

1988 No. 1438

**SOCIAL SECURITY**

**The Family Credit (General) Amendment No. 3  
Regulations 1988**

<i>Made</i> - - - -	<i>11th August 1988</i>
<i>Laid before Parliament</i>	<i>15th August 1988</i>
<i>Coming into force</i> -	
<i>Regulations 1 and 7</i>	<i>5th September 1988</i>
<i>Regulations 2 to 6 and     8 and 9</i>	<i>12th September 1988</i>

The Secretary of State for Social Security, in exercise of powers conferred by sections 20(12)(d), 22(8) and (9) and 84(1) of the Social Security Act 1986(a) and sections 166(1) to (3A) of the Social Security Act 1975(b) and of all other powers enabling him in that behalf by this instrument, which is made before the end of a period of 12 months from the commencement of the enactments under which it is made, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Family Credit (General) Amendment No. 3 Regulations 1988 and shall come into force as follows—

- (a) regulations 1 and 7, on 5th September 1988;
- (b) regulations 2 to 6, and 8 and 9, on 12th September 1988.

(2) In these Regulations “the General Regulations” means the Family Credit (General) Regulations 1987(c).

**Amendment of regulation 5 of the General Regulations**

2. In regulation 5 of the General Regulations (engagement in remunerative work and normal engagement) for sub-paragraph (b) of paragraph (1) there shall be substituted the following—

“(b) either of the two weeks immediately preceding the week of claim, and he is employed at the date of claim.”.

**Amendment of regulation 17 of the General Regulations**

3. In regulation 17(b) of the General Regulations (periods to be disregarded) for the words “any period” there shall be substituted the words “any week or period of weeks”.

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- (a) 1986 c.50; section 84(1) is an interpretation provision and is cited because of the meanings assigned to the words “prescribed” and “regulations”.
  - (b) 1975 c.14; section 166(3A) is inserted by section 62 of the Social Security Act 1986 and section 166(1) to (3A) is applied by section 83(1) of that Act.
  - (c) S.I. 1987/1973, amended by S.I. 1988/660, 908 and 999.

#### **Amendment of regulation 18 of the General Regulations**

4. In regulation 18 of the General Regulations (calculation of weekly amount of income)–

- (a) for the words “14 to 16” there shall be substituted the words “14 and 16”;
- (b) at the end there shall be added the following paragraph–

“(2) For the purposes of regulation 15 (normal weekly earnings of self-employed earners), the weekly amount of earnings of a claimant shall be determined by dividing his earnings over the assessment period by the number of weeks in that period.”.

#### **Amendment of regulations 26 and 34 of the General Regulations**

5. In regulations 26(3) and 34(3) of the General Regulations (notional income and capital) for sub-paragraph (a) in each of those provisions there shall be substituted the following sub-paragraph–

“(a) to a third party in respect of a member of a family (but not a member of the third party’s family) shall be treated as possessed by that member of the family to the extent that it is used for his food, ordinary clothing or footwear, household fuel or housing costs; and in this sub-paragraph the expression “ordinary clothing or footwear” means clothing or footwear for normal daily use, but does not include school uniforms, or clothing or footwear used solely for sporting activities;”.

#### **Amendment of regulation 35 of the General Regulations**

6. In regulation 35 of the General Regulations (capital jointly held) at the end there shall be added the words “and the foregoing provisions of this Chapter shall apply for the purpose of calculating the amount of capital which the claimant is treated as possessing as if it were actual capital which the claimant does possess.”.

#### **Amendment of regulation 38 of the General Regulations**

7. In regulation 38(2)(f) of the General Regulations (calculation of grant income) for the sum of “£210” there shall be substituted the sum of “£220”.

#### **Amendment of Schedule 2 to the General Regulations**

8. In Schedule 2 to the General Regulations (income other than earnings to be disregarded)–

- (a) in paragraph 16–
  - (i) in sub-paragraph (1) for the words “or 13” there shall be substituted the words “13 or 26 to 30”;
  - (ii) in sub-paragraph (2) for the words “or 4” there shall be substituted the words “4 or 26 to 30”;
- (b) in paragraph 23 for the words “section 12” there shall be substituted the words “section 21”;
- (c) after paragraph 34 there shall be added the following paragraph–

“35. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.”.

#### **Amendment of Schedule 3 to the General Regulations**

9. In Schedule 3 to the General Regulations (capital to be disregarded)–

- (a) in paragraph 2 after the words “to occupy” there shall be inserted the words “as his home”;
- (b) in paragraph 4 after the words “member of the family” there shall be inserted the words “as his home”;
- (c) after paragraph 30 there shall be added the following paragraphs–

“31. Any payment in kind made by a charity.

32. Any payment not exceeding £200 made under section 2 of the

Employment and Training Act 1973(a) (functions of the Secretary of State) as a training bonus to a person participating in arrangements for training made under that section.

33. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.”.

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

11th August 1988

*Nicholas Scott*  
Minister of State,  
Department of Social Security

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### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the Family Credit (General) Regulations 1987. They provide for work to be treated as remunerative work only if the person is employed at the date of claim (regulation 2); for the disregard of any period in the assessment period of self-employed earners to be not less than complete weeks (regulation 3); and for the weekly earnings of such earners to be determined by dividing earnings over the assessment period by the number of weeks in that period (regulation 4). They also provide for members of the family to be treated as possessing income or capital used for ordinary clothing or footwear (regulation 5); for an increase in the student disregard for books or equipment (regulation 7); for the disregard of payments made by the Secretary of State to compensate for the loss of housing benefit, any payment in kind made by a charity, and payments to persons participating in training (regulations 8 and 9(c)); and for certain other minor amendments (regulations 6 and 9(a) and (b)).

These Regulations are made before the expiry of 12 months from the commencement of the enactments under which they are made; they are accordingly exempt by section 61(5) of the Social Security Act 1986 from reference to the Social Security Advisory Committee and have not been so referred.

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(a) 1973 c.50; section 2 was substituted by the Employment Act 1988 (c.19), section 25.