
STATUTORY INSTRUMENTS

1991 No. 2695

SOCIAL SECURITY

The Income-related Benefits Schemes (Miscellaneous Provisions) Amendment Regulations 1991

Made - - - - 28th November 1991
Laid before Parliament 6th December 1991
Coming into force in accordance with regulation 1(1)

The Secretary of State for Social Security in exercise of powers conferred by sections 22(1), (5), (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, so far as these Regulations relate to housing benefit and community charge benefits, after consultation with organisations appearing to him to be representative of the authorities concerned⁽³⁾ and after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it⁽⁴⁾, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Income-related Benefits Schemes (Miscellaneous Provisions) Amendment Regulations 1991 and shall come into force as follows—

- (a) regulation 1 and, subject to paragraph (2), regulation 5, on 27th December 1991;
- (b) regulation 2, and regulation 4 only insofar as it relates to any case where rent is payable at intervals of one month or any other interval which is not a week or a multiple of a week, on 1st April 1992;
- (c) regulation 4 insofar as it relates to any other case, on 6th April 1992;
- (d) regulation 3, on 7th April 1992.

(1) 1986 c. 50; section 84(1) is an interpretation provision and is cited because of the meaning 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; section 166(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 section 61(7) of the Social Security Act 1986; section 61(7) was amended by the Local Government Finance Act 1988 (c. 41), Schedule 10, paragraph 10.

(4) See the Social Security Act 1986 (c. 50), section 61(1)(b) and (10). The Social Security Act 1989 (c. 24) Schedule 8, paragraph 12(4), added a definition of “regulations” to section 61(10) of the Social Security Act 1986.

(2) Regulation 5 of these Regulations shall come into force in relation to any particular claimant at the beginning of the first benefit week to commence for that claimant on or after the date specified in paragraph (1)(a) which applies in his case; and for this purpose the expressions “claimant” and “benefit week” have the same meanings as in the Income Support (General) Regulations 1987(5).

(3) In these Regulations—

“the Community Charge Benefits Regulations” means the Community Charge Benefits (General) Regulations 1989(6); “the Family Credit Regulations” means the Family Credit (General) Regulations 1987(7);

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987(8).
Amendment of the Community Charge Benefits Regulations

Amendment of the Community Charge Benefits regulations

2.—(1) The Community Charge Benefits Regulations shall be amended in accordance with the following provisions of this Regulation.

(2) In regulation 26(1) (modifications in respect of child and young person) after the words “the income of a child or young person” there shall be inserted the words “, other than income consisting of any payment of maintenance whether under a court order or not,”.

(3) In Schedule 3 (sums to be disregarded in the calculation of income other than earnings)—

(a) in paragraph 13, for sub-paragraph (3) there shall be substituted the following sub-paragraph—

“(3) Sub-paragraphs (1) and (2) shall not apply to a payment which is made or due to be made by—

- (a) a former partner of the claimant, or a former partner of any member of the claimant’s family; or
- (b) the parent of a child or young person where that child or young person is a member of the claimant’s family.”;

(b) after paragraph 45 there shall be added the following paragraph—

“46.—(1) Where a claimant’s applicable amount includes an amount by way of the family premium, £15 of any payment of maintenance, whether under a court order or not, which is made or due to be made by—

- (a) the claimant’s former partner, or the claimant’s partner’s former partner; or
- (b) the parent of a child or young person where that child or young person is a member of the claimant’s family except where that parent is the claimant or the claimant’s partner.

(2) For the purposes of sub-paragraph (1), where more than one maintenance payment falls to be taken into account in any week, all such payments shall be aggregated and treated as if they were a single payment.”.

Amendment of the Family Credit Regulations

3. In Schedule 2 to the Family Credit Regulations (sums to be disregarded in the calculation of income other than earnings)—

(5) S.I.1987/1967; relevant amending instrument is S.I. 1988/1445.

(6) S.I. 1989/1321; relevant amending instrument is S.I. 1990/1773.

(7) S.I. 1987/1973; relevant amending instrument is S.I. 1990/574.

(8) S.I. 1987/1971; relevant amending instrument is S.I. 1990/1775.

- (a) in paragraph 13, for sub-paragraph (3) there shall be substituted the following sub-paragraph—

“(3) Sub-paragraphs (1) and (2) shall not apply to a payment which is made or due to be made by—

- (a) a former partner of the claimant, or a former partner of any member of the claimant’s family; or
- (b) the parent of a child or young person where that child or young person is a member of the claimant’s family.”;

- (b) after paragraph 46 there shall be added the following paragraph—

“47.—(1) £15 of any payment of maintenance, whether under a court order or not, which is made or due to be made by—

- (a) the claimant’s former partner, or the claimant’s partner’s former partner; or
- (b) the parent of a child or young person where that child or young person is a member of the claimant’s family except where that parent is the claimant or the claimant’s partner.

(2) For the purposes of sub-paragraph (1), where more than one maintenance payment falls to be taken into account in any week, all such payments shall be aggregated and treated as if they were a single payment.”.

Amendment of the Housing Benefit Regulations

4.—(1) The Housing Benefit Regulations shall be amended in accordance with the following provisions of this Regulation.

(2) In regulation 36(1) (modifications in respect of child and young person) after the words “the income of a child or young person” there shall be inserted the words “, other than income consisting of any payment of maintenance whether under a court order or not,”.

(3) In Schedule 4 (sums to be disregarded in the calculation of income other than earnings)—

- (a) in paragraph 13, for sub-paragraph (3) there shall be substituted the following sub-paragraph—

“(3) Sub-paragraphs (1) and (2) shall not apply to a payment which is made or due to be made by—

- (a) a former partner of the claimant, or a former partner of any member of the claimant’s family; or
- (b) the parent of a child or young person where that child or young person is a member of the claimant’s family.”;

- (b) after paragraph 46 there shall be added the following paragraph—

“47.—(1) Where a claimant’s applicable amount includes an amount by way of the family premium, £15 of any payment of maintenance, whether under a court order or not, which is made or due to be made by—

- (a) the claimant’s former partner, or the claimant’s partner’s former partner; or
- (b) the parent of a child or young person where that child or young person is a member of the claimant’s family except where that parent is the claimant or the claimant’s partner.

(2) For the purposes of sub-paragraph (1), where more than one maintenance payment falls to be taken into account in any week, all such payments shall be aggregated and treated as if they were a single payment.”.

Amendment of regulation 4 of the Income Support (General) Amendment No. 6 Regulations 1991

5. For paragraph (9) of regulation 4 of the Income Support (General) Amendment No. 6 Regulations 1991⁽⁹⁾ (saving provision in relation to severe disability premium) there shall be substituted the following paragraphs—

“(9) For the purposes of paragraph (8)(b) and regulation 5(2)(b), where a person has satisfied the second qualifying condition, but his circumstances change so that he no longer satisfies it, he shall nonetheless be treated as satisfying it for so long as he is a person to whom paragraph (10) applies. (10) This paragraph applies to a person—

- (a) who was, together with a close relative of his, either a co-owner of, or jointly liable to make payments to a landlord in respect of, the dwelling which he and that close relative jointly occupied as their home; and
- (b) who has since become, with that close relative or any other close relative, either—
 - (i) jointly liable to make payments to a landlord in respect of that dwelling or any other dwelling; or
 - (ii) a co-owner of that dwelling or any other dwelling, which he and the close relative jointly occupy as their home (whether or not there are other co-owners, or other persons jointly liable to make such payments).”.

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

Department of Social Security
28th November 1991

Ann Widdecombe
Parliamentary Under-Secretary of State,

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Community Charge Benefits (General) Regulations 1989, the Family Credit (General) Regulations 1987 and the Housing Benefit (General) Regulations 1987.

They provide that, in respect of Community Charge Benefits and Housing Benefit, payments of maintenance to a child or young person are to be treated as the income of the claimant (regulations 2(2) and 4(2)).

In respect of all three benefits, they clarify the circumstances in which payments of maintenance are excepted from income which is otherwise subject to a disregard and they provide for the disregard of £15 of the total amount of certain maintenance payments made to a claimant or a member of his family when calculating income (regulations 2(3), 3 and 4(3)).

They also amend the Income Support (General) Amendment No. 6 Regulations 1991 in that they provide an additional circumstance in which certain saving provisions are to continue to apply to a person whose applicable amount includes severe disability premium (regulation 5).