Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Income-related Benefits Schemes (Miscellaneous Amendments) Regulations 1992. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

1992 No. 50

SOCIAL SECURITY
HOUSING, ENGLAND AND
WALES HOUSING, SCOTLAND

The Income-related Benefits Schemes (Miscellaneous Amendments) Regulations 1992

Made - - - -	*13th January 1992*
Laid before Parliament	*17th January 1992*
Coming into force in accordance with regulation 1(1)	

[X1] The Secretary of State for Social Security, in exercise of powers conferred by sections 21(6)(b), 22(1) and 84(1) of the Social Security Act 1986[M1] and section 166(1) to (3A) of the Social Security Act 1975[M2], and of all other powers enabling him in that behalf, so far as these Regulations relate to housing benefit, after consultation with organisations appearing to him to be representative of the authorities concerned[M3] and after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it[M4], hereby makes the following Regulations:

Editorial Information

X1 This legislation was made on 13.01.1992 and was published on the SLDB on 04.02.1997 for the first time. Some information has now been added to the item but we have not yet completed carrying its effects into other parts of the database.

Marginal Citations

M1 1986 c.50; section 84(1) is an interpretation provision and is cited because of the meaning assigned to the words "prescribed" and "regulations".

M2 1975 c.14; section 166(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.

M3 *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.

M4 *See* the Social Security Act 1986 (c.50), **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.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Income-related Benefits Schemes (Miscellaneous Amendments) Regulations 1992 and shall come into force as follows—

(a) regulation 1**[**[F1], and regulation 2 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 immediately after the coming into force of article 16(4) and (5) of the Up-rating Order;

(b) **[**[F2]regulation 2, except in a case to which sub-paragraph (a) above relates, on 6th April 1992;**]**

(c) regulation 3, subject to sub-paragraph (d) below, on 6th April 1992 immediately after the coming into force of article 13(6) and (7) of the Up-rating Order;

(d) regulation 3 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 sub-paragraph (c) above; and for this purpose, the expressions "claimant" and "benefit week" have the same meaning as in the Income Support Regulations.

(2) In these Regulations—

[[F3]"the Housing Benefit Regulations" means the Housing Benefit (General) Regulations 1987 [M5];**]**

"the Income Support Regulations" means the Income Support (General) Regulations 1987 [M6];

"the Up-rating Order" means the Social Security Benefits Up-rating (No.2) Order 1991 [M7].

Textual Amendments

F1 Words in reg. 1(1)(a) revoked (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

F2 Reg. 1(1)(b) revoked (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

F3 Words in reg. 1(2) revoked (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

Marginal Citations

M5 S.I.1987/1971; relevant amending instruments are S.I. 1990/546 and 1775 and S.I. 1991/503.

M6 S.I. 1987/1967; relevant amending instruments are S.I. 1991/547 and 1776 and S.I. 1991/503 and 2334.

M7 S.I. 1991/2910.

Amendment of regulation 63 of the Housing Benefit Regulations

2. In regulation 63 of the Housing Benefit Regulations (non-dependant deductions)—

(a) in paragraph (1)—

(i) in sub-paragraph (a), for the sum "£13.50" there shall be substituted the sum " £18.00 ";

(ii) in sub-paragraph (b), for the sum "£5.70" there shall be substituted the sum " £4.00 ";

(b) in paragraph (2), for the words from "is less than £62.15" to the end there shall be substituted the following—

"is—

(a) less than £65.00, the deduction to be made under this regulation shall be that specified in paragraph 1(b);

(b) not less than £65.00 but less than £100.00, the deduction to be made under this regulation shall be £8.00;

(c) not less than £100.00 but less than £130.00, the deduction to be made under this regulation shall be £12.00.";

(c) in paragraph (6), for sub-paragraph (b) there shall be substituted the following sub-paragraph—

"(b) receiving in respect of himself either—

(i) attendance allowance; or

(ii) the care component of the disability living allowance.";

(d) in paragraph (7)—

(i) in sub-paragraph (d), for the words "remunerative work." there shall be substituted the words " remunerative work; or ";

(ii) after sub-paragraph (d) there shall be added the following sub-paragraph—

"(e) he is not residing with the claimant because he has been a patient for a period in excess of six weeks, or a prisoner, and forthese purposes—

(i) "patient" has the meaning given in paragraph (2) of regulation 18 (patients),

(ii) the period of six weeks shall be calculated by reference to paragraph (3) of that regulation as if that paragraph applied in his case, and

(iii) "prisoner" means a person who is detained in custody pending trial or sentence upon conviction or under a sentence imposed by a court other than a person whose detention is under the Mental Health Act 1983 or the Mental Health (Scotland) Act 1984.";

(e) After paragraph (8) there shall be added the following paragraph—

"(9) In the case of a non-dependant to whom paragraph (2) applies because he is in remunerative work, there shall be disregarded from his weekly gross income any attendance allowance or disability living allowance received by him."

Amendment of Schedule 3 to the Income Support Regulations

3. In paragraph 11 of Schedule 3 to the Income Support Regulations (non-dependant deductions) —

(a) in sub-paragraph (1)—

(i) in head (a), for the sum "£13.50" there shall be substituted the sum " £18.00 ";

(ii) in head (b), for the sum "£5.70" there shall be substituted the sum " £4.00 ";

(b) in sub-paragraph (2), for the words from "is less than £62.15" to the end there shall be substituted the following—

"is—

(i) less than £65.00, the deduction to be made under this paragraph shall be the deduction specified in sub-paragraph 1(b);

(ii) not less than £65.00 but less than £100.00, the deduction to be made under this paragraph shall be £8.00;

(iii) not less than £100.00 but less than £130.00, the deduction to be made under this paragraph shall be £12.00.";

(c) in sub-paragraph (6), for head (b) there shall be substituted the following head—

"(b) receiving in respect of himself either—

(i) attendance allowance; or

(ii) the care component of the disability living allowance.";

(d) in sub-paragraph (7)—

(i) in head (f), for the words "that regulation would apply." there shall be substituted the words " that regulation would apply; or ";

(ii) after head (f) there shall be added the following head—

"(g) if he is not residing with the claimant because he has been a patient for a period in excess of six weeks, or a prisoner, and for these purposes—

(i) "patient" and "prisoner" respectively have the meanings given in regulation 21(3) (specialcases), and

(ii) the period of six weeks shall be calculated by reference to paragraph (2) of that regulation as if that paragraph applied in his case;";

(e) after sub-paragraph (7) there shall be added the following sub-paragraph—

"(8) In the case of a non-dependant to whom sub-paragraph (2) applies because he is in remunerative work, there shall be disregarded from his gross income any attendance allowance or disability living allowance received by him.".

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

Ann Widdecombe
Parliamentary Under-Secretary of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Housing Benefit (General) Regulations 1987 and the Income Support (General) Regulations 1987 in respect of the deductions to be made when determining the amount respectively of housing benefit or income support to which a person may be entitled where he has a non-dependant residing with him.

Formerly, there were two rates of weekly deduction (set at £5.70 and £13.50). These Regulations increase these rates to four. The lowest rate, set at £4.00, will apply to those not in remunerative work, or working but with gross weekly incomes of less than £65. For other non-dependants who work, one of three higher rate deductions will apply. These are set at £8, £12 and £18, for non-dependants with gross incomes of up to £100, up to £130, and £130 and over, respectively (regulations 2(a) and (b) and 3(a) and (b)).

They provide that no deduction is to be made in respect of a non-dependant where a claimant or his partner is receiving either attendance allowance or the care component of disability living allowance, or where a person who would otherwise be treated as a non-dependant has been a patient for more than 6 weeks, or is in prison (regulations 2(c) and (d) and 3(c) and (d)).

They further provide that income from attendance allowance or disability living allowance shall be disregarded in calculating a non-dependant's gross weekly income (regulations 2(e) and 3(e)).

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Changes and effects yet to be applied to :

– reg. 3 revoked by S.I. 1995/1613 Sch. 4