STATUTORY INSTRUMENTS

2017 No. 1187

SOCIAL SECURITY

The Social Security (Miscellaneous Amendments No. 5) Regulations 2017

Made - - - - 30th November 2017

Laid before Parliament 1st December 2017

Coming into force in accordance with regulation 1(2)

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 123(1)(a) and (d), 124(1)(e), 130A(2), 135(1), 136(3), (4) and (5)(b), 136A(3), 137(1) and 175(1) and (3) of the Social Security Contributions and Benefits Act 1992(**1**), sections 5(1)(j), 189(1) and (4) and 191 of the Social Security Administration Act 1992(**2**), sections 12(1) and (4)(b), 35(1) and 36(2) of the Jobseekers Act 1995(**3**), sections 10(6), 79(1) and (4) and 84 of the Social Security Act 1998(**4**), paragraphs 4(6), 20(1) and 23(1) of Schedule 7 to the Child Support, Pensions and Social Security Act 2000(**5**), sections 2(3)(b), 12(2) and (3), 15(3) and (6)(b) and 17(1) of the State Pension Credit Act 2002(**6**) and sections 17(1) and (3)(b), 24 and 25(2) and (3) of the Welfare Reform Act 2007(**7**).

The Social Security Advisory Committee has agreed that the proposals in respect of these Regulations should not be referred to it(**8**).

(**1**) 1992 c.4. Section 123(1) was amended by Schedule 9 to the Local Government Finance Act 1992 (c.14) and S.I. 2003/962. Section 124 was amended by paragraph 30 of Schedule 2 and paragraph 1 of Schedule 3 to the Jobseekers Act 1995 (c.18), paragraph 28 of Schedule 8 to the Welfare Reform and Pensions Act 1999 (c.30), paragraph 2 of Schedule 2 to the State Pension Credit Act 2002 (c.16), paragraph 42 of Schedule 24 to the Civil Partnership Act 2004 (c.33), section 3 of, and paragraph 9 of Schedule 3 and paragraph 1 of Schedule 8 to, the Welfare Reform Act 2007 (c.5) and paragraph 1 of Schedule 14 to the Welfare Reform Act 2012 (c.5). Section 130A was added by section 30 of the Welfare Reform Act 2007 (c.5). Section 136A was added by paragraph 3 of Schedule 2 to the State Pension Credit Act 2002. Section 137(1) is an interpretation provision and is cited for the meaning of "prescribed". Section 175 was amended by paragraph 29 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2) and paragraph 1 of Schedule 6 to the Tax Credits Act 2002 (c.21).

(**2**) 1992 c.5. Section 5(1)(j) was amended by section 98(5) of the Welfare Reform Act 2012. Section 189 was amended by paragraph 57 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999, paragraph 1 of Schedule 6 to the Tax Credits Act 2002 and S.I. 2013/252. Section 191 is an interpretation provision and is cited for the meaning of "prescribed".

(**3**) 1995 c.18. Section 35 is an interpretation provision and is cited for the meaning of "prescribed".

(**4**) 1998 c.14 ("the 1998 Act"). Section 79 was amended by S.I. 2008/2833. Section 84 is an interpretation provision and is cited for the meaning of "prescribed".

(**5**) 2000 c.19 ("the 2000 Act"). Paragraph 20 of Schedule 7 was amended by S.I. 2008/2833. Paragraph 23 of Schedule 7 is an interpretation provision and is cited for the meaning of "prescribed". Section 79(4) of the 1998 Act is applied to powers to make Regulations under the 2000 Act by paragraph 20(3) of Schedule 7 to the 2000 Act.

(**6**) 2002 c.16. Section 17(1) is an interpretation provision and is cited for the meaning of "prescribed" and "regulations".

(**7**) 2007 c.5. Section 24 is an interpretation provisions and is cited for the meaning of "prescribed". Section 25 was amended by section 51 of the Welfare Reform Act 2012 (c.5).

(**8**) *See* section 173(1)(b) of the Social Security Administration Act 1992.

In accordance with section 176(1) of the Social Security Administration Act 1992(**9**), the Secretary of State has consulted with organisations appearing to him to be representative of the authorities concerned.

Citation and commencement

1.—(1) These Regulations may be cited as the Social Security (Miscellaneous Amendments No. 5) Regulations 2017.

(2) These Regulations come into force as follows—

(a) the following provisions, on 21st December 2017—

(i) this regulation;

(ii) regulation 2(2), and regulation 2(1) in so far as it relates to that provision;

(iii) regulation 5(3), and regulation 5(1) in so far as it relates to that provision;

(iv) regulation 7(2) and (6), and regulation 7(1) in so far as it relates to those provisions;

(b) all other provisions, on 6th December 2018.

Amendment of the Income Support (General) Regulations 1987

2.—(1) The Income Support (General) Regulations 1987(**10**) are amended as follows.

(2) After paragraph 7 of Schedule 1B (prescribed categories of person)(**11**), insert—

"**Certain persons in receipt of the daily living component of personal independence payment**

7A. A person who is in receipt of the daily living component of personal independence payment at the enhanced rate but only where, immediately before receiving that benefit, the person was entitled to and in receipt of income support because he or she was treated as incapable of work under regulation 10(2)(a)(i) of the Social Security (Incapacity for Work) (General) Regulations 1995(**12**).".

(3) In paragraph 17(c) of Schedule 9 (sums to be disregarded in the calculation of income other than earnings: annuities purchased with a loan secured on a dwelling)(**13**), after "the age of 65" insert "or, if it was higher at that time, pensionable age".

Amendment of the Jobseeker's Allowance Regulations 1996

3. In paragraph 18(c) of Schedule 7 to the Jobseeker's Allowance Regulations 1996 (sums to be disregarded in the calculation of income other than earnings: annuities purchased with a loan secured on a dwelling)(**14**), after "the age of 65" insert "or, if it was higher at that time, pensionable age".

(**9**) Section 176 was amended by paragraph 23 of Schedule 9 to the Local Government Finance Act 1992 (c.14), paragraph 3 of Schedule 13 to the Housing Act 1996 (c.52), section 69 of the 2000 Act and paragraph 1 of Schedule 14 to the Welfare Reform Act 2012.
(**10**) S.I. 1987/1967.
(**11**) Schedule 1B was inserted by S.I. 1996/206 and amended by S.I. 1996/206, 2009/3152 and 2010/2429.
(**12**) S.I. 1995/311. Amended by S.I. 1995/987 and 1999/3109. There are other amending instruments but none is relevant.
(**13**) Amended by S.I. 1994/2139.
(**14**) S.I. 1996/207.

Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations 1999

4. Omit regulation 7(17B)(b) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999 (date from which superseded decisions take effect)(**15**).

Amendment of the State Pension Credit Regulations 2002

5.—(1) The State Pension Credit Regulations 2002(**16**) are amended as follows.

(2) In paragraph 14(7) of Schedule II (non-dependant deductions, persons residing with the claimant)(**17**)—

(a) in sub-paragraph (c), omit the words beginning with "during a period of study" to the end;

(b) omit sub-paragraph (cc).

(3) In paragraph 1 of Schedule III (amendment in respect of entitlement for polygamous marriages)(**18**)—

(a) in sub-paragraph (2), in subsection (1)(b) of the provision that applies instead of section 3(1)—

(i) after "of that section", insert "has attained pensionable age before 6 April 2016 and"; and

(ii) after "age of 65", insert "(before, on or after that date)";

(b) after sub-paragraph (7) insert—

"(7A) The following provision shall apply instead of regulation 7A (limitation of savings credit for certain mixed-age couples)—

"**7A.**—(1) This regulation applies if, taking the claimant to be the person in question for the purposes of section 12 (polygamous marriages),—

(a) the case is one to which that section applies; and

(b) at least one of the persons falling within subsection (1)(c) of that section had attained pensionable age before 6 April 2016 and at least one of those persons had not.

(2) Where this regulation applies, the claimant is not entitled to a savings credit unless the claimant—

(a) has been awarded a savings credit with effect from a day before 6 April 2016 and was entitled to a savings credit immediately before that date; and

(b) remained entitled to a savings credit at all times since the beginning of 6 April 2016.".".

(4) In paragraph 10(b) of Schedule IV (amounts to be disregarded in the calculation of income other than earnings: annuities purchased with a loan secured on a dwelling), after "the age of 65" insert "or, if it was higher at that time, pensionable age".

(**15**) S.I. 1999/991. Paragraph (17B) was substituted by S.I. 2004/647 and amended by S.I. 2004/2327.
(**16**) S.I. 2002/1792.
(**17**) Relevant amending instrument is S.I. 2002/3197.
(**18**) Relevant amending instrument is S.I. 2002/3019.