



## **THE SOCIAL SECURITY (MISC AMDT NO. 5) REGS 2017**

<b>Contents</b>	<b>Paragraphs</b>
Introduction	1
Background	2
Home Income Plans – IS, JSA, SPC and ESA	3
Supersession – non dependants	4
SPC Non-dependant deductions	5
Annotations	
Contacts	

### **INTRODUCTION**

- 1 This memo provides guidance on the Social Security (Miscellaneous Amendment No.5) Regulations 2017 ([SI 2017/1187](#)). These regulations come into force on 6.12.18<sup>1</sup>.

*1 The Social Security (Misc Amdt No.5) Regs 2017, reg 1(b).*

### **BACKGROUND**

- 2 This SI makes a number of minor amendments to relevant legislation in advance of the equalisation of pensionable age for men and women<sup>1</sup>.

*1 Pensions Act 1995, Sch 4, Part 1*

### **HOME INCOME PLANS – IS, JSA, ESA AND SPC**

- 3 These regulations amend the current provision that payments from home income plans (provided by an annuity secured on the home) may be disregarded in IS, JSA, SPC and ESA awards where, at the time the loan was made to the person, the person was aged 65. From 6.12.18, if the loan was made to a person who is

1. aged 65 **or**
2. if it was higher at that time, pensionable age



the same disregard may be applied, subject to all the other conditions being met<sup>1</sup>.

*1 IS (Gen) Regs, sch 9, para 17(c), JSA Regs, sch 7, para 18(c), SPC Regs, sch IV, para 10(b), ESA Regs, sch 8, para 18(c).*

## **SUPERSESSION – NON DEPENDANTS**

- 4 From 6.12.18 the reference in DMG 04660, 04662 and 04670 to the claimant or their partner being aged 65 or over is removed<sup>1</sup>.

*1 SS & CS (D&A) Regs 1999, reg 7(17B)(b)*

## **SPC**

### **Non-dependant deductions**

- 5 A non-dependant deduction is not appropriate where the non-dependant is a full time student and the claimant or partner has reached the age of 65. From 6.12.18 this requirement is amended because, at this point in time, everyone on SPC will be over the SPA, consequently there is no need to have the additional provision which could apply for SPC claimants under 65 where their non-dep is a student<sup>1</sup>.

*1 SPC Regs, Sch II, Para 14(7)(c)& (cc)*

## **ANNOTATIONS**

DMG 04660, 04662, 04670, 28101 (heading), 28176 (heading), 28178, 51060 (heading), 51097 (heading), 51099 (heading), 51101, 78521, 85170 (heading), 85220 (heading), 85221 (heading), 85223

## **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 23/16](#) - Obtaining legal advice and guidance on the Law.



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