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# Housing Benefit War Pension Disregard Policy (Modified Scheme)

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Effective from 01 April 2025



**Elmbridge**  
Borough Council

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### Introduction

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1. The Housing Benefit Regulations 2006 make provision for the first £10.00 of income from War Widows (Widowers)/War Disablement Scheme and the Armed Forces Compensation Scheme to be disregarded in any Housing Benefit assessment. The cost of this disregard is fully reimbursed to the Council.
2. The Social Security Administration Act 1992 gives the Council discretion to disregard any amount it chooses in addition to the statutory provision in accordance with its approved Modified Scheme.
3. Payment of Housing Benefit made under a local Modified Scheme are treated differently. Provided expenditure does not exceed 0.2% of the overall subsidy claimed, 75% of additional Housing benefit paid under a local scheme is subsidised by the Department for work and Pensions. The remaining 25% is met from the council's own funds.

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### Objectives of this policy

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4. The 100% disregard of funds received as War Widows (Widowers)/War Disablement Scheme and the Armed Forces Compensation Scheme awards is intended to:
  - ensure that members of the armed forces who have been disabled during service or the widows, widowers or surviving civil partners of those who died in the service of their country, should not be penalised by having their pensions or payments made in relation to their service, taken into account in the calculation of their Housing Benefit entitlement.
  - ensure income paid via these funding streams is treated consistently when assessing entitlement to Housing Benefit
  - ensure alignment between treatment of these incomes under the Housing Benefit scheme set by the Department for Works and Pensions, and Elmbridge's own Local Council Tax Support scheme.
  - promote a clear and transparent assessment methodology.

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## Administration of the scheme

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5. A statutory disregard of £10.00 per week is required from current payments of War Widows (Widowers) / War Disablement Scheme and the Armed Forces Compensation Scheme in accordance with the Housing Benefit Regulations 2006. These payments include:
- War Disablement Pension
  - War Widows / Widowers Pension
  - Guaranteed Income Payments (GIP's) under the Armed Forces and Reserve Forces Compensation Scheme (AFRFCS) payments
  - Service Attributable Pension (SAP) injury or illness attributable to service on or before April 1975
  - Any comparable payment paid by Government of a country outside Great Britain
  - A pension paid under the law of the Federal Republic of Germany or Austria to victims of National Socialist Persecution
6. The £10.00 disregard does not apply to pre-1973 War Widow's Special Payments which are already disregarded in full.

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## Legislation

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7. The Regulations providing for this are:
- The Housing Benefit Regulations 2006 paragraph 40(2) and schedule 5.
  - Housing Benefit (Persons who have attained the age qualifying for the State Pension Credit) Regulations 2006 paragraph 33(9) and schedule 5.
  - The Housing Benefit and Council Tax Benefit (War Pension Disregards) Regulations 2007
  - The Housing Benefit and Council Tax Benefit (War Pension Disregards) (Amendment) Regulations 2009
  - Sections 134 and 139 of the Social Security Administration Act 1992 provide the Council with the discretion to modify the Housing Benefit scheme by disregarding a further amount, or all, of specified war disablement pensions and payments. The Housing Benefit and Council Tax Benefit (War Pension Disregards)

Regulations 2007 (as amended) prescribe which pensions and payments these are. See Appendix A.

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## Modified Scheme Policy

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8. The Council will, in addition to the statutory disregard provided in legislation, further disregard all payments made under the War Widows (Widowers) / War Disablement Scheme and the Armed Forces Compensation Scheme awards in full.
9. For clarity this includes any payments detailed in paragraph 4 of this policy ][and any new payments which may introduced and considered by Housing Benefit Legislation which are treated as a payment made under the War Widows (Widowers) / War Disablement Scheme and the Armed Forces Compensation Scheme

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## Appendix A

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The Housing Benefit and Council Tax Benefit (War Pension Disregards) (Amendment) Regulations 2009 sets out the types of war pensions that will fall to be disregarded under the local scheme, as follows:

“1. The war disablement pensions prescribed are –

- (a) 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;
- (b) 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) any order or regulations made under section 2 of the Air Force (Constitution) Act 1917,
  - (iv) any order or regulations made under section 4 of the Reserve Forces Act 1996,
  - (v) any instrument amending or replacing any of the instruments referred to in paragraphs (i) to (iv), or
  - (vi) 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

2. The war widow's pensions prescribed are -

(a) 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;

(b) 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) any order or regulations made under section 2 of the Air Force (Constitution) Act 1917,

(iv) any order or regulations made under section 4 of the Reserve Forces Act 1996,

(v) any instrument amending or replacing any of the instruments referred to in paragraphs (i) to (iv), or

(vi) 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 21(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005."