

1990 No. 671

HOUSING, ENGLAND AND WALES

HOUSING, SCOTLAND

SOCIAL SECURITY

**The Income-Related Benefits (Miscellaneous Amendments)
Regulations 1990**

<i>Made - - - -</i>	<i>20th March 1990</i>
<i>Laid before Parliament</i>	<i>20th March 1990</i>
<i>Coming into force</i>	
<i>regulation 1, and</i>	
<i>regulation 4 to the</i>	
<i>extent to which it relates</i>	
<i>to a case referred to in</i>	
<i>regulation 1(1)(b)(i) and (2)</i>	<i>1st April 1990</i>
<i>to the extent to which it</i>	
<i>relates to any other case</i>	
<i>regulations 2, 3 and 5</i>	<i>2nd April 1990</i>
<i>regulations 2, 3 and 5</i>	<i>9th April 1990</i>

The Secretary of State for Social Security, in exercise of powers conferred by section 22(6), (7), (8) and (9)(d), 51(1)(b) and (m) and 84(1) of the Social Security Act 1986(a) and section 166(1) to (3A) of the Social Security Act 1975(b) and of all other powers enabling him in that behalf, without having referred any proposals on the matter to the Social Security Advisory Committee or so far as they relate to regulation 4(3) and (4) to such organisations appearing to him to be representative of authorities concerned since it appears to him that by reason of the urgency of the matter it is inexpedient to do so(c) hereby makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Income-Related Benefits (Miscellaneous Amendments) Regulations 1990 and shall come into force as follows—

- (a) regulation 1, on 1st April 1990;
- (b) regulation 4—
 - (i) in a case to which paragraph (2) below applies, on 1st April 1990;
 - (ii) in any other case, on 2nd April 1990.
- (c) regulations 2, 3 and 5, on 9th April 1990;

(2) This paragraph applies in any case where rent is payable at intervals of one month or any other interval which is not a week or a multiple thereof.

(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; subsection (3A) of section 166 was inserted by section 62 of the Social Security Act 1986 and is applied by section 83(1) of that Act.

(c) See section 61(1)(a) and (8)(a) of the Social Security Act 1986.

Amendment of the Social Security (Claims and Payments) Regulations 1987

2.—(1) Regulation 6 of the Social Security (Claims and Payments) Regulations 1987(a) (date of claim) shall be amended in accordance with this Regulation.

(2) In paragraph (1) for the words "Subject to paragraphs (3) and (4)", there shall be substituted the words "Subject to the following provisions of this Regulation,".

(3) After paragraph (4) there shall be added the following paragraphs—

"(5) Where—

(a) on or after 9th April 1990 a person satisfies the capital condition in section 22(6) of the Social Security Act 1986(b) for income support and he would not have satisfied that condition had the amount prescribed under regulation 45 of the Income Support (General) Regulations 1987(c) been £6,000; and

(b) a claim for that benefit is received from him in an appropriate office not later than 27th May 1990;

the claim shall be treated as made on the date determined in accordance with paragraph (6).

(6) For the purpose of paragraph (5), where—

(a) the claimant satisfies the other conditions of entitlement to income support on the date on which he satisfies the capital condition, the date shall be the date on which he satisfied that condition;

(b) the claimant does not satisfy the other conditions of entitlement to income support on the date on which he satisfies the capital condition, the date shall be the date on which he satisfies the conditions of entitlement to that benefit."

Amendment of the Family Credit (General) Regulations 1987

3.—(1) The Family Credit (General) Regulations 1987(d) shall be amended in accordance with this Regulation.

(2) In regulations 25(1), 28 and 36(1) (capital treated as income, capital limit and calculation of tariff income from capital) for the figure "£6,000" there shall be substituted the figure "£8,000".

Amendment of the Housing Benefit (General) Regulations 1987

4.—(1) The Housing Benefit (General) Regulations 1987(e) shall be amended in accordance with this Regulation.

(2) In regulations 34(1), 37 and 45(1) (capital treated as income, capital limit and calculation of tariff income from capital) for the figure "£8,000" there shall be substituted the figure "£16,000".

(3) In regulation 65 (date on which entitlement is to commence)—

(a) in paragraph (1) for the words "paragraph (2)" there shall be substituted the words "paragraphs (2) and (3)";

(b) after paragraph (2) there shall be added the following paragraph—

"(3) Where a person's claim is treated as made on a date determined in accordance with paragraph (17) of regulation 72, he shall be entitled to housing benefit from the benefit week in which the claim is treated as made."

(4) In regulation 72 (time and manner in which claims are to be made)—

(a) in paragraph (5) at the beginning there shall be inserted the words "Subject to paragraphs (11), (16) and (17),";

(b) after paragraph (15) there shall be added the following paragraphs—

"(16) Where—

(a) S.I. 1987/1968; the relevant amending instruments are S.I. 1988/522 and 1725.

(b) 1986 c.50.

(c) S.I. 1987/1967.

(d) S.I. 1987/1973; to which there are amendments not relevant to these Regulations.

(e) S.I. 1987/1971; relevant amending instrument is S.I. 1988/909.

- (a) on or after 1st April 1990 a claimant satisfies the capital condition in section 22(6) of the Act for housing benefit and he would not have satisfied that condition had the amount prescribed under regulation 37 been £8,000; and
- (b) a claim for that benefit is received from him at the appropriate DSS office or the designated office not later than 27th May 1990,

the claim shall be treated as made on the date determined in accordance with paragraph (17).

(17) For the purposes of paragraph (16), where—

- (a) the claimant satisfies the other conditions of entitlement to housing benefit in the benefit week in which he satisfies the capital condition, the date shall be the date on which he satisfied that condition;
- (b) the claimant does not satisfy the other conditions of entitlement to housing benefit in the benefit week in which he satisfies the capital condition, the date shall be the first day of the benefit week in which he satisfies the conditions of entitlement to that benefit.”.

Amendment of the Income Support (General) Regulations 1987

5.—(1) The Income Support (General) Regulations 1987(a) shall be amended in accordance with this Regulation.

(2) In regulation 41(1), 45 and 53(1) (capital treated as income, capital limit and calculation of tariff income from capital) for the figure “£6,000” there shall be substituted the figure “£8,000”.

20th March 1990

Tony Newton
Secretary of State for Social Security

(a) S.I. 1987/1967; to which there are amendments not relevant to these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Family Credit, Housing Benefit and Income Support (General) Regulations 1987 and the Social Security (Claims and Payments) Regulations 1987.

They raise to £8,000 for family credit and income support, and to £16,000 for housing benefit, the capital limit over which a person is not to be entitled to benefit, the limit for treating outstanding capital as income and the limit for calculating weekly tariff income (regulations 3(2), 4(2) and 5(2)). They also make provision, where a person becomes entitled to housing benefit or income support as a result of the increase in the capital limit, for backdating a claim made not later than 27th May 1990 to the date on which he satisfied the entitlement conditions for benefit and for entitlement to housing benefit to begin from the benefit week in which that date falls (regulations 2 and 4(3) and (4)).

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