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STATUTORY INSTRUMENTS

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**1997 No. 2793**

**SOCIAL SECURITY**

**The Income-related Benefits (Miscellaneous  
Amendments) Regulations 1997**

*Made - - - - 25th November 1997*  
*Laid before Parliament 1st December 1997*  
*Coming into force in accordance with regulation 1*

The Secretary of State for Social Security in exercise of powers conferred upon her by sections 123(1), 136(3) and (5)(b), 137(1) and 175(1) and (3) to (5) of the Social Security Contributions and Benefits Act 1992(1), and of all other powers enabling her in that behalf, after consultation, in respect of provisions in these Regulations relating to council tax benefit and housing benefit, with organisations appearing to her to be representative of the authorities concerned(2) and after agreement by the Social Security Advisory Committee that proposals in respect of 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 (Miscellaneous Amendments) Regulations 1997 and, subject to paragraph (2), shall come into force on 1st June 1998.

(2) In so far as these Regulations amend provisions relating to disability working allowance or family credit they shall come into force on 2nd June 1998 and in relation to any particular claimant they shall have effect, where that claimant has an award of either of those benefits—

- (a) which expires on 1st June 1998, on 2nd June 1998; or
- (b) which expires after 1st June 1998, on the day following the expiration of that award.

(3) For the purposes of paragraph (2) above “claimant” means a person claiming the benefit concerned.

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(1) 1992 c. 4; section 123(1)(e) was substituted by the Local Government Finance Act 1992 (c. 14) Schedule 9, paragraph 1(1); section 137(1) is an interpretation provision and is cited because of the meaning assigned to the word “prescribed”.  
(2) See section 176(1)(b) of the Social Security Administration Act 1992 (c. 5).  
(3) See section 173(1)(b) of the Social Security Administration Act 1992.

## Common amendments

2.—(1) In each of the regulations specified in paragraph (2) below (maximum deductions from income in respect of child care charges), for the words “£60 per week” there shall be substituted the words “whichever of the sums specified in paragraph (1A) below applies in his case”.

(2) The specified regulations to which paragraph (1) above refers are—

- (a) regulation 13(1)(c) of the Council Tax Benefit (General) Regulations 1992(4);
- (b) regulation 15(1)(c) of the Disability Working Allowance (General) Regulations 1991(5);
- (c) regulation 13(1)(c) of the Family Credit (General) Regulations 1987(6);
- (d) regulation 21(1)(c) of the Housing Benefit (General) Regulations 1987(7).

(3) After paragraph (1) of each of the regulations specified in paragraph (2) above the following paragraph shall be inserted—

“(1A) The maximum deduction to which paragraph (1)(c) above refers shall be—

- (a) where the claimant’s family includes only one child in respect of whom relevant child care charges are paid, £60 per week;
- (b) where the claimant’s family includes more than one child in respect of whom relevant child care charges are paid, £100 per week.”.

(4) In the definition of “relevant child care charges” in each of the regulations specified in paragraph (5) below (treatment of child care charges) for the words “eleventh birthday” each time they appear there shall be substituted the words “twelfth birthday”.

(5) The regulations to which paragraph (4) above refers(8) are—

- (a) regulation 13A(2) of the Council Tax Benefit (General) Regulations 1992;
- (b) regulation 15A(2) of the Disability Working Allowance (General) Regulations 1991;
- (c) regulation 13A(2) of the Family Credit (General) Regulations 1987; and
- (d) regulation 21A(2) of the Housing Benefit (General) Regulations 1987.

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

*Keith Bradley*  
Parliamentary Under-Secretary of State,  
Department of Social Security

25th November 1997

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(4) S.I. 1992/1814; relevant amending instruments S.I. 1994/1924, 1996/599 and 2545.

(5) S.I. 1991/2887; relevant amending instruments S.I. 1994/1924, 1996/599 and 2545.

(6) S.I. 1987/1973; relevant amending instruments S.I. 1994/1924, 1996/599 and 2545.

(7) S.I. 1987/1971; relevant amending instruments S.I. 1994/1924, 1996/599 and 2545.

(8) All of the regulations referred to in this paragraph were inserted in the appropriate Regulations by S.I. 1994/1924 relevant amending instruments S.I. 1995/516, 560 and 1996/2545.

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## 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) so that the maximum deduction for relevant child care charges in respect of a claimant's family shall be £60 per week where charges are paid in respect of one child only, or £100 per week where charges are paid for more than one child.

The provisions relevant to child care charges in respect of a child shall have effect until the day before the first Tuesday in September following the child's 12th birthday in the case of disability working allowance or family credit, or until the day before the first Monday in September following the child's 12th birthday in the case of council tax benefit or housing benefit.

These Regulations do not impose a charge on business.