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STATUTORY INSTRUMENTS

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**2020 No. 618**

**SOCIAL SECURITY**

**The Social Security (Income and Capital)  
(Miscellaneous Amendments) Regulations 2020**

<i>Made</i>	- - - -	<i>18th June 2020</i>
<i>Laid before Parliament</i>		<i>24th June 2020</i>
<i>Coming into force</i>	- -	<i>15th July 2020</i>

The Secretary of State makes the following regulations in exercise of the powers conferred by sections 123(1)(a) and (d), 130A(2), 135(1), 136(3) and (5), 136A(3), 137(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(1), sections 4(4), 12(1) and (4), 35(1) and 36(2) and (4)(a) of the Jobseekers Act 1995(2), sections 2(3)(b), 15(3) and (6) and 17(1) of the State Pension Credit Act 2002(3), sections 4(2), 17(1) and (3), 24(1) and 25(3) and (5)(a) of the Welfare Reform Act 2007(4) and sections 8(3)(b), 19(2)(d) and (3), 40 and 42(1) to (3)(a) of, and paragraph 4(1) and (3) of Schedule 1 and paragraph 1(1) of Schedule 6 to, the Welfare Reform Act 2012(5).

In accordance with section 173(1)(b) of the Social Security Administration Act 1992(6), the Social Security Advisory Committee has agreed that the proposals in respect of these Regulations should not be referred to it.

In respect of the provisions in regulations 5 and 6, in accordance with section 176(1)(a) of the Social Security Administration Act 1992(7), the Secretary of State has consulted with organisations appearing to the Secretary of State to be representative of the authorities concerned.

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- (1) 1992 c. 4. Section 136A was inserted by paragraph 3 of Schedule 2 to the State Pension Credit Act 2002 (c.16). Section 175(1) is amended by paragraph 29(1) and (2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2) and section 175(4) is amended by paragraph 29(1) and (4) of that Schedule. Section 175(1) and (2) to (4) is applied to provisions of the State Pension Credit Act 2002 by section 19(1) of the Act. Section 137(1) is cited for the meaning of “prescribed”.
- (2) 1995 c. 18. Section 35(1) is cited for the meaning of “prescribed” and “regulations”. Section 35(1) was amended by paragraph 62 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2) and there are other amendments to section 35(1) which are not relevant. Section 36(4) was amended by paragraph 63 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2).
- (3) 2002 c. 16. Section 17(1) is cited for the meaning of “prescribed” and “regulations”.
- (4) 2007 c. 5. Section 24(1) is cited for the meaning of “prescribed” and “regulations”.
- (5) 2012 c. 5. Section 40 is cited for the meaning of “prescribed”.
- (6) 1992 c. 5.
- (7) Section 176(1)(a) was amended by paragraph 23 of Schedule 9 to the Local Government Finance Act 1992 (c. 14) and was repealed, to the extent that it related to council tax benefit, by Part 1 of Schedule 14 to, the Welfare Reform Act 2012 with effect from 1st April 2013 and subject to savings and transitional provisions in articles 9 and 10 of S.I. 2013/358.

## Citation and commencement

1. These Regulations may be cited as the Social Security (Income and Capital) (Miscellaneous Amendments) Regulations 2020 and come into force on 15th July 2020.

## Amendment of the Income Support (General) Regulations 1987

2.—(1) The Income Support (General) Regulations 1987<sup>(8)</sup> are amended as follows.

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

(a) in the appropriate places insert—

““Grenfell Tower payment” means a payment made to a person because that person was affected by the fire on 14th June 2017 at Grenfell Tower, or a payment to the personal representative of such a person—

(a) from the £5 million fund announced on 16th June 2017 for the benefit of certain persons affected by the fire on 14th June 2017 at Grenfell Tower and known as the Grenfell Tower Residents’ Discretionary Fund;

(b) by the Royal Borough of Kensington and Chelsea; or

(c) by a registered charity;”;

““the National Emergencies Trust” means the registered charity of that name (number 1182809) established on 28th March 2019;”;

(b) in the definition of “qualifying person”—

(i) after “means a person in respect of whom” insert “a Grenfell Tower payment has been made or”;

(ii) after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”.

(3) In regulation 42 (notional income)—

(a) in paragraph (4), for “paragraph (4ZA)” substitute “paragraph (4ZA) or (4ZB)”;

(b) in paragraph (4ZA)(a), after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”;

(c) after paragraph (4ZA), insert—

“(4ZB) Paragraph (4) shall not apply in respect of a payment of income which is a Grenfell Tower payment.”.

(4) In paragraph (10) of regulation 48 (income treated as capital)—

(a) after sub-paragraph (a), insert—

“(ab) which is a Grenfell Tower payment;”;

(b) in sub-paragraph (c), after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”.

(5) In regulation 51 (notional capital)—

(a) in paragraph (3), for “paragraph (3A)” substitute “paragraph (3A) or (3B)”;

(b) in paragraph (3A)(a), after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”;

(c) after paragraph (3A), insert—

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(8) S.I.1987/1967; relevant amending instruments are S.I. 1988/663, 999, 1445 and 2022, 1990/127 and 1549, 1991/1175, 1992/1101, 1993/963 and 1249, 1995/2927, 1998/563 and 2117, 1999/1935, 2000/1922 and 1981, 2001/2319, 2002/1589 and 2689, 2004/1141 and 2308, 2005/574 and 3391, 2006/1752, 2007/1632 and 2538, 2008/2767, 2009/1575, 2010/641, 2011/2425, 2016/743, and 2017/329, 689 and 870.

“(3B) Paragraph (3) shall not apply in respect of a payment of capital which is a Grenfell Tower payment.”.

(6) In paragraph (1) of regulation 61 (interpretation), for the definition of “postgraduate master’s degree loan” substitute—

““postgraduate loan” means a loan to a student undertaking a postgraduate master’s degree course or a postgraduate doctoral degree course pursuant to regulations made under section 22 of the Teaching and Higher Education Act 1998(9);”.

(7) In paragraph (2A) of regulation 62 (calculation of grant income), omit “master’s degree”, both times it occurs.

(8) In regulation 66A (treatment of student loans and postgraduate master’s degree loans)—

- (a) in the heading, omit “master’s degree”;
- (b) in paragraph (1), omit “master’s degree”;
- (c) in paragraph (3), omit “master’s degree”, each time it occurs;
- (d) in paragraph (4A), omit “master’s degree”, both times it occurs.

(9) In regulation 67A (further disregard of student’s income), omit “master’s degree”.

(10) In paragraph 18(8)(b) of Schedule 3 (housing costs)—

- (a) at the beginning insert “any Grenfell Tower payment or”;
- (b) after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”.

(11) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings)—

- (a) in paragraph 21(2)—
  - (i) after “sub-paragraph (1) shall not apply where the income in kind” insert “is a Grenfell Tower payment or”;
  - (ii) after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”;
- (b) in paragraph 39—
  - (i) in sub-paragraph (1), after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”;
  - (ii) after sub-paragraph (1), insert—

“(1A) Any Grenfell Tower payment.”;
  - (iii) in sub-paragraphs (2) and (3), after “Trusts to which sub-paragraph (1) refers” insert “, or from a Grenfell Tower payment,”;
  - (iv) in sub-paragraphs (4) and (5), after “Trusts to which sub-paragraph (1) refers,” insert “or from a Grenfell Tower payment,”;
  - (v) in sub-paragraph (6), after “or deriving from any of the Trusts” insert “or from a Grenfell Tower payment”;
  - (vi) in sub-paragraph (7), after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”.

(12) In Schedule 10 (capital to be disregarded)—

- (a) in paragraph 22—
  - (i) in sub-paragraph (1), after “the We Love Manchester Emergency Fund” insert “the National Emergencies Trust,”;

- (ii) after sub-paragraph (1), insert—
    - “(1A) Any Grenfell Tower payment or any payment made by the Child Migrants Trust (registered charity number 1171479) under the scheme for former British child migrants.”;
  - (iii) in sub-paragraphs (2) and (3), after “Trusts to which sub-paragraph (1) refers” insert “, or from a Grenfell Tower payment.”;
  - (iv) in sub-paragraphs (4) and (5), after “Trusts to which sub-paragraph (1) refers,” insert “or from a Grenfell Tower payment.”;
  - (v) in sub-paragraph (6), after “or deriving from any of the Trusts” insert “or from a Grenfell Tower payment”;
  - (vi) in sub-paragraph (7), after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”;
- (b) in paragraph 29, after “Any payment in kind” insert “which is a Grenfell Tower payment or”.

### **Amendment of the Jobseeker’s Allowance Regulations 1996**

**3.—**(1) The Jobseeker’s Allowance Regulations 1996<sup>(10)</sup> are amended as follows.

(2) In paragraph (3) of regulation 1 (interpretation)—

(a) in the appropriate places insert—

““Grenfell Tower payment” means a payment made to a person because that person was affected by the fire on 14th June 2017 at Grenfell Tower, or a payment to the personal representative of such a person—

- (a) from the £5 million fund announced on 16th June 2017 for the benefit of certain persons affected by the fire on 14th June 2017 at Grenfell Tower and known as the Grenfell Tower Residents’ Discretionary Fund;
- (b) by the Royal Borough of Kensington and Chelsea; or
- (c) by a registered charity.”;

““the National Emergencies Trust” means the registered charity of that name (number 1182809) established on 28th March 2019.”;

(b) in the definition of “qualifying person”—

- (i) after “means a person in respect of whom” insert “a Grenfell Tower payment has been made or”;
- (ii) after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”.

(3) In paragraph (10A) of regulation 105 (notional income)—

(a) in sub-paragraph (a), after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”;

(b) after sub-paragraph (a), insert—

“(ab) which is a Grenfell Tower payment.”.

(4) In paragraph (10) of regulation 110 (income treated as capital)—

(a) after sub-paragraph (a), insert—

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<sup>(10)</sup> S.I. 1996/207; relevant amending instruments are S.I. 1998/563 and 2117, 1999/1935, 2000/1922, 2001/2319, 2002/1589 and 2689, 2004/1141 and 2308, 2005/574, 2877 and 3391, 2006/1752, 2007/1632, 2008/2767, 2009/1575, 2010/641, 2011/2425, 2013/630, 2016/743 and 2017/329, 689 and 870.

- “(ab) which is a Grenfell Tower payment;”;
- (b) in sub-paragraph (c), after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”.
- (5) In regulation 113 (notional capital)—
  - (a) in paragraph (3), for “paragraph (3A)” substitute “paragraph (3A) or (3B)”;
  - (b) in paragraph (3A)(a), after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”;
  - (c) after paragraph (3A), insert—
    - “(3B) Paragraph (3) shall not apply in respect of a payment of capital which is a Grenfell Tower payment.”.
- (6) In regulation 130 (interpretation), for the definition of “postgraduate master’s degree loan” substitute—
  - ““postgraduate loan” means a loan to a student undertaking a postgraduate master’s degree course or a postgraduate doctoral degree course pursuant to regulations made under section 22 of the Teaching and Higher Education Act 1998;”.
- (7) In paragraph (3) of regulation 131 (calculation of grant income), omit “master’s degree” both times it occurs.
- (8) In regulation 136 (treatment of student loans and postgraduate master’s degree loans)—
  - (a) in the heading, omit “master’s degree”;
  - (b) in paragraph (1), omit “master’s degree”;
  - (c) in paragraph (3), omit “master’s degree”, each time it occurs;
  - (d) in paragraph (4A), omit “master’s degree”, both times it occurs.
- (9) In regulation 137A (further disregard of student’s income), omit “master’s degree”.
- (10) In paragraph 17(8)(b) of Schedule 2 (housing costs)—
  - (a) at the beginning insert “any Grenfell Tower payment or”;
  - (b) after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”.
- (11) In Schedule 7 (sums to be disregarded in the calculation of income other than earnings)—
  - (a) in paragraph 22(2)—
    - (i) after “sub-paragraph (1) shall not apply where the income in kind” insert “is a Grenfell Tower payment or”;
    - (ii) after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”;
  - (b) in paragraph 41—
    - (i) in sub-paragraph (1), after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”;
    - (ii) after sub-paragraph (1), insert—
      - “(1A) Any Grenfell Tower payment.”;
    - (iii) in sub-paragraphs (2) and (3), after “Trusts to which sub-paragraph (1) refers” insert “, or from a Grenfell Tower payment,”;
    - (iv) in sub-paragraphs (4) and (5), after “Trusts to which sub-paragraph (1) refers,” insert “or from a Grenfell Tower payment,”;

- (v) in sub-paragraph (6), after “or deriving from any of the Trusts” insert “or from a Grenfell Tower payment”;
  - (vi) in sub-paragraph (7), after “MFET Limited” insert “, the National Emergencies Trust”.
- (12) In Schedule 8 (capital to be disregarded)—
- (a) in paragraph 27—
    - (i) in sub-paragraph (1), after “the London Bombings Relief Charitable Fund” insert “, the National Emergencies Trust”;
    - (ii) after sub-paragraph (1), insert—
 

“(1A) Any Grenfell Tower payment or any payment made by the Child Migrants Trust (registered charity number 1171479) under the scheme for former British child migrants.”;
    - (iii) in sub-paragraphs (2) and (3), after “Trusts to which sub-paragraph (1) refers” insert “, or from a Grenfell Tower payment,”;
    - (iv) in sub-paragraphs (4) and (5), after “Trusts to which sub-paragraph (1) refers,” insert “or from a Grenfell Tower payment,”;
    - (v) in sub-paragraph (6), after “or deriving from any of the Trusts” insert “or from a Grenfell Tower payment”;
  - (b) in paragraph 31, after “Any payment in kind” insert “which is a Grenfell Tower payment or is”.

### **Amendment of the State Pension Credit Regulations 2002**

- 4.—(1) The State Pension Credit Regulations 2002<sup>(11)</sup> are amended as follows.
- (2) In paragraph (2) of regulation 1 (interpretation)—
- (a) in the appropriate places insert—
 

““Grenfell Tower payment” means a payment made to a person because that person was affected by the fire on 14th June 2017 at Grenfell Tower, or a payment to the personal representative of such a person—

    - (a) from the £5 million fund announced on 16th June 2017 for the benefit of certain persons affected by the fire on 14th June 2017 at Grenfell Tower and known as the Grenfell Tower Residents’ Discretionary Fund;
    - (b) by the Royal Borough of Kensington and Chelsea; or
    - (c) by a registered charity;”;

““the National Emergencies Trust” means the registered charity of that name (number 1182809) established on 28th March 2019;”;
  - (b) in the definition of “qualifying person”—
    - (i) after “means a person in respect of whom” insert “a Grenfell Tower payment has been made or”;
    - (ii) after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”.
- (3) In paragraph 14(8) of Schedule 2 (housing costs)—

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<sup>(11)</sup> S.I. 2002/1792; relevant amending instruments are S.I. 2003/2274, 2004/1141, 2005/574, 2877 and 3391, 2008/1554, 2767 and 3157, 2010/641, 2011/2425, 2013/443, 630 and 2536, 2017/329, 689 and 870 and 2018/932.

- (a) in paragraph (b), after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”;
- (b) after paragraph (b), insert—
  - “(ba) any Grenfell Tower payment;”.
- (4) In Schedule 5 (income from capital)—
  - (a) in paragraph 15—
    - (i) in sub-paragraph (1), after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”;
    - (ii) after paragraph (1), insert—
      - “(1A) Any Grenfell Tower payment or any payment made by the Child Migrants Trust (registered charity number 1171479) under the scheme for former British child migrants.”;
    - (iii) in sub-paragraphs (2) and (3), after “Trusts to which sub-paragraph (1) refers” insert “, or from a Grenfell Tower payment;”;
    - (iv) in sub-paragraphs (4) and (5), after “Trusts to which sub-paragraph (1) refers,” insert “or from a Grenfell Tower payment;”;
    - (v) in sub-paragraph (6), after “or deriving from any of the Trusts” insert “or from a Grenfell Tower payment”;
    - (vi) in sub-paragraph (7), after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”;
  - (b) in sub-paragraph (1)(f) of paragraph 20, for “council tax.” substitute—
    - “; council tax;
  - (g) to rectify, or to compensate for, an error made by an officer of the Department for Work and Pensions which was not caused or materially contributed to by any person outside the Department and which prevented or delayed an assessment of the claimant’s entitlement to contributory employment and support allowance.”;
- (c) in paragraph 20A—
  - (i) in sub-paragraph (1), for “relevant benefit and has been” substitute “relevant benefit, or to which paragraph 20(1)(g) applies, and which has been”;
  - (ii) in sub-paragraph (2)—
    - (aa) in paragraph (f), after “paragraph 9(2)” insert “or 9A”; and
    - (bb) after paragraph (j), insert—
      - “(k) regulations 10A to 10C of the Universal Credit (Transitional Provisions) Regulations 2014;”.

### **Amendment of the Housing Benefit Regulations 2006**

5.—(1) The Housing Benefit Regulations 2006(12) are amended as follows.

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

(a) in the appropriate places insert—

““Grenfell Tower payment” means a payment made to a person because that person was affected by the fire on 14th June 2017 at Grenfell Tower, or a payment to the personal representative of such a person—

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(12) S.I. 2006/213, relevant amending instruments are S.I. 2007/2538 and 2868, 2008/2767 and 3157, 2010/641, 2011/2425, 2013/591, 2016/743 and 2017/329, 689 and 870.

- (a) from the £5 million fund announced on 16th June 2017 for the benefit of certain persons affected by the fire on 14th June 2017 at Grenfell Tower and known as the Grenfell Tower Residents’ Discretionary Fund;
  - (b) by the Royal Borough of Kensington and Chelsea; or
  - (c) by a registered charity;”;

““the National Emergencies Trust” means the registered charity of that name (number 1182809) established on 28th March 2019;”;
- (b) in the definition of “qualifying person”—
  - (i) after “means a person in respect of whom” insert “a Grenfell Tower payment has been made or”;
  - (ii) after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”.
- (3) In regulation 42 (notional income)—
  - (a) in paragraph (6), for “paragraph (7)” substitute “paragraph (7) or (7A)”;
  - (b) in paragraph (7)(a), after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”;
  - (c) after paragraph (7), insert—
 

“(7A) Paragraph (6) shall not apply in respect of a payment of income which is a Grenfell Tower payment.”.
- (4) In paragraph (6) of regulation 46 (income treated as capital)—
  - (a) for “other than a payment which” substitute “other than a Grenfell Tower payment or a payment which”;
  - (b) after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”.
- (5) In regulation 49 (notional capital)—
  - (a) in paragraph (3), for “paragraph (4)” substitute “paragraph (4) or (4A)”;
  - (b) in paragraph (4)(a), after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”;
  - (c) after paragraph (4), insert—
 

“(4A) Paragraph (3) shall not apply in respect of a payment of capital which is a Grenfell Tower payment.”.
- (6) In paragraph (1) of regulation 53 (students: interpretation), for the definition of “postgraduate master’s degree loan” substitute—
 

““postgraduate loan” means a loan to a student undertaking a postgraduate master’s degree course or a postgraduate doctoral degree course pursuant to regulations made under section 22 of the Teaching and Higher Education Act 1998;”;
- (7) In paragraph (3) of regulation 59 (calculation of grant income), omit “master’s degree”, both times it occurs.
- (8) In regulation 64 (treatment of student loans and postgraduate master’s degree loans)—
  - (a) in the heading (and its entry in the table of contents), omit “master’s degree”;
  - (b) in paragraph (1), omit “master’s degree”;
  - (c) in paragraph (3), omit “master’s degree”, each time it occurs;
  - (d) in paragraph (4A), omit “master’s degree”, both times it occurs.

- (9) In regulation 67 (further disregard of student income), omit “master’s degree”.
- (10) In paragraph (9) of regulation 74 (non-dependant deductions)—
- (a) in sub-paragraph (b), after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”;
  - (b) after sub-paragraph (b), insert—  
“(ba) any Grenfell Tower payment.”.
- (11) In paragraph 35 of Schedule 5 (sums to be disregarded in the calculation of income other than earnings)—
- (a) in sub-paragraph (1), after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”;
  - (b) after sub-paragraph (1), insert—  
“(1A) Any Grenfell Tower payment.”;
  - (c) in sub-paragraphs (2) and (3), after “Trusts to which sub-paragraph (1) refers” insert “, or from a Grenfell Tower payment.”;
  - (d) in sub-paragraphs (4) and (5), after “Trusts to which sub-paragraph (1) refers,” insert “or from a Grenfell Tower payment.”;
  - (e) in sub-paragraph (6), after “or deriving from any of the Trusts” insert “or from a Grenfell Tower payment”;
  - (f) in sub-paragraph (7), after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”.
- (12) In Schedule 6 (capital to be disregarded)—
- (a) after paragraph 9, insert—  

“**9A.**—(1) A payment made to rectify, or to compensate for, an error made by an officer of the Department for Work and Pensions which was not caused or materially contributed to by any person outside the Department and which prevented or delayed an assessment of the claimant’s entitlement to contributory employment and support allowance but, subject to sub-paragraph (2), only for a period of 52 weeks from the date of the receipt of the payment.

(2) In a case where the amount of such payment is £5,000 or more, sub-paragraph (1) shall have effect in relation to the payment either for a period of 52 weeks from the date of receipt, or, if the amount is received in its entirety during the award of housing benefit, for the remainder of that award if that is a longer period.

(3) For the purposes of sub-paragraph (1), “contributory employment and support allowance” means an allowance under Part 1 of the Welfare Reform Act as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the 2012 Act that remove references to an income-related allowance.

(4) For the purposes of sub-paragraph (2), “the award of housing benefit” has the meaning in paragraph 9(3) of this Schedule except that “the relevant sum” means the payment to be disregarded by this paragraph.”;
  - (b) in paragraph 24—
    - (i) in sub-paragraph (1), after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”;
    - (ii) after sub-paragraph (1), insert—

- “(1A) Any Grenfell Tower payment or any payment made by the Child Migrants Trust (registered charity number 1171479) under the scheme for former British child migrants.”;
- (iii) in sub-paragraphs (2) and (3), after “Trusts to which sub-paragraph (1) refers” insert “, or from a Grenfell Tower payment,”;
- (iv) in sub-paragraphs (4) and (5), after “Trusts to which sub-paragraph (1) refers,” insert “or from a Grenfell Tower payment,”;
- (v) in sub-paragraph (6), after “or deriving from any of the Trusts” insert “or from a Grenfell Tower payment”;
- (vi) in sub-paragraph (7), after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”;
- (c) in paragraph 34, after “Any payment in kind” insert “which is a Grenfell Tower payment or is”.

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

6.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(13) are amended as follows.

- (2) In paragraph (1) of regulation 2 (interpretation)—
  - (a) in the appropriate places insert—
    - ““Grenfell Tower payment” means a payment made to a person because that person was affected by the fire on 14th June 2017 at Grenfell Tower, or a payment to the personal representative of such a person—
    - (a) from the £5 million fund announced on 16th June 2017 for the benefit of certain persons affected by the fire on 14th June 2017 at Grenfell Tower and known as the Grenfell Tower Residents’ Discretionary Fund;
    - (b) by the Royal Borough of Kensington and Chelsea; or
    - (c) by a registered charity;”;
    - ““the National Emergencies Trust” means the registered charity of that name (number 1182809) established on 28th March 2019;”;
  - (b) in the definition of “qualifying person”—
    - (i) after “means a person in respect of whom” insert “a Grenfell Tower payment has been made or”;
    - (ii) after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”.
- (3) In paragraph (10) of regulation 55 (non-dependant deductions)—
  - (a) in sub-paragraph (b), after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”;
  - (b) after sub-paragraph (b), insert—
    - “(ba) any Grenfell Tower payment;”.
- (4) In Part 1 of Schedule 6 (capital to be disregarded)—
  - (a) in paragraph 16—

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(13) S.I. 2006/214; relevant amending instruments are S.I. 2007/2869, 2008/1042 and 2767, 2010/641, 2011/2425, 2013/443 and 2536 and 2017/329, 689 and 870.

- (i) in sub-paragraph (1)(a), after “the We Love Manchester Emergency Fund,” insert “the National Emergencies Trust”;
  - (ii) after sub-paragraph (1), insert—
    - “(1A) Any Grenfell Tower payment or any payment made by the Child Migrants Trust (registered charity number 1171479) under the scheme for former British child migrants.”;
  - (iii) in sub-paragraphs (2) and (3), after “which derives from a payment made under or by any of the Trusts” insert “, or from a Grenfell Tower payment.”;
  - (iv) in sub-paragraphs (4) and (5), after “which derives from a payment under or by any of the Trusts,” insert “or from a Grenfell Tower payment.”;
  - (v) in sub-paragraph (6), after “which derives from any payment of income or capital made under or deriving from any of the Trusts” insert “or from a Grenfell Tower payment”;
- (b) in paragraph 21—
- (i) in sub-paragraph (1)(f), for “provision.” substitute—
    - “provision;
    - (g) to rectify, or to compensate for, an error made by an officer of the Department for Work and Pensions which was not caused or materially contributed to by any person outside the Department and which prevented or delayed an assessment of the claimant’s entitlement to contributory employment and support allowance, being an amount to which paragraph 22(1A) does not apply.”;
  - (ii) after sub-paragraph (2), insert—
    - “(3) In sub-paragraph (1) “contributory employment and support allowance” means an allowance under Part 1 of the Welfare Reform Act as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the 2012 Act that remove references to an income-related allowance.”;
- (c) in paragraph 22—
- (i) after sub-paragraph (1), insert—
    - “(1A) Subject to sub-paragraph (3), any payment of £5,000 or more received by the claimant in full on or after the day on which the claimant became entitled to benefit under these Regulations or the Housing Benefit Regulations 2006 which has been made to rectify, or to compensate for, an error made by an officer of the Department for Work and Pensions which was not caused or materially contributed to by any person outside the Department and which prevented or delayed an assessment of the claimant’s entitlement to contributory employment and support allowance.
    - (1B) In sub-paragraph (1) “contributory employment and support allowance” has the meaning in paragraph 21(3) of this Schedule.”;
  - (ii) in sub-paragraph (2)—
    - (aa) in paragraph (c) after “paragraph 9(2)” insert “or 9A”;
    - (bb) after paragraph (f), insert—
      - “(g) regulations 10A to 10C of the Universal Credit (Transitional Provisions) Regulations 2014.”;
  - (iii) in sub-paragraph (3), for “(1) or (2)” substitute “(1), (1A) or (2)”.

## **Amendment of the Employment and Support Allowance Regulations 2008**

7.—(1) The Employment and Support Allowance Regulations 2008<sup>(14)</sup> are amended as follows.

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

(a) in the appropriate places insert—

““Grenfell Tower payment” means a payment made to a person because that person was affected by the fire on 14th June 2017 at Grenfell Tower, or a payment to the personal representative of such a person—

- (a) from the £5 million fund announced on 16th June 2017 for the benefit of certain persons affected by the fire on 14th June 2017 at Grenfell Tower and known as the Grenfell Tower Residents’ Discretionary Fund;
- (b) by the Royal Borough of Kensington and Chelsea; or
- (c) by a registered charity;”;

““the National Emergencies Trust” means the registered charity of that name (number 1182809) established on 28th March 2019;”;

(b) in the definition of “qualifying person”—

- (i) after “means a person in respect of whom” insert “a Grenfell Tower payment has been made or”;
- (ii) after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”.

(3) In regulation 107 (notional income – income due to be paid or income paid to or in respect of a third party) —

- (a) in paragraph (3), for “paragraph (5)” substitute “paragraph (5) or (5A)”;
- (b) in paragraph (4), for “paragraph (5)” substitute “paragraph (5) or (5A)”;
- (c) in paragraph (5)(a), after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”;
- (d) after paragraph (5), insert—

“(5A) Paragraphs (3) and (4) do not apply in respect of a payment of income which is a Grenfell Tower payment.”.

(4) In regulation 112 (income treated as capital), for paragraph (8) substitute—

“(8) This paragraph applies to—

- (a) any payment which is made under or by the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund, the National Emergencies Trust or the Independent Living Fund (2006); or
- (b) any Grenfell Tower payment.”.

(5) In regulation 115 (notional capital)—

- (a) in paragraph (3), for “paragraph (5)” substitute “paragraph (5) or (5A)”;
- (b) in paragraph (4), for “paragraph (5)” substitute “paragraph (5) or (5A)”;
- (c) in paragraph (5)(a), after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”;

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<sup>(14)</sup> S.I. 2008/794; relevant amending instruments are S.I. 2008/2428, 2009/1575, 2010/641 and 2429, 2011/2425, 2016/743 and 2017/329, 689 and 870.

- (d) after paragraph (5), insert—
- “(5A) Paragraphs (3) and (4) do not apply in respect of a payment of capital which is a Grenfell Tower payment.”.
- (6) In paragraph (1) of regulation 131 (interpretation), for the definition of “postgraduate master’s degree loan” substitute—
- ““postgraduate loan” means a loan to a student undertaking a postgraduate master’s degree course or a postgraduate doctoral degree course pursuant to regulations made under section 22 of the Teaching and Higher Education Act 1998;”.
- (7) In paragraph 3 of regulation 132 (calculation of grant income), omit “master’s degree”, both times it occurs.
- (8) In regulation 137 (treatment of student loans and postgraduate master’s degree loans)—
- (a) in the heading (and its entry in the table of contents), omit “master’s degree”;
- (b) in paragraph (1), omit “master’s degree”;
- (c) in paragraph (4), omit “master’s degree”, each time it occurs;
- (d) in paragraph (4A), omit “master’s degree”;
- (e) in paragraph (5A), omit “master’s degree”, both times it occurs.
- (9) In regulation 141 (further disregard of student’s income), omit “master’s degree”.
- (10) In paragraph 19(8)(b) of Schedule 6 (housing costs)—
- (a) at the beginning insert “any Grenfell Tower payment or”;
- (b) after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”.
- (11) In Schedule 8 (sums to be disregarded in the calculation of income other than earnings)—
- (a) in paragraph 22(2)—
- (i) after “sub-paragraph (1) will not apply where the income in kind” insert “is a Grenfell Tower payment or”;
- (ii) after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”;
- (b) in paragraph 41—
- (i) in sub-paragraph (1), after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”;
- (ii) after sub-paragraph (1), insert—
- “(1A) Any Grenfell Tower payment.”;
- (iii) in sub-paragraphs (2) and (3), after “Trusts to which sub-paragraph (1) refers” insert “, or from a Grenfell Tower payment.”;
- (iv) in sub-paragraphs (4) and (5), after “Trusts to which sub-paragraph (1) refers,” insert “or from a Grenfell Tower payment.”;
- (v) in sub-paragraph (6), after “or deriving from any of the Trusts” insert “or from a Grenfell Tower payment”;
- (vi) in sub-paragraph (7), after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”.
- (12) In Schedule 9 (capital to be disregarded)—
- (a) in paragraph 27—

- (i) in sub-paragraph (1), after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”;
- (ii) after sub-paragraph (1), insert—
  - “(1A) Any Grenfell Tower payment or any payment made by the Child Migrants Trust (registered charity number 1171479) under the scheme for former British child migrants.”;
- (iii) in sub-paragraphs (2) and (3), after “Trusts to which sub-paragraph (1) refers” insert “, or from a Grenfell Tower payment,”;
- (iv) in sub-paragraphs (4) and (5), after “Trusts to which sub-paragraph (1) refers,” insert “or from a Grenfell Tower payment,”;
- (v) in sub-paragraph (6), after “or deriving from any of the Trusts” insert “or from a Grenfell Tower payment”;
- (vi) in sub-paragraph (7), after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”;
- (b) in paragraph 31, after “Any payment in kind” insert “which is a Grenfell Tower payment or is”.

### **Amendment of the Universal Credit Regulations 2013**

- 8.—**(1) The Universal Credit Regulations 2013<sup>(15)</sup> are amended as follows.
- (2) In regulation 68 (person treated as having student income)—
    - (a) in paragraphs (1) and (2), omit “master’s degree”;
    - (b) in paragraph (5), omit “master’s degree”, both times it occurs;
    - (c) in paragraph (7), for the definition of “postgraduate master’s degree loan” substitute—
      - ““postgraduate loan” means a loan to a student undertaking a postgraduate master’s degree course or a postgraduate doctoral degree course pursuant to regulations made under section 22 of the Teaching and Higher Education Act 1998;”.
  - (3) In regulation 69 (calculation of student income – student loans and postgraduate master’s degree loans)—
    - (a) in the heading (and its entry in the table of contents), omit “master’s degree”;
    - (b) in paragraph (1A), omit “master’s degree”, both times it occurs;
    - (c) in paragraph (2), omit “master’s degree”.
  - (4) In paragraphs (aa) and (b) of Step 1 in regulation 71 (calculation of student income – amount for an assessment period), omit “master’s degree”.
  - (5) In regulation 76 (special schemes for compensation etc)—
    - (a) in paragraph (1)(a)—
      - (i) at the end of paragraph (v), omit “or”;
      - (ii) after paragraph (v) insert—
        - “(vi) the fire at Grenfell Tower on 14th June 2017; or”;
    - (b) after paragraph (1) insert—
      - “(1A) This regulation also applies where a person receives a payment from—
        - (a) the National Emergencies Trust, registered charity number 1182809;

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(15) S.I. 2013/376; relevant amending instruments are S.I. 2013/630, 2016/743 and 2017/689.

- (b) the Child Migrants Trust, registered charity number 1171479, under the scheme for former British child migrants; or
- (c) the Royal Borough of Kensington and Chelsea or a registered charity where the payment is made because that person was affected by the fire at Grenfell Tower on 14th June 2017 or is a personal representative of such a person.”.

(6) In paragraphs (4)(a) and (5) of regulation 89 (claimants subject to no work-related requirements), omit “master’s degree”.

### **Amendment of the Universal Credit (Transitional Provisions) Regulations 2014**

**9.** In the Universal Credit (Transitional Provisions) Regulations 2014(16), after regulation 10B insert—

#### **“Compensatory payment disregarded as capital**

**10C.**—(1) This regulation applies in relation to the calculation of an award of universal credit where—

- (a) the claimant has received a payment made to rectify, or to compensate for, an error made by an officer of the Department for Work and Pensions which was not caused or materially contributed to by any person outside the Department and which prevented or delayed an assessment of the claimant’s entitlement to contributory employment and support allowance; and
- (b) the payment is received before the first date on which, by virtue of section 33 of the Act (abolition of benefits), no claimant is entitled to an existing benefit.

(2) Where this regulation applies and the amount of the payment is less than £5,000, the payment is to be disregarded from the calculation of the claimant’s capital for 12 months from the date of receipt of the payment.

(3) Where—

- (a) this regulation applies;
- (b) the amount of the payment is £5,000 or more; and
- (c) the conditions set out in regulation 10A(1)(a) and (c) are met,

the payment is to be disregarded from the calculation of the claimant’s capital for 12 months from the date of receipt of the payment, or until the termination of the current award (if later).”.

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

18th June 2020

*Will Quince*  
Parliamentary Under-Secretary of State  
Department for Work and Pensions

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## EXPLANATORY NOTE

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

These Regulations amend—

the Income Support (General) Regulations 1987 (S.I. 1987/1967) (regulation 2),  
the Jobseeker’s Allowance Regulations 1996 (S.I. 1996/207) (regulation 3),  
the State Pension Credit Regulations (S.I. 2002/1792) (regulation 4),  
the Housing Benefit Regulations 2006 (S.I. 2006/213) (regulation 5),  
the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (S.I. 2006/214) (regulation 6),  
the Employment and Support Allowance Regulations 2008 (S.I. 2008/794) (regulation 7),  
the Universal Credit Regulations 2013 (S.I. 2013/376) (regulation 8), and  
the Universal Credit (Transitional Provisions) Regulations 2014 (S.I. 2014/1230) (regulation 9).

Regulations 2(2) to (5) and (10) to (12), 3(2) to (5) and (10) to (12), 4(2) to (4)(a), 5(2) to (5) and (10), (11) and (12)(b) and (c), 6(2) to (4)(a), 7(2) to (5) and (10) to (12) and 8(5) make amendments that provide for payments to a benefit recipient from the National Emergencies Trust, the Child Migrants Trust or in relation to the fire at Grenfell Tower on 14th June 2017 to be disregarded and not taken into account for the purposes of calculating benefit entitlement. The National Emergencies Trust launches public appeals in response to domestic disasters and emergencies, and coordinates the distribution of funds raised to victims and their families. The Child Migrants Trust makes payments under the scheme for former British child migrants, who were separated from their families and sent overseas as part of the UK government’s historic participation in child migration programmes. The scheme was set up by the government in response to a recommendation made by the Independent Inquiry into Child Sexual Abuse.

Regulations 4(4)(b) and (c), 5(12)(a), 6(4)(b) and (c) and 9 make amendments that provide for compensatory payments made for an assessment of a claimant’s entitlement to contributory employment and support allowance (under Part 1 of the Welfare Reform Act 2007 as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the Welfare Reform Act 2012 that remove references to an income-related allowance) being prevented or delayed to be disregarded and not taken into account when for the purposes of calculating entitlement to other benefits.

Regulations 2(6) to (9), 3(6) to (9), 5(6) to (9), 7(6) to (9) and 8(2) to (4) and (6) make amendments in relation to student finance. A definition of “postgraduate loan” is substituted for the definition of “postgraduate master’s degree loan” and references to such loans are updated. The new definition of “postgraduate loan” includes any loan for a postgraduate master’s degree course or a postgraduate doctoral degree course pursuant to regulations made under section 22 of the Teaching and Higher Education Act 1998 (c. 30). 30% of the maximum amount of any such loan that a student could acquire is to be taken into account in calculating the student’s income for the purposes of determining the amount of an award of benefit.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, public or voluntary sectors is foreseen.