

PENSIONS PAID TO VICTIMS OF NATIONAL SOCIALIST PERSECUTION

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INTRODUCTION

- 1 This memo provides guidance on the Social Security (Income-Related Benefits) Amendment Regulations 2017 ([S.I. 2017/174](#)). The changes covered by this memo come into force on 20.3.17¹.

1 SS (IRB) Amdt Regs

BACKGROUND

- 2 Currently, payments made to victims of National Socialist persecution by the Governments of Germany and Austria have a weekly £10 disregard applied in IS, JSA(IB), ESA(IR) and SPC. Similar payments made by other Governments are taken into account in full in IS, JSA(IB) and ESA(IR), whereas in SPC, they are fully disregarded.
- 3 In a HB appeal¹ an Upper Tribunal held that payments made to victims of National Socialist persecution by the Netherlands Government should be treated in the same way as payments made by the Austrian and German Governments. These regulations align the treatment of payments made to victims of National Socialist persecution in IS, JSA(IB), ESA(IR) and SPC.

1 MN v (1) Bury Council, (2) SSWP (HB) [2014] UKUT 0187 (AAC)

CHANGES

- 4 Where a claimant receives a payment as a victim of National Socialist persecution, a weekly £10 disregard¹ will be applied to the sum used to calculate the relevant IS, JSA(IB), ESA(IR) and SPC award.

1 IS (Gen) Regs, Sch 9, para 16(f), JSA Regs, Sch 7, para 17(g), ESA Regs, Sch 8, para 17(g), SPC Regs, reg 15(5)(b), Sch IV, para 1(f).

Example

Johan is a single man in receipt of SPC. He also receives a pension payment from the Dutch Government as a victim of National Socialist persecution. This works out at £55 per week when converted to sterling and is classed as prescribed income for SPC purposes. After applying the appropriate £10 disregard, the figure used to calculate Johan's SPC award is £45.

ANNOTATIONS

Please annotate the number of this memo (DMG 3/17) against the following DMG paragraphs:

DMG 28150, 28153, 51080, 51082, 85200 & 85216.

CONTACTS

If you have any queries about this memo, please write to Decision Making and Appeals (DMA) Leeds, 1S25, Quarry House, Leeds. Existing arrangements for such referrals should be followed, as set out in Memo [DMG 3/13](#) - Obtaining legal advice and guidance from DMA Leeds.

DMA Leeds: March 2017