
STATUTORY INSTRUMENTS

1995 No. 1339

SOCIAL SECURITY

The Income-related Benefits Schemes (Miscellaneous Amendments) (No. 2) Regulations 1995

<i>Made</i>	- - - -	<i>22nd May 1995</i>
<i>Laid before Parliament</i>		<i>25th May 1995</i>
<i>Coming into force</i>	- -	<i>17th July 1995</i>

The Secretary of State for Social Security, in exercise of powers conferred on him by sections 123(1) (b) to (e), 128(5), 129(8), 136(3) and (5)(b), 137(1), (2)(c) and (d) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992⁽¹⁾ and of all other powers enabling him in that behalf, after consultation in respect of regulations 2 and 9 with organisations appearing to him to be representative of the authorities concerned⁽²⁾ and after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it⁽³⁾, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Income-related Benefits Schemes (Miscellaneous Amendments) (No. 2) Regulations 1995 and shall come into force on 17th July 1995.

(2) Regulations 3 to 8 of these Regulations shall have effect in relation to any particular claimant—

- (a) except where sub-paragraph (b) applies, on 18th July 1995;
- (b) where a claimant has an award of disability working allowance or family credit which is current on 17th July 1995, on the day following the expiration of that award.

(3) In these Regulations—

“the Council Tax Benefit Regulations” means the Council Tax Benefit (General) Regulations 1992⁽⁴⁾;

(1) 1992 c. 4; section 123(1)(e) was substituted by the Local Government Finance Act 1992 (c. 14) sections 103 and 118 and Schedule 9; section 137(1) is an interpretation provision and is cited because of the meaning assigned to the word “prescribed”.
(2) See the Social Security Administration Act 1992 (c. 5) section 176(1).
(3) See section 173(1)(b) of the Social Security Administration Act 1992; section 173(7) defines “regulations”.
(4) S.I. 1992/1814; relevant amending instrument S.I. 1995/626.

“the Disability Working Allowance Regulations” means the Disability Working Allowance (General) Regulations 1991(5);

“the Family Credit Regulations” means the Family Credit (General) Regulations 1987(6); and

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987(7).

Amendment of Schedule 4 to the Council Tax Benefit Regulations

2. In Schedule 4 to the Council Tax Benefit Regulations (sums to be disregarded in the calculation of income other than earnings) the following new paragraphs shall be added after paragraph 55(8)—

“56. Any amount of disability working allowance up to a maximum of £10 per week where the claimant is entitled to the allowance under regulation 51(1)(bb) of the Disability Working Allowance (General) Regulations 1991(9).

57. Any amount of family credit up to a maximum of £10 per week where the claimant is entitled to the credit under regulation 46(1)(aa) of the Family Credit (General) Regulations 1987(10).”.

Insertion of regulation 6A in the Disability Working Allowance Regulations

3. In the Disability Working Allowance Regulations after regulation 6 (remunerative work) the following new regulation shall be inserted—

“Further provision as to remunerative work

6A. Whether, for the purposes of regulation 51(1)(bb) (determination of appropriate maximum disability working allowance) and paragraph 2A of Schedule 5(11), the work a person undertakes is for not less than 30 hours per week shall be determined in accordance with regulation 6(1)(b), (3), (4) and (4A)(12) except that for the words “16 hours” in paragraph (4) there shall be substituted the words “30 hours”.”.

Amendment of regulation 51 of the Disability Working Allowance Regulations

4. In regulation 51 of the Disability Working Allowance Regulations (determination of appropriate maximum disability working allowance) after sub-paragraph (1)(b) the following new sub-paragraph shall be inserted—

“(bb) in respect of a claimant who is—

- (i) a single claimant or lone parent who works, or
- (ii) a member of a married or unmarried couple either or both of whom work,
- (iii) for not less than 30 hours per week, the allowance specified in column (2) of Schedule 5 at paragraph 2A.”.

(5) S.I. 1991/2887; relevant amending instruments S.I. 1995/482 and 516.

(6) S.I. 1987/1973; relevant amending instrument S.I. 1995/516.

(7) S.I. 1987/1971; relevant amending instrument S.I. 1995/626.

(8) Paragraph 55 was added to Schedule 4 by S.I. 1995/626.

(9) Head (1)(bb) is inserted in regulation 51 by regulation 4 of these Regulations.

(10) Head (1)(aa) is inserted in regulation 46 by regulation 7 of these Regulations.

(11) Paragraph 2A is inserted in Schedule 5 by regulation 5 of these Regulations.

(12) Paragraph (4A) was inserted in regulation 6 by S.I. 1995/516 regulation 3(b).

Amendment of Schedule 5 to the Disability Working Allowance Regulations

5. In Schedule 5 to the Disability Working Allowance Regulations (determination of appropriate maximum disability working allowance) after paragraph 2 the following new paragraph shall be inserted—

Column (1)	Column (2)
2A. In the case of a claimant to whom regulation 51(1)(bb) applies.	2A. £10..

Insertion of regulation 4A in the Family Credit Regulations

6. In the Family Credit Regulations after regulation 4 (remunerative work) the following new regulation shall be inserted—

“Further provision as to remunerative work

4A. Whether, for the purposes of regulation 46(1)(aa) (determination of appropriate maximum family credit) and paragraph 1A of Schedule 4(13), the work a person undertakes is for not less than 30 hours per week shall be determined in accordance with regulation 4(1) (b), (3), (4) and (4A)(14) except that for the words “16 hours” in paragraph (4) there shall be substituted the words “30 hours”.”.

Amendment of regulation 46 of the Family Credit Regulations

7. In regulation 46 of the Family Credit Regulations (determination of maximum family credit) after sub-paragraph (a) of paragraph (1) the following new sub-paragraph shall be inserted—

“(aa) in respect of a lone parent(15) who works, or a claimant who is a member of a married or unmarried couple either or both of whom work, for not less than 30 hours per week, the credit specified in column (2) of Schedule 4 against paragraph 1A;”.

Amendment of Schedule 4 to the Family Credit Regulations

8. In Schedule 4 to the Family Credit Regulations (determination of appropriate maximum family credit) after paragraph 1 the following new paragraph shall be inserted—

Column (1)	Column (2)
1A. In the case of an adult or adults to whom regulation 46(1)(aa) applies.	1A. £10..

Amendment of Schedule 4 to the Housing Benefit Regulations

9. In Schedule 4 to the Housing Benefit Regulations (sums to be disregarded in the calculation of income other than earnings) the following new paragraphs shall be added after paragraph 56(c)(16)—

(13) Paragraph 1A is inserted in Schedule 4 by regulation 8 of these Regulations.

(14) Paragraph (4A) was inserted in regulation 4 by S.I. 1995/516 regulation 11.

(15) A definition of "lone parent" was inserted in regulation 2 of the Family Credit Regulations 1987 (interpretation) by S.I. 1994/1924.

(16) Paragraph 56 was added to Schedule 4 by S.I. 1995/626.

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

“**57.** Any amount of disability working allowance up to a maximum of £10 per week where the claimant is entitled to the allowance under regulation 51(1)(bb) of the Disability Working Allowance (General) Regulations 1991.

58. Any amount of family credit up to a maximum of £10 per week where the claimant is entitled to the credit under regulation 46(1)(aa) of the Family Credit (General) Regulations 1987.”.

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

22nd May 1995

Roger Evans
Parliamentary Under-Secretary of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Council Tax Benefit (General) Regulations 1992 (S.I. [1992/1814](#)), the Disability Working Allowance (General) Regulations 1991 (S.I. [1991/2887](#)), the Family Credit (General) Regulations 1987 (S.I. [1987/1973](#)) and the Housing Benefit (General) Regulations 1987 (S.I. [1987/1971](#)).

The Disability Working Allowance (General) Regulations 1991 and the Family Credit (General) Regulations 1987 are amended to provide for entitlement to an additional allowance or credit of £10 per week where either the claimant or his partner or both of them work not less than 30 hours per week and for the manner in which those hours shall be calculated (regulations 3 to 8).

The Council Tax Benefit (General) Regulations 1992 and the Housing Benefit (General) Regulations 1987 are amended so that any additional disability working allowance or additional family credit which is awarded to the claimant is disregarded from a claimant's income in calculating his entitlement to council tax benefit and housing benefit (regulations 2 and 9).

These Regulations do not impose a charge upon businesses.