STATUTORY INSTRUMENTS

2017 No. 581

SOCIAL SECURITY

The Employment and Support Allowance (Miscellaneous Amendments and Transitional and Savings Provision) Regulations 2017

Made - - - -	*23rd April 2017*
Laid before Parliament	*24th April 2017*
Coming into force - -	*23rd June 2017*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 15(4) and (5) and 34(1) of the Welfare Reform and Work Act 2016(**1**).

In accordance with section 173(5)(b) of the Social Security Administration Act 1992(**2**), this instrument contains only regulations made by virtue of, or consequential upon section 15 of the Welfare Reform and Work Act 2016 and is made before the end of the period of 6 months beginning with the coming into force of this section.

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

Citation and commencement

1. These Regulations may be cited as the Employment and Support Allowance (Miscellaneous Amendments and Transitional and Savings Provision) Regulations 2017 and come into force on 23rd June 2017.

Amendments to the Social Fund (Cold Weather Payments) (General) Regulations 1988

2. In paragraph (2) of regulation 1 (interpretation) of the Social Fund (Cold Weather Payments) (General) Regulations 1988(**3**)—

(a) for the definition of "member of the support group" substitute—

(**1**) 2016 c.7.
(**2**) 1992 c.5.
(**3**) S.I. 1988/1724; the relevant amending instrument is S.I. 2017/204.

""member of the support group" means a person who has or is treated as having limited capability for work-related activity under Part 6 of the Employment and Support Allowance Regulations 2008;";

(b) for the definition of "member of the work-related activity group" substitute—

""member of the work-related activity group" means a person who has or is treated as having limited capability for work under Part 5 of the Employment and Support Allowance Regulations 2008 other than by virtue of regulation 30 of the Employment and Support Allowance Regulations 2008;".

Amendment to the Jobseeker's Allowance Regulations 1996

3. In paragraph 1(3)(e)(i) of Schedule 2 (housing costs) to the Jobseeker's Allowance Regulations 1996(**4**), after "(component)" insert "or who is a member of the work-related activity group".

Amendment to the State Pension Credit Regulations 2002

4. In paragraph 1(2)(a)(iii)(dd) of Schedule 2 (housing costs) to the State Pension Credit Regulations 2002(**5**), for "Welfare Reform Act "(component)" substitute "Welfare Reform Act (component)".

Amendments to the Housing Benefit Regulations 2006

5.—(1) The Housing Benefit Regulations 2006(**6**) are amended as follows.

(2) In paragraph (1) of regulation 2 (interpretation)—

(a) in the definition for "main phase employment and support allowance" after "Welfare Reform Act" insert "or the claimant is a member of the work-related activity group, ";

(b) in the definition for "member of the work-related activity group" for "claimant" substitute "person".

(3) In paragraph (8)(c)(ii) of regulation 7 (circumstances in which a person is or is not to be treated as occupying a dwelling as his home)—

(a) omit "23 or";

(b) after "of that Schedule" insert "or the claimant or the claimant's partner is a member of the work-related activity group".

(4) In paragraph (8)(a) of regulation 74 (non-dependant deductions) for "or where the non-dependant is not a member of the work-related activity group" substitute "and where the non-dependant is not a member of the work-related activity group".

(5) In paragraph 1A(a) of Schedule 3 (applicable amounts) after "personally" insert "or the claimant is personally a member of the work-related activity group".

(6) In paragraph 17(2)(b)(iv)(bb) of Schedule 4 (sums to be disregarded in the calculation of earnings) omit "and is engaged in remunerative work for on average not less than 16 hours per week".

(**4**) S.I. 1996/207; relevant amending instruments are S.I. 2012/913 and 2017/204.
(**5**) S.I. 2002/1792; relevant amending instruments are S.I. 2008/1554, 2012/913, 2013/388 and 2017/204.
(**6**) S.I. 2006/213; relevant amending instruments are S.I. 2008/1042, 2008/1082, 2009/583, 2010/1907, 2013/443, 2013/630 and 2017/204.