

**1992 No.468****SOCIAL SECURITY****The Income Support (General) Amendment  
Regulations 1992**

<i>Made</i> - - - -	<i>3rd March 1992</i>
<i>Laid before Parliament</i>	<i>9th March 1992</i>
<i>Coming into force</i>	<i>6th April 1992</i>

The Secretary of State for Social Security, in exercise of powers conferred by section 20(3)(a) and (d) and (12)(c), (d)(i), (f) and (k), 22(1), (8) and (9) and 84(1) of the Social Security Act 1975(a), section 166(1) to (3A) of the Social Security Act 1975(b) and section 5(1) of the Disability Living Allowance and Disability Working Allowance Act 1991(c), and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals 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 Support (General) Amendment Regulations 1992 and shall, subject to paragraphs (2) and (3) below, come into force on 6th April 1992.

(2) These Regulations shall come into force in relation to a particular claimant at the beginning of the first benefit week to commence for that claimant on or after the date specified in paragraph (1) 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) Regulation 13(1) shall come into force immediately following the coming into force of article 13 of the Social Security Benefits Up-rating (No.2) Order 1991(e).

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

[Regulation 2 amends regulation 6 of S.I. 1987/1967.]

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(a) 1986 c.50; section 20(3)(a) was amended by the Social Security Act 1988 (c.7), section 4(1); section 84(1) is an interpretation provision and is cited because of the meanings assigned to the words ‘prescribed’ and ‘regulations’.

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

(c) 1991 c.21.

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

(e) S.I. 1991/2901.

(f) S.I. 1987/1967.

## Regs. 3-11

[Regulation 3(1) amends regulation 13 of S.I. 1987/1967.]

[Regulation 3(2) revoked by Sch. 3 to S.I. 1996/206 as from 7.10.96.]

[Regulation 4 amends regulation 42 of S.I. 1987/1967.]

[Regulation 5(1) amends regulation 61 of S.I. 1987/1967.]

[Regulation 5(2) amends regulation 62 of S.I. 1987/1967.]

[Regulation 5(3) amends regulation 63 of S.I. 1987/1967.]

[Regulation 5(4) amends regulation 64 of S.I. 1987/1967.]

[Regulation 6 amends Schedule 2 to S.I. 1987/1967.]

[Regulation 7 amends Schedule 8 to S.I. 1987/1967.]

[Regulation 8 amends Schedule 9 to S.I. 1987/1967.]

[Regulation 9 amends Schedule 10 to S.I. 1987/1967.]

**Saving provision for children and young persons working 16 or more, but less than 24, hours a week**

**10.**—(1) Paragraph (2) below shall apply subject to paragraph (3) below where in the benefit week which in relation to a particular claimant commences on or after 7th April but before 14th April 1992, a child or young person in respect of whom a sum is brought into account in determining the claimant's applicable amount would but for this regulation-

- (a) be engaged in remunerative work by reason of the fact that the work in which he is engaged on average, amounts to 16 or more but less than 24 hours a week, being work from which payment is made or which is done in expectation of payment; and
- (b) have earnings from that work which fall to be disregarded in accordance with regulation 44(6) of and paragraph 15 of Schedule 8 to the General Regulations.

(2) Where this paragraph applies, regulation 5(1) of the General Regulations (a) (persons treated as engaged in remunerative work) shall have effect in relation to the child or young person mentioned in paragraph (1) above as if for the reference to 16 hours there was substituted a reference to 24 hours; so however that this paragraph shall not apply in relation to him on any day on which he is neither a child nor a young person.

(3) Paragraph (2) above shall not apply where, in relation to the particular claimant, the benefit week mentioned in paragraph (1) above is his first benefit week pursuant to his claim.

(4) In this regulation, the expression "young person" has the same meaning as it has in the General Regulations (by virtue of regulation 14).

**Introduction of disability living allowance**

**11.**—(1) Any payment of disability living allowance made pursuant to the Social Security Act 1975 (b) which, in accordance with regulation 31 of the General Regulations

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(a) Regulation 5(1) is amended by S.I. 1991/1559 as from 7.4.92.

(b) 1975 c.14; disability living allowance was introduced by the Disability Living Allowance and Disability Working Allowance Act 1991 (c.5), section 1.

(a) is treated as paid on a day before this regulation comes into force, shall be treated for the purposes of Parts V and VI of those Regulations (which contain provisions for the calculation of income and capital)-

- (a) as a payment of mobility allowance, to the extent that it consists of mobility component; and
- (b) as a payment of attendance allowance, to the extent that it consists of care component.

(2) Where-

- (a) on or after the date this regulation comes into force a payment falls to be made and that payment includes an amount in respect both of disability living allowance and of attendance allowance, mobility allowance or both (“the former benefits”); and
- (b) payment of disability living allowance and the former benefits would but for this regulation be regarded, pursuant to regulation 29(2) of the General Regulations as being made for concurrent periods commencing on the same day,

then that regulation shall have effect as if the payment falling to be made consisted solely of disability living allowance.

(3) In this regulation-

- (a) attendance allowance means an attendance allowance under section 35 of the Social Security Act 1975**(b)**;
- (b) mobility allowance means an allowance under section 37A of that Act**(c)**;
- (c) disability living allowance means an allowance under section 37ZA of that Act**(d)**; and
- (d) any reference to the day the regulation comes into force is a reference to the day determined, in the particular case, in accordance with regulation 1(2) above.

#### **Amendments consequential upon the Children Act 1989**

**12.** The Schedule to these Regulations, which makes changes to the General Regulations consequential upon the Children Act 1989**(d)**, shall have effect.

[Regulation 13(1) revokes words in col.(2) of para. 18(b)(iii) of Schedule 7 to S.I. 1987/1967.]

[Regulation 13(2) revokes regulation 5 of S.I. 1991/1559.]

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

*Nicholas Scott*  
Minister of State  
Department of Social Security

3rd March 1992

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(a) The relevant amending instruments are S.I. 1988/663 and 1445.  
 (b) 1975 c.14.  
 (c) Section 37A was inserted by the Social Security Pensions Act 1975 (c.60), section 22(1)  
 (d) Section 37ZA was inserted by the Disability Living Allowance and Disability Working Allowance Act 1991 (c.5), section 1.  
 (e) 1989 c.41.

## SCHEDULE

Regulation 12

AMENDMENTS MADE CONSEQUENTIAL UPON THE CHILDREN  
ACT 1989

1. The provisions of the General Regulations shall be further amended in accordance with the paragraphs below, which make amendments consequential upon the Children Act 1989(a).

[Para. 2 amends regulation 13 of S.I. 1987/1967.]

[Para. 3 amends regulation 16 of S.I. 1987/1967.]

[Para. 4 amends regulation 41 of S.I. 1987/1967.]

[Para. 5 amends regulation 48 of S.I. 1987/1967.]

[Para. 6 revoked by Sch. 3 to S.I. 1996/206 as from 7.10.96.]

[Para. 7 revoked by Sch. 3 to S.I. 1996/206 as from 7.10.96.]

[Para. 8 amends Schedule 4 to S.I. 1987/1967.]

[Para. 9 amends Schedule 9 to S.I. 1987/1967.]

[Para. 10 amends Schedule 10 to S.I. 1087/1967.]

11. In so far as it is necessary to give effect in Scotland to a provision in the General Regulations amended in accordance with paragraph 2, 3, 5, 7, 8(b), 9(a) (in so far as it relates to paragraph 25(1)(b) of Schedule 9 to the General Regulations) or 9(b) of this Schedule, that provision shall have effect as if the amendment had not been made.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make further amendments to the Income Support (General) Regulations 1987 (S.I. 1987/1967) ("the General Regulations").

Regulation 2 extends the list of those persons treated as not engaged in remunerative work by adding references to local authority councillors and to persons undertaking certain voluntary work to regulation 6 of the General Regulations.

Regulation 3 enables 16 and 17 year olds living independently after being looked after by a local authority to qualify for income support for a limited period if they are in full-time education or for up to 8 weeks if they are registered for work or youth training.

Regulation 4 provides that family credit and disability working allowance to which the claimant would be entitled but for his failure to make a claim shall not be taken into account in determining his resources.

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(a) 1989 c.41.