

<b>Circular Reference:</b>	<b>A1/2010</b>		
<b>Subject:</b>	Regulation Amendments	<b>Effective Date:</b>	<b>26<sup>th</sup> October 2009</b>

## Summary

**Social Security (Miscellaneous Amendments) (No.4) Regulations 2009 (SI 2009/2655) – all changes effective from 26/10/2009**

### Payments made to service users

Any payments of expenses received by a member of the public for taking part in a review of public services will now have the amount of expenses fully disregarded as part of their HB/CTB calculation whether or not they also received additional payment for taking part in the service user review.

Also for cases where expenses only are paid notional income cannot be assumed as being received for their participation in the service review. If any income in addition to the expenses was actually paid then this will still be included in the HB/CTB calculation.

A number of regulations have been amended to define “service user group” and also how any income received should be treated. Full listings are contained in the circular.

### Reference to Children Act Legislation

Previous regulation amendments removed references to the Children Acts of 1975 and 1989. However, some of the provisions still apply and therefore, paragraph 25 (1) of the HB(WA) Schedule 5 and paragraph 26(1) of the CTB(WA) Schedule 4 have now been amended accordingly.

### Child Maintenance Disregard

The wording of the HB and CTB regulations have been amended to now state that the child maintenance that is fully disregarded may be being paid by a “liable relative” rather than a “parent”. A definition of a “liable relative” is included in the circular.

### Payment of Retainers

The HB and CTB Regulations have been amended to clarify that retainer payments are still taken into account when calculating HB and CTB. Retainer payments include statutory guarantee payments and payments made where a person has been suspended on medical or maternity grounds.

### Abated payments of War Disablement Pension

Currently a £10 weekly disregard is applied to qualifying customers who receive a Guaranteed Income Payment (GIP). The £10 disregard can still be applied if the GIP is abated by a payment made under the Armed Forces Pension Scheme. Therefore, from 26<sup>th</sup> October 2009 the £10 disregard can also be applied if a customer is in receipt of a payment under the Ministry of Defence Early Departures Payment Scheme.

### Alignment of War Pension Definitions

Amendments to the HB and CTB (War Pensions Disregards) Regulations 2007 have been made to align specific references to pensions payable to a war widower or surviving civil partner however, these changes have been made to avoid duplication of the definitions already contained in the primary legislation. Additional changes have been made to the schedules to bring the wording regarding Armed Forces Pension Schemes in line with the other income related benefits.

**The Housing Benefit and Council Tax Benefit (War Pension Disregards) (Amendment) Regulations 2009 (SI 2009/3389) – effective from 26<sup>th</sup> January 2010**

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### **Alignment of War Pension Definitions**