

1989 No. 1034

SOCIAL SECURITY

**The Family Credit and Income Support (General)
Amendment Regulations 1989**

<i>Made - - - -</i>	<i>22nd June 1989</i>
<i>Laid before Parliament</i>	<i>22nd June 1989</i>
<i>Coming into force</i>	
<i>for the purposes of regulations</i> <i>1, 3 to 7 and 9 to 14</i>	<i>10th July 1989</i>
<i>for the purposes of regulations</i> <i>2 and 8</i>	<i>4th September 1989</i>

The Secretary of State for Social Security in exercise of the powers conferred by sections 20(3)(a) and (d), 22(1), (8) and (9) and 84(1) of the Social Security Act 1986^(a) and section 166(1) to (3A) of the Social Security Act 1975^(b) and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals to make these regulations should not be referred to it^(c), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Family Credit and Income Support (General) Amendment Regulations 1989 and shall come into force as follows—

- (a) regulations 1, 3 to 7 and 9 to 14, on 10th July 1989;
- (b) regulations 2 and 8, on 4th September 1989.

(2) In these Regulations—

“the Family Credit Regulations” means the Family Credit (General) Regulations 1987^(d); and

“the Income Support Regulations” means the Income Support (General) Regulations 1987^(e).

Amendment of regulation 38 of the Family Credit Regulations

2. In regulation 38(2)(f) of the Family Credit Regulations (calculation of grant income) for the sum “£220” there shall be substituted the sum “£234”.

(a) 1986 c.50; section 20(3)(a) was amended by the Social Security Act 1988 (c.7), section 4(1); section 84(1) is cited because of the meaning assigned to the words “prescribed” and “regulations”.

(b) 1975 c.14; section 166 (3A) was inserted by section 62 of the Social Security Act 1986 and section 166(1) to (3A) is applied by section 83(1) of that Act.

(c) See section 10(2)(b) of the Social Security Act 1980 (c.30); section 10 was amended by paragraph 98 of Schedule 10 to the Social Security Act 1986.

(d) S.I. 1987/1973; relevant amending instrument is S.I. 1988/1438.

(e) S.I. 1987/1967; the relevant amending instruments are S.I. 1988/663, 1228, 1445 and 1989/43 and 534.

Amendment of Schedules 2 and 3 to the Family Credit Regulations

3. In paragraph 25 of Schedule 2, and paragraph 18 of Schedule 3, to the Family Credit Regulations (income other than earnings and capital to be disregarded) for the words from "under section 1" to the end of each paragraph there shall be substituted the words "by a local authority under section 1, 27 or 29 of the Child Care Act 1980(a) or, as the case may be, section 12, 24 or 26 of the Social Work (Scotland) Act 1968(b) (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care).".

Amendment of regulation 13 of the Income Support Regulations

4. In regulation 13(2) of the Income Support Regulations (circumstances in which persons in relevant education are to be entitled to income support) for sub-paragraph (d) there shall be substituted the following sub-paragraph—

- "(d) of necessity has to live away from his parents or any person acting in the place of his parents because—
- (i) he is estranged from his parents or that person; or
 - (ii) he is in physical or moral danger; or
 - (iii) there is a serious risk to his physical or mental health;"

Amendment of regulation 18 of the Income Support Regulations

5. In regulation 18(1)(b) of the Income Support Regulations (polygamous marriages) for the reference "and (1)(c)" there shall be substituted the reference "and (1)(e)".

Amendment of regulation 22 of the Income Support Regulations

6. In regulation 22(1)(a) of the Income Support Regulations (reductions in applicable amounts)—

- (a) in head (i) for the reference "paragraph 1(1)(a)" there shall be substituted the reference "paragraph 1(1)(a), (b) or (c), as the case may be,";
- (b) in head (ii) for the reference "paragraph 1(1)(b)" there shall be substituted the reference "paragraph 1(1)(d)";
- (c) in head (iii) for the reference "paragraph 1(1)(c)" there shall be substituted the reference "paragraph 1(1)(e)".

Amendment of regulation 41 of the Income Support Regulations

7. In regulation 41(3) of the Income Support Regulations (capital treated as income) for the words "section 1 of the Child Care Act 1980" to the end of that paragraph there shall be substituted the words "section 1, 27 or 29 of the Child Care Act 1980 or, as the case may be, section 12, 24 or 26 of the Social Work (Scotland) Act 1968 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) shall be treated as income".

Amendment of regulation 62 of the Income Support Regulations

8. In regulation 62(2)(g) of the Income Support Regulations (calculation of grant income) for the sum "£220" there shall be substituted the sum "£234".

Amendment of regulation 71 of the Income Support Regulations

9. In regulation 71(1) of the Income Support Regulations (applicable amount in urgent cases)—

- (a) in sub-paragraph (a)(iii) for the reference "paragraph 15(2) or (3) of Schedule 2 (pensioner premiums)" there shall be substituted the reference "Part II or III of Schedule 2 (premiums)";
- (b) in sub-paragraph (d)(ii) for the reference "paragraph 9 or 10 of Schedule 2" there shall be substituted the reference "Part II or III of Schedule 2"

(a) 1980 c.5.

(b) 1968 c.49.

Amendment of Schedule 1A to the Income Support Regulations

10. In Schedule 1A to the Income Support Regulations (circumstances in which a person aged 16 or 17 is eligible for income support) after paragraph 9 there shall be inserted the following paragraph—

“**9A.** A registered person who of necessity has to live away from his parents or any person acting in the place of his parents because—

- (a) he is estranged from his parents or that person; or
- (b) he is in physical or moral danger; or
- (c) there is a serious risk to his physical or mental health.”.

Amendment of Schedule 2 to the Income Support Regulations

11. In paragraph 1 of Schedule 2 to the Income Support Regulations (applicable amounts)—

(a) for sub-paragraphs (1) and (2) there shall be substituted the following sub-paragraphs—

“(1) Single claimant aged—

- (a) except where head (b) or (c) of this sub-paragraph applies, less than 18; (1)(a) £20.80;
- (b) less than 18 who is a person to whom Part II of Schedule 1A applies and who— (b) £27.40;
 - (i) is eligible for income support under regulation 13A; or
 - (ii) is the subject of a direction under section 20(4A) of the Act;
- (c) less than 18 who is a person to whom Part I of Schedule 1A applies and who, had he been a registered person, would satisfy any of the conditions in Part II of that Schedule and who— (c) £27.40;
 - (i) is eligible for income support under regulation 13A; or
 - (ii) is the subject of a direction under section 20(4A) of the Act;
- (d) not less than 18 but less than 25; (d) £27.40;
- (e) not less than 25. (e) £34.90;

(2) Lone parent aged—

- (a) except where head (b) or (c) of this sub-paragraph applies, less than 18; (2)(a) £20.80;
- (b) less than 18 who is a person to whom Part II of Schedule 1A applies and who— (b) £27.40;
 - (i) is eligible for income support under regulation 13A; or
 - (ii) is the subject of a direction under section 20(4A) of the Act;
- (c) less than 18 who is a person to whom Part I of Schedule 1A applies and who, had he been a registered person, would satisfy any of the conditions in Part II of that Schedule and who— (c) £27.40;
 - (i) is eligible for income support under regulation 13A; or
 - (ii) is the subject of a direction under section 20(4A) of the Act;
- (d) not less than 18. (d) £34.90.”.

(b) in sub-paragraph (3)–

(i) after head (a) there shall be inserted the following head–

“(aa) where both members are aged less than 18 and sub-paragraph (3)(a) does not apply but one member of the couple is a person to whom Part II of Schedule 1A applies or who, had he been a registered person, would satisfy any of the conditions in that Part and that member–

(i) is eligible for income support under regulation 13A; or

(ii) is the subject of a direction under section 20(4A) of the Act.”.

(ii) in head (b) after the reference “sub-paragraph (3)(a)” there shall be inserted the reference “or (aa)”.

Amendment of Schedules 9 and 10 to the Income Support Regulations

12. In paragraph 28 of Schedule 9, and paragraph 17 of Schedule 10, to the Income Support Regulations (income other than earnings and capital to be disregarded) for the words from “any payment made” to the end of each paragraph there shall be substituted the words “any payment made by a local authority under section 1, 27 or 29 of the Child Care Act 1980 or, as the case may be, section 12, 24 or 26 of the Social Work (Scotland) Act 1968 (local authorities’ duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care).”.

Transitional provision

13. Where, immediately before the coming into force of regulation 4 of these Regulations, a person was entitled to income support by virtue of paragraph (2)(d) of regulation 13 of the Income Support Regulations, notwithstanding that he was to be treated as receiving relevant education under regulation 12 of those Regulations, that paragraph shall continue to apply to him as if the substitution made by regulation 4 of these Regulations had not been made for so long as he continues to satisfy the other conditions of entitlement to income support.

Revocation of regulation 4 of the Income Support (General) Amendment Regulations 1989

14. Regulation 4 of the Income Support (General) Amendment Regulations 1989(a) shall be revoked.

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

22nd June 1989

Nicholas Scott
Minister of State,
Department of Social Security

(a) S.I. 1989/534.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Income Support (General) Regulations 1987 in the following respects—

- (a) they provide for young persons in relevant education and for 16 and 17 year olds who of necessity are living away from their parents in certain specified circumstances to be eligible for income support (regulations 4 and 10); and increase the personal allowances for certain single claimants, couples and lone parents under 18 living away from home (regulations 5, 6 and 11);
- (b) they provide in cases of trade disputes for certain payments made by local authorities to persons in, or formerly in, their care to be treated as income (regulation 7); and in other cases for the disregard of such payments (regulation 12); and, in the calculation of a student's grant income, increase to £234 the amount of the disregard, for books and equipment (regulation 8);
- (c) they extend to urgent cases eligibility to all premiums (regulation 9); and make transitional provision for persons in relevant education eligible for income support by virtue of their estrangement from their parents to continue to be so eligible notwithstanding the new tests prescribed by these regulations (regulation 13).

They also amend the Family Credit (General) Regulations 1987 to provide similar disregards to those mentioned in sub-paragraph (b) above (regulations 2 and 3).

In addition, they revoke regulation 4 of the Income Support General (Amendment) Regulations 1989 as the amendment made by that regulation has now been superseded by regulation 9(a) (regulation 14).