
STATUTORY INSTRUMENTS

1996 No. 2545

SOCIAL SECURITY

**The Income-related Benefits and Jobseeker's
Allowance (Personal Allowances for Children and
Young Persons) (Amendment) Regulations 1996**

Made - - - - *7th October 1996*
Laid before Parliament *11th October 1996*
Coming into force in accordance with regulation 1

The Secretary of State for Social Security, in exercise of the powers conferred on him by sections 128(1)(a)(i) and (5), 129(1)(c)(i) and (8), 135(1), 136(3) and (4), 137(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(1) and sections 4(5), 35(1) and 36(1), (2) and (4) of the Jobseekers Act 1995(2) and all other powers enabling him in that behalf, after consultation, in respect of provisions in these Regulations relating to housing benefit and council tax benefit, with organisations appearing to him to be representative of the authorities concerned(3) and after reference to the Social Security Advisory Committee(4), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Income-related Benefits and Jobseeker's Allowance (Personal Allowances for Children and Young Persons) (Amendment) Regulations 1996 and both this regulation and regulation 10 of these Regulations shall come into force on 1st April 1997.

(2) In so far as these Regulations amend provisions relating to income support and jobseeker's allowance, they shall come into force on 7th April 1997.

(3) In so far as these Regulations amend provisions relating to council tax benefit, they shall come into force on 1st April 1997.

(4) In so far as these Regulations amend provisions relating to housing benefit—

(1) 1992 c. 4; sections 135 and 137 are amended to have effect with respect to council tax benefit by Schedule 9 to the Local Government Finance Act 1992 (c. 14); section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word "prescribed".
(2) 1995 c. 18; section 35(1) is an interpretation provision and is cited because of the meaning ascribed to the word "regulations".
(3) See section 176(1) of the Social Security Administration Act 1992 (c. 5).
(4) See section 172(1) of the Social Security Administration Act 1992 (c. 5).

- (a) in any case where rent is payable at intervals of one month or any other interval which is not a week or a multiple thereof, they shall come into force on 1st April 1997;
- (b) in any other case, they shall come into force on 7th April 1997.

(5) In so far as these Regulations amend provisions relating to family credit or disability working allowance, they shall come into force on 7th October 1997 and, in relation to any particular claimant for either of those benefits, these Regulations shall have effect where a claimant has an award of family credit or disability working allowance which is current on 7th October 1997, on the day following the last day of that award.

(6) In these Regulations—

“the Council Tax Benefit Regulations” means the Council Tax Benefit (General) Regulations 1992(5);

“the Disability Working Allowance Regulations” means the Disability Working Allowance (General) Regulations 1991(6);

“the Family Credit Regulations” means the Family Credit (General) Regulations 1987(7);

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987(8);

“the Income Support Regulations” means the Income Support (General) Regulations 1987(9);

“the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations 1996(10).

Income support, jobseeker’s allowance, housing benefit and council tax benefit: personal allowances in respect of children and young persons

2.—(1) Each of the provisions specified in paragraph (7) below (which specify the personal allowances applied in respect of children and young persons when calculating applicable amounts) shall be amended in accordance with the following paragraphs.

(2) After “2.” there shall be inserted “—(1)”.

(3) After the word “shall”, there shall be inserted the words “, for the relevant period specified in column (1),”.

(4) For column (1) of the table there shall be substituted the following—

“Person in respect of the period—

- (a) beginning on that person’s date of birth and ending on the day preceding the first Monday in September following that person’s eleventh birthday;
- (b) beginning on the first Monday in September following that person’s eleventh birthday and ending on the day preceding the first Monday in September following that person’s sixteenth birthday;
- (c) beginning on the first Monday in September following that person’s sixteenth birthday and ending on the day preceding that person’s nineteenth birthday.”

(5) In column (2) of the table, the entry (d) shall be omitted.

(6) After the table there shall be inserted the following sub-paragraph—

“(2) In column (1) of the table in paragraph (1), “the first Monday in September” means the Monday which first occurs in the month of September in any year.”

(5) S.I.1992/1814.

(6) S.I.1991/2887.

(7) S.I.1987/1973.

(8) S.I.1987/1971.

(9) S.I.1987/1967.

(10) S.I.1996/207.

- (7) The provisions specified for the purposes of paragraph (1) are—
- (a) paragraph 2 of Schedule 2 to the Income Support Regulations(11);
 - (b) paragraph 2 of Schedule 1 to the Jobseeker’s Allowance Regulations;
 - (c) paragraph 2 of Schedule 2 to the Housing Benefit Regulations(12);
 - (d) paragraph 2 of Schedule 1 to the Council Tax Benefit Regulations(13).

Housing benefit and council tax benefit: treatment of child care charges

3.—(1) Regulation 21A of the Housing Benefit Regulations(14) and regulation 13A of the Council Tax Benefit Regulations(15) (treatment of child care charges) shall both be amended in accordance with the following paragraphs.

- (2) In the definition of “relevant child care charges” in paragraph (2)—
- (a) for the words “who is under the age of 11 years” there shall be substituted the words “in respect of the period beginning on that child’s date of birth and ending on the day preceding the first Monday in September following that child’s eleventh birthday”;
 - (b) in sub-paragraph (b), for the words “aged 8 and over but under 11” there shall be substituted the words “in respect of the period beginning on their eighth birthday and ending on the day preceding the first Monday in September following their eleventh birthday”.
- (3) After paragraph (2) there shall be inserted the following paragraph—
- “(2A) In paragraph (2), “the first Monday in September” means the Monday which first occurs in the month of September in any year..”

Family credit: treatment of child care charges

4.—(1) Regulation 13A of the Family Credit Regulations(16) (treatment of child care charges) shall be amended in accordance with the following paragraphs.

- (2) In the definition of “relevant child care charges” in paragraph (2)—
- (a) for the words “who is under the age of 11 years” there shall be substituted the words “in respect of the period beginning on that child’s date of birth and ending on the day preceding the first Tuesday in September following that child’s eleventh birthday”;
 - (b) in sub-paragraph (b), for the words “aged 8 and over but under 11” there shall be substituted the words “in respect of the period beginning on their eighth birthday and ending on the day preceding the first Tuesday in September following their eleventh birthday”.
- (3) For paragraph (2A) there shall be substituted the following paragraph—
- “(2A) In paragraph (2)—
- (a) the age of a child referred to in that paragraph shall be determined by reference to the age of the child at the date on which the period under section 128(3) of the Contributions and Benefits Act (period of award) begins;
 - (b) “the first Tuesday in September” means the Tuesday which first occurs in the month of September in any year.”

(11) The relevant amending instrument is [S.I.1995/559](#).

(12) The relevant amending instrument is [S.I.1995/559](#).

(13) The relevant amending instrument is [S.I.1995/559](#).

(14) Regulation 21A is inserted by [S.I.1994/1924](#) and amended by [S.I.1995/560](#) and [626](#).

(15) Regulation 13A is inserted by [S.I.1994/1924](#) and amended by [S.I.1995/560](#) and [626](#).

(16) Regulation 13A is inserted by [S.I.1994/1924](#) and amended by [S.I.1995/516](#).

Family credit: determination of appropriate maximum amount

5.—(1) Regulation 46 of the Family Credit Regulations⁽¹⁷⁾ (determination of appropriate maximum family credit) shall be amended in accordance with the following paragraphs.

(2) In paragraph (1)(b)—

- (a) for the words “against whichever description in either paragraph 2 or 3 of column (1) fits” there shall be substituted the words “in respect of the period specified in either paragraph 2 or 3 of column (1) as appropriate to”;
- (b) after the word “concerned”, there shall be inserted the words “and in those paragraphs, “the first Tuesday in September” means the Tuesday which first occurs in the month of September in any year”.

(3) In paragraph (2), for the words from “equals—” to the end of the paragraph there shall be substituted the words “equals the credit specified in column (2) of Schedule 4 against paragraph 3 in column (1).”.

(4) In paragraph (7)—

- (a) for the word “age” in the first place where that word occurs there shall be substituted the words “period during which that amount is appropriate in respect”;
- (b) for the words “age of the child or young person at” there shall be substituted the words “relevant period which includes”.

Family credit: determination of maximum amount

6. For paragraphs 2 and 3 of column (1) in Schedule 4 to the Family Credit Regulations⁽¹⁸⁾ (maximum amounts for children and young persons) there shall be substituted the following paragraphs—

“(2) Person in respect of the period—

- (a) beginning on that person’s date of birth and ending on the day preceding the first Tuesday in September following that person’s eleventh birthday;
- (b) beginning on the first Tuesday in September following that person’s eleventh birthday and ending on the day preceding the first Tuesday in September following that person’s sixteenth birthday.

(3) Person in respect of the period beginning on the first Tuesday in September following that person’s sixteenth birthday and ending on the day preceding that person’s nineteenth birthday.”

Disability working allowance: treatment of child care charges

7.—(1) Regulation 15A of the Disability Working Allowance Regulations⁽¹⁹⁾ (treatment of child care charges) shall be amended in accordance with the following paragraphs.

(2) In the definition of “relevant child care charges” in paragraph (2)—

- (a) for the words “who is under the age of 11 years” there shall be substituted the words “in respect of the period beginning on that child’s date of birth and ending on the day preceding the first Tuesday in September following that child’s eleventh birthday”;
- (b) in sub-paragraph (b), for the words “aged 8 and over but under 11” there shall be substituted the words “in respect of the period beginning on their eighth birthday and ending on the day preceding the first Tuesday in September following their eleventh birthday”.

⁽¹⁷⁾ The relevant amending instruments are [S.I.1988/660](#), [1993/2119](#) and [1995/516](#) and [1339](#).

⁽¹⁸⁾ The relevant amending instruments are [S.I.1995/559](#) and [1339](#).

⁽¹⁹⁾ Regulation 15A is inserted by [S.I.1994/1924](#) and amended by [S.I.1995/516](#).

(3) For paragraph (2A) there shall be substituted the following paragraph—

“(2A) In paragraph (2)—

- (a) the age of a child referred to in that paragraph shall be determined by reference to the age of the child at the date on which the period under section 129(6) of the Contributions and Benefits Act (period of award) begins;
- (b) “the first Tuesday in September” means the Tuesday which first occurs in the month of September in any year.”

Disability working allowance: determination of appropriate maximum amount

8.—(1) Regulation 51 of the Disability Working Allowance Regulations(20) (determination of appropriate maximum disability working allowance) shall be amended in accordance with the following paragraphs.

(2) In paragraph (1)(c)—

- (a) for the words “at whichever description in paragraph 3 or 4 of column (1) fits” there shall be substituted the words “in respect of the period specified in either paragraph 3 or 4 of column (1) as appropriate to”;
- (b) after the word “concerned”, there shall be inserted the words “and in those paragraphs, “the first Tuesday in September” means the Tuesday which first occurs in the month of September in any year”.

(3) In paragraph (2), for the words from “equals—” to the end of the paragraph there shall be substituted the words “equals the allowance specified in column (2) of Schedule 5 against paragraph 4 in column (1).”.

(4) In paragraph (7)—

- (a) for the word “age” in the first place where that word occurs there shall be substituted the words “period during which that amount is appropriate in respect”;
- (b) for the words “age of the child or young person at” there shall be substituted the words “relevant period which includes”.

Disability working allowance: determination of maximum amount

9. For paragraphs 3 and 4 in column (1) in Schedule 5 to the Disability Working Allowance Regulations(21) (maximum amounts for children and young persons) there shall be substituted the following paragraphs—

“(3) Person in respect of the period—

- (a) beginning on that person’s date of birth and ending on the day preceding the first Tuesday in September following that person’s eleventh birthday;
- (b) beginning on the first Tuesday in September following that person’s eleventh birthday and ending on the day preceding the first Tuesday in September following that person’s sixteenth birthday.

(4) Person in respect of the period beginning on the first Tuesday in September following that person’s sixteenth birthday and ending on the day preceding that person’s nineteenth birthday..”

(20) The relevant amending instruments are [S.I.1992/2155](#), [1993/2119](#) and [1995/482](#), [516](#) and [1339](#).

(21) The relevant amending instruments are [S.I.1995/482](#), [559](#) and [1339](#).

Transitional provisions

10.—(1) Where, in relation to a claim for income support, jobseeker’s allowance, housing benefit or council tax benefit, a claimant’s weekly applicable amount includes a personal allowance in respect of one or more children or young persons who are, as at the day before the appropriate date these Regulations come into force for the purpose of those benefits in accordance with regulation 1 of these Regulations (referred to in this regulation as “the appropriate date”), aged 11, 16 or 18, the provisions specified in regulation 2(7) of these Regulations shall have effect, for the period specified in paragraph (2) below, as if regulation 2 of these Regulations had not been made.

(2) The period specified for the purposes of paragraph (1) above shall be, in relation to each particular child or young person referred to in that paragraph, the period beginning on the appropriate date and ending—

- (a) where that child or young person is aged 11 or 16 as at the day before the appropriate date, on 31st August 1997;
- (b) where that young person is aged 18 as at the day before the appropriate date, on the day preceding the day that young person ceases to be a person of a prescribed description for the purposes of regulation 14 of the Income Support Regulations(22), regulation 76 of the Jobseeker’s Allowance Regulations, regulation 13 of the Housing Benefit Regulations(23) or regulation 5 of the Council Tax Benefit Regulations.

(3) Where, in any particular case, the appropriate maximum family credit or, as the case may be, the appropriate maximum disability working allowance includes a credit or allowance in respect of one or more children or young persons who are, as at 6th October 1997, aged 11, 16 or 18, the Family Credit Regulations or, as the case may be, the Disability Working Allowance Regulations shall have effect, for the period specified in paragraph (4) below, as if regulations 5 and 6 or, as the case may be, 8 and 9 of these Regulations had not been made.

(4) The period specified for the purposes of paragraph (3) above shall be, in relation to each particular child or young person referred to in that paragraph, the period beginning on 7th October 1997 and ending—

- (a) where that child or young person is aged 11 or 16 as at 6th October 1997, on 31st August 1998;
- (b) where that young person is aged 18 as at 6th October 1997, on the day preceding the day that young person ceases to be a person of a prescribed description for the purposes of regulation 6 of the Family Credit Regulations or, as the case may be, regulation 8 of the Disability Working Allowance Regulations.

Signed by authority of the Secretary of State for Social Security.

Department of Social Security
7th October 1996

Roger Evans
Parliamentary Under-Secretary of State,

(22) Regulation 14 is amended by S.I.1988/1445 and 1990/547.

(23) Regulation 13 is amended by S.I.1990/546.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Income Support (General) Regulations 1987 (S.I.1987/1967), the Jobseeker's Allowance Regulations 1996 (S.I.1996/207), the Housing Benefit (General) Regulations 1987 (S.I.1987/1971), the Council Tax Benefit (General) Regulations 1992 (S.I.1992/1814), the Family Credit (General) Regulations 1987 (S.I.1987/1973) and the Disability Working Allowance (General) Regulations 1991 (S.I.1991/2887).

In particular, these Regulations change the date when personal allowances in respect of children and young persons are increased for the purposes of income support, income-based jobseeker's allowance, housing benefit and council tax benefit, from the date the child or young person concerned attains the age of 11 or 16 to the first Monday in September after that child or young person attains that age. They also provide that an increase in those allowances will no longer be applicable in respect of young persons aged 18 or over (regulation 2).

Similar provisions are made in relation to the assessment of the appropriate maximum amounts of family credit and of disability working allowance, together with consequential amendments (regulations 5, 6, 8 and 9). Corresponding provisions are also made relating to the period during which childcare charges may be disregarded for the purposes of housing benefit, council tax benefit, family credit and disability working allowance (regulations 3, 4 and 7).

Regulation 10 makes transitional provisions relating to children or young persons who attained the ages of 11, 16 or 18 before the Regulations came into force.

The Report of the Social Security Advisory Committee dated 18th September 1996 on the proposals referred to them in respect of these Regulations, together with a statement showing the extent to which these Regulations give effect to the Recommendations of the Committee, and in so far as they do not give effect to them, the reasons why not, are contained in Command Paper Cm 3393, published by Her Majesty's Stationery Office.

These Regulations do not impose a charge on business.