

Freedom of Information request

Date received: 11 May 2015

Date of response: 14 June 2015

Information request

Request for 'all documents, correspondence, minutes, annual reports and the like' relating to The Social Security (Miscellaneous Amendments) Regulations 2004 [SI 2004/565].

Response

I have provided the information that was presented to the Social Security Advisory Committee relating to these regulations. The legislation can be found [here](#).

DWP Department for
Work and Pensions

Tax Credits Programme

To: [REDACTED]
**Secretariat to the Social Security
Advisory Committee**

From: [REDACTED]
Tax Credits Team

Date: 24 February 2004

Copy: [REDACTED]
[REDACTED]

Dear [REDACTED]

The Social Security (Miscellaneous Amendments) Regulations 2004

I am writing to advise the Committee that the attached set of regulations, which the committee have already seen and approved individually, have now been combined in one Statutory Instrument.

Five small sets of draft regulations have been combined into one miscellaneous set of amending regulations in order to help reduce the number of statutory instruments which are made each year and also to reduce printing costs. This is accordance with recommendations which have been made by the Joint Committee on Statutory Instruments.

I have attached an Explanatory Memorandum of the proposals that fully explains the effect of the proposed changes. I have also attached the draft regulations that may be subject to minor change, either to correct errors or improve the drafting.

Yours Sincerely

[REDACTED]
**Tax Credits Team
Adelphi**

THE SOCIAL SECURITY (MISCELLANEOUS AMENDMENTS) REGULATIONS 2004

Explanatory memorandum

Regulation 1: Citation, commencement and interpretation

The commencement provisions provide that amendments to the Income Support (General) Regulations 1987, Housing Benefit (General) Regulations 1987, Council Tax Benefit (General) Regulation 1987, Council Tax Benefit (General) Regulations 1992, Jobseeker's Allowance Regulations 1996, Social Security (Work- Focused Interviews for Lone Parents) and Miscellaneous Amendments Regulations 2000, Social Security (Overlapping Benefits) Regulations 1979, Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 and the Children (Leaving Care) Social Security Benefits regulations 2001 come into force from the correct date.

Regulation 2,3,4, and 5 amend the income and capital disregard schedules to the Housing Benefit (General), Council Tax Benefit (General), Income Support (General), and Jobseeker's Allowance Regulations so as to consolidate with some minor amendments the provisions disregarding payments under Section 2 of the Employment and Training Act.

Section 2 is the power used to pay allowances, grants and other payments to people participating in New Deals and other training and welfare to work schemes. Up to now, every time a new scheme has been introduced involving payments that need to be disregarded the regulations have been amended specifically to allow for this. Currently the Income Support Regulations (and the JSA, HB and CTB regulations) contain twenty or more separate provisions disregarding different types of payment made under section 2. This proliferation of disregards is undesirable. It complicates the legislation, makes decisions more difficult and time consuming for benefit processors and decision makers, and adds to the work and time involved in introducing new schemes.

The amendments introduce new generic disregards to cover all the current types of payment that are disregarded now. The need for further regulations in future will be reduced because there will be provisions in place which will automatically apply to new types of payment.

Regulation 6: Amendment of the Jobseeker's Allowance Regulations 1996 in relation to residential allowance

Residential Allowance and the Part 111 rate of benefit were abolished from 6 October 2003. The Regulations to effect this change were laid before Parliament on the 25th April 2003 and came into force on 6 October 2003 but, due to an oversight, did not include removal of paragraph 6 of Schedule 5A to the Jobseeker's Allowance Regulations 1996. This paragraph provides the rate of Jobseeker's Allowance applicable to joint claim couples and members of polygamous marriages where one member is, or all are, temporarily in local authority accommodation. Removal of the paragraph confirms the policy intent of normalisation of the benefit regime for customers in care homes.

The draft regulation to effect this removal was considered and passed without consultation by the Social Security advisory Committee on 4th February 2004.

Regulation 7: Amendment of the Social Security (Work-focused Interviews for Lone Parents) and Miscellaneous Amendments Regulations 2000

In the April 2001 Budget the Chancellor announced the intention to extend mandatory Work-focused Interviews (WFI's) to all lone parents on Income Support, whose youngest child is under 5 years of age.

A rolling programme of implementation has been put in place to achieve this. Attached are the regulations to enable the implementation of the final stage. The regulations will give powers, from April 5th 2004, to require all lone parents entitled to Income Support to take part in a WFI regardless of the age of their youngest child. This will mean that a unified approach is taken to all lone parents entitled to Income Support.

The papers and draft regulations to deliver these changes were considered and passed without consultation by the Social Security Advisory Committee on 3 December 2003.

Regulation 8: Amendment of the Social Security (Overlapping Benefits) Regulations 1979

Regulation 8(2). As part of the uprating process, Secretary of State agreed that the payable amount of a child dependency increase should remain the same in 2004-5 as in 2003-4, at £9.55 for the eldest child and £11.35 for a subsequent child. We need to ensure that the formula in the Social Security (Overlapping Benefit) Regulations 1979 for the eldest child rate is amended to maintain the current position.

Only the £11.35 appears in the Child Benefit and Guardian's Allowance Up-rating Order 2004. The rate for an eldest child is determined by applying a formula in regulation 8(3) of the Overlapping Benefit regulations that reduces the original rate (£11.35) by the amount that Child Benefit payable for an eldest child exceeds that payable for a second or subsequent child, less £3.50.

In 2004-5 the difference between the two rates of child benefit will increase. This means that we need to increase the amount by which the reduction is itself reduced to arrive at the same result. We would therefore like to increase the sum specified in reg 8(3) from £3.50 to £3.65 to maintain the position.

There is a similar provision in reg 8(2)(b) in relation to the lone parent rate of ChB, where we also wish to replace "£3.50" with "£3.65", to maintain the present position.

Regulations 9 and 10: Amendment of the Housing Benefit (General) Regulations 1987 and Council Tax Benefit (General) Regulations 1992 in relation to working tax credit and child tax credit.

These regulations amend the Housing Benefit Regulations and the Council Tax Benefit Regulations to provide for the treatment of tax credits when a tax credit overpayment from a previous tax year is being recovered from a subsequent year's award. The legislation on this needs to be amended in time for April 2004 when Inland Revenue will begin their renewals process. Inland Revenue will finalise the 2003/4 award and for continuing claims, renew the award for 2004/5. Where an overpayment of tax credit in 2003/4 has occurred, IR may seek to recover this by deduction from the 2004/5 award.

Regulations 25 and 33 of the Housing Benefit Regulations and regulations 17 and 24 of the Council Tax Benefit Regulations are amended to provide that the amount of tax credit to be taken into account for the purposes of assessing a claim to housing benefit or council tax benefit when an overpayment of tax credit made in one tax year is being recovered by way of a deduction from a subsequent year's award shall be the reduced amount in payment (i.e. the gross award less the overpayment amount being deducted).

Regulation 11: Amendment of the Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003

This draft regulation amends regulation 7 of the Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulation 2003 so that the amount of income disregard for families on Income Support and income based Jobseeker's Allowance in which there is a child under the age of one is increased. This reflects the tax credit rates for 2004-5.

The draft regulations 8,9,10 and 11 were considered by the Social Security Advisory Committee and passed without consultation on 4th February 2004.

Regulation 12 amends a provision in the Children(Leaving Care) Social Security Benefit Regulations 2001 that currently allows care leavers in England and Wales who would otherwise be ineligible for IS, income-based JSA and HB, to get these benefits if they reside in Scotland. The amendment limits this exemption to those who leave care before 1 April 2004.