
STATUTORY INSTRUMENTS

1995 No. 1045

**The Child Support and Income Support
(Amendment) Regulations 1995**

Amendment of Schedule 3 to the Maintenance Assessments and Special Cases Regulations

56.—(1) Schedule 3 to the Maintenance Assessments and Special Cases Regulations shall be amended in accordance with the following provisions of this regulation.

(2) In sub-paragraph (t) of paragraph 1 (eligible housing costs for purpose of determining exempt income and protected income) the words from “and only to the extent to which” to the end of the paragraph shall be omitted.

(3) In paragraph 2 (loans for repairs and improvements to the home) for the words “For the purposes of” there shall be substituted the words “ Subject to paragraph 2A (loans for repairs and improvements in transitional cases), for the purposes of ”.

(4) After paragraph 2 there shall be inserted the following paragraph—

“ Loans for repairs and improvements in transitional cases

2A. In the case of a loan entered into before the first date upon which a maintenance application or enquiry form is given or sent or treated as given or sent to the relevant person, for the purposes of paragraph 1(d) “repairs and improvements” means repairs and improvements of any description whatsoever.”.

(5) Paragraph 3 shall be amended—

(a) by adding at the end of sub-paragraph (4) the words “ including for the avoidance of doubt such a policy of insurance whose purpose is to secure the payment of monies due under the mortgage or charge in the event of the unemployment, sickness or disability of the insured. ”.

(b) by inserting, after sub-paragraph (5) ^{M1} the following sub-paragraphs—

“(5A) Where a plan within the meaning of regulation 4 of the Personal Equity Plans Regulations 1989 ^{M2} has been obtained and retained for the purpose of discharging a mortgage or charge on the home of the parent in question and also for the purpose of accruing profits upon the realisation of the plan, there shall be eligible to be taken into account as a housing cost—

(a) where the sum secured by the mortgage or charge does not exceed £60,000, the whole of the premiums payable in respect of the plan; and

(b) where the sum secured by the mortgage or charge exceeds £60,000, that part of the premiums payable in respect of the plan which is necessarily incurred for the purpose of discharging the mortgage or charge or, where that part cannot be ascertained, 0.0277 per centum of the amount secured by the mortgage or charge.

(5B) Where a personal pension plan has been obtained and retained for the purpose of discharging a mortgage or charge on the home of the parent in question and also for the

purpose of securing the payment of a pension to him, there shall be eligible to be taken into account as a housing cost 25 per centum of the contributions payable in respect of that personal pension plan.”.

- (c) in sub-paragraph (6) there shall be substituted—
 - (i) in head (a) for the words “any payment of arrears or any payments in excess of those required” the words “any payments in excess of those required”;
 - (ii) in head (b) for the words “they are attributable to arrears or would otherwise not be eligible” the words “they would not be eligible”.

(6) Paragraph 6 shall be amended as follows—

- (a) in sub-paragraph (a) for the words “paragraph 1” there shall be substituted the words “paragraph 1(a)(i)”;
- (b) after sub-paragraph (a) there shall be inserted the following sub-paragraph—
 - “(aa) where the costs are inclusive of charges, other than those which are not to be included by virtue of sub-paragraph (a), that part of those charges which exceeds the greater of the following amounts—
 - (i) the total of the charges other than those which are ineligible service charges within the meaning of paragraph 1 of Schedule 1 to the Housing Benefit Regulations (housing costs);
 - (ii) 25 per centum of the total amount of eligible housing costs;”.

Marginal Citations

M1 Sub-paragraph 5 was substituted by regulation 4(8) of [S.I. 1994/227](#).

M2 [S.I. 1989/469](#) relevant amendments were made by [S.I. 1990/678](#) and 1991/733.

Changes to legislation:

There are currently no known outstanding effects for the The Child Support and Income Support (Amendment) Regulations 1995, Section 56.