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STATUTORY INSTRUMENTS

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**1992 No. 1101**

**SOCIAL SECURITY HOUSING, ENGLAND  
AND WALES HOUSING, SCOTLAND**

**The Income-related Benefits Schemes and Social  
Security (Recoupment) Amendment Regulations 1992**

<i>Made</i>	- - - -	<i>6th May 1992</i>
<i>Laid before Parliament</i>		<i>6th May 1992</i>
<i>Coming into force</i>	- -	<i>7th May 1992</i>

The Secretary of State for Social Security, in exercise of powers conferred by sections 20(1), 22(8), 22(9)(a) to (c), 51(1)(h), 51A(1)(h) and 84(1) of the Social Security Act 1986(1), sections 22(5) and 30(1) of the Social Security Act 1989(2) and section 166(1) to (3A) of the Social Security Act 1975(3) and of all other powers enabling him in that behalf, so far as these Regulations relate to housing benefit and community charge benefits, after consultation with organisations appearing to him to be representative of the authorities concerned(4), and after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it(5), hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Income-related Benefits Schemes and Social Security (Recoupment) Amendment Regulations 1992 and shall come into force on 7th May 1992.

(2) In these Regulations—

“the Community Charge Benefits Regulations” means the Community Charge Benefits (General) Regulations 1989(6);

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- (1) 1986 c. 50; section 20(1) was amended by the Local Government Finance Act 1988 (c. 41), Schedule 10, paragraph 2(2) and by the Disability Living Allowance and Disability Working Allowance Act 1991 (c. 21), section 6(2); section 51A was inserted by the 1988 Act, Schedule 10, paragraph 8; section 84(1) is cited because of the meaning assigned to the words “prescribed” and “regulations”.
- (2) 1989 c. 24; section 30 is cited because of the meaning assigned to the words “prescribed” and “regulations”.
- (3) 1975 c. 14; subsection (3A) was inserted by section 62(1) of the Social Security Act 1986 and section 166(1) to (3A) is applied by section 83(1) of that Act.
- (4) See section 61(7) of the Social Security Act 1986; section 61(7) was amended by the Local Government Finance Act 1988 (c. 41), Schedule 10, paragraph 10.
- (5) See section 61(1)(b) and (10) of the Social Security Act 1986; the definition of “regulations” was added to section 61(10) by the Social Security Act 1989 (c. 24), Schedule 8, paragraph 12(4).
- (6) S.I. 1989/1321; relevant amending instruments are S.I. 1990/834 and 1773, 1991/1175 and 1992/432.

“the Disability Working Allowance Regulations” means the Disability Working Allowance (General) Regulations 1991(7);

“the Family Credit Regulations” means the Family Credit (General) Regulations 1987(8);

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987(9);

“the Income Support Regulations” means the Income Support (General) Regulations 1987(10);

“the Social Security (Recoupment) Regulations” means the Social Security (Recoupment) Regulations 1990(11).

### **Amendment of the Community Charge Benefits Regulations**

2.—(1) The Community Charge Benefits Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2(1) (interpretation)—

(a) after the definition of “polygamous marriage” there shall be inserted the following definition—

““qualifying person” means a person in respect of whom payment has been made from the Fund;”;

(b) after the definition of “supplementary benefit” there shall be inserted the following definition—

““the Fund” means moneys made available from time to time by the Secretary of State for the benefit of persons eligible for payment in accordance with the provisions of a scheme established by him on 24th April 1992 or, in Scotland, on 10th April 1992;”.

(3) In regulation 25(3) (notional income) after the words “the Macfarlane (Special Payments) (No. 2) Trust” there shall be inserted the words “, the Fund”.

(4) In regulation 30(6) (income treated as capital) after the words “the Macfarlane (Special Payments) (No. 2) Trust” there shall be inserted the words “, the Fund”.

(5) In regulation 33(3) (notional capital) after the words “the Macfarlane (Special Payments) (No. 2) Trust” there shall be inserted the words “, the Fund”.

(6) In regulation 61(3) (evidence and information to be provided to an authority by a claimant)—

(a) in sub-paragraph (a)—

(i) in head (i) for the words “(payments in kind made by a charity or under certain trusts)” there shall be substituted the words “(certain payments in kind)”;

(ii) in head (ii) for the words “or the Macfarlane (Special Payments) (No. 2) Trust” there shall be substituted the words “, the Macfarlane (Special Payments) (No. 2) Trust or the Fund”;

(b) in sub-paragraph (b) after the words “under certain trusts” there shall be inserted the words “and certain other payments”.

(7) In Schedule 3 (sums to be disregarded in the calculation of income other than earnings), in paragraph 35—

(7) S.I. 1991/2887.

(8) S.I. 1987/1973; relevant amending instruments are S.I. 1988/660, 999, 1438 and 1970, 1990/127 and 574 and 1991/ 1175 and 1520.

(9) S.I. 1987/1971; relevant amending instruments are S.I. 1988/661 and 1971 and 1990/127, 546 and 1775, 1991/1175 and 1992/432.

(10) S.I. 1987/1967; relevant amending instruments are S.I. 1988/663, 999, 1445 and 2022, 1989/534 and 1323, 1990/ 127, 547 and 1776 and 1991/1175 and 1559.

(11) S.I. 1990/322; relevant amending instruments are S.I. 1990/1558 and 1991/1175.

- (a) in sub-paragraph (1) after the words “(“the Trusts”),” there shall be inserted the words “the Fund”;
  - (b) in sub-paragraph (2) after the words “suffered from haemophilia” there shall be inserted the words “or who is or was a qualifying person”;
  - (c) in sub-paragraph (3)—
    - (i) after the words “suffered from haemophilia” there shall be inserted the words “or who is or was a qualifying person”;
    - (ii) in head (a) after the words “suffering from haemophilia” there shall be inserted the words “or who is a qualifying person”;
  - (d) in sub-paragraph (4) after the words “suffering from haemophilia” there shall be inserted the words “or who is a qualifying person”;
  - (e) in sub-paragraph (5) after the words “suffered from haemophilia” there shall be inserted the words “or who was a qualifying person”;
  - (f) after sub-paragraph (6) there shall be added the following sub-paragraph—
    - “(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund.”.
- (8) In Schedule 4 (capital to be disregarded)—
- (a) in paragraph 23—
    - (i) in sub-paragraph (1) after the words “(“the Trusts”),” there shall be inserted the words “the Fund”;
    - (ii) in sub-paragraph (2) after the words “suffered from haemophilia” there shall be inserted the words “or who is or was a qualifying person”;
    - (iii) in sub-paragraph (3)—
  - (aa) after the words “suffered from haemophilia” there shall be inserted the words “or who is or was a qualifying person”;
  - (bb) in head (a) after the words “suffering from haemophilia” there shall be inserted the words “or who is a qualifying person”;
    - (iv) in sub-paragraph (4) after the words “suffering from haemophilia” there shall be inserted the words “or who is a qualifying person”;
    - (v) in sub-paragraph (5) after the words “suffered from haemophilia” there shall be inserted the words “or who was a qualifying person”;
    - (vi) after sub-paragraph (6) there shall be added the following sub-paragraph—
      - “(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund.”;
  - (b) in paragraph 32 for the words “or the Macfarlane (Special Payments) (No. 2) Trust” there shall be substituted the words “, the Macfarlane (Special Payments) (No. 2) Trust or the Fund”.

### **Amendment of the Disability Working Allowance Regulations**

3.—(1) The Disability Working Allowance Regulations shall be amended in accordance with the following paragraphs of this regulation.

- (2) In regulation 2(1) (interpretation)—
  - (a) after the definition of “policy of life insurance” there shall be inserted the following definition—

““qualifying person” means a person in respect of whom payment has been made from the Fund;”;

(b) after the definition of “student” there shall be inserted the following definition—

““the Fund” means moneys made available from time to time by the Secretary of State for the benefit of persons eligible for payment in accordance with the provisions of a scheme established by him on 24th April 1992 or, in Scotland, on 10th April 1992;”.

(3) In regulation 29(3) (notional income) after the words “the Macfarlane (Special Payments) (No. 2) Trust” there shall be inserted the words “, the Fund”.

(4) In regulation 34(3) (income treated as capital) after the words “the Macfarlane (Special Payments) (No. 2) Trust” there shall be inserted the words “, the Fund”.

(5) In regulation 37(3) (notional capital) after the words “the Macfarlane (Special Payments) (No. 2) Trust” there shall be inserted the words “, the Fund”.

(6) In Schedule 3 (sums to be disregarded in the calculation of income other than earnings), in paragraph 33—

(a) in sub-paragraph (1) after the words “(“the Trusts”),” there shall be inserted the words “the Fund”;

(b) in sub-paragraph (2) after the words “suffering from haemophilia” there shall be inserted the words “or who was or is a qualifying person”;

(c) in sub-paragraph (3) after the words “suffering from haemophilia” there shall be inserted the words “or who is a qualifying person”;

(d) in sub-paragraph (4) after the words “suffered from haemophilia” there shall be inserted the words “or who was a qualifying person”;

(e) after sub-paragraph (5) there shall be added the following sub-paragraph—

“(6) For the purposes of sub-paragraphs (2) to (5), any reference to the Trusts shall be construed as including a reference to the Fund.”.

(7) In Schedule 4 (capital to be disregarded)—

(a) in paragraph 23—

(i) in sub-paragraph (1) after the words “(“the Trusts”)” there shall be inserted the words “, the Fund”;

(ii) in sub-paragraph (2) after the words “suffering from haemophilia” there shall be inserted the words “or who was or is a qualifying person”;

(iii) in sub-paragraph (3) after the words “suffering from haemophilia” there shall be inserted the words “or who is a qualifying person”;

(iv) in sub-paragraph (4) after the words “suffered from haemophilia” there shall be inserted the words “or who was a qualifying person”;

(v) after sub-paragraph (5) there shall be added the following sub-paragraph—

“(6) For the purposes of sub-paragraphs (2) to (5), any reference to the Trusts shall be construed as including a reference to the Fund.”;

(b) in paragraph 31 for the words “or the Macfarlane (Special Payments) (No. 2) Trust” there shall be substituted the words “, the Macfarlane (Special Payments) (No. 2) Trust or the Fund”.

## **Amendment of the Family Credit Regulations**

4.—(1) The Family Credit Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2(1) (interpretation)—

(a) after the definition of “policy of life insurance” there shall be inserted the following definition—

““qualifying person” means a person in respect of whom payment has been made from the Fund;”;

(b) after the definition of “student” there shall be inserted the following definition—

““the Fund” means moneys made available from time to time by the Secretary of State for the benefit of persons eligible for payment in accordance with the provisions of a scheme established by him on 24th April 1992 or, in Scotland, on 10th April 1992;”.

(3) In regulation 26(3) (notional income) after the words “the Macfarlane (Special Payments) (No. 2) Trust” there shall be inserted the words “, the Fund”.

(4) In regulation 31(3) (income treated as capital) after the words “the Macfarlane (Special Payments) (No. 2) Trust” there shall be inserted the words “, the Fund”.

(5) In regulation 34(3) (notional capital) after the words “the Macfarlane (Special Payments) (No. 2) Trust” there shall be inserted the words “, the Fund”.

(6) In Schedule 2 (sums to be disregarded in the calculation of income other than earnings), in paragraph 34—

(a) in sub-paragraph (1) after the words “(“the Trusts”),” there shall be inserted the words “the Fund”;

(b) in sub-paragraph (2) after the words “suffered from haemophilia” there shall be inserted the words “or who is or was a qualifying person”;

(c) in sub-paragraph (3)—

(i) after the words “suffered from haemophilia” there shall be inserted the words “or who is or was a qualifying person”;

(ii) in head (a) after the words “suffering from haemophilia” there shall be inserted the words “or who is a qualifying person”;

(d) in sub-paragraph (4) after the words “suffering from haemophilia” there shall be inserted the words “or who is a qualifying person”;

(e) in sub-paragraph (5) after the words “suffered from haemophilia” there shall be inserted the words “or who was a qualifying person”;

(f) after sub-paragraph (6) there shall be added the following sub-paragraph—

“(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund.”.

(7) In Schedule 3 (capital to be disregarded)—

(a) in paragraph 23—

(i) in sub-paragraph (1) after the words “(“the Trusts”),” there shall be inserted the words “the Fund”;

(ii) in sub-paragraph (2) after the words “suffered from haemophilia” there shall be inserted the words “or who is or was a qualifying person”;

(iii) in sub-paragraph (3)—

- (aa) after the words “suffered from haemophilia” there shall be inserted the words “or who is or was a qualifying person”;
- (bb) in head (a) after the words “suffering from haemophilia” there shall be inserted the words “or who is a qualifying person”;
- (iv) in sub-paragraph (4) after the words “suffering from haemophilia” there shall be inserted the words “or who is a qualifying person”;
- (v) in sub-paragraph (5) after the words “suffered from haemophilia” there shall be inserted the words “or who was a qualifying person”;
- (vi) after sub-paragraph (6) there shall be added the following sub-paragraph—
  - “(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund.”;
- (b) in paragraph 31 for the words “or the Macfarlane (Special Payments) (No. 2) Trust” there shall be substituted the words “, the Macfarlane (Special Payments) (No. 2) Trust or the Fund”.

#### **Amendment of the Housing Benefit Regulations**

**5.—(1)** The Housing Benefit Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2(1) (interpretation)—

- (a) after the definition of “polygamous marriage” there shall be inserted the following definition—

““qualifying person” means a person in respect of whom payment has been made from the Fund;”;

- (b) after the definition of “supplementary benefit” there shall be inserted the following definition—

““the Fund” means moneys made available from time to time by the Secretary of State for the benefit of persons eligible for payment in accordance with the provisions of a scheme established by him on 24th April 1992 or, in Scotland, on 10th April 1992;”.

(3) In regulation 35(3) (notional income) after the words “the Macfarlane (Special Payments) (No. 2) Trust” there shall be inserted the words “, the Fund”.

(4) In regulation 40(6) (income treated as capital) after the words “the Macfarlane (Special Payments) (No. 2) Trust” there shall be inserted the words “, the Fund”.

(5) In regulation 43(3) (notional capital) after the words “the Macfarlane (Special Payments) (No. 2) Trust” there shall be inserted the words “, the Fund”.

(6) In regulation 73(3) (evidence and information to be provided to an authority by a claimant)—

(a) in sub-paragraph (a)—

(i) in head (i) for the words “(payments in kind made by a charity or under certain trusts)” there shall be substituted the words “(certain payments in kind)”;

(ii) in head (ii) for the words “or the Macfarlane (Special Payments) (No. 2) Trust” there shall be substituted the words “, the Macfarlane (Special Payments) (No. 2) Trust or the Fund”;

(b) in sub-paragraph (b) after the words “under certain trusts” there shall be inserted the words “and certain other payments”.

(7) In Schedule 4 (sums to be disregarded in the calculation of income other than earnings), in paragraph 34—

- (a) in sub-paragraph (1) after the words “(“the Trusts”),” there shall be inserted the words “the Fund”;
- (b) in sub-paragraph (2) after the words “suffered from haemophilia” there shall be inserted the words “or who is or was a qualifying person”;
- (c) in sub-paragraph (3)—
  - (i) after the words “suffered from haemophilia” there shall be inserted the words “or who is or was a qualifying person”;
  - (ii) in head (a) after the words “suffering from haemophilia” there shall be inserted the words “or who is a qualifying person”;
- (d) in sub-paragraph (4) after the words “suffering from haemophilia” there shall be inserted the words “or who is a qualifying person”;
- (e) in sub-paragraph (5) after the words “suffered from haemophilia” there shall be inserted the words “or who was a qualifying person”;
- (f) after sub-paragraph (6) there shall be added the following sub-paragraph—

“(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund.”.

(8) In Schedule 5 (capital to be disregarded)—

- (a) in paragraph 23—
  - (i) in sub-paragraph (1) after the words “(“the Trusts”),” there shall be inserted the words “the Fund”;
  - (ii) in sub-paragraph (2) after the words “suffered from haemophilia” there shall be inserted the words “or who is or was a qualifying person”;
  - (iii) in sub-paragraph (3)—
- (aa) after the words “suffered from haemophilia” there shall be inserted the words “or who is or was a qualifying person”;
- (bb) in head (a) after the words “suffering from haemophilia” there shall be inserted the words “or who is a qualifying person”;
- (iv) in sub-paragraph (4) after the words “suffering from haemophilia” there shall be inserted the words “or who is a qualifying person”;
- (v) in sub-paragraph (5) after the words “suffered from haemophilia” there shall be inserted the words “or who was a qualifying person”;
- (vi) after sub-paragraph (6) there shall be added the following sub-paragraph—

“(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund.”.
- (b) in paragraph 32 for the words “or the Macfarlane (Special Payments) (No. 2) Trust” there shall be substituted the words “, the Macfarlane (Special Payments) (No. 2) Trust or the Fund”.

### **Amendment of the Income Support Regulations**

**6.—**(1) The Income Support Regulations shall be amended in accordance with the following paragraphs of this regulation.

- (2) In regulation 2(1) (interpretation)—

- (a) after the definition of “polygamous marriage” there shall be inserted the following definition—
- ““qualifying person” means a person in respect of whom payment has been made from the Fund;”;
- (b) after the definition of “terminal date” there shall be inserted the following definition—
- ““the Fund” means moneys made available from time to time by the Secretary of State for the benefit of persons eligible for payment in accordance with the provisions of a scheme established by him on 24th April 1992 or, in Scotland, on 10th April 1992;”.
- (3) In regulation 42(4) (notional income) after the words “the Macfarlane (Special Payments) (No. 2) Trust” there shall be inserted the words “, the Fund”.
- (4) In regulation 48(10)(c) (income treated as capital) after the words “the Macfarlane (Special Payments) (No. 2) Trust” there shall be inserted the words “, the Fund”.
- (5) In regulation 51(3) (notional capital) after the words “the Macfarlane (Special Payments) (No. 2) Trust” there shall be inserted the words “, the Fund”.
- (6) In regulation 72(1)(a) (assessment of income and capital in urgent cases) after the words “the Macfarlane (Special Payments) (No. 2) Trust” there shall be inserted the words “, the Fund”.
- (7) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings)—
- (a) in paragraph 21(2) after the words “the Macfarlane (Special Payments) (No. 2) Trust” there shall be inserted the words “, the Fund”;
- (b) in paragraph 39—
- (i) in sub-paragraph (1) after the words “(“the Trusts”),” there shall be inserted the words “the Fund”;
- (ii) in sub-paragraph (2) after the words “suffered from haemophilia” there shall be inserted the words “or who is or was a qualifying person”;
- (iii) in sub-paragraph (3)—
- (aa) after the words “suffered from haemophilia” there shall be inserted the words “or who is or was a qualifying person”;
- (bb) in head (a), after the words “suffering from haemophilia” there shall be inserted the words “or who is a qualifying person”;
- (iv) in sub-paragraph (4) after the words “suffering from haemophilia” there shall be inserted the words “or who is a qualifying person”;
- (v) in sub-paragraph (5) after the words “suffered from haemophilia” there shall be inserted the words “or who was a qualifying person”;
- (vi) after sub-paragraph (6) there shall be added the following sub-paragraph—
- “(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund.”.
- (8) In Schedule 10 (capital to be disregarded)—
- (a) in paragraph 22—
- (i) in sub-paragraph (1) after the words “(“the Trusts”),” there shall be inserted the words “the Fund”;
- (ii) in sub-paragraph (2) after the words “suffered from haemophilia” there shall be inserted the words “or who is or was a qualifying person”;
- (iii) in sub-paragraph (3)—



- (aa) after the words “suffered from haemophilia” there shall be inserted the words “or who is or was a qualifying person”;
- (bb) in head (a) after the words “suffering from haemophilia” there shall be inserted the words “or who is a qualifying person”;
  - (iv) in sub-paragraph (4) after the words “suffering from haemophilia” there shall be inserted the words “or who is a qualifying person”;
  - (v) in sub-paragraph (5) after the words “suffered from haemophilia” there shall be inserted the words “or who was a qualifying person”;
  - (vi) after sub-paragraph (6) there shall be added the following sub-paragraph—
    - “(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund.”.
- (b) in paragraph 29 for the words “or the Macfarlane (Special Payments) (No. 2) Trust” there shall be substituted the words “, the Macfarlane (Special Payments) (No. 2) Trust or the Fund”.

#### **Amendment of the Social Security (Recoupment) Regulations**

7. In regulation 4 of the Social Security (Recoupment) Regulations (exempt payments) after paragraph (f) there shall be added the following paragraph—

- “(g) any payment made by or on behalf of the Secretary of State for the benefit of persons eligible for payment in accordance with the provisions of a scheme established by him on 24th April 1992 or, in Scotland, on 10th April 1992.”.

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

6th May 1992

*Alistair Burt*  
Parliamentary Under-Secretary of State,  
Department of Social Security

**Status:** This is the original version (as it was originally made).

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## **EXPLANATORY NOTE**

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

These Regulations amend the Community Charge Benefits (General) Regulations 1989, the Disability Working Allowance (General) Regulations 1991, the Family Credit (General) Regulations 1987, the Housing Benefit (General) Regulations 1987 and the Income Support (General) Regulations 1987 to provide that in calculating a claimant's income and capital for determining his entitlement to those benefits, payments made in accordance with the provisions of a scheme established by the Secretary of State on 24th April 1992 and in Scotland, on 10th April 1992, for the benefit of certain persons, are to be disregarded.

They also amend the Social Security (Recoupment) Regulations 1990 so as to exempt such payments from the effects of section 22 of the Social Security Act 1989 (Recovery from damages etc. of sums equivalent to benefit).