. 2006/214; the relevant amending instruments are S.I. 2006/1026 and 2528, 2008/1042, 1082 and 2299 and 2009/362 and 2655. Paragraph 3 of Schedule 4 to the Regulations is also modified by S.I. 2013/602.

(b) The Destitution Domestic Violence concession is published by the Home Office at: <http://www.ukba.homeoffice.gov.uk/>.

(c) S.I. 2005/1379, amended by S.I. 2013/630; there are other amending instruments but none is relevant.

(d) S.I. 2008/794; relevant amending instruments are S.I. 2008/2428, 2009/362 and 2655, 2010/442, 671 and 840, 2011/228, 674 and 2425, 2012/919 and 3096 and 2013/235. Regulation 43(1)(e) is modified by S.I. 2013/602.

- (b) in paragraph (a) of the definition of “councillor” after “county council,” insert “a county borough council,”;
  - (c) in the definition of “councillor’s allowance”—
    - (i) in paragraph (a) omit “or Wales”;
    - (ii) in paragraph (b)(ii) for “sections 11 and 16” substitute “section 11”; and
    - (iii) after “2004; or” insert—
      - “(c) in Wales, an allowance under or by virtue of a scheme made by virtue of section 18 of the Local Government and Housing Act 1989 other than such an allowance as is mentioned in section 173(4) of the Local Government Act 1972;”;
  - (d) in the definition of “enactment” after “Parliament” insert “or the National Assembly for Wales”;
  - (e) omit the definition of “relevant infection or contamination”; and
  - (f) omit the definition of “service user group”.
- (3) After regulation 2(7) insert—
- “(8) References in these Regulations to a person or claimant participating as a service user are to—
- (a) a person who is being consulted by or on behalf of—
    - (i) a body which has a statutory duty to provide services in the field of health, social care or social housing; or
    - (ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving such services,
      - in their capacity as a user, potential user, carer of a user or person otherwise affected by the provision of those services; or
  - (b) the carer of a person consulted under sub-paragraph (a).”.
- (4) In regulation 4 (end of the assessment phase)—
- (a) in paragraph (1) for “paragraph (2)” substitute “paragraphs (2) and (3)”; and
  - (b) for paragraph (2) substitute—
    - “(2) Where paragraph (3) applies, the assessment phase is to end when it is determined whether the claimant has limited capability for work.
    - (3) This paragraph applies where, at the end of the 13 week period referred to in paragraph (1)—
      - (a) the claimant has not been assessed in accordance with a limited capability for work assessment; and
      - (b) the claimant has not been treated as having limited capability for work in accordance with regulations 20, 25, 26, 29 or 33(2) (persons to be treated as having limited capability for work).”.
- (5) In regulation 5 (assessment phase – previous claimants)—
- (a) in paragraph (1)(b) for “paragraph (3) and (4)” substitute “paragraphs (3), (3A) and (4)”; and
  - (b) for paragraph (3) substitute—
    - “(3) Where paragraph (3A) applies, the assessment phase is to end when it is determined whether the claimant has limited capability for work.
    - (3A) This paragraph applies where on the day referred to in paragraph (1)(b)—
      - (a) the claimant has not been assessed in accordance with a limited capability for work assessment; and
      - (b) the claimant has not been treated as having limited capability for work in accordance with regulations 20, 25, 26, 29 or 33(2) (persons to be treated as having limited capability for work).”; and

- (c) in paragraph (4)(a) for “paragraph (3) does” substitute “paragraphs (3) and (3A) do”.
- (6) In the definition of “advanced education” in regulation 9(5) (conditions relating to youth)—
  - (a) in paragraph (a) for “Technician” substitute “Technology”; and
  - (b) in paragraph (b) for “Technical” substitute “Technology”.
- (7) In regulation 19 (determination of limited capability for work)—
  - (a) in paragraph (3)—
    - (i) for “any descriptor” substitute “each descriptor”; and
    - (ii) after “listed in that Schedule” insert “which applies in the claimant’s case”;
  - (b) in paragraph (5)(c)(i) after “disablement;” insert “or”; and
  - (c) in paragraph (6) for “apply” substitute “applies”.
- (8) In regulation 20 (certain claimants to be treated as having limited capability for work)—
  - (a) regulation 20 shall stand as paragraph (1);
  - (b) in paragraph (1)(c)(i)—
    - (i) omit “, or from work of such a kind;” and
    - (ii) after “made” insert “or given”;
  - (c) in paragraph (1)(e)(i) after “period” insert “(which has the meaning it has in section 35(2) of the Contributions and Benefits Act)”;
  - (d) in paragraph (1)(g)—
    - (i) insert “the claimant meets” at the beginning of the paragraph; and
    - (ii) for “apply to the claimant” substitute “in accordance with regulation 34(2), (3) and (6) where applicable”; and
  - (e) after paragraph (1) insert—
    - “(2) In this regulation, “relevant infection or contamination” means—
      - (a) in England and Wales—
        - (i) any incidence or spread of infection or contamination, within the meaning of section 45A(3) of the Public Health (Control of Disease) Act 1984 in respect of which regulations are made under Part 2A of that Act (public health protection) for the purpose of preventing, protecting against, controlling or providing a public health response to, such incidence or spread; or
        - (ii) tuberculosis or any infectious disease to which regulation 9 of the Public Health (Aircraft) Regulations 1979 (powers in respect of persons leaving aircraft) applies or to which regulation 10 of the Public Health (Ships) Regulations 1979 (powers in respect of certain persons on ships) applies; and
      - (b) in Scotland, any—
        - (i) infectious disease within the meaning of section 1(5) of the Public Health etc (Scotland) Act 2008, or exposure to an organism causing that disease; or
        - (ii) contamination within the meaning of section 1(5) of that Act, or exposure to a contaminant,
 to which sections 56 to 58 of that Act (compensation) apply.”.
- (9) In regulation 21(2) (information required for determining capability for work) for “will” substitute “must”.
- (10) In regulation 22 (failure to provide information in relation to limited capability for work)—
  - (a) for paragraph (2)(a) substitute—
    - “(a) the claimant was sent a further request at least three weeks after the date of the first request;” and
  - (b) in paragraph (2)(b) omit from “the claimant” to “request, and”.

- (11) In regulation 23 (claimant called for a medical examination)—
- (a) in paragraph (2) for “listed” substitute “mentioned”; and
  - (b) for paragraph (3) substitute—
    - “(3) Paragraph (2) does not apply unless—
      - (a) written notice of the date, time and place for the examination was sent to the claimant at least seven days in advance; or
      - (b) that claimant agreed to accept a shorter period of notice whether given in writing or otherwise.”.
- (12) In regulation 26(1) (claimants receiving certain regular treatment) after “engaged in” insert “receiving”.
- (13) After regulation 29(3) (exceptional circumstances) insert—
- “(4) In this regulation “medical evidence” means—
    - (a) evidence from a health care professional approved by the Secretary of State; and
    - (b) evidence (if any) from any health care professional or a hospital or similar institution,

or such part of such evidence as constitutes the most reliable evidence available in the circumstances.”.
- (14) In regulation 30 (conditions for treating a claimant as having limited capability for work)—
- (a) in paragraph (2)(b)—
    - (i) after “claim” insert “for employment and support allowance”; and
    - (ii) for “unless” to the end substitute “unless paragraph (4) applies.”;
  - (b) omit paragraph (2)(c); and
  - (c) after paragraph (3) insert—
    - “(4) This paragraph applies where—
      - (a) the claimant is suffering from some specific disease or bodily or mental disablement from which the claimant was not suffering at the time of that determination;
      - (b) a disease or bodily or mental disablement from which the claimant was suffering at the time of that determination has significantly worsened; or
      - (c) in the case of a claimant who was treated as not having limited capability for work under regulation 22 (failure to provide information), the claimant has since provided the information requested under that regulation.”.
- (15) In regulation 32(1) (certain claimants to be treated as not having limited capability for work) omit “for Defence”.
- (16) In regulation 32A(1) (period covered by medical evidence) omit “then”.
- (17) In regulation 34 (determination of limited capability for work-related activity)—
- (a) in paragraph (1)—
    - (i) for “claimant’s”, the second time it occurs, substitute “claimant has limited”;
    - (ii) omit “will be limited”; and
    - (iii) after “limitation” for “will” substitute “must”;
  - (b) omit paragraph (3A); and
  - (c) after paragraph (5) insert—
    - “(6) In assessing the extent of a claimant’s capability to perform any activity listed in Schedule 3, it is a condition that the claimant’s incapability to perform the action arises—
      - (a) in respect of descriptors 1 to 8, 15(a), 15(b), 16(a) and 16(b)—
        - (i) from a specific bodily disease or disablement; or

- (ii) as a direct result of treatment provided by a registered medical practitioner for a specific physical disease or disablement; or
- (b) in respect of descriptors 9 to 14, 15(c), 15(d), 16(c) and 16(d)—
  - (i) from a specific mental illness or disablement; or
  - (ii) as a direct result of treatment provided by a registered medical practitioner for a specific mental illness or disablement.”.
- (18) In regulation 36(2) (information required for determining capability for work-related activity) for “will” substitute “must”.
- (19) In regulation 37(2) (failure to provide information in relation to work-related activity)—
  - (a) for sub-paragraph (a) substitute—
    - “(a) the claimant was sent a further request at least three weeks after the date of the first request;” and
  - (b) in sub-paragraph (b) omit from “the claimant” to “, and”.
- (20) In regulation 38 (claimant may be called for a medical examination)—
  - (a) in paragraph (2) for “listed” substitute “mentioned”; and
  - (b) for paragraph (3) substitute—
    - “(3) Paragraph (2) does not apply unless—
      - (a) written notice of the date, time and place for the examination was sent to the claimant at least seven days in advance; or
      - (b) the claimant agreed to accept a shorter period of notice whether given in writing or otherwise.”.
- (21) In regulation 40(2)(d) (claimant who works) after “earnings)” insert “or”.
- (22) For regulation 43(1)(e)(i), (ii) and (iii) (circumstances under which partners of claimants entitled to an income-related allowance are not to be treated as engaged in remunerative work) substitute—
  - “(i) a part-time fire-fighter 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;”.
- (23) In regulation 45 (exempt work) —
  - (a) for paragraph (4)(b) and (c) substitute—
    - “(b) is done by a claimant who has or is treated as having limited capability for work-related activity.”; and
  - (b) after paragraph (4)(b) insert—
    - “(4A) For the purposes of paragraph (4)(a), a period of specified work begins on the first day on which any specified work is undertaken and continues for a period of 52 weeks, whether or not any further specified work is undertaken during that period.”.
- (24) In regulation 70(4) (special cases: supplemental – persons from abroad)—
  - (a) for sub-paragraph (h) substitute—
    - “(h) a person who has been granted leave or who is deemed to have been granted leave outside the rules made under section 3(2) of the Immigration Act 1971 where that leave is—
      - (i) discretionary leave to enter or remain in the United Kingdom;
      - (ii) leave to remain under the Destitution Domestic Violence concession(a); or

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(a) The Destitution Domestic Violence concession is published by the Home Office at: <http://www.ukba.homeoffice.gov.uk/>.

- (iii) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005(a);”;
  - (b) at the end of sub-paragraph (i) add “or”; and
  - (c) omit sub-paragraph (k) and (l).
- (25) In regulation 76(1) (deductions for councillor’s allowance) for “person” substitute “claimant”.
- (26) In regulation 95 (earnings of employed earners)—
- (a) in paragraph (2)(f) for “claimant’s participation in a service user group” substitute “claimant participating as a service user”; and
  - (b) in paragraph (4)(b) for “(e)” substitute “(f)”.
- (27) In regulation 104 (calculation of income other earnings) insert after paragraph (9)—
- “(10) Where a claimant is a member of a couple and the claimant’s partner is receiving a contributory allowance, and that benefit has been reduced under regulation 63 or section 11J of the Act, the amount of the benefit to be taken into account is the amount as if it had not been so reduced.
- (11) Where a claimant is a husband or wife by virtue of a polygamous marriage and the other party to the marriage or any spouse additional to the marriage is receiving a contributory allowance, and that benefit has been reduced under regulation 63 or section 11J of the Act(b), the amount of the benefit to be taken into account is the amount as if it had not been so reduced.”.
- (28) In regulation 106(9) (notional income – deprivation and income on application) for “claimant’s participation in a service user group” substitute “claimant participating as a service user”.
- (29) In regulation 107(8) (notional income due to be paid) for “claimant’s participation in a service user group” substitute “claimant participating as a service user”.
- (30) In regulation 108(5) (notional income – other income) for “claimant’s participation in a service user group” substitute “claimant participating as a service user”.
- (31) For regulation 168 (reduction in certain cases) substitute—

**“Reduction in certain cases**

**168.**—(1) Where a disqualification is to be made in accordance with regulation 157 in respect of a part-week, the amount referred to in paragraph (2) is to be payable by way of an employment and support allowance in respect of that part-week.

(2) The amount mentioned in paragraph (1) is—

- (a) one seventh of the employment and support allowance which would have been paid for the part-week if—
  - (i) there was no disqualification under regulation 157; and
  - (ii) it was not a part-week; multiplied by
- (b) the number of days in the part-week in respect of which no disqualification is to be made in accordance with regulation 157.”.

(32) In Part 1 (physical disabilities) of Schedule 2 (assessment of whether a claimant has limited capability for work)—

- (a) in column 2, opposite the entry for paragraph 1 in column 1 (activity),—
  - (i) in paragraphs 1(a), (c) and (d) after “cannot” insert “unaided by another person”;
  - (ii) in paragraph 1(b)—

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(a) S.I. 2005/1379, amended by S.I. 2013/630; there are other amending instruments but none is relevant.  
 (b) Section 11J was inserted by section 57(1) and (2) of the Welfare Reform Act 2012 (c. 5).

- (aa) after “cannot” insert “unaided by another person”; and
  - (bb) after “steps” omit “unaided by another person”; and
  - (iii) in paragraph 1(e) for “apply” substitute “applies”;
  - (b) in column 2, opposite the entry for paragraph 5 in column 1,—
    - (i) for paragraph 5(a) substitute—
      - “(a) Cannot press a button (such as a telephone keypad) with either hand or cannot turn the pages of a book with either hand.”;
    - (ii) in paragraph 5(c) after “mark” insert “with either hand”; and
    - (iii) in paragraph 5(e) for “apply” substitute “applies”;
  - (c) in column 2, opposite the entry for paragraph 7 in column 1,—
    - (i) in paragraph 7(a)—
      - (aa) after “message” insert “, such as the location of a fire escape,”; and
      - (bb) after “impairment,” omit the words to the end of the sentence;
    - (ii) in paragraph 7(d) for “apply” substitute “applies”; and
  - (d) in column 2, opposite the entry for paragraph 9 in column 1, in paragraph 9(c) for “none of the above apply” substitute “neither of the above applies”.
- (33) In Part 2 (mental, cognitive and intellectual function assessment) of Schedule 2 (assessment of whether a claimant has limited capability for work)—
- (a) in column 2, opposite the entry for paragraph 12 in column 1,—
    - (i) in paragraph 12(a) for “they require” substitute “the claimant requires”;
    - (ii) in paragraph 12(b) for “they frequently require” substitute “the claimant frequently requires”; and
    - (iii) in paragraph 12(c) for “they occasionally require” substitute “the claimant occasionally requires”;
  - (b) in column 2, opposite the entry for paragraph 13 in column 1,—
    - (i) in paragraph 13(b) after “2” insert “sequential”;
    - (ii) in paragraph 13(c) after “2” insert “sequential”; and
    - (iii) in paragraph 13(d) for “apply” substitute “applies”; and
  - (c) in column 2, opposite the entry for paragraph 16 in column 1,—
    - (i) in paragraph 16(a), (b) and (c) for “individual” substitute “claimant”; and
    - (ii) in paragraph 16(d) for “apply” substitute “applies”.
- (34) In Schedule 3 (assessment of whether a claimant has limited capability for work-related activity)—
- (a) in column 2, opposite the entry for paragraph 5 in column 1, for paragraph 5 substitute—
    - “5. Cannot press a button (such as a telephone keypad) with either hand or cannot turn the pages of a book with either hand.”;
  - (b) in column 2, opposite the entry for paragraph 7 in column 1,—
    - (i) after “message” insert “, such as the location of a fire escape,”; and
    - (ii) after “impairment” omit the words to the end of the sentence;
  - (c) in column 2, opposite the entry for paragraph 10 in column 1, for “they require” substitute “the claimant requires”;
  - (d) in column 2, opposite the entry for paragraph 13 in column 1, for “individual” substitute “claimant”; and
  - (e) in column 2, opposite the entry for paragraph 15 in column 1, in paragraph 15(b) for “stopping,” substitute “stopping or”.



(35) In column 1 of paragraph 13 of Part 2 of Schedule 5 (prescribed amounts in special cases) for “the other” substitute “each”.

(36) In paragraph 19 of Schedule 6 (Housing Costs)—

(a) sub-paragraph (7)(i) shall stand as sub-paragraph (7ZA); and

(b) in sub-paragraph (7ZA) for “in sub-paragraph (b)” substitute “For the purposes of sub-paragraph (7)(b)”.

(37) In paragraph 2A of Schedule 8 (sums to be disregarded in the calculation of income) for “claimant’s participation in a service user group” substitute “claimant participating as a service user”.

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

*Freud*

Parliamentary Under Secretary of State  
Department for Work and Pensions

2nd October 2013

### **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.

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