
STATUTORY INSTRUMENTS

1992 No. 1326

SOCIAL SECURITY

HOUSING, ENGLAND AND WALES

HOUSING, SCOTLAND

The Income-Related Benefits Amendment Regulations 1992

Made - - - - 4th June 1992

Laid before Parliament 10th June 1992

Coming into force in accordance with regulation 2

The Secretary of State for Social Security, in exercise of the powers conferred by sections 22(1), 84(1) and 89(1A) of the Social Security Act 1986⁽¹⁾ and section 166(1) to (3) of the Social Security Act 1975⁽²⁾ and of all other powers enabling him in that behalf, the Social Security Advisory Committee having agreed that proposals in respect of these Regulations should not be referred to it⁽³⁾, hereby makes the following Regulations:

Citation

1. These Regulations may be cited as the Income-Related Benefits Amendment Regulations 1992.

Commencement

2.—(1) Regulation 1, this regulation and regulations 5 and 6 shall come into force on 5th October 1992.

(2) Regulations 3 and 4, in so far as they relate to a particular claimant, shall come into force on the first day of the first benefit week to commence for that claimant on or after 5th October 1992, and for the purposes of this paragraph, the expressions “benefit week” and “claimant” have the same meanings as in regulation 2(1) of the Income Support (General) Regulations 1987⁽⁴⁾.

(1) 1986 c. 50; section 84(1) is an interpretation provision and is cited because of the meanings assigned to the words “prescribed” and “regulations”; section 89(1A) was inserted by the Social Security Act 1989 (c. 24), Schedule 8, paragraph 10(2).
(2) 1975 c. 14; section 166(1) to (3) is applied by section 83(1) of the Social Security Act 1986; section 166(3) was amended by the Social Security Act 1989 (c. 24), Schedule 8, paragraph 10(1).
(3) See section 61(1)(a) and (10) of the Social Security Act 1986; the Social Security Act 1989 (c. 24), Schedule 8, paragraph 12(4) added a definition of “regulations” to section 61(1) of the Act of 1986.
(4) S.I. 1987/1967; the relevant amending instrument is S.I. 1988/1445.

Amendment of the Income Support (General) Regulations 1987

3.—(1) The Income Support (General) Regulations 1987 shall be further amended in accordance with the following provisions of this regulation.

(2) In paragraph 15 of Part IV of Schedule 2(5)—

- (a) in sub-paragraph (2) (pensioner premium) for the amounts “£14.70” and “£22.35” there shall be substituted the amounts “£16.70” and “£25.35” respectively;
- (b) in sub-paragraph (2A) (pensioner premium for persons aged 75 and over) for the amounts “£16.65” and “£25.00” there shall be substituted the amounts “£18.65” and “£28.00” respectively; and
- (c) in sub-paragraph (3) (higher pensioner premium), for the amounts “£20.75” and “£29.55” there shall be substituted the amounts “£22.75” and “£32.55” respectively.

(3) In paragraph 5 of Schedule 3A(6) (reduction of protected sum)—

- (a) in sub-paragraph (1), for the words “sub-paragraphs (2) to (5)” there shall be substituted the words “sub-paragraphs (2) to (6)”; and
- (b) after sub-paragraph (5) there shall be added the following sub-paragraph—

“(6) Where by virtue of the coming into force of regulation 3(1) and (2) of the Income-Related Benefits Amendment Regulations 1992(7) a claimant’s applicable amount increases in his benefit week beginning on a day during the period of 7 days beginning on 5th October 1992, no account shall be taken of that increase.”.

(4) In paragraph 4 of Schedule 3B(8) (reduction of protected sum)—

- (a) in sub-paragraph (1) for the words “sub-paragraphs (2) to (4)” there shall be substituted the words “sub-paragraphs (2) to (5)”; and
- (b) after sub-paragraph (4) there shall be added the following sub-paragraph—

“(5) Where by virtue of the coming into force of regulation 3(1) and (2) of the Income-Related Benefits Amendment Regulations 1992 a claimant’s applicable amount increases in his benefit week beginning on a day during the period of 7 days commencing on 5th October 1992, no account shall be taken of that increase.”.

Amendment of Income Support (Transitional) Regulations

4. In regulation 14 of the Income Support (Transitional) Regulations 1987(9)(reduction and termination of transitional and personal expenses addition), after paragraph (1DA) there shall be inserted the following paragraph—

“(1DZA) Notwithstanding paragraph (1)(a) or (d), the amount of a claimant’s transitional addition shall not be reduced if, and to the extent that, the increase in his applicable amount is attributable to the amendments made by regulation 3(1) and (2) of the Income-Related Benefits Amendment Regulations 1992 and that increase in his applicable amount takes effect in his benefit week beginning on a day during the period of 7 days commencing on 5th October 1992.”.

(5) The weekly rates were updated by S.I. 1991/2910; sub-paragraphs (2) and (2A) were substituted by S.I. 1989/534, regulation 5(c).

(6) Schedule 3A was inserted by S.I. 1988/1445; the relevant amending instruments are S.I. 1989/534, 1990/547, 2324, and 1991/1559.

(7) S.I. 1992/1326.

(8) Schedule 3B was inserted by S.I. 1989/534, Schedule 2; the relevant amending instruments are S.I. 1990/547, 2324 and 1991/1559.

(9) S.I. 1987/1969; the relevant amending instruments are S.I. 1988/521, 670, 1989/1626, 1990/2324 and 1991/1600.)

Amendment of the Housing Benefit (General) Regulations 1987

5.—(1) Paragraph 15 of Part IV of Schedule 2 to the Housing Benefit (General) Regulations 1987⁽¹⁰⁾ shall be amended in accordance with paragraphs (2) to (4) below.

(2) In sub-paragraph (2)⁽¹¹⁾ (pensioner premium) for the amounts “£14.70” and “£22.35” there shall be substituted the amounts “£16.70” and “£25.35” respectively.

(3) In sub-paragraph (2A) (pensioner premium for persons aged 75 and over) for the amounts “£16.65” and “£25.00” there shall be substituted the amounts “£18.65” and “£28.00” respectively.

(4) In sub-paragraph (3) (higher pensioner premium), for the amounts “£20.75” and “£29.55”, there shall be substituted the amounts “£22.75” and “£32.55” respectively.

Amendment of the Community Charge Benefits (General) Regulations

6.—(1) Paragraph 17 of Part IV of Schedule 1 to the Community Charge Benefits (General) Regulations 1989⁽¹²⁾ shall be amended in accordance with paragraphs (2) to (4) below.

(2) In sub-paragraph (2) (pensioner premium) for the amounts “£14.70” and “£22.35” there shall be substituted the amounts “£16.70” and “£25.35” respectively.

(3) In sub-paragraph (3) (pensioner premium for persons aged 75 or over) for the amounts “£16.65” and “£25.00” there shall be substituted the amounts “£18.65” and “£28.00” respectively.

(4) In sub-paragraph (4) (higher pensioner premium), for the amounts “£20.75” and “£29.55” there shall be substituted the amounts “£22.75” and “£32.55” respectively.

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

4th June 1992

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

⁽¹⁰⁾ S.I. 1987/1971; the amounts in paragraph 15 were updated by S.I. 1991/2910.

⁽¹¹⁾ Sub-paragraphs (2) and (2A) were substituted by S.I. 1989/416.

⁽¹²⁾ S.I. 1989/1321; Part IV has effect as set out in Schedule 11 to S.I. 1991/2910.

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 further amend the Income Support (General) Regulations 1987, the Housing Benefit (General) Regulations 1987 and the Community Charge Benefits (General) Regulations 1989 so as to uprate the amounts of the pensioner premium and higher pensioner premium with effect from 5th October 1992. They further provide for the amount of the increase to be disregarded in determining the amount of the claimant's transitional addition under the Income Support (Transitional) Regulations 1987.

These Regulations, in so far as they relate to housing benefit and community charge benefits, have the effect of increasing amounts specified in the Housing Benefit (General) Regulations 1987 and the Community Charge Benefits (General) Regulations 1989. In accordance with section 61(7) of the Social Security Act 1986 the Secretary of State is not required to consult, and has not consulted, with organisations appearing to him to be representative of local authorities.