

1992 No. 2182

SOCIAL SECURITY

Fines (Deductions from Income Support)
Regulations 1992

Made - - - - 9th September 1992

Laid before Parliament 10th September 1992

Coming into force - 1st October 1992

The Secretary of State for Social Security, in exercise of powers conferred by sections 24 and 30 of the Criminal Justice Act 1991^(a) and of all other powers enabling him in that behalf, after consultation with the Council on Tribunals in accordance with section 10 of the Tribunals and Inquiries Act 1971^(b), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Fines (Deductions from Income Support) Regulations 1992 and shall come into force on 1st October 1992.

(2) In these Regulations, unless the context otherwise requires—

“the 1971 Act” means the Vehicles (Excise) Act 1971^(c);

“the 1973 Act” means the Powers of Criminal Courts Act 1973^(d);

▶¹“the 1998 Act” means the Social Security Act 1998; ◀

▶²“the 2012 Act” means the Welfare Reform Act 2012; ◀

▶¹ ◀

“application” means an application ▶³for benefit deductions made under Schedule 5 to the Courts Act 2003 ◀ made under regulation 2 ▶⁴ ◀ containing the information specified in regulation 3(1);

▶²“assessment period” means the period prescribed by regulation 21 of the UC Regulations; ◀

▶⁵ ◀

“benefit week” has the meaning prescribed in regulation 2(1) of the Income Support Regulations ▶⁶or, as the case may be ▶⁷regulation 1(2) of the State Pension Credit Regulations 2002^(e) or ◀, regulation 1(3) of the Jobseeker’s Allowance Regulations 1996^(f) ▶⁸or regulation 2(1) of the Employment and Support Allowance Regulations; ◀

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

▶¹“Commissioner” has the meaning it bears in section 39(1) of the 1998 Act; ◀

¹Defn. of “the 1998 Act” substituted for defn. of “the 1992 Act”, defn. of “adjudication officer” & “appropriate appeal court” omitted and defn. of “Commissioner” substituted by para. 1 of Sch. 12 to S.I. 1999/3178 as from 29.11.99.
²Defns. of “the 2012 Act” & “assessment period” inserted by reg. 3(2) & (3) of S.I. 2013/612 as from 29.4.13.
³Words in def. of “application” substituted by reg. 31(a)(i) of S.I. 2006/501 as from 27.3.06. These regulations extend to England and Wales only.
⁴Words omitted from defn. of “application” by reg. 2 of S.I. 2003/1360 as from 20.6.03.
⁵Defn. of “appropriate appeal court” omitted by para. 1 of Sch. 12 to S.I. 1999/3178 as from 29.11.99.
⁶Words added to defn. of “benefit week” by reg.10(a) of S.I. 1996/2344 as from 7.10.96.
⁷Words inserted in defn. of “benefit week” by reg. 32(2)(a) of S.I. 2002/3019 as from 6.10.03.
⁸Words inserted in defn. of “benefit week” by reg. 54(2)(a) of S.I. 2008/1554 as from 27.10.08.

(a) 1991 c. 53.

(b) 1971 c. 62.

(c) 1971 c. 10.

(d) 1973 c. 62.

(e) S.I. 2002/1792; the relevant amending instrument is S.I. 1996/2344.

(f) S.I. 1996/207.

(g) S.I. 1987/1968.

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¹Defn. of “contribution-based jobseeker’s allowance inserted by reg. 3(i) of S.I. 1998/563 as from 1.4.98.

²Words inserted in to defns. of “contribution-based jobseekers allowance”, “contributory employment & support allowance” & “payments to third parties” by reg. 3(4)-(6) of S.I. 2013/612 as from 29.4.13.

³Defns. of “contributory ESA”, “the ESA regulations” & “income-related employment & support allowance” inserted in reg. 1 by reg. 54(2)(b)-(d) of S.I. 2008/1554 as from 27.10.08.

⁴Defns. of “in default on a collection order”, “existing defaulter”, and “the fines officer” in reg. 1(2) inserted by reg. 31(a)(ii) of S.I. 2006/501 as from 27.3.06. These regulations extend to England and Wales only.

⁵Defn. of “income support” inserted in reg. 1(2) by reg. 10(b) of S.I. 1996/2344 as from 7.10.96.

⁶Defn. of “income-based jobseeker’s allowance” inserted in reg. 1(2) by reg. 3(i) of S.I. 1998/563 as from 1.4.98.

⁷Defns. of “Jobseekers Act” and “jobseeker’s allowance” inserted into reg. 1(2) by reg. 10(c) of S.I. 1996/2344 as from 7.10.96.

▶¹“contribution-based jobseeker’s allowance”, except in a case to which paragraph (b) of the definition of income-based jobseeker’s allowance applies, means a contribution-based jobseeker’s allowance under Part I of the Jobseekers Act 1995 ▶²as amended by the provisions of Part 1 of Schedule 14 to the 2012 Act that remove references to an income-based allowance or under Part 1 of the Jobseekers Act 1995 as it has effect apart from those amendments ◀ (a), but does not include any back to work bonus under section 26 of the Jobseekers Act which is paid as jobseeker’s allowance; ◀

▶³“contributory employment and support allowance” means a contributory allowance under Part 1 of the Welfare Reform Act ▶²as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the 2012 Act that remove references to an income-related allowance or under Part 1 of the Welfare Reform Act as it has effect apart from those amendments ◀; ◀

“court” means in England and Wales a magistrates’ court and in Scotland a court;

▶³“the Employment and Support Allowance Regulations” means the Employment and Support Allowance Regulations 2008; ◀

▶⁴“in default on a collection order” has the same meaning as it has under paragraph 24A of Schedule 5 to the Courts Act 2003;

“existing defaulter” has the same meaning as it has under paragraph 3 of Schedule 5 to the Courts Act 2003;

“the fines officer”, in relation to a person subject to a collection order made under Schedule 5 to the Courts Act 2003, means any fines officer working at the fines office specified in that order; ◀

“5 per cent. of the personal allowance for a single claimant aged not less than 25” means, where the percentage is not a multiple of 5 pence, the sum obtained by rounding that 5 per cent. to the next higher such multiple;

▶⁵“income support” means income support under Part VII of the Social Security Contributions and Benefits Act 1992 (b), but does not include any back to work bonus under section 26 of the Jobseekers Act which is paid as income support; ◀

▶⁶“income-based jobseeker’s allowance” means—

- (a) an income-based jobseeker’s allowance under Part I of the Jobseekers Act 1995; and
- (b) in a case where, if there was no entitlement to contribution-based jobseeker’s allowance, there would be entitlement to income-based jobseeker’s allowance at the same rate, contribution-based jobseeker’s allowance,

but does not include any back to work bonus under section 26 of the Jobseekers Act which is paid as jobseeker’s allowance; ◀

▶³“income-related employment and support allowance” means—

- (a) an income-related allowance under Part 1 of the Welfare Reform Act; and
- (b) in a case where, if there was no entitlement to contributory employment and support allowance, there would be entitlement to income-related employment and support allowance at the same rate, contributory employment and support allowance; ◀

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

▶⁷“Jobseekers Act” means the Jobseekers Act 1995 (d);

“jobseeker’s allowance” means an allowance under Part 1 of the Jobseekers Act but does not include any back to work bonus under section 26 of that Act which is paid as jobseeker’s allowance; ◀

“payments to third parties” means direct payments to third parties in accordance with Schedules 9 and 9A to the Claims and Payments Regulations, ▶²Schedule 6 to the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013 (e), ◀ regulation 2(4) of the Community Charges (Deductions from Income Support) (No. 2) Regulations 1990 (f) and regulation 2(4) of the Community Charges (Deductions from Income Support) (Scotland) Regulations

(a) 1995 c. 18.

(b) 1992 c. 4.

(c) S.I. 1987/1967; relevant amending instruments are S.I. 1988/1445 and S.I. 1991/2910.

(d) 1995 c. 18.

(e) 2013/380.

(f) S.I. 1990/545.

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1989(a) ►¹and regulation 2 of the Council Tax (Deduction from Income Support) Regulations 1993 ◀;

►²“personal allowance for a single claimant aged not less than 25” means—

- (a) in the case of a person who is entitled to either income support or state pension credit, the amount for the time being specified in paragraph 1(1)(e) of column (2) of Schedule 2 to the Income Support Regulations; or
- (b) in the case of a person who is entitled to an income-based jobseeker’s allowance, the amount for the time being specified in paragraph 1(1)(e) of column (2) of Schedule 1 to the Jobseeker’s Allowance Regulations 1996; ◀
- ³(c) in the case of a person who is entitled to an income-related employment and support allowance, the amount specified for the time being in paragraph 1(1)(b) of column 2 of schedule 4 to the Employment and Support Allowance Regulations; ◀

“social security office” means an office of the ►⁴Department for Work and Pensions which is open to the public for the receipt of claims for income support ►³, a jobseeker’s allowance or an employment and support allowance ◀◀;

►⁵“state pension credit” means the benefit of that name payable under the State Pension Credit Act 2002; ◀

►⁶“sum due” has the same meaning as it has in paragraph 2 of Schedule 5 to the Courts Act 2003; ◀

►⁷“tribunal” means an appeal tribunal constituted under Chapter I of Part I of the Act 1998; ◀

►⁸“the UC Regulations” means the Universal Credit Regulations 2013(b);

“universal credit” means universal credit under Part 1 of the 2012 Act; ◀

►⁹“the Welfare Reform Act” means the Welfare Reform Act 2007; ◀

See Sch. 2, para. 24 of S.I. 2010/1907 at page 13.9429 for details of modifications to reg. 1(2) as from 1.10.10.

(3) Unless the context otherwise requires, any reference in these Regulations to a numbered regulation, Part or Schedule is a reference to the regulation, Part or Schedule bearing that number in these Regulations and any reference in a regulation or Schedule to a numbered paragraph is a reference to the paragraph of that regulation or Schedule having that number.

►¹⁰Application for deductions from income support ►¹¹, ►⁶universal credit, ◀ state pension credit ◀ or ►⁹, jobseeker’s allowance or employment and support allowance ◀

►⁶ ◀

2.—(1) Where a fine has been imposed on an offender by a court or a sum is required to be paid by a compensation order which has been made against an offender by a court and (in either case) the offender is entitled to income support ►¹¹, ►⁶universal credit, ◀ state pension credit ◀ ►¹⁰ or ►⁹, jobseeker’s allowance or employment and support allowance ◀, the court may, subject to paragraph (2), apply to the Secretary of State asking him to deduct sums from any amounts payable to the offender by way of income support ►¹¹, ►⁶universal credit, ◀ state pension credit ◀ ►¹⁰ or ►⁹, jobseeker’s allowance or employment and support allowance ◀, in order to secure the payment of any sum which is or forms part of the fine or compensation.

(2) Before making an application the court ►¹² or the fines officer, as the case may be, ◀ shall make an enquiry as to the offender’s means.

►¹³Information that the court ►¹² or fines officer ◀ may require

2A.—(1) Where an application is made the court ►¹² or the fines officer, as the case may be, ◀ may require the offender to provide his full name, full address, date of birth, national insurance number and the name of any benefits to which he is entitled.

¹Words added to defn. of “payments to third parties” in reg. 1(2) by reg. 3(2) of S.I. 1993/495 as from 1.4.93.

²Defn. “personal allowance...” substituted by reg. 32(2)(b) of S.I. 2002/3019 as from 6.10.03.

³Para. (c) to defn. of “personal allowance...” inserted, & words in defn. of “social security office” substituted in reg. 1 by reg. 54(2)(e) & (f) of S.I. 2008/1554 as from 27.10.08.

⁴Words in defn. of “social security office” substituted by para. 22 of the Sch. to S.I. 2002/1397 as from 27.6.02.

⁵Defn. of “state pension credit” inserted in reg. 1(2) by reg. 32(2)(c) of S.I. 2002/3019 as from 6.10.03.

⁶Defn. of “sum due” inserted in reg 1(2) & Reg. 2(1) omitted by reg. 31(a)(iii) & (b)(i) of S.I. 2006/501 as from 27.3.06. These

regulations extend to England and Wales only.

⁷Defn. of “tribunal” substituted by para 1(d) of Sch. 12 to S.I. 1999/3178 as from 29.11.99.

⁸Defns. of “the UC Regulations”, “universal credit” & words in reg. 2 head & para. 2(1) by regs. 3(7) & 4 of S.I. 2013/612 as from 29.4.13.

⁹Defn. of “the Welfare Reform Act” inserted in reg. 1, words substituted in heading to reg. 2 & para. (1) by reg. 54(2)(g), 54(3) & (4) of S.I. 2008/1554 as from 27.10.08.

¹⁰Heading to reg. 2 substituted & words inserted in reg. 2(1) by reg. 11(1) & (2) of S.I. 1996/2344 as from 7.10.96.

¹¹Words inserted in heading to & in reg. 2(1) by reg. 32(3) of S.I. 2002/3019 as from 6.10.03.

¹²Words inserted & substituted in reg. 2(2), heading to reg. 2A, regs. 2A & 3(1) & (2) by reg. 31(c) & (d) of S.I. 2006/501 as from 27.3.06. These regulations extend to England and Wales only.

¹³Reg. 2A inserted by reg. 2(A) of S.I. 2004/2889 as from 18.12.04.

(a) S.I. 1989/507; relevant amending instrument is S.I. 1990/113.

(b) 2013/376.

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¹Words substituted in para. 2A(2) by reg. 54(4) of S.I. 2008/1554 as from 27.10.08.

²Words omitted in reg. 3(1) by reg. 2 of S.I. 2003/1360 as from 20.6.03.

³Words inserted & substituted in reg. 3(1) to 4(1) by reg. 31(d) & (e) of S.I. 2006/501 as from 27.3.06. These regulations extend to England and Wales only.

⁴Reg. 4 substituted for regs. 4 to 6A by para. 2 of Sch. 12 to S.I. 1999/3178 as from 29.11.99.

⁵Words inserted in heading & reg. 4(1)(a) by reg. 32(4) of S.I. 2002/3019 as from 6.10.03.

⁶Words & paras. (1A)-(1D), (2) & (2A) inserted & substituted in reg. 4 & head by reg. 5(1)-(4) of S.I. 2013/612 as from 29.4.13.

⁷Words in reg. 4(1)(a) & (2)(a) substituted & inserted by reg. 54(5)(a) & (b) of S.I. 2008/1554 as from 27.10.08.

⁸Words in reg. 4(1) substituted by reg. 2(b) of S.I. 2004/2889 as from 18.12.04.

(2) For the purposes of this regulation “benefits” means income support, state pension credit ¹, a jobseeker’s allowance or an employment and support allowance. ²

Contents of application

3.—(1) An application ³ shall contain the following information—

- (a) the name and address of the offender, and, if it is known, the date of birth;
- (b) the date when the fine was imposed or the ³order requiring payment of the sum due ⁴ compensation order made;
- (c) the name and address of the court imposing the fine or making the ³order requiring payment of the sum due ⁴ compensation order;
- (d) the amount of the ³sum due ⁴ fine or the amount payable by the compensation order as the case may be;
- (e) the date on which the application is made;
- (f) the date on which the court enquired into the offender’s means;
- ³(g) whether the offender—
 - (i) is an existing defaulter and his existing default cannot be disregarded;
 - (ii) has consented to the making of the application; or
 - (iii) is in default on a collection order; ⁴
- (g) whether the offender has defaulted in paying the fine, compensation order or any instalment of either.

(2) A court ³ or a fines officer, as the case may be, ⁴ making an application shall serve it on the Secretary of State by sending or delivering it to a social security office.

(3) Where it appears to the Secretary of State that an application from a court ³ or a fines officer, as the case may be, ⁴ gives insufficient information to enable the offender to be identified, he may require the court ³ or the fines officer, as the case may be, ⁴ to furnish such further information as he may reasonably require for that purpose.

⁴Deductions from offender’s income support ⁵, ⁶universal credit, ⁴ state pension credit ⁴ or jobseeker’s allowance

4.—(1) Subject to regulation 7, where—

- (a) the Secretary of State receives an application from a court ³ or a fines officer, as the case may be, ⁴ in respect of an offender who is entitled to income support ⁵, state pension credit ⁴ ⁷, income-based jobseeker’s allowance or income-related employment and support allowance ⁴
- (b) the amount payable by way of that benefit, after any deduction under this paragraph, is 10 pence or more; and
- (c) the aggregate amount payable under one or more of the following provisions, namely, paragraphs 3(2)(a), 5(6), 6(2)(a) and 7(3)(a) and (5)(a) of Schedule 9 to the Claims and Payments Regulations, and regulation 2 of the Council Tax (Deductions from Income Support) Regulations 1993, together with the amount to be deducted under this paragraph does not exceed an amount equal to 3 times 5 per cent. of the personal allowance for a single claimant aged not less than 25 years,

the Secretary of State may deduct a sum from that benefit which is equal to 5 per cent. of the personal allowance for a single claimant aged not less than 25 ⁸ or £5, whichever is the greater amount allowed by sub-paragraphs (b) and (c) ⁴ and pay that sum to the court ³ by or for which the application was made ⁴ towards satisfaction of the fine ³ sum due ⁴ or the sum required to be paid by compensation order.

⁶(1A) Subject to paragraphs (1C) and (1D) and regulation 7, where the Secretary of State receives an application from a court in respect of an offender who is entitled

to universal credit, the Secretary of State may deduct from the universal credit payable to the offender an amount permitted by paragraph (1B) and pay that amount to the court towards satisfaction of the fine or the sum required to be paid by compensation order.

(1B) The amount that may be deducted under paragraph (1A) is any sum which is no less than 5 per cent. of the appropriate universal credit standard allowance for the offender for the assessment period in question under regulation 36 of the UC Regulations but no greater than £108.35.

(1C) No amount may be deducted under paragraph (1A) where it would reduce the amount of universal credit payable to the offender to less than 1 penny.

(1D) For the purpose of paragraph (1B), where 5 per cent. of the appropriate universal credit standard allowance results in a fraction of a penny, that fraction is to be disregarded if it is less than half a penny and otherwise it is to be treated as a penny.

(2) Subject to paragraph (3) and regulation 7, where—

- (a) the Secretary of State receives an application from a court in respect of an offender who is entitled to contribution-based jobseeker's allowance or contributory employment and support allowance; and
- (b) the amount of that allowance payable, before any deduction under this paragraph, is 10 pence or more,

the Secretary of State may deduct a sum from that allowance, up to the appropriate maximum specified in paragraph (2A), and pay that sum to the court towards satisfaction of the fine or the sum required to be paid by compensation order.

(2A) The appropriate maximum is 40 per cent. of the appropriate age-related amount for the offender specified—

- (a) where the offender is entitled to contribution-based jobseeker's allowance, in regulation 79 of the Jobseeker's Allowance Regulations 1996 or, as the case may be, regulation 49 of the Jobseeker's Allowance Regulations 2013^(a);
- (b) where the offender is entitled to contributory employment and support allowance, in paragraph 1(1) of Schedule 4 to the Employment and Support Allowance Regulations or, as the case may be, regulation 62(1)(b) of the Employment and Support Allowance Regulations 2013^(b).◀

Reg. 4(2) is reproduced in full below for saving provision purposes. See S.I. 2013/612 at page 6.2343, reg. 5(6) for when to apply.

(2) Subject to paragraphs (3) and (4) and regulation 7, where—

- (a) the Secretary of State receives an application from a court in respect of an offender who is entitled to contribution-based jobseeker's allowance ▶¹or contributory employment and support allowance◀; and
- ▶¹(b) the amount payable, before any deductions under this paragraph, of—
 - (i) contribution-based jobseeker's allowance is equal to or more than one-third of the age related amount applicable to the offender under section 4(1)(a) of the Jobseeker's Act; or
 - (ii) contributory employment and support allowance is equal to or more than one third of the amount applicable to the offender under section 2(1)(a) of the Welfare Reform Act,

as the case may be,◀

¹Reg. 4(2)(a) inserted & (b) substituted by reg. 54(5)(b) of S.I. 2008/1554 as from 27.10.08.

(a) S.I. 2013/378.

(b) S.I. 2013/379.

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¹Words in reg. 4(2) inserted by reg. 54(5)(b) of S.I. 2008/1554 as from 27.10.08.

the Secretary of State may deduct a sum from that benefit which is equal to one-third of the age-related amount applicable to the offender under section 4(1)(a) of the Jobseekers Act ¹or under section 2(1)(a) of the Welfare Reform Act ~~and~~ and pay that sum to the court towards satisfaction of the fine or the sum required to be paid by compensation order.

(3) No deduction shall be made under paragraph (2) where a deduction is being made from the offender's contribution-based jobseeker's allowance under the Community Charges (Deductions from Income Support) (No. 2) Regulations 1990, the Community Charges (Deductions from Income Support) (Scotland) Regulations 1989 or the Council Tax (Deductions from Income Support) Regulations 1993.

²Reg. 6(4) omitted, words and reg. 7(1A) inserted & substituted in regs. 6 & 7 by regs. 5(4) & 6 of S.I. 2013/612 as from 29.4.13.

(4) ~~▶²◀~~

(5) The Secretary of State shall notify the offender and the court in writing of a decision to make a deduction under this regulation so far as is practicable within 14 days from the date on which he made the decision and at the same time shall notify the offender of his right of appeal. ~~◀~~

Circumstances, time of making and termination of deductions

³Words substituted in reg. 7(1) by para. 3(a) of Sch. 12 to S.I. 1999/3178 as from 29.11.99.

⁴Words inserted in reg. 7 by reg. 32(5) of S.I. 2002/3019 as from 6.10.03.

⁵Words substituted in reg. 7(1)-(4) by reg. 54(6) of S.I. 2008/1554 as from 27.10.08.

7.—(1) The Secretary of State may make deductions from ~~▶³under ▶²regulation 4(1) or (2)◀◀~~ only if—

- (a) the offender is entitled to income support ~~▶⁴~~, state pension credit ~~◀ ▶⁵~~, jobseeker's allowance or employment and support allowance ~~◀~~ throughout any benefit week; and
- (b) no deductions are being made in respect of the offender under any other application.

~~▶²(1A)~~ The Secretary of State may make deductions from universal credit under regulation 4(1A) only if—

- (a) the offender is entitled to universal credit throughout any assessment period; and
- (b) no deductions are being made in respect of the offender under any other application. ~~◀~~

(2) The Secretary of State shall not make a deduction unless—

- (a) the offender at the date of application by the court is aged not less than 18;
- (b) the offender is entitled to income support ~~▶³~~, ~~▶²universal credit~~, ~~◀~~ state pension credit ~~◀ ▶⁵~~, jobseeker's allowance or employment and support allowance ~~◀~~; and

(c) ~~▶⁶◀~~

(3) The Secretary of State shall make deductions from income support ~~▶³~~, ~~▶²universal credit~~, ~~◀~~ state pension credit ~~◀ ▶⁵~~, jobseeker's allowance or employment and support allowance ~~◀~~ by reference to the times at which payment of income support ~~▶³~~, ~~▶²universal credit~~, ~~◀~~ state pension credit ~~◀ ▶⁵~~, jobseeker's allowance or employment and support allowance ~~◀~~ is made to the offender **(a)**.

(4) The Secretary of State shall cease making deductions from income support ~~▶⁵~~, ~~▶²universal credit~~, ~~◀~~ jobseeker's allowance or employment and support allowance ~~◀~~ if—

- (a) there is no longer sufficient entitlement to income support ~~▶³~~, ~~▶²universal credit~~, ~~◀~~ state pension credit ~~◀ ▶⁵~~, jobseeker's allowance or employment and support allowance ~~◀~~ to enable him to make the deduction;
- (b) entitlement to income support ~~▶¹~~, state pension credit ~~◀ ▶²~~, jobseeker's allowance or employment and support allowance ~~◀~~ ceases;

⁶Words omitted in regs. 7(2)(c) by reg. 31(f)(i) of S.I. 2006/501 as from 27.3.06. These regulations extend to England and Wales only.

(a) See Schedule 7 to S.I. 1987/1968.

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- (c) a court ³or a fines officer, as the case may be, ⁴withdraws its ³or his ⁴application for deductions to be made; or
- (d) the liability to make payment of the ³sum due ⁴fine or under the compensation order as the case may be has ceased.

⁴(5) The Secretary of State shall not determine any application under regulation 2 which relates to an offender in respect of whom

- (a) he is making deductions; or
- (b) deductions fall to be made,

pursuant to an earlier application under that regulation until no deductions to that earlier application fall to be made. ⁴

(6) Payments of sums deducted from income support ¹, state pension credit ², jobseeker's allowance or employment and support allowance ⁴ by the Secretary of State under these Regulations shall be made to the court at intervals of 13 weeks.

(7) Where the whole of the amount to which the application relates has been paid, the court ³or the fines officer, as the case may be, ⁴shall so far as is practicable give notice of that fact within 21 days to the Secretary of State.

(8) The Secretary of State shall notify the offender in writing of the total of sums deducted by him under any application—

- (a) on receipt of a written request for such information from the offender; or
- (b) on the termination of deductions made under any such application.

Withdrawal of application

8. A court ⁵or a fines officer, as the case may be, ⁴may withdraw an application at any time by giving notice in writing to the social security office to which the application was sent or delivered.

⁶Revision and supersession

9. Any decision of the Secretary of State under regulation 4 may be revised under section 9 of the 1998 Act or superseded under section 10 of that Act as though the decision were made under section 8(1)(c) of that Act.

Appeal

10. Any decision of the Secretary of State under regulation 4 (whether as originally made or as revised under regulation 9) may be appealed to a tribunal as though the decision were made on an award of a relevant benefit (within the meaning of section 8(3) of the 1998 Act) under section 8(1)(c) of the 1998 Act. ⁴

11.-15. ⁶

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

9th September 1992

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

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¹Words inserted in reg. 7 by reg. 32(5) of S.I. 2002/3019 as from 6.10.03.

²Words substituted in reg. 7(4) & (6) by reg. 54(6) of S.I. 2008/1554 as from 27.10.08.

³Words substituted and inserted in regs. 7(4)(c) & (d) and 7(7), by reg. 31(f)(ii)-(iv) of S.I. 2006/501 as from 27.3.06. These regulations extend to England and Wales only.

⁴Reg. 7(5) substituted by para. 3(b) of Sch. 12 to S.I. 1999/3178 as from 29.11.99.

⁵Words inserted in reg. 8 by reg. 31(g) of S.I. 2006/501 as from 27.3.06. These regulations extend to England and Wales only.

⁶Regs. 9 and 10 substituted and regs. 11 to 15 revoked by paras. 4 and 5 of Sch. 12 to S.I. 1999/3178 as from 29.11.99.

Schs. 1-3

¹Schs. 1 and 2 revoked by para. 5 of Sch. 12 to S.I. 1999/3178 as from 29.11.99.

²Sch. 3 omitted by reg. 2 of S.I. 2003/1360 as from 20.6.03.

**EXPLANATORY NOTE**

(This note is not part of the Regulations)

These regulations provide for deductions to be made from income support where a fine or compensation order has been imposed upon a person (the offender) by a court to meet the sums due in respect of such fines and compensation orders.

The Regulations further provide that where an application to make such deductions is received by the Secretary of State the application shall be referred to an adjudication officer. The adjudication officer shall determine whether there is sufficient income support to allow such deductions to be made and where other deductions are being made from income support, the priority of deductions for fines and compensation orders in relation to those deductions. Provision is also made (in regulation 7) for deductions to be made in respect of one application at a time and that the Secretary of State should not make deductions unless the offender is 18 or more when the application is made. Provisions also establish circumstances in which deductions should cease and what order of priority should be given to multiple applications in respect of one offender.

Payment of deduction is to be made at intervals of 13 weeks by the Secretary of State to the court.

Provision is also made for appeals by the offender from the decision of the adjudication officer to the Social Security Appeal Tribunal and for further appeal by the offender and the adjudication officer to the Social Security Commissioners and from there by the debtor, adjudication officer and Secretary of State to the Court of appeal.

Incidental provision is made for setting aside decisions, correcting decision, the withdrawal of applications, time limits for making appeals and applications and service of notices.