

A3/2025: The Social Security (Miscellaneous Amendments) Regulations 2025 and The Social Security (Income and Capital Disregards) (Amendment) Regulations 2025

Introduction

This circular provides information about recent amendments to the Housing Benefit Regulations 2006 (SI 2006/213) and the Housing Benefit (Persons who have attained the qualifying age for State Pension Credit) Regulations 2006 (SI 2006/214).

The Social Security (Miscellaneous Amendments) Regulations 2025 (SI 2025/03) were laid on 3 January 2025 and came into force on 27 January 2025.

The Social Security (Income and Capital Disregards) (Amendment) Regulations 2025 (SI 2025/44) were laid on 17 January 2025 and come into force on 27 February 2025.

Bulletin content:

- The Social Security (Miscellaneous Amendments) Regulations 2025 and The Social Security (Income and Capital Disregards) (Amendment) Regulations 2025

The Social Security (Miscellaneous Amendments) Regulations 2025 and The Social Security (Income and Capital Disregards) (Amendment) Regulations 2025

Introduction

1. This circular provides information about recent amendments to the Housing Benefit Regulations 2006 (SI 2006/213) and the Housing Benefit (Persons who have attained the qualifying age for State Pension Credit) Regulations 2006 (SI 2006/214).
2. The Social Security (Miscellaneous Amendments) Regulations 2025 (SI 2025/03) were laid on 3 January 2025 and came into force on 27 January 2025.
3. The Social Security (Income and Capital Disregards) (Amendment) Regulations 2025 (SI 2025/44) were laid on 17 January 2025 and come into force on 27 February 2025.
4. The following paragraphs provide more details about these amendments.

The Social Security (Miscellaneous Amendments) Regulations 2025

Background

5. Regulations allow couples who cannot share a room to have an extra bedroom when assessing entitlement under the Local Housing Allowance or Removal of the Spare Room Subsidy rules. In order to benefit from this, one member of the couple must receive the daily living component of Personal Independence Payment, or the middle or higher rate of the care component of Disability Living Allowance, or the higher rate of Attendance Allowance or Pension Age Disability Payment (PADP) but not the lower rate of Attendance Allowance or PADP.
6. In cases where a couple are unable to share a bedroom due to disability, Pension age claimants are treated less favourably than Working Age claimants if they are receiving Attendance Allowance or PADP.

Amendments to Housing Benefit regulations

7. The Social Security (Miscellaneous Amendments) Regulations 2025 (SI 2025/03) amends SI 2006/213 and SI 2006/214, so that claimants are entitled to an additional bedroom where they are unable to share a bedroom and are in receipt of either rate of Attendance Allowance or PADP.
8. Additionally, SI 2025/03 corrects a drafting error in the definition of 'member of a couple who cannot share a bedroom' in regulation 2(1) of SI 2006/214 so that 'and' and 'or' in 2(1)(a), (a)(iv) and (iva) are in the correct order.

The Social Security (Income and Capital Disregards) (Amendment) Regulations 2025

Background

9. The 1967 Sexual Offences Act, applicable to England and Wales, decriminalised same-sex sexual activity in private between consenting adults. However, the Act also explicitly prohibited homosexuality within the Armed Forces, enabling Service personnel to continue to be convicted under Service discipline law, or be administratively discharged.

10. Therefore, members of the Armed Forces were treated differently from other citizens in the United Kingdom as they were not given the same rights under the Sexual Offences Act 1967.

11. In 1994 same-sex sexual activity ceased to be an offence under Service law. However, the ban on homosexuality remained in Armed Forces policy and administrative discharges continued. Following a successful challenge in the European Court of Human Rights, in January 2000 government policy was amended enabling personnel to serve in the Armed Forces regardless of their sexuality.

12. The Ministry of Defence and the Office for Veterans' Affairs co-commissioned an independent report to better understand the impacts and implications of the 1967 to 2000 ban on Lesbian, Gay, Bisexual and Transgender (LGBT) personnel.

13. In May 2023, the LGBT Veterans Final Review was published and one of its recommendations was for a recognition scheme for people who were dismissed or felt compelled to resign because of the policy current in the Armed Forces between 1967 and 2000.

LGBT Financial Recognition Scheme

14. There are two types of recognition payments within the LGBT Financial Recognition Scheme. The LGBT Dismissed or Discharged Payment is for applicants who were dismissed or discharged from service because of the ban. Where successful, these applicants can receive a flat rate payment of £50,000.

15. The other recognition payment type is the LGBT Impact Payment, which can also apply to successful applicants of the LGBT Dismissed or Discharged Payment and is for applicants who suffered harm and/or suffering during their service because of the ban. Where successful these applicants can receive a payment ranging from £1,000 to £20,000.

16. In terms of next of kin, the Scheme rules for the LGBT Financial Recognition Scheme, state that the scheme will make eligible application payments to the

recipient(s) of the deceased's estate if the applicant has died during the application process.

17. From March 2025 the LGBT Financial Recognition Scheme will start making payments to affected Armed Forces personnel.

Amendment to income and capital disregards

18. The Social Security (Income and Capital Disregards) (Amendment) Regulations 2025 amends SI 2006/213 and SI 2006/214 so that payments made by the LGBT Financial Recognition Scheme are disregarded indefinitely as income and capital when assessing entitlement to Housing Benefit.