
STATUTORY INSTRUMENTS

1987 No. 1973

The Family Credit (General) Regulations 1987

PART V

CALCULATION OF ENTITLEMENT

Determination of appropriate maximum family credit

46.—(1) Subject to paragraphs (2) to (6) of this regulation, the appropriate maximum family credit shall be the aggregate of the following credits—

- (a) in respect of a claimant or, if he is a member of a married or unmarried couple, in respect of the couple, the credit specified in column (2) of Schedule 4 against paragraph 1 (adult);
- (b) in respect of any child or young person for whom the claimant or his partner is treated as responsible by virtue of regulation 7 (circumstances in which a person is treated as responsible, or not responsible, for another), the credit specified in column (2) of Schedule 4 against whichever description in either paragraph 2 or 3 of column (1) fits the child or young person concerned.

(2) Where a claimant or, as the case may be, the partner of a claimant is married polygamously to two or more members of the same household, the maximum amount shall include, in respect of every such member but the first, an additional credit which equals—

- (a) in the case of a person aged less than 18 years, the credit specified in column (2) of Schedule 4 against paragraph 3(a) in column (1); or
- (b) in any other case, the credit specified in column (2) of Schedule 4 against paragraph 3(b) in column (1).

(3) For the purposes of paragraph (2), a person shall not be treated as a member of the same household as someone to whom he is married polygamously if he would not be so treated in the case of a monogamous marriage.

(4) Where the capital of a child or young person, if calculated in accordance with Part IV (income and capital) in like manner as for the claimant, except where otherwise provided, would exceed £3,000, the credit in respect of that child or young person shall be nil.

(5) Where the income of a child or young person, other than income consisting of payments of maintenance whether under a court order or not, calculated in accordance with Part IV, exceeds the amount specified for that child or young person in Schedule 4, the credit in respect of that child or young person shall be nil.

(6) Where a child or young person is, for the purposes of regulation 8(2)(a) (membership of the same household), a patient or in residential accommodation on account of physical or mental handicap or physical or mental illness and has been so accommodated for the 52 weeks immediately before the date of claim, the credit in respect of that child or young person shall be nil.

Applicable amount of family credit

47. The applicable amount of family credit for the purposes of section 20(5)(a) of the Act (conditions of entitlement to family credit) shall be £51.45 per week.

Entitlement to family credit where income exceeds the applicable amount

48. The prescribed percentage for the purpose of section 21(3) of the Act (percentage of excess of income over applicable amount which is deducted from maximum family credit) shall be 70 per cent.