
STATUTORY INSTRUMENTS

1992 No. 1198

SOCIAL SECURITY

**The Income Support (General)
Amendment (No.2) Regulations 1992**

<i>Made</i>	- - - -	<i>20th May 1992</i>
<i>Laid before Parliament</i>		<i>21st May 1992</i>
<i>Coming into force</i>	- -	<i>22nd May 1992</i>

The Secretary of State for Social Security, in exercise of the powers conferred by sections 22(9)(a) and 84(1) of the Social Security Act 1986(1) and section 166(1) to (3) of the Social Security Act 1975(2) and of all other powers enabling him in that behalf, the Social Security Advisory Committee having agreed that proposals in respect of these Regulations should not be referred to it(3), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Income Support (General) Amendment (No.2) Regulations 1992 and shall come into force on 22nd May 1992.

Notional Income and Pension Funds

2. In regulation 42 of the Income Support (General) Regulations 1987(4)—

- (a) in paragraph (3) after the word “shall” there shall be inserted the words “except for any amount to which paragraph (3A) or (B) applies”;
- (b) after paragraph (3) there shall be inserted the following paragraphs—

“(3A) This paragraph applies to an amount which is due to be paid to the claimant under an occupational pension scheme but which is not paid because the trustees or managers of the scheme have suspended or ceased payments to the scheme’s members due to an insufficiency of resources.

(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; section 166(1) to (3) is applied by section 83(1) of the Social Security Act 1986; section 166(3) was amended by the Social Security Act 1989 (c. 24), Schedule 8, paragraph 10(1).

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

(4) S.I. 1987/1967.

Status: This is the original version (as it was originally made).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

- (3B) This paragraph applies to any amount by which a payment made to the claimant from an occupational pension scheme falls short of the payment to which he was due under the scheme where the shortfall arises because the trustees or managers of the scheme have insufficient resources available to them to meet in full the scheme's liabilities to its members.”; and
- (c) after paragraph (8), there shall be inserted the following paragraph—
- “(8A) In paragraphs (3A) and (3B) the expression “resources” has the same meaning as in the Social Security Pensions Act 1975⁽⁵⁾ by virtue of section 66(1) of that Act.”.

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

20th May 1992

Nicholas Scott
Minister of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Income Support (General) Regulations 1987 (S.I.1987/1967). Regulation 42(3) of those Regulations provides for income which is due but not paid to a claimant to be treated as possessed by him. These amendments provide an exception for payments due from an occupational pension scheme where the payment is either not paid, or paid in part only, because the trustees or managers have insufficient funds to meet the scheme's liabilities to its members.