
STATUTORY INSTRUMENTS

1991 No. 1520

SOCIAL SECURITY

The Family Credit (General) Amendment Regulations 1991

<i>Made</i>	- - - -	<i>2nd July 1991</i>
<i>Laid before Parliament</i>		<i>12th July 1991</i>
<i>Coming into force</i>		
	<i>–regulations 1, 4, 7, 8 and 9</i>	<i>6th August 1991</i>
	<i>–regulations 3, 5, 6, 10 and 11</i>	<i>8th October 1991</i>
	<i>–regulation 2</i>	<i>7th April 1992</i>

The Secretary of State for Social Security, in exercise of powers conferred by sections 20(12)(c) and (d)(i), 22(8), (8A), (9)(a) and (b) and 84(1) of the Social Security Act 1986(1) and section 166(1) to (3A) of the Social Security Act 1975(2) and of all other powers enabling him in that behalf, and after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it(3), hereby makes the following Regulations:

Citation, commencement and interpretation

1. –

(1) These Regulations may be cited as the Family Credit (General) Amendment Regulations 1991 and shall come into force as follows–

- (a) regulations 1, 4, 7, 8 and 9, on 6th August 1991;
- (b) regulations 3, 5, 6, 10 and 11, on 8th October 1991;
- (c) regulation 2, on 7th April 1992.

(1) 1986 c. 50; paragraph (12)(d) was substituted by the Social Security Act 1989 (c. 24), section 13(2); subsection (8A) was inserted by the Local Government Finance Act 1988 (c. 41), Schedule 10, paragraph 4(3) and section 84(1) is an interpretation provision and is cited because of the meanings assigned to the words “prescribed” and “regulations”.

(2) 1975 c. 14; subsection (3) was amended by the Social Security Act 1989 (c. 24), section 31(1) and Schedule 8, paragraph 10; subsection (3A) was inserted by section 62(1) of the Social Security Act 1986 and section 166(1) to (3A) is applied by section 83(1) of that Act.

(3) See the Social Security Act 1986, section 61(1)(b) and (10); the Social Security Act 1989 (c. 24), Schedule 8, added a definition of “regulations” to section 61(10) of the Social Security Act 1986.

(2) In these Regulations “the principal Regulations” means the Family Credit (General) Regulations 1987(4).

Amendment of regulations 4 and 5 of the principal Regulations

2. In regulations 4(1) and 5(1) of the principal Regulations (remunerative work, and engagement in remunerative work and normal engagement) for the figure “24” there shall be substituted the figure “16”.

Amendment of regulation 13 of the principal Regulations

3. In regulation 13 of the principal Regulations (calculation of income on a weekly basis) for paragraph (2) there shall be substituted the following paragraph—

“(2) For the purposes of paragraph (1) “income” includes capital treated as income under regulation 25 (capital treated as income) and income which a claimant is treated as possessing under regulation 26 (notional income).”.

Amendment of regulation 24 of the principal Regulations

4. In regulation 24 of the principal Regulations (calculation of income other than earnings), in paragraph (4A)(5) after the words “Education (Student Loans) Act 1990” there shall be inserted the words “or Article 3 of the Education (Student Loans) (Northern Ireland) Order 1990”(6).

Amendment of regulations 26 and 34 of the principal Regulations

5. In regulations 26(3)(a) and 34(3)(a) of the principal Regulations (notional income and notional capital)(7)—

- (a) the words “, community charge” shall be omitted; and
- (b) after the words “housing costs” there shall be inserted the words “or is used for any personal community charge or collective community charge contribution for which that member is liable”.

Amendment of regulation 34A of the principal Regulations

6. In regulation 34A of the principal Regulations (diminishing notional capital rule)(8)—

- (a) in paragraph (3) for sub-paragraphs (b) and (c) there shall be substituted the following sub-paragraphs—
 - “(b) if the claimant would, but for regulation 43(1) of the Housing Benefit (General) Regulations 1987(9) (notional capital), have been entitled to housing benefit or to an additional amount of housing benefit in respect of the benefit week in which the date of the last claim for family credit falls, the amount (if any) which is equal to—
 - (i) in a case where no housing benefit is payable, the amount to which he would have been entitled, or

(4) S.I.1987/1973; relevant amending instruments are S.I. 1988/660, 1438, 1970, 1990/574, 1549, 1774.

(5) Paragraph (4A) was inserted by regulation 3(2)(b) of S.I. 1990/1549.

(6) S.I. 1990/1506 (N.I. 11).

(7) Regulation 26(3)(a) was substituted by regulation 5 of S.I. 1988/1438 and amended by regulation 8 of S.I. 1988/1970 and regulation 11 of S.I. 1990/574; regulation 34(3)(a) was substituted by regulation 5 of S.I. 1988/1438 and amended by regulation 10(b) of S.I. 1988/1970 and regulation 11 of S.I. 1990/574.

(8) Regulation 34A was inserted by regulation 3 of S.I. 1990/1774.

(9) S.I. 1987/1971. Regulation 43(1) was amended by regulation 5(a) of S.I. 1990/1775.

- (ii) in any other case, the amount equal to the additional amount of housing benefit to which he would have been entitled; and
- (c) if the claimant would, but for regulation 33(1) of the Community Charge Benefits (General) Regulations 1989⁽¹⁰⁾ (notional capital) have been entitled to community charge benefit or to an additional amount of community charge benefit in respect of the benefit week in which the date of the last claim for family credit falls, the amount (if any) which is equal to—
 - (i) in a case where no community charge benefit is payable, the amount to which he would have been entitled, or
 - (ii) in any other case, the amount equal to the additional amount of community charge benefit to which he would have been entitled.”; and
- (b) in paragraph (4) for sub-paragraphs (b) and (c) there shall be substituted the following sub-paragraphs—
 - “(b) if the claimant would, but for regulation 43(1) of the Housing Benefit (General) Regulations 1987 have been entitled to housing benefit or to an additional amount of housing benefit in respect of the benefit week in which the first day of the relevant week falls, the amount (if any) which is equal to—
 - (i) in a case where no housing benefit is payable, the amount to which he would have been entitled, or
 - (ii) in any other case, the amount equal to the additional amount of housing benefit to which he would have been entitled; and
 - (c) if the claimant would, but for regulation 33(1) of the Community Charge Benefits (General) Regulations 1989 have been entitled to community charge benefit or to an additional amount of community charge benefit in respect of the benefit week in which the first day of the relevant week falls, the amount (if any) which is equal to—
 - (i) in a case where no community charge benefit is payable, the amount to which he would have been entitled, or
 - (ii) in any other case, the amount equal to the additional amount of community charge benefit to which he would have been entitled.”.

Amendment of regulation 37 of the principal Regulations

- 7. In regulation 37 of the principal Regulations (interpretation of Chapter VII—students)—
 - (a) after the definition of “grant income” there shall be inserted the following definition—
 - ““last day of the course” means the date on which the last day of the final academic term falls in respect of the course in which the student is enrolled;”;
 - (b) in the definition of “period of study”—
 - (i) in paragraph (a) for the words “to the end” there shall be substituted the words “and ending with the last day of the course”; and
 - (ii) in paragraph (b) after the words “any subsequent year of the course,” there shall be inserted the words “other than the final year of the course;”;
 - (iii) after paragraph (b)(ii) there shall be inserted the following paragraph—

⁽¹⁰⁾ S.I. 1989/1321. Regulation 33(1) was amended by regulation 4(a) of S.I. 1990/1773.

- “(c) in the final year of a course of study of more than one year, the period beginning with that year’s start and ending with the last day of the course;”;
- (c) in the definition of “student” in paragraph (a) for the words “the end of the course” there shall be substituted the words “the last day of the course”.

Amendment of regulation 38 of the principal Regulations

8. In regulation 38(2)(f) of the principal Regulations (calculation of grant income)(**11**) for the amount “£246” there shall be substituted the amount “£257”.

Amendment of regulation 42A of the principal Regulations

- 9.** In regulation 42A of the principal Regulations (treatment of student loans)(**12**)–
- (a) in paragraph (1) after the words “Education (Student Loans) Act 1990” there shall be inserted the words “or Article 3 of the Education (Student Loans) (Northern Ireland) Order 1990”(13);
- (b) in paragraph (2)(b) for the words “the date on which the course ends” there shall be substituted the words “the last day of the course”.

Amendment of Schedule 2 to the principal Regulations

- 10.** In Schedule 2 to the principal Regulations (sums to be disregarded in the calculation of income other than earnings)–
- (a) in paragraph 13(2)(14) for the words “, community charge” to the end of the sub-paragraph there shall be substituted the words “or housing costs of any member of the family or is used for any personal community charge or collective community charge contribution for which any member of the family is liable.”;
- (b) in paragraph 14 for sub-paragraph (b) there shall be substituted the following sub-paragraph–
- “(b) a pension paid by the government of a country outside Great Britain which is either–
- (i) analogous to a war disablement pension; or
- (ii) analogous to a war widow’s pension;”;

Amendment of Schedule 3 to the principal Regulations

11. In Schedule 3 to the principal Regulations (capital to be disregarded), in paragraph 24(15) after the word “occupational” there shall be inserted the words “or personal”.

(11) Regulation 38(2)(f) was amended by regulation 3(4) of S.I. [1990/1549](#).

(12) Regulation 42A was inserted by regulation 3(5) of S.I. [1990/1549](#).

(13) S.I. [1990/1506 \(N.I. 11\)](#).

(14) Paragraph 13 of Schedule 2 was substituted by regulation 14(a) of S.I. [1990/574](#).

(15) Paragraph 24 was added by regulation 14 of S.I. [1988/660](#).

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

2nd July 1991

Nicholas Scott
Minister of State,
Department of Social Security

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Family Credit (General) Regulations 1987 in the following respects—

- (a) they reduce the average number of hours which a person will need to work to satisfy the remunerative work rules from 24 to 16 hours (regulation 2);
- (b) they clarify the description of income for calculating income on a weekly basis (regulation 3);
- (c) they make provision for the calculation of income from loans made to students in Northern Ireland, define the last day of the course in relation to students and increase the amount to be disregarded from a student's grant income in respect of books and equipment from £246 to £257 (regulations 4, 7, 8 and 9);
- (d) they provide for personal community charge and collective community charge contributions made to a third party in respect of the claimant or a member of the family to be treated as notional income or capital of the claimant and exclude their total disregard as a voluntary payment (regulations 5 and 10(a));
- (e) they make provision for the amount of capital which a person is treated as possessing to be reduced by the amount of housing benefit or community charge benefit that would have been payable if entitlement to that benefit had not been removed (regulation 6);
- (f) they make changes in the description of war widows' and other pensions paid by a country outside Great Britain which are disregarded in the calculation of income and disregard the value of the right to a personal pension in the calculation of capital (regulations 10(b) and 11).