

1990 No. 127

**SOCIAL SECURITY**  
**HOUSING ENGLAND AND WALES**  
**HOUSING SCOTLAND**

**The Income-related Benefits Schemes Amendment**  
**Regulations 1990**

<i>Made</i> - - - -	<i>29th January 1990</i>
<i>Laid before Parliament</i>	<i>30th January 1990</i>
<i>Coming into force</i> -	<i>31st January 1990</i>

The Secretary of State for Social Security in exercise of powers conferred by sections 20(1), 22(8), (9)(a) to (c), 51(1)(h) and 84(1) of the Social Security Act 1986(a) and section 166(1)–(3) of the Social Security Act 1975(b) and of all other powers enabling him in that behalf, it having appeared to him that, so far as these Regulations relate to housing benefit, by reason of the urgency of the matter it is inexpedient to consult with organisations appearing to him to be representative of the authorities concerned(c) and after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it(d) hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Income-related Benefits Schemes Amendment Regulations 1990 and shall come into force on 31st January 1990.

(2) In these Regulations—

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

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

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

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(a) 1986 c.50; section 20(1) was modified by the Housing Benefit (Social Security Act 1986 Modifications) (Scotland) Regulations 1988 (S.I. 1988/1483) and section 84(1) is cited because of the meaning assigned to the words “prescribed” and “regulations”.

(b) 1975 c.14; section 166(1) to (3) is applied to the powers conferred by the Social Security Act 1986 by section 83(1) of the 1986 Act.

(c) See section 61(7) of the Social Security Act 1986; amended by the Local Government Finance Act 1988 (c.41) Schedule 10 paragraph 10.

(d) See section 61(1)(b) and (10) of the Social Security Act 1986; section 61(10) is amended by the Social Security Act 1989 (c.24) Schedule 8, paragraph 12(4).

(e) S.I. 1987/1973; relevant amending instruments S.I. 1988/660, 1988/999, 1988/1438 and 1988/1970.

(f) S.I. 1987/1967; relevant amending instruments S.I. 1988/663, 1988/999, 1988/1445 and 1988/2022.

(g) S.I. 1987/1971; relevant amending instruments S.I. 1988/661, 1988/1444 and 1988/1971.

“the Community Charge Rebates Regulations” means the Housing Benefit (Community Charge Rebates) (Scotland) Regulations 1988(a).

#### **Amendment of the Family Credit Regulations**

2.—(1) The Family Credit Regulations shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 2(1) (interpretation) after the definition of “the Independent Living Fund” there shall be inserted the following definition—

““the Macfarlane (Special Payments) Trust” means the trust of that name, established on 29th January 1990 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia;”.

(3) In the following provisions of the Family Credit Regulations there shall be inserted the words “, the Macfarlane (Special Payments) Trust” after the words “the Macfarlane Trust”—

- (a) regulation 26(3) (notional income);
- (b) regulation 34(3) (notional capital);
- (c) paragraph 34 of Schedule 2 (disregard of income other than earnings);
- (d) paragraph 23 of Schedule 3 (capital to be disregarded).

(4) In paragraph 31 of Schedule 3 of the Family Credit Regulations the words “or under the Macfarlane (Special Payments) Trust” shall be added at the end.

#### **Amendment of the Income Support Regulations**

3.—(1) The Income Support Regulations shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 2(1) (interpretation) after the definition of “the Independent Living Fund” there shall be inserted the following definition—

““the Macfarlane (Special Payments) Trust” means the trust of that name, established on 29th January 1990 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia;”.

(3) In the following provisions of the Income Support Regulations there shall be inserted the words “, the Macfarlane (Special Payments) Trust” after the words “the Macfarlane Trust”—

- (a) regulation 42(4) (notional income);
- (b) regulation 48(10)(c) (income treated as capital);
- (c) regulation 51(3) (notional capital);
- (d) regulation 72(1) (assessment of income and capital in urgent cases);
- (e) paragraphs 21(2) and 39 of Schedule 9 (disregard of income other than earnings);
- (f) paragraph 22 of Schedule 10 (capital to be disregarded).

(4) In paragraph 29 of Schedule 10 to the Income Support Regulations the words “or under the Macfarlane (Special Payments) Trust” shall be added at the end.

#### **Amendment of the Housing Benefit Regulations**

4.—(1) The Housing Benefit Regulations shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 2(1) (interpretation) after the definition of “the Independent Living Fund” there shall be inserted the following definition—

““the Macfarlane (Special Payments) Trust” means the trust of that name, established on 29th January 1990 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia;”.

(3) In the following provisions of the Housing Benefit Regulations there shall be

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(a) S.I. 1988/1890; relevant amending instrument S.I. 1989/361.

inserted the words “, the Macfarlane (Special Payments) Trust” after the words “the Macfarlane Trust”-

- (a) regulation 35(3) (notional income);
- (b) regulation 43(3) (notional capital);
- (c) regulation 73(1) (evidence and information);
- (d) paragraph 34 of Schedule 4 (disregard of income other than earnings);
- (e) paragraph 23 of Schedule 5 (capital to be disregarded).

(4) In paragraph 32 of Schedule 5 to the Housing Benefit Regulations the words “or under the Macfarlane (Special Payments) Trust” shall be added at the end.

#### **Amendment of the Community Charge Rebates Regulations**

5.—(1) The Community Charge Rebates Regulations shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 2(1) (interpretation)-

- (a) for the words “Haemophiliac Society” in the definition of “the Macfarlane Trust” there shall be substituted the words “Haemophilia Society”;
- (b) after the definition of “the Independent Living Fund” there shall be inserted the following definition-

““the Macfarlane (Special Payments) Trust” means the trust of that name, established on 29th January 1990 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia;”.

(3) In the following provisions of the Community Charge Rebates Regulations there shall be inserted the words “, the Macfarlane (Special Payments) Trust” after the words “the Macfarlane Trust”-

- (a) regulation 25(3) (notional income);
- (b) regulation 33(3) (notional capital);
- (c) regulation 61(1) (evidence and information);
- (d) paragraph 34 of Schedule 3 (disregard of income other than earnings);
- (e) paragraph 23 of Schedule 4 (capital to be disregarded).

(4) In paragraph 31 of Schedule 4 to the Community Charge Rebates Regulations the words “or under the Macfarlane (Special Payments) Trust” shall be added at the end.

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

*Nicholas Scott*  
Minister of State,

Department of Social Security

29th January 1990

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#### **EXPLANATORY NOTE**

*(This note does not form part of the Regulations)*

These Regulations amend the Family Credit (General) Regulations 1987, the Income Support (General) Regulations 1987, the Housing Benefit (General) Regulations 1987 and the Housing Benefit (Community Charge Rebates) (Scotland) Regulations 1988 so that in calculating a claimant's income and capital for determining his entitlement to those benefits any payment made to haemophiliacs under the Macfarlane (Special Payments) Trust are to be disregarded.