
STATUTORY INSTRUMENTS

1991 No. 236

SOCIAL SECURITY

The Income Support (General) Amendment Regulations 1991

Made - - - - 13th February 1991

Laid before Parliament 20th February 1991

Coming into force

regulations 1 and 9 and 10 13th March 1991

regulations 2 to 8 and 11 to 14 8th April 1991

The Secretary of State for Social Security in exercise of the powers conferred by sections 20(1)(a), (3)(a) and (d), (4), (12)(d) and (e), 22(1), (8) and (9) 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, after agreement by the Social Security Advisory Committee⁽³⁾ that proposals to make these Regulations should not be referred to it, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Income Support (General) Amendment Regulations 1991 and shall, subject to paragraph (2) below, come into force as follows—

- (a) regulations 1 and 9 and 10, on 13th March 1991;
- (b) regulations 2 to 8 and 11 to 14, on 8th April 1991;

(2) These Regulations shall not apply in relation to a particular claimant until the beginning of the first benefit week to commence for that claimant on or after the date specified in paragraph (1) above which applies in his case; and for this purpose the expressions “claimant” and “benefit week” have the same meanings as in the General Regulations.

(3) In these Regulations “the General Regulations” means the Income Support (General) Regulations 1987⁽⁴⁾.

(1) 1986 c. 50; 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; sub-section (1A) 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.

(4) S.I. 1987/1967; relevant amending instruments are S.I. 1988/663, 1228, 1445 and 1843, and 1989/43, 1034, 1323 and 1678 and 1990/547, 1549 and 1657.

Amendment of regulations 2, 9, 10, 11 and 13A of, and Schedules 2 and 7 to, the General Regulations

2.—(1) In the provisions of the General Regulations specified in this paragraph for the words “Training Commission”, there shall be substituted the words “Secretary of State for Employment”—

- (a) regulation 2 (interpretation) in paragraph (a) of the definition of “training allowance”;
- (b) regulation 9(2)(a)(ii) and (2)(b)(i) (persons treated as available for employment);
- (c) regulation 10(1)(e) in the first place where the words “Training Commission” occur, 10(2)(e) in the second place where those words occur and 10(3)(b) (circumstances in which claimants are not to be treated as available for employment);
- (d) regulation 11(3) (registration for employment);
- (e) paragraph 7(b) of Schedule 2 (premiums);
- (f) paragraph 10(e), in column 1 of Schedule 7 (applicable amounts in special cases).

(2) In regulation 2 in paragraph (c) of the definition of “training allowance”, for the words “that Commission” there shall be substituted the words “the Secretary of State for Employment”.

(3) In regulation 10(1)(e) and (2)(e) for the words “, the Training Commission or a local education authority” there shall be substituted the words “or a local education authority”.

(4) In the definition of “youth training scheme” in regulation 2 (interpretation) and in regulation 13A(4)(a) (persons under 18 years) of the General Regulations after the words “youth training scheme” there shall be inserted the words “or youth training”; and in regulation 9(2)(a)(ii) and (2)(b)(i) of these Regulations after the words “Youth Training Scheme” there shall be inserted the words “or Youth Training”.

Amendment of regulation 8 of the General Regulations

3. In regulation 8 of the General Regulations (persons not required to be available for employment)—

- (a) in paragraph (2) the words “other than paragraph 5” shall be omitted; and in subparagraph (a) for the words “regulation 8 of the Social Security (Adjudication) Regulations 1986 (medical references)” there shall be substituted the words “section 115A of the Social Security Act 1975 (power of adjudicating authorities to refer matters to experts)(5)”;
- (b) in paragraph (3) after the words “other than one to whom” there shall be inserted the words “paragraph (2) or”.

Amendment of regulation 11 of the General Regulations

4. In regulation 11(2)(a) of the General Regulations (registration for employment) for the words “regulation 8 of the Social Security (Adjudication) Regulations 1986 (medical references)” there shall be substituted the words “section 115A of the Social Security Act 1975 (power of adjudicating authorities to refer matters to experts)”.

Amendment of regulation 13 of the General Regulations

5. In regulation 13(2)(d) of the General Regulations (circumstances in which persons in relevant education may be entitled to income support) for the words “parents or any” there shall be substituted the words “parents and any”; and for the words “parents or that person” there shall be substituted the words “parents and that person”.

(5) Section 115A was inserted by the Social Security Act 1989 (c. 24), Schedule 3, paragraph 3(1).

Amendment of regulation 13A of the General Regulations

6. In regulation 13A of the General Regulations (persons under 18 years)—
- (a) in paragraph (2)(b) for the words “as falls before” there shall be substituted the words “as falls on or before”;
 - (b) in paragraph (3)(a) for the words “is the date” there shall be substituted the words “is the day before the date”;
 - (c) in paragraph (4)—
 - (i) for the words “Schedule 1A” there shall be substituted the words “Part I of Schedule 1A”;
 - (ii) sub-paragraph (b) shall be omitted;
 - (d) for paragraph (5) there shall be substituted the following paragraph—

“(5) Paragraph (4)(a) shall have effect for a period—

 - (a) beginning on the date on which paragraph (4)(a) applies to that person which first falls after the relevant date determined in accordance with paragraph (7); and
 - (b) ending on the day before the date on which that person attains the age of 18 or the date on which paragraph (4)(a) ceases to apply to him, whichever first occurs.”;
 - (e) in paragraph (6)—
 - (i) in sub-paragraph (a) for the words “that date” there shall be substituted the words “the date”; and the words “on or” shall be omitted;
 - (ii) for sub-paragraph (b) there shall be substituted the following sub-paragraph—

“(b) ending on the last day of the period of eight weeks beginning with the date specified in sub-paragraph (a) or on the day before the date on which that person attains the age of 18, whichever first occurs.”.

Amendment of regulation 21 of the General Regulation

7. In regulation 21(3)(a) of the General Regulations (special cases) after the words “on 11th December 1953),” there shall be inserted the words “a state which is a signatory to the Council of Europe Social Charter (signed in Turin on 18th October 1961),”.

Amendment of regulation 22 of the General Regulations

8. In regulation 22(5) of the General Regulations (reductions in applicable amounts in certain cases of actual or notional unemployment benefit disqualification), the words “8(2) or” and “or a person to whom regulation 11(2) applies (exemption from requirement to register for employment)” shall be omitted.

Amendment of regulations 40 and 66A of the General Regulations

9. In regulations 40(3A) and 66A(1) of the General Regulations (calculation of income other than earnings and treatment of student loans) after the words “Education (Student Loans) Act 1990” there shall be inserted in each of those regulations the words “or article 3 of the Education (Student Loans) (Northern Ireland) Order 1990(6)”.

Amendment of Schedule 1 to the General Regulations

10. In Schedule 1 to the General Regulations (persons not required to be available for employment) in paragraph 7B(1) after head (c) there shall be inserted the following—

“or

- (d) a supplementary requirement has been determined under paragraph 15 of Schedule 7 to the Students Awards Regulations (Northern Ireland) 1987⁽⁷⁾, paragraph 15 of Schedule 7 to the Students Awards Regulations (Northern Ireland) 1988⁽⁸⁾, paragraph 12 of Schedule 7 to the Students Awards Regulations (Northern Ireland) 1990⁽⁹⁾ or paragraph 12 of Schedule 7 to the Students Awards (No. 2) Regulations (Northern Ireland) 1990⁽¹⁰⁾ or a payment has been made under article 50(3) of the Education and Libraries (Northern Ireland) Order 1986⁽¹¹⁾”.

Amendment of Schedule 1A to the General Regulations

11. In Schedule 1A to the General Regulations (circumstances in which a person aged 16 or 17 is eligible for income support)—

- (a) in paragraph 8 for the words “or the home” there shall be substituted the words “and which is other than the home”;
- (b) in paragraph 9A for the words “or any person” there shall be substituted the words “and any person”; and for the words “his parents or that person” there shall be substituted the words “his parents and that person”.

Amendment of Schedule 3 to the General Regulations

12. In Schedule 3 to the General Regulations (housing costs) in paragraph 6—

- (a) in sub-paragraph (1) for the word “Where—” there shall be substituted the words “Where the dwelling occupied as the home is a composite hereditament and—”;
- (b) after sub-paragraph (1) there shall be inserted the following sub-paragraphs—

“(1A) Subject to sub-paragraph (1) and the following provisions of this paragraph, where the dwelling occupied as the home is a composite hereditament, the amount applicable under this Schedule shall be the relevant fraction of the amount which would otherwise be applicable under this Schedule in respect of the dwelling occupied as the home.

(1B) For the purposes of sub-paragraph (1A), the relevant fraction shall be obtained in accordance with the formula—

$$\frac{A}{A + B}$$

Where—

“A” is the current market value of the claimant’s interest in that part of the composite hereditament which is domestic property within the meaning of section 66 of the Act of 1988;

“B” is the current market value of the claimant’s interest in that part of the composite hereditament which is not domestic property within that section.

(7) S.R. 1987 No. 420, revoked by S.R. 1988 No. 445.

(8) S.R. 1988 No. 445, revoked by S.R. 1990 No. 23.

(9) S.R. 1990 No. 23, revoked by S.R. 1990 No. 427.

(10) S.I. 1990 No. 427.

(11) S.I. 1986/594 (N.I. 3).

(1C) In this paragraph—

“composite hereditament” means—

- (a) as respects England and Wales, any hereditament which is shown as a composite hereditament in a local non-domestic rating list;
- (b) as respects Scotland, any lands and heritages entered in the valuation roll which are part residential subjects within the meaning of section 26(1) of the Act of 1987;

“local non-domestic rating list” means a list compiled and maintained under section 41(1) of the Act of 1988;

“the Act of 1987” means the Abolition of Domestic Rates Etc. (Scotland) Act 1987⁽¹²⁾;

“the Act of 1988” means the Local Government Finance Act 1988⁽¹³⁾.”;

- (c) in paragraph 10(6) at the end there shall be added the words “or, as the case may be, no restriction shall be made under this paragraph on review during the six months from the date of the review nor during the next six months if and so long as the claimant so uses his best endeavours.”;
- (d) in paragraph 11(7) in head (b) the words “and is not a person who lives in board and lodging accommodation” shall be omitted.

Amendment of Schedule 7 to the General Regulations

13. In Schedule 7 to the General Regulations (applicable amounts in special cases), in paragraph 17, head (ii) of sub-paragraph (b) shall be omitted.

Amendment of Schedule 9 to the General Regulations

14. In Schedule 9 to the General Regulations (sums to be disregarded in the calculation of income other than earnings) in paragraph 9 after the words “nursing home” there shall be inserted the words “and he is not a person to whom Part II of Schedule 4 applies (persons to whom regulation 19 does not apply)”.

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

13th February 1991

Nicholas Scott
Minister of State,
Department of Social Security

⁽¹²⁾ 1987 c. 47.

⁽¹³⁾ 1988 c. 41.

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 Income Support (General) Regulations 1987 in the following respects:

- (a) they substitute references to “the Secretary of State for Employment” for references to the “Training Commission” (regulation 2); and extend the definition of a “person from abroad” to nationals of states who are signatories to the Council of Europe’s Social Charter (regulation 7);
- (b) they introduce a new method of apportioning housing costs in the case of composite hereditaments created since 1st April 1990 (regulation 12); make provision for student loans granted in Northern Ireland to be treated as income, for the calculation of that income, and for deaf students in receipt of certain educational awards under that country’s legislation to be eligible for benefit (regulations 9 and 10);
- (c) they provide for a person’s applicable amount not to be reduced when an appeal on the question of his incapacity for work is pending (regulation 8); and remove the restriction whereby a lone parent is excluded from receiving an amount in respect of a child who is a person from abroad (regulation 13);
- (d) they remove any overlap or gap in the periods for which a person under 18 may be eligible for income support and for which child benefit is payable (regulation 6); provide for such a person, or a young person in relevant education, living away from his parents to be eligible for income support only if he is also living away from a person acting in the place of his parents (regulations 5 and 11); make provision for a person’s attendance allowance to be fully disregarded if he is in a residential care or nursing home and is ineligible for the higher amounts applicable to such homes, (regulation 14); and make certain other minor amendments (regulations 3 and 4).