
STATUTORY INSTRUMENTS

1993 No. 315

SOCIAL SECURITY

**The Income-related Benefits Schemes
(Miscellaneous Amendments) Regulations 1993**

Made - - - - 22nd February 1993
Laid before Parliament 26th February 1993
Coming into force in accordance with regulation 1(1)

The Secretary of State for Social Security, in exercise of powers conferred on him by sections 128(3), 129(4) and (6), 135(1), 136(1), (3), (4), (5)(a) and (b), 137(1) and 175(1) to (5) of the Social Security Contributions and Benefits Act 1992⁽¹⁾, and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it⁽²⁾, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Income-related Benefits Schemes (Miscellaneous Amendments) Regulations 1993 and shall come into force—

- (a) for the purposes of this regulation and regulation 5 on 29th March 1993;
- (b) for the purposes of regulation 2 and the Schedule, and regulations 9, 15 and 21 in so far as they relate to council tax or council tax benefit, on 1st April 1993;
- (c) for the purposes of regulations 3 to 8, and regulation 9 in so far as it is not already in force, on 12th April 1993;
- (d) for the purposes of regulations 10 to 14 and 16 to 20, and regulations 15 and 21 in so far as they are not already in force, on 13th April 1993.

(2) Regulations 3 to 8 of these Regulations and regulation 9 except in so far as it came into force on 1st April 1993 shall have effect in relation to any particular claimant at the beginning of the first benefit week to commence for that claimant on or after 12th April 1993 which applies in his case; and for this purpose the expressions “claimant” and “benefit week” have the same meanings as in the Income Support Regulations.

(3) Regulations 10 to 14 and 16 to 20 of these Regulations, and regulations 15 and 21 except in so far as they came into force on 1st April 1993 shall have effect in relation to any particular claimant—

(1) 1992 c. 4; section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”.
(2) See the Social Security Administration Act 1992 (c. 5), sections 172(1) and 173(1)(b) and (7); section 173(7) defines “regulations”.

- (a) except where sub-paragraph (b) applies, on 13th April 1993, or
 - (b) where a claimant has an award of family credit or disability working allowance which is current on 12th April 1993, on the day following the expiration of that award.
- (4) In these Regulations—
- “the Disability Working Allowance Regulations” means the Disability Working Allowance (General) Regulations 1991(3);
 - “the Family Credit Regulations” means the Family Credit (General) Regulations 1987(4);
 - “the Income Support Regulations” means the Income Support (General) Regulations 1987(5)

Amendments consequential on the introduction of council tax

2. The Schedule to these Regulations, which contains amendments to the Income Support Regulations, the Family Credit Regulations and the Disability Working Allowance Regulations consequential on the abolition of community charges, the introduction of council tax, and the introduction of council tax benefit in succession to community charge benefits, shall have effect.

Amendment of regulation 2 of the Income Support Regulations

3. In regulation 2(1) of the Income Support Regulations (interpretation)—
- (a) after the definition of “close relative” there shall be inserted the following definition—
 - ““community charge benefit” means community charge benefits under Part VII of the Contributions and Benefits Act as originally enacted(6);”;
 - (b) after the definition of “concessionary payment” there shall be inserted the following definition—
 - ““the Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992(7);”;
 - (c) for the definition of “water charges”(8) there shall be substituted the following definition—
 - ““water charges” means—
 - (a) as respects England and Wales, any water and sewerage charges under Chapter I of Part V of the Water Industry Act 1991(9);
 - (b) as respects Scotland, any water and sewerage charges under Schedule 11 to the Local Government Finance Act 1992(10);
 in so far as such charges are in respect of the dwelling which a person occupies as his home;”.

(3) S.I. 1991/2887; relevant amending instrument is S.I. 1992/2155.

(4) S.I. 1987/1973; relevant amending instruments are S.I. 1988/660, 1988/999, 1988/1438, 1988/1970, 1990/127, 1990/574, 1990/1774, 1991/1175, 1991/1520, 1992/573 and 1992/1101.

(5) S.I. 1987/1967; relevant amending instruments are S.I. 1988/1445, 1988/2022, 1989/534, 1990/127, 1990/547, 1990/1776, 1991/1175, 1991/1559, 1991/2742, 1992/50, 1992/1101 and 1992/1198.

(6) Part VII of the Contributions and Benefits Act 1992 was amended by the Local Government Finance Act 1992 (c. 14), section 103 and Schedule 9, which replaced references to community charge benefit with references to council tax benefit.

(7) 1992 c. 4.

(8) The definition of “water charges” was inserted by S.I. 1990/547 and was substituted by S.I. 1990/1776.

(9) 1991 c. 56.

(10) 1992 c. 14.

Amendment of regulation 21 of the Income Support Regulations

4. In regulation 21(3) of the Income Support Regulations (special cases)(**11**) in the definition of “person from abroad” there shall be added, after sub-paragraph (g)—

“or

- (h) is a national of a member State and is required by the Secretary of State to leave the United Kingdom;”.

Amendment of regulation 21A of the Income Support Regulations

5.—(1) Regulation 21A of the Income Support Regulations (reductions in applicable amounts in certain cases of failure to attend courses)(**12**) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (3)—

- (a) in sub-paragraph (b) for the words “2 years” there shall be substituted the words “12 months”;
- (b) in sub-paragraph (c) for the words “two years” there shall be substituted the words “12 months”.

(3) In paragraph (4)(d) the words “under a requirement to attend” shall be omitted.

(4) In paragraph (5)—

- (a) for the words “only if” there shall be substituted the word “only”;
- (b) for sub-paragraph (a) there shall be substituted the following sub-paragraph—

“(a) if he was a member of a group of persons organised wholly or partly for the purpose of providing such assistance and he was called upon to—

- (i) provide assistance to any person whose life might have been endangered or who might have been exposed to the risk of serious bodily injury or whose health might have been seriously impaired;
- (ii) protect property of substantial value from imminent risk of serious damage or destruction; or
- (iii) assist in measures being taken to prevent a serious threat to health; and”;

(c) in sub-paragraph (b)—

- (i) for the words “the events which may have given rise to an emergency include” there shall be substituted the words “where the events which gave rise to an emergency included”;
- (ii) after the words “mountain accident;” there shall be inserted the word “or”.

(5) In paragraph (6), in the definition of “relevant course” after the words “or programme provided by” there shall be inserted the words “or on behalf of”.

Amendment of regulation 42 of the Income Support Regulations

6. In regulation 42 of the Income Support Regulations (notional income)(**13**) there shall be omitted—

- (a) in paragraph (3A), the words “to the scheme’s members”; and
- (b) in paragraph (3B), the words “to its members”.

(11) Relevant amending instruments are S.I. [1990/547](#) and [1991/236](#).

(12) Regulation 21A was inserted by S.I. [1990/2324](#).

(13) Paragraphs 3A and 3B were inserted by S.I. [1992/1198](#).

Amendment of Schedule 3 to the Income Support Regulations

7. In paragraph 11 of Schedule 3 to the Income Support Regulations (non-dependant deductions)(14) in sub-paragraph (3) for the words from “where a different amount” to the end of the sub-paragraph there shall be substituted the words—

“where, but for this sub-paragraph, the amount that would fall to be deducted in respect of one member of a couple or polygamous marriage is higher than the amount (if any) that would fall to be deducted in respect of the other, or any other, member, the higher amount shall be deducted.”.

Amendment of Schedule 8 to the Income Support Regulations

8.—(1) Schedule 8 to the Income Support Regulations (sums to be disregarded in the calculation of earnings) shall be amended in accordance with the following provisions of this regulation.

(2) After paragraph 6 there shall be inserted the following paragraphs—

“6A.—(1) In a case to which none of paragraphs 4 to 6 applies to the claimant, and subject to sub-paragraph (2), where the claimant’s applicable amount includes an amount by way of the carer premium under Schedule 2 (applicable amounts), £15 of the earnings of the person who is, or at any time in the preceding eight weeks was, in receipt of invalid care allowance or treated in accordance with paragraph 14ZA(2)(15) of that Schedule as being in receipt of invalid care allowance.

(2) Where the carer premium is awarded in respect of the claimant and of any partner of his, their earnings shall for the purposes of this paragraph be aggregated, but the amount to be disregarded in accordance with sub-paragraph (1) shall not exceed £15 of the aggregated amount.

6B. Where the carer premium is awarded in respect of a claimant who is a member of a couple and whose earnings are less than £15, but is not awarded in respect of the other member of the couple, and that other member is engaged in an employment—

- (a) specified in paragraph 7(1), so much of the other member’s earnings as would not when aggregated with the amount disregarded under paragraph 6A exceed £15;
- (b) other than one specified in paragraph 7(1), so much of the other member’s earnings from such other employment up to £5 as would not when aggregated with the amount disregarded under paragraph 6A exceed £15.”.

(3) In paragraph 7 for the words “4 to 6” there shall be substituted the words “4 to 6B”.

(4) In paragraph 10 for the words “paragraph 6, 7,” there shall be substituted the words “paragraphs 6 to 7”.

Amendment of Schedule 9 to the Income Support Regulations

9.—(1) Paragraph 22 of Schedule 9 to the Income Support Regulations (sums to be disregarded in the calculation of income other than earnings)(16) shall be amended in accordance with the following provisions of this regulation.

(2) In sub-paragraph (2) for the words from “only to the extent of” to the end of the sub-paragraph there shall be substituted the words—

“only to the extent of—

(14) Relevant amending instruments are S.I. [1990/547](#), [1990/1776](#) and [1992/50](#).

(15) Paragraph 14ZA was inserted by S.I. [1990/1776](#); relevant amending instruments are S.I. [1991/1559](#) and [1991/2742](#).

(16) Relevant amending instrument is S.I. [1988/1445](#).

- (a) any mortgage repayments made in respect of the dwelling or premises in the period during which that income accrued; or
- (b) any council tax or water charges which the claimant is liable to pay in respect of the dwelling or premises and which are paid in the period during which that income accrued.”.
- (3) After sub-paragraph (2) there shall be added the following sub-paragraph—
 - “(3) The definition of “water charges” in regulation 2(1) shall apply to sub-paragraph (2) with the omission of the words “in so far as such charges are in respect of the dwelling which a person occupies as his home”.”.

Amendment of regulation 2 of the Family Credit Regulations

- 10.** In regulation 2(1) of the Family Credit Regulations (interpretation)(**17**)—
- (a) after the definition of “close relative” there shall be inserted the following definition—
 - ““community charge benefit” means community charge benefits under Part VII of the Contributions and Benefits Act as originally enacted(**18**);”;
 - (b) after the definition of “concessionary payment” there shall be inserted the following definition—
 - ““the Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992(**19**);”;
 - (c) after the definition of “training allowance” there shall be inserted the following definition—
 - ““water charges” means—
 - (a) as respects England and Wales, any water and sewerage charges under Chapter I of Part V of the Water Industry Act 1991(**20**);
 - (b) as respects Scotland, any water and sewerage charges under Schedule 11 to the Local Government Finance Act 1992(**21**);”.

Amendment of regulation 16 of the Family Credit Regulations

- 11.**—(1) Regulation 16 of the Family Credit Regulations (normal weekly income other than earnings)(**22**) shall be amended in accordance with the following provisions of this regulation.
- (2) In paragraph (1) for the words “paragraph (2)” there shall be substituted the words “paragraphs (2) and (2A)”.
- (3) In paragraph (2)—
 - (a) for the words “his family” there shall be substituted the words “the claimant’s family”;
 - (b) after the words “weekly income shall” there shall be inserted the words “, except where paragraph (2A) applies,”.
 - (4) After paragraph (2) there shall be added the following paragraph—
 - “(2A) Where a claimant’s income consists of child support maintenance, his normal weekly income in respect of that maintenance shall be determined—

(17) Relevant amending instrument is S.I. [1992/573](#).

(18) Part VII of the Contributions and Benefits Act 1992 was amended by the Local Government Finance Act 1992 (c. 14), section 103 and Schedule 9, which replaced references to community charge benefit with references to council tax benefit.

(19) [1992 c. 4](#).

(20) [1991 c. 56](#)

(21) [1992 c. 14](#).

(22) Relevant amending instrument is S.I. [1988/1970](#).

- (a) if before the date of claim those maintenance payments are made at regular intervals, by reference to the normal weekly amount;
 - (b) if they are not so made, by reference to the average of such payments received in the 13 weeks immediately preceding the week in which the date of claim falls, and if the resulting sum exceeds the amount of child support maintenance due under the maintenance assessment, the normal weekly income shall be the amount due under the maintenance assessment.”.
- (5) At the end of the regulation there shall be added the following paragraph—
- “(4) In this regulation—
- (a) “child support maintenance” means such periodical payments as are referred to in section 3(6) of the Child Support Act 1991⁽²³⁾;
 - (b) “maintenance assessment” has the same meaning as in the Child Support Act 1991 by virtue of section 54 of that Act.”.

Amendment of regulation 19 of the Family Credit Regulations

12. In regulation 19(2) of the Family Credit Regulations (earnings of employed earners)⁽²⁴⁾ after sub-paragraph (c) there shall be added the following sub-paragraph—

- “(d) any statutory maternity pay or a corresponding benefit under any enactment having effect in Northern Ireland.”.

Amendment of regulation 27 of the Family Credit Regulations

13. In regulation 27(3) of the Family Credit Regulations (modifications in respect of children and young persons) after the words “of that 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,”.

Insertion of regulation 51A of the Family Credit Regulations

14. After regulation 51 of the Family Credit Regulations there shall be inserted the following regulation—

“Reduced benefit direction

51A.—(1) The following occurrences shall be changes of circumstances which affect an award of family credit and the rate at which it is payable—

- (a) a reduced benefit direction given by a child support officer under section 46(5) of the Child Support Act 1991;
 - (b) the cessation or cancellation of a reduced benefit direction under Part IX of the maintenance regulations;
 - (c) the suspension of a reduced benefit direction under regulation 48(1) of the maintenance regulations;
 - (d) the removal of a suspension imposed under paragraph (1) of regulation 48 of the maintenance regulations in accordance with paragraph (3) of that regulation.
- (2) In this regulation—

⁽²³⁾ 1991 c. 48.

⁽²⁴⁾ Relevant amending instrument is S.I. 1992/573.

- (a) “child support officer” means a person appointed in accordance with section 13 of the Child Support Act 1991;
- (b) “the maintenance regulations” means the Child Support (Maintenance Assessment Procedure) Regulations 1992(25).”

Amendment of Schedule 2 to the Family Credit Regulations

15.—(1) Schedule 2 to the Family Credit Regulations (sums to be disregarded in the calculation of income other than earnings)(26) shall be amended in accordance with the following provisions of this regulation.

(2) In sub-paragraph (2) of paragraph 16 for the words from “only to the extent of” to the end of the sub-paragraph there shall be substituted the words—

“only to the extent of—

- (a) any mortgage repayments made in respect of the dwelling or premises in the period during which that income accrued; or
 - (b) any council tax or water charges which the claimant is liable to pay in respect of the dwelling or premises and which are paid in the period during which that income accrued.”
- (3) At the end of the Schedule(27) there shall be added the following paragraphs—

“**49.** Any council tax benefit.

50. Any guardian’s allowance.”.

Amendment of regulation 2 of the Disability Working Allowance Regulations

16. In regulation 2(1) of the Disability Working Allowance Regulations (interpretation)(28)—

(a) after the definition of “close relative” there shall be inserted the following definition—

““community charge benefit” means community charge benefits under Part VII of the Contributions and Benefits Act as originally enacted(29);”;

(b) after the definition of “concessionary payment” there shall be inserted the following definition—

““the Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992(30);”;

(c) after the definition of “training allowance” there shall be inserted the following definition—

““water charges” means—

(a) as respects England and Wales, any water and sewerage charges under Chapter I of Part V of the Water Industry Act 1991(31);

(b) as respects Scotland, any water and sewerage charges under Schedule 11 to the Local Government Finance Act 1992(32);”.

(25) S.I. 1992/1813.

(26) Relevant amending instrument is S.I. 1988/1438.

(27) Paragraph 48 was added by S.I. 1992/573.

(28) Relevant amending instrument is S.I. 1992/2155.

(29) Part VII of the Contributions and Benefits Act 1992 was amended by the Local Government Finance Act 1992 (c. 14), section 103 and Schedule 9, which replaced references to community charge benefit with references to council tax benefit.

(30) 1992 c. 4.

(31) 1991 c. 56,

(32) 1992 c. 14.

Amendment of regulation 18 of the Disability Working Allowance Regulations

17.—(1) Regulation 18 of the Disability Working Allowance Regulations (normal weekly income other than earnings) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (1) for the words “paragraph (2)” there shall be substituted the words “paragraphs (2) and (2A)”.

(3) In paragraph (2)—

(a) for the words “his family” there shall be substituted the words “the claimant’s family”;

(b) after the words “weekly income shall” there shall be inserted the words “, except where paragraph (2A) applies,”.

(4) After paragraph (2) there shall be inserted the following paragraph—

“(2A) Where a claimant’s income consists of child support maintenance, his normal weekly income in respect of that maintenance shall be determined—

(a) if before the date of claim those maintenance payments are made at regular intervals, by reference to the normal weekly amount;

(b) if they are not so made, by reference to the average of such payments received in the 13 weeks immediately preceding the week in which the date of claim falls,

and if the resulting sum exceeds the amount of child support maintenance due under the maintenance assessment, the normal weekly income shall be the amount due under the maintenance assessment.”.

(5) At the end of the regulation there shall be added the following paragraph—

“(4) In this regulation—

(a) “child support maintenance” means such periodical payments as are referred to in section 3(6) of the Child Support Act 1991⁽³³⁾;

(b) “maintenance assessment” has the same meaning as in the Child Support Act 1991 by virtue of section 54 of that Act.”.

Amendment of regulation 21 of the Disability Working Allowance Regulations

18. In regulation 21(2) of the Disability Working Allowance Regulations (earnings of employed earners) after sub-paragraph (c) there shall be added the following sub-paragraph—

“(d) any statutory maternity pay or a corresponding benefit under any enactment having effect in Northern Ireland.”.

Amendment of regulation 30 of the Disability Working Allowance Regulations

19. In regulation 30(3) of the Disability Working Allowance Regulations (modifications in respect of children and young persons) after the words “of that 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,”.

Insertion of regulation 56A of the Disability Working Allowance Regulations

20. After regulation 56 of the Disability Working Allowance Regulations there shall be inserted the following regulation—

(33) 1991 c. 48.

“Reduced benefit direction

56A.—(1) The following occurrences shall be changes of circumstances which affect an award of disability working allowance and the rate at which it is payable—

- (a) a reduced benefit direction given by a child support officer under section 46(5) of the Child Support Act 1991;
 - (b) the cessation or cancellation of a reduced benefit direction under Part IX of the maintenance regulations;
 - (c) the suspension of a reduced benefit direction under regulation 48(1) of the maintenance regulations;
 - (d) the removal of a suspension imposed under paragraph (1) of regulation 48 of the maintenance regulations in accordance with paragraph (3) of that regulation.
- (2) In this regulation—
- (a) “child support officer” means a person appointed in accordance with section 13 of the Child Support Act 1991;
 - (b) “the maintenance regulations” means the Child Support (Maintenance Assessment Procedure) Regulations 1992~~(34)~~.

Amendment of Schedule 3 to the Disability Working Allowance Regulations

21.—(1) Schedule 3 to the Disability Working Allowance Regulations (sums to be disregarded in the calculation of income other than earnings) shall be amended in accordance with the following provisions of this regulation.

(2) In sub-paragraph (2) of paragraph 16 for the words from “only to the extent of” to the end of the sub-paragraph there shall be substituted the words—

“only to the extent of—

- (a) any mortgage repayments made in respect of the dwelling or premises in the period during which that income accrued; or
 - (b) any council tax or water charges which the claimant is liable to pay in respect of the dwelling or premises and which are paid in the period during which that income accrued.”.
- (3) At the end of the Schedule there shall be added the following paragraphs—

“**47.** Any council tax benefit.

48. Any guardian’s allowance.”.

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

22nd February 1993

Alistair Burt,
Parliamentary Under-Secretary of State,
Department of Social Security

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

SCHEDULE

Regulation 2

Amendments consequential on the introduction of council tax and council tax benefit

1.—(1) The Income Support Regulations, the Family Credit Regulations and the Disability Working Allowance Regulations shall be further amended in accordance with the following provisions of this Schedule.

(2) In this Schedule, Part I contains amendments to the Income Support Regulations, Part II amendments to the Family Credit Regulations and Part III amendments to the Disability Working Allowance Regulations.

PART I

AMENDMENTS TO THE INCOME SUPPORT REGULATIONS

Amendment of regulation 42

2. In regulation 42(4)(a)(ii) (notional income)(35) for the words “personal community charge, collective community charge contribution” there shall be substituted the words “council tax”.

Amendment of regulation 51

3. In regulation 51(3)(a)(ii) (notional capital)(35) for the words “personal community charge, collective community charge contribution” there shall be substituted the words “council tax”.

Amendment of regulation 51A

4. In regulation 51A(3) (diminishing notional capital rule)(36) after sub-paragraph (c) there shall be added the following sub-paragraph—

“(d) the amount of council tax benefit (if any) equal to the difference between his maximum council tax benefit and the amount (if any) of council tax benefit which he is awarded in respect of the benefit week which includes the last day of the relevant week, and for this purpose “benefit week” has the same meaning as in regulation 2(1) of the Council Tax Benefit (General) Regulations 1992(37) (interpretation).”

Amendment of Schedule 9

5.—(1) Schedule 9 (sums to be disregarded in the calculation of income other than earnings) shall be amended in accordance with the following provisions of this paragraph.

(2) In paragraph 15(2)(38) for the words “personal community charge, collective community charge contribution” there shall be substituted the words “council tax”.

(3) Paragraph 44(39) shall be omitted.

(35) Relevant amending instruments are S.I. 1988/1445, 1989/534, 1990/127, 1991/1175, 1991/1559 and 1992/1101.

(35) Relevant amending instruments are S.I. 1988/1445, 1989/534, 1990/127, 1991/1175, 1991/1559 and 1992/1101.

(36) Regulation 51A was inserted by S.I. 1990/1776.

(37) S.I. 1992/1814.

(38) Relevant amending instruments are S.I. 1990/547 and 1991/1559.

(39) Paragraph 44 was added by S.I. 1988/2022.

(4) In paragraph 46(40) there shall be added at the end the words “or reduction of council tax under section 13 or, as the case may be, section 80 of the Local Government Finance Act 1992(41) (reduction of liability for council tax).”.

(5) At the end of the Schedule(42) there shall be added the following paragraph—

“52. Any council tax benefit.”.

Amendment of Schedule 10

6.—(1) Schedule 10 (capital to be disregarded) shall be amended in accordance with the following provisions of this paragraph.

(2) Paragraph 35(43) shall be omitted.

(3) In paragraph 36(44) after the words “(reduction of liability for personal community charge)” there shall be inserted the words “or reduction of council tax under section 13 or, as the case may be, section 80 of the Local Government Finance Act 1992(45) (reduction of liability for council tax),”.

PART II

AMENDMENTS TO THE FAMILY CREDIT REGULATIONS

Amendment of regulation 26

7. In regulation 26(3)(a) (notional income)(46)—

- (a) for the words “charge or” there shall be substituted the word “charge,”;
- (b) after the word “contribution” there shall be inserted the words “or council tax”.

Amendment of regulation 34

8. In regulation 34(3)(a) (notional capital)(46)—

- (a) for the words “charge or” there shall be substituted the word “charge,”;
- (b) after the word “contribution” there shall be inserted the words “or council tax”.

Amendment of regulation 34A

9.—(1) Regulation 34A (diminishing notional capital rule)(47) shall be amended in accordance with the following provisions of this paragraph.

(2) In paragraph (3)—

- (a) in sub-paragraph (c)(ii) for the word “entitled.” there shall be substituted the words “entitled; and”;
- (b) after sub-paragraph (c) there shall be added the following sub-paragraph—

(40) Paragraph 46 was added by S.I. 1990/547.

(41) 1992 c. 14.

(42) Paragraph 51 was added by S.I. 1992/468.

(43) Paragraph 35 was added by S.I. 1988/2022.

(44) Paragraph 36 was added by S.I. 1990/547.

(45) 1992 c. 14.

(46) Relevant amending instruments are S.I. 1988/660, 1988/999, 1988/1438, 1988/1970, 1990/127, 1991/1175, 1991/1520 and 1992/1101.

(46) Relevant amending instruments are S.I. 1988/660, 1988/999, 1988/1438, 1988/1970, 1990/127, 1991/1175, 1991/1520 and 1992/1101.

(47) Regulation 34A was inserted by S.I. 1990/1774. Relevant amending instrument is S.I. 1991/1520.

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- “(d) if the claimant would, but for regulation 34(1) of the Council Tax Benefit (General) Regulations 1992(48) (notional capital), have been entitled to council tax benefit or to an additional amount of council tax benefit in respect of the benefit week in which the date of the last claim for family credit falls, the amount (if any) which is equal to—
- (i) in a case where no council tax benefit is payable, the amount to which he would have been entitled, or
 - (ii) in any other case, the amount equal to the additional amount of council tax benefit to which he would have been entitled.”.
- (3) In paragraph (4)—
- (a) in sub-paragraph (c)(ii) for the word “entitled.” there shall be substituted the words “entitled; and”;
 - (b) after sub-paragraph (c) there shall be added the following sub-paragraph—
- “(d) if the claimant would, but for regulation 34(1) of the Council Tax Benefit (General) Regulations 1992 (notional capital), have been entitled to council tax benefit or to an additional amount of council tax benefit in respect of the benefit week in which the first day of the relevant week falls, the amount (if any) which is equal to—
- (i) in a case where no council tax benefit is payable, the amount to which he would have been entitled, or
 - (ii) in any other case, the amount equal to the additional amount of council tax benefit to which he would have been entitled.”.
- (4) In paragraph (8)(a)—
- (a) for the words “(3)(b) and (c) and (4)(b) and (c)” there shall be substituted the words “(3)(b), (c) and (d) and (4)(b), (c) and (d)”;
 - (b) for the words “1987 (interpretation) or” there shall be substituted the words “1987 (interpretation),”;
 - (c) after the words “1989 (interpretation)” there shall be inserted the words “or regulation 2(1) of the Council Tax Benefit (General) Regulations 1992(49) (interpretation)”.

Amendment of Schedule 2

10.—(1) Schedule 2 (sums to be disregarded in the calculation of income other than earnings) shall be amended in accordance with the following provisions of this paragraph.

- (2) In paragraph 13(2)(50)—
 - (a) for the words “charge or” there shall be substituted the word “charge,”;
 - (b) after the word “contribution” there shall be inserted the words “or council tax”.
- (3) Paragraph 39(51) shall be omitted.
- (4) In paragraph 42(52) there shall be added at the end the words “or reduction of council tax under section 13 or, as the case may be, section 80 of the Local Government Finance Act 1992(53) (reduction of liability for council tax).”.

(48) S.I. 1992/1814.

(49) S.I. 1992/1814.

(50) Relevant amending instruments are S.I. 1990/574 and 1991/1520.

(51) Paragraph 39 was added by S.I. 1988/1970.

(52) Paragraph 42 was added by S.I. 1990/574.

(53) 1992 c. 14.

Amendment of Schedule 3

11.—(1) Schedule 3 (capital to be disregarded) shall be amended in accordance with the following provisions of this paragraph.

(2) Paragraph 37(**54**) shall be omitted.

(3) In paragraph 38(**55**) after the words “(reduction of liability for personal community charge)” there shall be inserted the words “or reduction of council tax under section 13 or, as the case may be, section 80 of the Local Government Finance Act 1992 (reduction of liability for council tax),”.

PART III

AMENDMENTS TO THE DISABILITY WORKING ALLOWANCE REGULATIONS

Amendment of regulation 7

12.—(1) Regulation 7 (income-related benefits)(**56**) shall be amended in accordance with the following provisions of this paragraph.

(2) In paragraph (c) the word “or” shall be omitted.

(3) After paragraph (c) there shall be inserted the following paragraph—

“(ca) in the case of council tax benefit, in accordance with paragraphs 11 or 12, and 13 of Part III of Schedule 1 to the Council Tax Benefit (General) Regulations 1992(**57**) or”.

(4) In sub-paragraph (d) for the words “(a) to (c)” there shall be substituted the words “(a) to (ca)”.

Amendment of regulation 21

13. In regulation 21 (earnings of employed earners) in paragraph (1)(i) after the words “Community Charge” there shall be inserted the words “or council tax”.

Amendment of regulation 29

14. In regulation 29(3)(a)(**56**) (notional income)—

(a) for the words “charge or” there shall be substituted the word “charge;”;

(b) after the word “contribution” there shall be inserted the words “or council tax”.

Amendment of regulation 37

15. In regulation 37(3)(**56**) (notional capital)—

(a) for the words “charge or” there shall be substituted the word “charge;”;

(b) after the word “contribution” there shall be inserted the words “or council tax”.

(54) Paragraph 37 was added by S.I. [1988/1970](#).

(55) Paragraph 38 was added by S.I. [1990/574](#).

(56) Relevant amending instrument is S.I. [1992/2155](#).

(57) S.I. [1992/1814](#).

(56) Relevant amending instrument is S.I. [1992/2155](#).

(56) Relevant amending instrument is S.I. [1992/2155](#).

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

Amendment of regulation 38

16.—(1) Regulation 38 (diminishing notional capital rule) shall be amended in accordance with the following provisions of this paragraph.

(2) In paragraph (3)—

(a) in sub-paragraph (c)(ii) for the word “entitled.” there shall be substituted the words “entitled; and”;

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

“(d) if the claimant would, but for regulation 34(1) of the Council Tax Benefit (General) Regulations 1992 (notional capital), have been entitled to council tax benefit or to an additional amount of council tax benefit in respect of the benefit week in which the date of the last claim for disability working allowance falls, the amount (if any) which is equal to—

(i) in a case where no council tax benefit is payable, the amount to which he would have been entitled, or

(ii) in any other case, the amount equal to the additional amount of council tax benefit to which he would have been entitled.”.

(3) In paragraph (4)—

(a) in sub-paragraph (c)(ii) for the word “entitled.” there shall be substituted the words “entitled; and”;

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

“(d) if the claimant would, but for regulation 34(1) of the Council Tax Benefit (General) Regulations 1992 (notional capital), have been entitled to council tax benefit or to an additional amount of council tax benefit in respect of the benefit week in which the first day of the relevant week falls, the amount (if any) which is equal to—

(i) in a case where no council tax benefit is payable, the amount to which he would have been entitled, or

(ii) in any other case, the amount equal to the additional amount of council tax benefit to which he would have been entitled.”.

(4) In paragraph (8)(a)—

(a) for the words “(3)(b) and (c) and (4)(b) and (c)” there shall be substituted the words “(3)(b), (c) and (d) and (4)(b), (c) and (d)”;

(b) for the words “1987 (interpretation) or” there shall be substituted the words “1987 (interpretation),”;

(c) after the words “1989 (interpretation)” there shall be inserted the words “or regulation 2(1) of the Council Tax Benefit (General) Regulations 1992(58) (interpretation)”.

Amendment of Schedule 3

17.—(1) Schedule 3 (sums to be disregarded in the calculation of income other than earnings) shall be amended in accordance with the following provisions of this paragraph.

(2) In paragraph 12(2)—

(a) for the words “charge or” there shall be substituted the word “charge,”;

(b) after the word “contribution” there shall be inserted the words “or council tax”.

(58) S.I. 1992/1814.

(3) In paragraph 40 there shall be added at the end the words “or reduction of council tax under section 13 or, as the case may be, section 80 of the Local Government Finance Act 1992(59) (reduction of liability for council tax).”.

Amendment of Schedule 4

18. In paragraph 37 of Schedule 4 (capital to be disregarded) after the words “(reduction of liability for personal community charge)” there shall be inserted the words “or reduction of council tax under section 13 or, as the case may be, section 80 of the Local Government Finance Act 1992 (reduction of liability for council tax).”.

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 Family Credit (General) Regulations 1987 (S.I. 1987/1973) and the Disability Working Allowance (General) Regulations 1991 (S.I. 1991/2887) in the following respects—

- (a) they make amendments consequential upon the abolition of community charges, the introduction of council tax and the introduction of council tax benefit in succession to community charge benefits (regulations 2, 9, 15, 21 and the Schedule);
- (b) they provide definitions of community charge benefit and the Social Security Contributions and Benefits Act 1992 (regulations 3, 10 and 16);
- (c) they amend the disregards in respect of income arising from disregarded capital (regulations 9, 15 and 21);

With respect to the Income Support (General) Regulations 1987—

- (a) they amend the definition of “water charges” (regulation 3);
- (b) they amend the definition of “person from abroad” to include a national of a European Community State who has been required to leave the UK (regulation 4);
- (c) they reduce from 2 years to 12 months the period of time a person must have been unemployed before his applicable amount can be reduced in cases of failure to attend courses, and they provide that such courses may be provided by or on behalf of the Secretary of State. They also make minor drafting changes to this provision (regulation 5);
- (d) in relation to the calculation of housing costs, they specify the deduction to be made in the case of non-dependants and their partners (regulation 7);
- (e) in relation to the calculation of income, they further amend the notional income provisions in respect of occupational pensions, and they provide a disregard in respect of the earnings of a claimant or partner who is entitled to the carer premium (regulations 6 and 8);

With respect to the Family Credit (General) Regulations 1987 and the Disability Working Allowance (General) Regulations 1991—

- (a) they provide a definition of “water charges” (regulations 10 and 16);

(59) 1992 c. 14.

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

- (b) they provide that where a child or young person has capital in excess of £3,000, any income of that child or young person consisting of maintenance is to be treated as the income of the claimant (regulations 13 and 19);
- (c) they provide for a child support reduced benefit direction to be treated as a change of circumstances so as to permit a review of an award (regulations 14 and 20);
- (d) in relation to the calculation of income, they amend the method of calculation of weekly maintenance and they specify that statutory maternity pay is not to be treated as earnings, and they provide a disregard of guardian's allowance (regulations 11, 12, 15, 17, 18 and 21).