
STATUTORY INSTRUMENTS

1992 No. 2595

**SOCIAL SECURITY TERMS AND
CONDITIONS OF EMPLOYMENT**

**The Social Security (Miscellaneous Provisions)
Amendment (No. 2) Regulations 1992**

<i>Made</i>	- - - -	<i>19th October 1992</i>
<i>Laid before Parliament</i>		<i>26th October 1992</i>
<i>Coming into force in accordance with regulation 1(1)</i>		
<i>all provisions other than regulation 5</i>		<i>16th November 1992</i>
<i>regulation 5</i>		<i>4th January 1993</i>

The Secretary of State for Social Security, in exercise of the powers conferred by section 84(1) and 89(1) of the Social Security Act 1986⁽¹⁾, sections 113(1)(a), 163(3), 171(5) and 175(1) and (3) of the Social Security Contributions and Benefits Act 1992⁽²⁾ and sections 5(1)(a), (i), and (p), 7(1), 73(1)(b), and 189(1), (4), (5) and (6) of the Social Security Administration Act 1992⁽³⁾ and all other powers enabling him in that behalf, and after agreement by the Social Security Advisory Committee that the proposals to make these Regulations shall not be referred to it⁽⁴⁾, hereby makes the following Regulations:

PART I
INTRODUCTORY

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Miscellaneous Provisions) Amendment (No. 2) Regulations 1992 and shall come into force as follows—

- (a) all provisions other than regulation 5 on 16th November 1992;

(1) 1986 c. 50.

(2) 1992 c. 4.

(3) 1992 c. 5.

(4) See section 173(1)(b) of the Social Security Administration Act 1992.

(b) regulation 5 on 4th January 1993.

(2) In these Regulations—

“the Adjudication Regulations” means the Social Security (Adjudication) Regulations 1986(5);

“the Claims and Payments Regulations” means the Social Security (Claims and Payments) Regulations 1987(6);

“the Hospital In-Patients Regulations” means the Social Security (Hospital In-Patients) Regulations 1975(7);

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987(8);

“the Persons Abroad Regulations” means the Social Security Benefit (Persons Abroad) Regulations 1975(9);

“the Statutory Maternity Pay Regulations” means the Statutory Maternity Pay (General) Regulations 1986(10); and

“the Statutory Sick Pay Regulations” means the Statutory Sick Pay (General) Regulations 1982(11).

PART II

AMENDMENTS OF THE CLAIMS AND PAYMENTS REGULATIONS\

Amendment of the Claims and Payments Regulations

2. The Claims and Payments Regulations shall be amended in accordance with this Part of these Regulations, and in this Part a reference to a numbered regulation or Schedule is a reference to the regulation or Schedule in the Claims and Payments Regulations which bears that number.

Amendment of regulation 19

3. In paragraph (2A) of regulation 19 (time for claiming benefit)(12), for the words “or family credit” there shall be substituted the words “, family credit or disability working allowance”.

Amendment of regulation 32

4. In paragraph (1) of regulation 32 (information to be given when obtaining payment of benefit), after the words “in writing” there shall be inserted the words “(unless the Secretary of State determines in any particular case to accept notice given otherwise than in writing)”.

Amendment of regulation 34

5. In regulation 34 (payment to another person on the beneficiary’s behalf), for the words “another person” there shall be substituted the words “another natural person”.

(5) S.I. 1986/2218.

(6) S.I. 1987/1968.

(7) S.I. 1975/555.

(8) S.I. 1987/1971.

(9) S.I. 1975/563.

(10) S.I. 1986/1960.

(11) S.I. 1982/894.

(12) Paragraph (2A) was inserted by regulation 14 of S.I. 1992/247.

Revocation of regulation 49

6. Regulation 49 (savings)(13) is hereby revoked.

Amendment of Schedule 1

7. In Part I of Schedule 1 (which deals with benefits which may be treated as claimed in addition or in the alternative to that actually claimed) in the entry relating to income support the words “Supplementary benefit,” shall be omitted.

Amendment of Schedule 9

8.—(1) Schedule 9 (deductions from benefit and direct payment to third parties) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph 1, for the definition of “water charges” there shall be substituted the following definition—

““water charges” means charges for water or sewerage under Chapter I of Part V of the Water Industry Act 1991(14);”.

(3) In paragraph 3(4)(a) (housing costs), after the words “sums equal to” there shall be inserted the words “or greater than”.

(4) In paragraph 4A (hostel payments)(15)—

(a) in sub-paragraph (2) the words “or his partner” shall be omitted; and

(b) in sub-paragraph (4) for the words “1A and either 5(2) or 5(2A)” there shall be substituted the words “1A, 2, 3 and either 5(1)(b) or 5(2) or 5(2A)”.

(5) In paragraph 5 (service charges for fuel and rent not falling within paragraph 2(1)(a)), after sub-paragraph (6) there shall be added the following sub-paragraph—

“(7) Immediately after the discharge of any arrears of rent to which sub-paragraph (1) applies and in respect of which a determination has been made under sub-paragraph (6) the adjudicating authority may, if satisfied that it would be in the interests of the family to do so, direct that an amount, equal to the amount by which the eligible rent is to be reduced by virtue of regulation 10(3) of the Housing Benefit Regulations in respect of charges for water or service charges for fuel or both, shall be deductible.”.

(6) In paragraph 6(4)(a) (fuel costs), after the words “period of 26 weeks” there shall be inserted the words “or such longer period as may be reasonable in the circumstances of the case”.

(7) In paragraph 7 (water charges)(16)—

(a) in sub-paragraph (2), for the words from “except where” to the end there shall be substituted the words “but only if the authority is satisfied that the beneficiary or his partner has failed to budget for those charges, and that it would be in the interests of the family to make the determination.”; and

(b) in sub-paragraph (4), after the words “a period of 26 weeks” there shall be inserted the words “or such longer period as may be reasonable in the circumstances of the case”.

(13) Regulation 49 was inserted by regulation 12 of S.I. 1988/522.

(14) 1991 c. 56.

(15) Paragraph 4A was inserted by regulation 15 of S.I. 1991/2284.

(16) Paragraph 7 was substituted by regulation 18 of S.I. 1991/2284.

PART III

MISCELLANEOUS AMENDMENTS

Amendment of regulation 1 of the Persons Abroad Regulations

9. In paragraph (2) of regulation 1 of the Persons Abroad Regulations (citation, commencement and interpretation), after the definition of “the Child Benefit Act” there shall be inserted the following definition—

““the Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992;”.

Amendment of regulation 9 of the Persons Abroad Regulations

10. In regulation 9 of the Persons Abroad Regulations (modification of the Act in relation to title to disablement benefit and industrial death benefit), after paragraph (6) there shall be added the following paragraph—

“(7) A person shall not be disqualified for receiving retirement allowance under paragraph 13 of Schedule 7 to the Contributions and Benefits Act by reason of being absent from Great Britain.”.

Amendment of regulation 2 of the Hospital In-Patients Regulations

11. For paragraph (2) of regulation 2 of the Hospital In-Patients Regulations (interpretation) there shall be substituted the following paragraph—

“(2) For the purposes of these Regulations, a person shall be regarded as receiving or having received free in-patient treatment for any period for which he is or has been maintained free of charge while undergoing medical or other treatment as an in-patient—

- (a) in a hospital or similar institution, under the National Health Service Act 1977⁽¹⁷⁾, the National Health Service (Scotland) Act 1978⁽¹⁸⁾ or the National Health Service and Community Care Act 1990⁽¹⁹⁾; or
- (b) in a hospital or similar institution maintained or administered by the Defence Council;

and such a person shall for the purposes of sub-paragraph (a) be regarded as being maintained free of charge in a hospital or similar institution unless his accommodation and services are provided under section 65 of the National Health Service Act 1977, section 58 of, or paragraph 14 of Schedule 7A to, the National Health Service (Scotland) Act 1978 or paragraph 14 of Schedule 2 to the National Health Service and Community Care Act 1990.”.

Amendment of regulation 1 of the Statutory Maternity Pay Regulations

12. In paragraph (2) of regulation 1 of the Statutory Maternity Pay Regulations (citation, commencement and interpretation), after the definition of “the 1986 Act” there shall be inserted the following definition—

““the Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992.”.

⁽¹⁷⁾ 1977 c. 49.

⁽¹⁸⁾ 1978 c. 29.

⁽¹⁹⁾ 1990 c. 19.

Amendment of regulation 20 of the Statutory Maternity Pay Regulations

13.—(1) Regulation 20 of the Statutory Maternity Pay Regulations (meaning of “earnings”) shall be amended in accordance with the following provisions of this regulation.

(2) Paragraph (1) shall be omitted.

(3) For paragraph (2) there shall be substituted the following paragraph—

“(2) For the purposes of section 171(4) of the Contributions and Benefits Act, the expression “earnings” refers to gross earnings and includes any remuneration or profit derived from a woman’s employment except any payment or amount which is excluded from the computation of a person’s earnings under regulation 19 or 19B of the Social Security (Contributions) Regulations 1979(20).”.

(4) Paragraphs (3), (5) and (6) shall be omitted.

Amendment of regulation 1 of the Statutory Sick Pay Regulations

14. In paragraph (2) of regulation 1 of the Statutory Sick Pay Regulations (citation, commencement and interpretation), after the definition of “the Act” there shall be inserted the following definition—

““the Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992;”.

Amendment of regulation 17 of the Statutory Sick Pay Regulations

15.—(1) Regulation 17 of the Statutory Sick Pay Regulations (meaning of “earnings”) shall be amended in accordance with the following provisions of this regulation.

(2) Paragraph (1) shall be omitted.

(3) For paragraph (2) there shall be substituted the following paragraph—

“(2) For the purposes of section 163(2) of the Contributions and Benefits Act, the expression “earnings” refers to gross earnings and includes any remuneration or profit derived from a person’s employment except any payment or amount which is excluded from the computation of a person’s earnings under regulation 19 or 19B of the Social Security (Contributions) Regulations 1979.”.

(4) Paragraphs (2A), (4) and (5) shall be omitted.

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

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

19th October 1992

(20) S.I. 1979/591. Regulation 19 has been amended: relevant amending instruments are S.I. 1983/395, 1984/77, 1987/413, 1987/1590, 1988/860, 1988/992 and 1991/2505. Regulation 19B was added by S.I. 1987/2111 and amended by S.I. 1991/640.

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Claims and Payments) Regulations 1987 (“the Claims and Payments Regulations”), the Social Security Benefit (Persons Abroad) Regulations 1975 (“the Persons Abroad Regulations”), the Social Security (Hospital In-Patients) Regulations 1975 (“the Hospital In-Patients Regulations”), the Statutory Maternity Pay (General) Regulations 1986 (“the Statutory Maternity Pay Regulations”) and the Statutory Sick Pay (General) Regulations 1982 (“the Statutory Sick Pay Regulations”).

Regulation 3 amends regulation 19 of the Claims and Payments Regulations by extending the ability to claim benefit out of time if there is good cause for delay to disability working allowance.

Regulation 4 amends regulation 32 of the Claims and Payments Regulations by enabling the Secretary of State to determine, in any particular case, that notice of a change of circumstances may be given otherwise than in writing.

Regulation 5 amends regulation 34 of the Claims and Payments Regulations so that the Secretary of State may only direct that payment of benefit be made to a natural person on the beneficiary’s behalf.

Regulation 6 revokes regulation 49 of the Claims and Payments Regulations which contains savings relating to family income supplement and supplementary benefit.

Regulation 7 amends Schedule 1 to the Claims and Payments Regulations by deleting the words “supplementary benefit” so that a claim for income support can no longer be treated as a claim for supplementary benefit.

Regulation 8 makes various amendments to the provisions in Schedule 9 to the Claims and Payments Regulations in respect of deductions from benefit and direct payment to third parties in respect of housing costs, hostel payments, service charges for fuel and rent, fuel costs and water charges.

Regulations 9 and 10 amend the Persons Abroad Regulations so that a person shall not be disqualified for receiving retirement allowance when he is absent from Great Britain.

Regulation 11 amends the Hospital In-Patients Regulations in order to reflect the ways in which treatment can now be provided under the National Health Service.

Regulations 12 and 13 amend the Statutory Maternity Pay Regulations and regulations 14 and 15 amend the Statutory Sick Pay Regulations to provide that the expression “earnings” has the same meaning as it does in the Social Security (Contributions) Regulations 1979 (S.I.1979/591).