

STATUTORY INSTRUMENTS 2006/2007

NB: New Chapter numbering applies Section L onwards.

Section B – Income support

SI/2006/832 (See Section R)

SI/2006/1402

The rule allowing people to get income support if they are required to attend court has been extended to those required to attend tribunals. Updates Box **B.1** p13, under '*Other*' 4th bullet from the end. Came into force 30 May 06.

SI/2006/2378

An initial payment made in consequence of a personal injury to a claimant (or their partner) which has not been made from a trust can now be disregarded as capital for a period of 52 weeks following payment. Any subsequent payments are not disregarded in this manner. The disregard will no longer apply to any part of the payment that the claimant has used to purchase an asset. Where personal injury awards are held subject to the order or direction of the court, then the disregard can be indefinite. Income derived from such capital is not to be treated as capital.

Updates Chapter **5(12)** p29, under '*Trust funds*'.

All charitable and voluntary payments made (or due to be made) at regular intervals will now be disregarded for both income support and income-based jobseeker's allowance, in line with the existing rules for housing benefit and council tax benefit.

Updates Chapter **5(7)** p26.

The definition of a disabled person in relation to income support housing costs has now been extended to include anyone receiving working tax credit with a disability or severe disability element.

Updates Chapter **4(11)** p20, under '*Who counts as a disabled person?*'.

Came into force 1 October 06.

SI/2006/2813

The power of local authorities to run schemes under which they can disregard more than £10 of a war pension, war widow's or widower's

pension in housing benefit and council tax benefit has been extended to include similar payments under the Armed Forces and Reserve Forces Compensation scheme.

Updates Chapter 5(6) p25, under '*Benefits that are partly disregarded*'.

Came into force 20 Nov 06.

Section C – Housing and council tax benefits

SI/2006/2813 (See Section B).

Section C – Housing and council tax benefits

SI/2006/2967

Claims for housing benefit and council tax benefit can now be made over the telephone. Similarly claims can be amended, and changes of circumstance notified, in the same manner.

Updates Chapter 7(14) p43

Coming into force 20 December 06.

SI/2006/2968

The use of electronic communications in connection with claims for and awards of housing benefit and council tax benefit has been allowed.

Updates Chapter 7(14) p43

Coming into force 20 December 06.

SI/2006/3274

The start date for the four-benefit-week period during which housing costs (in relation to income support, jobseeker's allowance and pension credit) and rent (in relation to housing benefit) may be paid in respect of two dwellings has been clarified.

Updates Chapter 7(7) p37

Came into force 8 January 07.

SI/2006/3395

The earnings limit under which certain care workers can be disregarded for the purposes of council tax discounts has been increased from £36 to £44 a week.

Updates Box C.6 p54.

Coming into force 31 January 07.

Section D – Social Fund

SI/2006/961

From 24 April 2006 applications for reviews to social fund inspectors can be made directly to the Independent Review Service in Birmingham, as well as to the local DWP office that made the review decision. From 2 April 2007 applications can only go to the Independent Review Service.

Updates Chapter **10(7)** p62, under '*Independent Review Service*' .

Section E – Unable to work?

SI/2006/1031

The age limits to statutory sick/maternity/adoption & paternity pay have been completely removed.

Updates Box **E.5** p80, first bullet.

Came into force 1 October 06.

SI/2006/2378

The infectious diseases rule has been clarified. They now read that someone shall be treated as incapable of work on any day in respect of which they are (a) excluded or abstain from work pursuant to a request or notice in writing lawfully made under an enactment; or (b) otherwise prevented from working pursuant to an enactment, by reason of them being a carrier, or having been in contact with a case, of a relevant disease (ie one accepted by the appropriate public health body as infectious).

Updates Chapter **11(4)** p64, final bullet.

The limit at which councillor's allowances start affecting incapacity benefit and severe disablement allowance has been increased from £81.00 to £86.00 a week.

Updates Chapter **11(14)** p72.

An incapacity benefit claimant can qualify for an adult dependants' addition if they live with an adult who looks after a child or qualifying young person for whom they are entitled to child benefit. The circumstances in which the claimant is treated as if they were entitled to child benefit for these purposes have been extended. These circumstances include where child benefit has been awarded to a parent of that child or qualifying young person with whom that child or qualifying young person is living (and with whom the claimant

is residing) and either the child or qualifying young person is being wholly or mainly maintained by the claimant or the claimant is also a parent of the child or qualifying young person.

Updates Chapter **14(4)** p85, Under '*Adult dependants*'.

Came into force 1 October 06.

SI/2006/118

Amends earnings limits and thresholds.

Coming into force 6 April 2007.

Updates Chapter **12, 13(1)**.

Section F – Going back to work

SI/2006/1069

Payments from the Financial Assistance scheme and the Pension Protection Fund are now included in the calculation of entitlement to contribution-based jobseeker's allowance in the same way as payments from occupational or personal pensions.

Updates Chapter **17(13)** p105, under '*Occupational or personal pensions*'.

Came into force 5 May 06.

SI/2006/1402

Claimants who are carers no longer have to be able to take up employment given 48 hours' notice; they must only be able to take up employment given one weeks' notice and attend any employment opportunity given 48 hours' notice. This means carers are now treated in the same way as volunteers.

Updates Chapter **17(4)** p101, under '*Can you delay taking up an offer of employment?*'.

Claimants can now be treated as available for work and actively seeking employment if they are required to attend a court or tribunal as a justice of the peace, party to any of the proceedings, witness or juror. Even in one of these circumstances however, they will not be treated as available for work or actively seeking employment for a period of more than 8 weeks, or where they do not provide appropriate notice when required to do so, or when they are a prisoner. Also claimants can be treated as available for work and actively seeking employment if they are held in police detention under section 118(2) of the Police and Criminal Evidence Act 1984 or legal

custody under the Criminal Procedure (Scotland) Act 1995 (as long as they are not a prisoner), for up to 96 hours.

Updates Chapter **17(4)** p101, under '*Absences, emergencies and other circumstances*'.

Came into force 30 May 06.

SI/2006/2144

A day when someone is on an Adult Learning Option scheme and receiving a training premium can count as a day of incapacity for work, as long as the training premium is not intended to meet the cost of living expenses - see Handbook Chapter 5(7).

Updates Chapter **16(5)** p98, under '*Incapacity benefit and severe disablement allowance*'.

Came into force 1 Sept 06.

SI/2006/2378

The permitted work earnings limit (for supported permitted work and higher limit permitted work) has been increased from £81.00 to £86.00 a week.

Updates Chapter **15(3)** pp89 & 90 and Box **F.1** p92, under '*Working under 16 hours a week*'.

The 'welfare to work' linking rule has been extended from 52 weeks to 2 years. The requirement to notify the DWP has been removed. The time limit between the date that benefit ends and the date work or training starts has been increased from one week to one month.

Updates Chapter **15(12)** p94, under "*Welfare to work' linking rule*".

Came into force 1 October 06.

SI/2006/3088 – see Section R

Section G – Tax credits

SI/2006/1163

Tax credit will not normally be payable in respect of a child who is 16 or older and is claiming working tax credit in their own right. An exception is made however, when the claimant was already in receipt of child tax credit when these regulations were made (on 25 April 2006). The exception will continue to apply until the child ceases to

be in relevant education or approved training, payment of child tax credit has ceased, or on the 24 August 2006 (whichever occurs first).
Updates Chapter **18**(3) p108.

SI/2006/2689

The list of changes of circumstance that claimants are required to notify HM Revenue & Customs of has been extended. These circumstances include where the claimant ceases to work the required number of hours (whether 16 or 30 hours) or ceases to be responsible for a child or qualifying young person. Additionally, the three-month notice period for informing of changes of circumstance will now begin from the date that the claimant becomes aware of the change of circumstance, rather than the date on which the change takes place. The three-month notice period will be reduced to one month from 6 April 2007.

Updates Chapter **19**(4) p115.

Came into force 1 Nov 06.

Section I – Help for carers

SI/2006/1402 (See Section F)

Updates Chapter **24** p144, under '*Jobseeker's allowance*'

Section J – Practical help at home

SI/2006/1953 (England)

As mentioned in the Handbook, grants of up to £300 towards the cost of installing central heating for pensioners who are not in receipt of means-tested benefits are being introduced. They will be available to cover the cost of:

- (a) the improvement to the energy efficiency of, or the replacing of any part of, a space heating system installed in the dwelling; or
- (b) the provision of a solid fuel heating system.

Updates Chapter **28**(4) p163.

Came into force 10 August 06.

Section K – Care homes

Section L – Hospital

Section M – Children and young people

SI/2006/1752

The amount of grant and loan income to be disregarded has been increased in respect of books and equipment (to £361) and travel costs (to £285).

Updates Chapter **37(3)** p194, under '*How does your grant or loan affect IS?*', first two bullets.

Came into force 1 August 06.

SI/2006/2144

Normally eligibility to income support is denied to students on full-time courses. The list of exemptions from this rule has now been extended to include people on the Adult Learning Option scheme

Updates Chapter **37(3)** p194, under '*Full-time course*'.

Came into force 1 Sept 06.

SI/2006/2379

For women whose expected week of confinement falls on or after 1 April 2007, the maximum payment period for both statutory maternity pay and maternity allowance will be increased from 26 weeks to 39 weeks.

Updates Section **M** Chapter **33(3)** p184 & **34(4)** p185.

Came into force 1st October 06.

Section N – Retirement

SI/2006/832

Claims for pension credit can be made over the telephone, without the requirement that a signed statement be subsequently obtained, at the discretion of the decision maker. Such claims can also be amended by telephone.

Updates Chapter **40(7)** p202.

Came into force 24 July 06.

SI/2006/1031

The age limits to statutory sick/maternity/adoption & paternity pay have been completely removed.

Updates Chapter **39(2)** p197-198, under '*Statutory sick pay*'.

Came into force 1 October 06.

SI/2006/2931

A general framework for equal treatment in employment and occupation has been introduced, consequent of EC Council Directive 2000/78/EC. This needs to include discrimination on grounds of age. Henceforth, occupational pension schemes are now to be treated as if they have 'non-discrimination rules'.

Updates Box **N.2** p206, under '*Pension options*'

Came into force 1 December 06.

SI/2006/118

See Section E.

Updates Chapter **41**: Box **N.1** and **N.2**.

Section O – Special compensation schemes

SI/2006/2066

Vaccine damage payments can now be made to someone who has been severely disabled as a result of vaccination against pneumococcal infection.

Updates Chapter **46(2)** p222.

Came into force 4 Sept 06.

SI/2006/2378

The amount that can be earned before disqualification of the unemployability supplement has been increased from £4,212 to £4,472.

Updates Chapter **43(11)** p214.

Came into force 1 October 06.

Section P – Coming to or leaving the UK

SI/2006/1981

People in Great Britain who left Lebanon on or after 12 July 2006 because of the armed conflict there are now excepted from having to satisfy the habitual residence test. This exception will only apply until 31 January 2007. This will provide claimants with immediate access to income support, income-based jobseeker's allowance, pension credit, housing benefit and council tax benefit, as long as the other conditions of entitlement are met.

Updates Chapter **48(2)** p226, under '*Habitual residence*'

SI/2006/2528

You are now treated as habitually resident, and therefore exempt from the habitual residence test, if you have been granted humanitarian protection under the Immigration Rules.

Updates Chapter **48(2)** p226, under '*Habitual residence*'.

Came into force 9 Oct 06.

SI/2006/3341

A new category of persons who are exempt from the habitual residence test has been inserted: nationals of Bulgaria and Romania who are subject to the worker authorisation scheme established by the Accession (Immigration and Worker Authorisation) Regs 2006 and who are treated as workers pursuant to those Regs.

Updates Chapter **48(2)** p226

Came into force 1 January 07.

Section Q – Other matters

SI/2005/3262, SI/2006/589 & SI/2006/2818

The Healthy Start scheme, which replaces the Welfare Food Scheme, has been rolled out nationally. The new scheme introduces weekly vouchers that can be used to buy liquid milk, infant formula or fresh fruit and vegetables through general retail outlets. The scheme operates in the whole of the United Kingdom. Healthy Start is open to pregnant women and families with children under the age of four who are on income support, income-based jobseeker's allowance or child tax credit (providing gross income at the time of the award does not exceed £14,155 and working tax credit is not payable). The scheme is extended to anyone who is pregnant and under eighteen whether or not they are getting a benefit. The scheme is not be available for those with families in receipt of pension credit guarantee credit or for children aged between 5 and 16 who have a learning or physical disability and are not a registered pupil at a school.

Anyone on the Welfare Food Scheme will automatically transfer to Healthy Start. More information about the scheme can be found on the Healthy Start website (www.healthystart.nhs.uk).

Updates Chapter **51(6)** p235.

SI/2006/2818 came into force 27 Nov 06.

SI/2006/1721

A general framework for equal treatment in employment and occupation has been introduced, consequent of EC Council Directive 2000/78/EC. New sections have been introduced to the DDA which amongst other things: prohibit discrimination as regards the conferment of qualifications by educational institutions or the arrangements made for the purpose of conferring such qualifications; prohibit harassment by relevant institutions and define what harassment means; impose a duty to make reasonable adjustments; amend the definition of "discrimination" and set out the ambit of the justification defence for an act which constitutes discrimination; prohibit direct discrimination and define what that term means; prohibit discrimination and harassment and imposes duties to make reasonable adjustments in relationships which have come to an end; and prohibit instructions and pressure to discriminate.

Updates Chapter 54.

Came into force 1 Sept 06.

Section R – Claims and appeals

SI/2006/832

When a decision relating to a disability benefit is superseded (in a manner not advantageous to the claimant) to take account of a change which is not relevant to the disability determination, the decision is effective from the date of the change. Similarly, where there is a disadvantageous change of circumstances which is not relevant to a determination on incapacity (eg where someone fails to declare income which effects the amount of incapacity benefit paid), the subsequent supersession is effective from the date of change.

Updates Chapter **57(5)** p251, under '*What if your benefit goes down?*'

Where a claimant (or their partner) is awarded a benefit which would provide entitlement to a severe disability premium (SDP) within their income support (or the corresponding amount in pension credit) but for the fact that they have a non-dependant living with them, and the non-dependant later leaves the household, the supersession decision to award SDP is effective from the date the non-dependant leaves the household.

For instance, a claimant receives the highest rate of the care component of DLA. Her partner claims DLA, is turned down and lodges an appeal. They are in receipt of income support. Their 30 year old son lives with them. Four months before the appeal is heard

the son moves out. At appeal, the claimant's partner is awarded the middle rate of the care component of DLA. The income support award can now be superseded to include the SDP from the date the son moved out.

Updates Chapter 4(7) p17, under '*Living alone?*'
Came into force on 10 April 2006.

SI/2006/2377

The time limit for returning a properly completed claim-form for pension credit after a defective claim has been made can be extended beyond a month for as long as the Secretary of State considers reasonable.

Updates Chapter 56(2) p242, under '*Defective claims*'.

Previously, where entitlement to one benefit depended on another, if one stopped the other stopped too. In this case, if a decision on the qualifying benefit was challenged and it was reinstated, and a fresh claim for the other benefit was made within 3 months of the date of the decision to reinstate the qualifying benefit, the other benefit would then be fully backdated. This rule has now been extended to cover cases where a decision on the qualifying benefit has yet to be made when the other benefit is terminated. Once the qualifying benefit is awarded, as long as the claim for the other benefit is made within three months of the date on which the qualifying benefit is awarded, then that benefit can be backdated to the first day of entitlement of the qualifying benefit.

Updates Chapter 56(3) p243, under '*Delays in qualifying benefits – The general rule*'.

Both income support and jobseekers' allowance can be backdated for up to one month in cases where the claimant was unable to make telephone contact with the appropriate office (where they would be expected to notify their intention of making a claim) because the telephone lines to that office were either busy or inoperative.

Updates Chapter 56(3) p243, under '*Backdating IS and JSA*'.
Came into force 2 Oct 06.

SI/2006/3088

Extension of the numbers of people required to attend work-focused interviews as a condition of their continued entitlement to full benefit.

This includes the circumstance where someone moves from one specified area to another.

Updates Box **R.1** p244

Coming into force 29 December 06.