

North Warwickshire Borough Council

Local Scheme – Housing Benefit

Background

1. The Housing Benefit scheme is a national scheme that is administered locally by the Council on behalf of Government. The majority of the scheme is mandatory but the Council has discretion to implement a local scheme which will allow certain incomes to be disregards.
2. Local Authorities have the discretion to increase the amount of income that is disregarded in respect of any War Disablement or War Widows pension, up to 100% (the statutory scheme just disregards the first £10 per week from the payment).
3. In line with Sections 134(8) or 139(6) of the Social Security Administration Act 1992, the Council has resolved to disregard 100% of the following prescribed incomes for both working age and pension age claimants, effective from 1 April 2023:
 - (a) **War Disablement Pensions** - The war disablement pensions prescribed are:
 - any retired pay or pension or allowance payable in respect of disablement under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003;
 - any retired pay or pension payable to a member of the armed forces of the Crown in respect of a disablement which is attributable to service, under:
 - (i) an Order in Council made under section 3 of the Naval and Marine Pay and Pensions Act 1865
 - (ii) the Army Pensions Warrant 1977
 - (iii) the Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Warrant 2010
 - (iv) any order or regulations made under section 2 of the Air Force (Constitution) Act 1917
 - (v) any order or regulations made under section 4 of the Reserve Forces Act 1996
 - (vi) any instrument amending or replacing any of the instruments referred to above or 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; and
 - c) a payment made under article 14(1) (b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005.

(b) **War widow's pensions** - The war widow's pensions prescribed are:

- any pension or allowance payable to a widow, widower or surviving civil partner under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;
- a pension payable, to a widow, widower or surviving civil partner of a member of the armed forces of the Crown in respect of death which is attributable to service, under;
 - (i) an Order in Council made under section 3 of the Naval and Marine Pay and Pensions Act 1865
 - (ii) the Army Pensions Warrant 1977
 - (iii) the Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Warrant 2010
 - (iv) any order or regulations made under section 2 of the Air Force (Constitution) Act 1917
 - (v) any order or regulations made under section 4 of the Reserve Forces Act 1996
 - (vi) any instrument amending or replacing any of the above or 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; and
 - (vii) a payment made under article 21(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005;

(c) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs

The above policy is available to all Council Members and has previously been approved by the Council.

Section 151 Officer