



**Housing Benefit and Council Tax Support
War Pension and Armed Forces Compensation
Scheme Income Disregard Policy (Modified
Scheme)**

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Introduction

The Housing Benefit Regulations 2006 make provision for the first £10.00 per week of income from War Widows (Widowers)/War Disablement Scheme and the Armed Forces Compensation Scheme to be disregarded in the assessment of any Housing Benefit entitlement. The cost of this disregard is fully reimbursed to the Council through Housing Benefit Subsidy.

The Social Security Administration Act 1992 at sections 134 and 139 give the Council discretion to disregard any further amount it chooses in addition to the statutory provision in accordance with its approved Modified Scheme.

The Council's Policy (Modified Scheme)

For the purposes of the calculation of Housing Benefit and Council Tax Support entitlement and as ongoing support to armed forces personnel, the Council will disregard 100% of all income from War Widows (Widowers)/War Disablement Scheme and Armed Forces Compensation Scheme payments/awards prescribed at Annex A.

Monies from these schemes are intended to:

- Ensure that members of the armed forces who have been disabled during service or the widows, widowers or surviving civil partner of those who have died in the service of their country, should not be disadvantaged by having their pensions or payments made in relation to their service taken into account in the calculation of their Housing Benefit entitlement;
- Ensure continued alignment between the treatment of these incomes under the Housing Benefit scheme set by the Department for Works and Pensions and the Local Council Tax Support Scheme;
- Promote a clear and transparent assessment methodology;
- Provide staff with guidance for making reasonable, fair and consistent decisions;
- Provide clarity to reporting accountants on the Council's operation of a Modified Scheme

Administration of the scheme

Documentary evidence of entitlement to any of the pensions/awards as prescribed at Annex A must be supplied in support of any Housing Benefit and/or Council Tax Support application.

The claimant is required to notify the Benefits Team of any change to the war pension income.

Where failure to notify any change in any of the war pension incomes listed in Annex A results in an overpayment of Housing Benefit and/or Council Tax Support this will be recoverable from the claimant.

Legislation

The Regulations providing for this are:

- Housing Benefit Regulations 2006 paragraphs 2(1), 31(1), 40(1), (2) and Schedule 5 paras 8, 9 15, 53-55
- Housing Benefit (Persons who have attained the qualifying age for State Pension Credit) Regulations 2006 paragraphs 2(1), 29(1)(e)-(h),(l),(m), 30(1)(a) 33(9) and Schedule 5 paras 1-6
- Sections 134 (8)(a) and 139 (6)(a) of the Social Security Administration Act 1992
- Housing Benefit and Council Tax Benefit (War Pension Disregards) Regulations 2007 (as amended)
- Local Council Tax Support Scheme

Fraud

The Council is committed to the fight against fraud in all its forms. A person who tries to fraudulently apply for Housing Benefit and/or Council Tax Support by falsely declaring their circumstances or providing a false statement or evidence in support of their application, may have committed an offence under the Theft Act 1968. Where we suspect that such a fraud may have occurred, the matter will be investigated in line with the Council's Anti-Fraud Strategy. This may lead to criminal proceedings being instigated.

Review

The policy will be reviewed periodically, taking into account Council policies, priorities and any changes in legislation.

Appendix A

The Schedule

War disablement and war widow's pensions

PART 1

War disablement pensions

1. The war disablement pensions prescribed are -

(a) any retirement pay, pension or allowance granted in respect of disablement under powers conferred by or under -

- (i) the Air Force (Constitution) Act 1917;
- (ii) the Personal Injuries (Emergency Provisions) Act 1939;
- (iii) the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939;
- (iv) the Polish Resettlement Act 1947;
- (v) Part VII or section 151 of the Reserve Forces Act 1980;

(b) the following pay, pension or allowances, but only the part attributable to disablement or disability -

- (i) a wounds pension granted to a member of the armed forces of the Crown;
- (ii) retired pay of a disabled officer granted on account of medical unfitness attributable to or aggravated by service in the armed forces of the Crown;
- (iii) a disablement or disability pension granted to a member of the armed forces of the Crown, other than a commissioned officer, on account of medical unfitness attributable to or aggravated by service in the armed forces of the Crown;
- (iv) a disablement pension granted to a person who has been employed in the nursing services of any of the armed forces of the Crown on account of medical unfitness attributable to or aggravated by service in the armed forces of the Crown; and

(c) a payment made under article 14(1)(b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005.

PART 2

War widow's pensions

2. The war widow's pensions prescribed are -

(a) pensions or allowances granted in respect of death due to service or war injury and payable to widows, widowers or surviving civil partners by virtue of -

- (i) the Air Force (Constitution) Act 1917;
- (ii) the Personal Injuries (Emergency Provisions) Act 1939;
- (iii) the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939;
- (iv) the Polish Resettlement Act 1947;
- (v) Part VII or section 151 of the Reserve Forces Act 1980;

(b) the whole or any part of a pension payable to a widow, widower or surviving civil partner -

- (i) under the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 2006 insofar as that Order is made under the Naval and Marine Pay and Pensions Act 1865; or
- (ii) only under section 12(1) of the Social Security (Miscellaneous Provisions) Act 1977;

and under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the Armed Forces of the Crown;

(c) a payment made under article 21(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005.