
STATUTORY INSTRUMENTS

1997 No. 1790

SOCIAL SECURITY

**The Social Security (Lone Parents)
(Amendment) Regulations 1997**

<i>Made</i>	- - - -	<i>24th July 1997</i>
<i>Laid before Parliament</i>		<i>30th July 1997</i>
<i>Coming into force</i>	- -	<i>6th April 1998</i>

The Secretary of State for Social Security, in exercise of the powers conferred on her by sections 123(1)(a), (d) and (e), 130(2) and (4), 131(10), 135(1), 136(4), 137(1) and (2)(i) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(1) and sections 4(5), 12(2), 35(1) and 36(1), (2) and (4) of the Jobseekers Act 1995(2) and of all other powers enabling her in that behalf, after consultation, in respect of provisions in these Regulations relating to housing benefit and council tax benefit, with organisations appearing to her to be representative of the authorities concerned(3) and after reference to the Social Security Advisory Committee(4), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Lone Parents) (Amendment) Regulations 1997 and shall come into force on 6th April 1998.

(2) In these Regulations—

“the Council Tax Benefit Regulations” means the Council Tax Benefit (General) Regulations 1992(5);

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987(6);

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- (1) 1992 c. 4; sections 123, 131, 135 and 137 are amended to have effect with respect to council tax benefit by Schedule 9 to the Local Government Finance Act 1992 (c. 14), paras. 1(1), 4, 8 and 9; section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”.
- (2) 1995 c. 18; section 35(1) is an interpretation provision and is cited because of the meaning ascribed to the words “prescribed” and “regulations”.
- (3) See section 176(1) of the Social Security Administration Act 1992 (c. 5).
- (4) See section 172(1) of the Social Security Administration Act 1992 (c. 5). Section 170(5) of that Act is amended to have effect in relation to enactments made under the Jobseekers Act 1995 by virtue of paragraph 67 of Schedule 2 to the Jobseekers Act 1995 (c. 18).
- (5) S.I. 1992/1814.
- (6) S.I. 1987/1971.

“the Income Support Regulations” means the Income Support (General) Regulations 1987(7);
 “the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations 1996(8).

Council tax benefit: students who are not excluded from entitlement

2. In regulation 40(3) of the Council Tax Benefit Regulations(9) (students who are not excluded from entitlement to council tax benefit)—

- (a) after sub-paragraph (a) there shall be inserted the following sub-paragraph—
 - “(aa) who is a lone parent;”;
- (b) in sub-paragraph (b)—
 - (i) after the word “include” there shall be inserted the word “the”;
 - (ii) the words “a family premium under paragraph 3(a) of Schedule 1,” shall be omitted.

Council tax benefit: amendment of provisions relating to family premium

3. In paragraph 3 of Schedule 1 to the Council Tax Benefit Regulations(10) (family premium)—

- (a) after “3.” there shall be inserted
 - “—
 - (1)”;
- (b) in head (a) of the renumbered sub-paragraph (1), for the words “and no premium is applicable under paragraph 9, 10, 11 or 12” there shall be substituted the words “to whom sub-paragraph (2) applies”;
- (c) after sub-paragraph (1) there shall be inserted the following sub-paragraphs—
 - “(2) The amount in sub-paragraph (1)(a) shall be applicable to a lone parent—
 - (a) who was entitled to council tax benefit on 5th April 1998 and whose applicable amount on that date included the amount applicable under sub-paragraph (a) of this paragraph as in force on that date; or
 - (b) on becoming entitled to council tax benefit where that lone parent—
 - (i) had been treated as entitled to that benefit in accordance with sub-paragraph (4) as at the day before the date of claim for that benefit; and
 - (ii) was entitled to housing benefit as at the date of claim for council tax benefit or would have been entitled to housing benefit as at that date had that day not fallen during a rent free period as defined in regulation 70(1) of the Housing Benefit (General) Regulations 1987(11) (“the Housing Benefit Regulations”),

and in respect of whom, all of the conditions specified in sub-paragraph (3) have continued to apply.
 - (3) The conditions specified for the purposes of sub-paragraph (2) are that, in respect of the period commencing on 6th April 1998—
 - (a) the claimant has not ceased to be entitled, or has not ceased to be treated as entitled, to council tax benefit;

(7) S.I. 1987/1967.

(8) S.I. 1996/207.

(9) Regulation 40(3) is amended by S.I. 1995/626 and 1996/1510, 1803 and 1944.

(10) Paragraph 3 is amended by S.I. 1996/1803.

(11) S.I. 1987/1971; the relevant amending instrument is S.I. 1990/546.

- (b) the claimant has not ceased to be a lone parent;
- (c) the claimant has not become entitled to either income support or to an income-based jobseeker's allowance; and
- (d) a premium under paragraph 9, 10, 11 or 12 has not become applicable to the claimant.

(4) For the purposes of sub-paragraphs (2)(b)(i) and (3)(a), a claimant shall be treated as entitled to council tax benefit during any period where he was not, or had ceased to be, so entitled and—

- (a) throughout that period, he had been awarded housing benefit and his applicable amount included the amount applicable under paragraph 3(1)(a) of Schedule 2 to the Housing Benefit Regulations(12); or
- (b) he would have been awarded housing benefit during that period had that period not been a rent free period as defined in regulation 70(1) of the Housing Benefit Regulations and his applicable amount throughout that period would have included the amount applicable under paragraph 3(1)(a) of Schedule 2 to those Regulations.”.

Council tax benefit: disregard of certain sums in the calculation of a lone parent's earnings

4. For paragraph 4 of Schedule 3 to the Council Tax Benefit Regulations(13) (disregard of certain sums in the calculation of a lone parent's earnings) there shall be substituted the following paragraph—

“4. In a case where the claimant is a lone parent, £25.”.

Council tax benefit: conditions for an extended payment

5. In paragraph 2(c) of Schedule 5A to the Council Tax Benefit Regulations(14) (conditions for an extended payment of council tax benefit)—

- (a) after head (i) there shall be inserted the following head—
 - “(ia) the claimant was a lone parent; or”;
- (b) in head (ii)—
 - (i) the words “pursuant to paragraph 3(a) (rate of family premium applicable to a lone parent) or,” shall be omitted;
 - (ii) after the word “carers,” there shall be inserted the words “pursuant to paragraph”.

Housing benefit: students who are treated as liable to make payments in respect of a dwelling

6. In regulation 48A(2) of the Housing Benefit Regulations(15) (students who are treated as liable to make payments in respect of a dwelling)—

- (a) after sub-paragraph (a) there shall be inserted the following sub-paragraph—
 - “(aa) who is a lone parent;”;
- (b) in sub-paragraph (b)—

(12) The relevant amending instruments are S.I. 1996/1803 and 1997/1790.

(13) Paragraph 4 is amended by S.I. 1996/1803.

(14) Schedule 5A is inserted by S.I. 1996/194 and amended by S.I. 1996/1510 and 1803.

(15) Regulation 48A is inserted by S.I. 1990/1549 and amended by S.I. 1990/1657, 1991/235, 1992/432, 1995/626 and 1996/1510 and 1803.

- (i) after the word “include” there shall be inserted the word “the”;
- (ii) the words “a family premium under paragraph 3(a) of Schedule 2,” shall be omitted.

Housing benefit: exclusions from reductions in the amounts of eligible rent relating to students

7. In regulation 51(2) of the Housing Benefit Regulations(16) (exclusions from reductions in the amounts of eligible rent relating to students)—

- (a) in sub-paragraph (c)(i), the words “a family premium under paragraph 3(a) of Schedule 2 or” shall be omitted;
- (b) after sub-paragraph (c)(i) there shall be inserted the following head—
 - “(ia) he is a lone parent; or”.

Housing benefit: amendment of provisions relating to family premium

8. In paragraph 3 of Schedule 2 to the Housing Benefit Regulations(17) (family premium)—

- (a) after “3.” there shall be inserted
 - “—
 - (1)”;
- (b) in head (a) of the renumbered sub-paragraph (1), for the words “and no premium is applicable under paragraph 9, 9A, 10 or 11” there shall be substituted the words “to whom sub-paragraph (2) applies”;
- (c) after sub-paragraph (1) there shall be inserted the following sub-paragraphs—
 - “(2) The amount in sub-paragraph (1)(a) shall be applicable to a lone parent—
 - (a) who was entitled to housing benefit on 5th April 1998 and whose applicable amount on that date included the amount applicable under sub-paragraph (a) of this paragraph as in force on that date; or
 - (b) who was not entitled to housing benefit on 5th April 1998 because that date fell during a rent free period as defined in regulation 70(1) (rent free periods) and his applicable amount on that date would have included the amount applicable under sub-paragraph (a) of this paragraph as in force on that date; or
 - (c) on becoming entitled to housing benefit where that lone parent—
 - (i) had been treated as entitled to that benefit in accordance with sub-paragraph (4)(a) as at the day before the date of claim for that benefit; and
 - (ii) was entitled to council tax benefit as at the date of claim for housing benefit,
 and in respect of whom, all of the conditions specified in sub-paragraph (3) have continued to apply.
 - (3) The conditions specified for the purposes of sub-paragraph (2) are that, in respect of the period commencing on 6th April 1998—
 - (a) the claimant has not ceased to be entitled, or has not ceased to be treated as entitled, to housing benefit;
 - (b) the claimant has not ceased to be a lone parent;

(16) Regulation 51(2)(c) is amended by S.I. 1995/626 and 1996/1803.

(17) Paragraph 3 is amended by S.I. 1996/1803.

- (c) the claimant has not become entitled to either income support or to an income-based jobseeker's allowance; and
 - (d) a premium under paragraph 9, 9A, 10 or 11 has not become applicable to the claimant.
- (4) For the purposes of sub-paragraphs (2)(c)(i) and (3)(a), a claimant shall be treated as entitled to housing benefit—
- (a) during any period where he was not, or had ceased to be, so entitled and throughout that period, he had been awarded council tax benefit and his applicable amount included the amount applicable under paragraph 3(1)(a) of Schedule 1 to the Council Tax Benefit (General) Regulations 1992(18);
 - (b) during any rent free period as defined for the purposes of regulation 70(1)."

Housing benefit: disregard of certain sums in the calculation of a lone parent's earnings

9. For paragraph 4 of Schedule 3 to the Housing Benefit Regulations(19) (disregard of certain sums in the calculation of a lone parent's earnings) there shall be substituted the following paragraph—

"4. In a case where the claimant is a lone parent, £25."

Housing benefit: conditions for an extended payment

10. In paragraph 2(c) of Schedule 5A to the Housing Benefit Regulations(20) (conditions for an extended payment of housing benefit)—

- (a) after head (i) there shall be inserted the following head—
 - "(ia) the claimant was a lone parent; or";
- (b) in head (ii)—
 - (i) the words "pursuant to paragraph 3(a) (rate of family premium applicable to a lone parent) or," shall be omitted;
 - (ii) after the word "carers," there shall be inserted the words "pursuant to".

Income support: amendment of provisions relating to family premium

11. In paragraph 3 of Schedule 2 to the Income Support Regulations(21) (family premium)—

- (a) after "3." there shall be inserted
"
(1)";
- (b) in head (a) of the renumbered sub-paragraph (1), for the words "and no premium is applicable under paragraph 9, 9A, 10 or 11" there shall be substituted the words "to whom sub-paragraph (2) applies";
- (c) after sub-paragraph (1) there shall be inserted the following sub-paragraphs—
 - "(2) The amount in sub-paragraph (1)(a) shall be applicable to a lone parent—

(18) S.I. 1992/1814; the relevant amending instruments are S.I. 1996/1803 and 1997/1790.

(19) Paragraph 4 is substituted by S.I. 1990/1775 and amended by S.I. 1996/1803.

(20) Schedule 5A is inserted by S.I. 1996/194 and amended by S.I. 1996/1510 and 1803.

(21) Paragraph 3 is amended by S.I. 1988/1445 and 1996/1803.

- (a) who was entitled to income support on 5th April 1998 and whose applicable amount on that date included the amount applicable under sub-paragraph (a) of this paragraph as in force on that date; or
- (b) on becoming entitled to income support where the claimant was entitled to an income-based jobseeker's allowance on 5th April 1998 and that claimant's applicable amount—
 - (i) on that date included the amount applicable under sub-paragraph (a) of paragraph 4 of Schedule 1 to the Jobseeker's Allowance Regulations 1996⁽²²⁾ ("the Jobseeker's Allowance Regulations") as in force on that date; and
 - (ii) on the last day of that award, included the amount applicable under paragraph 4(1)(a) of Schedule 1 to the Jobseeker's Allowance Regulations⁽²³⁾,
 and in respect of whom, all of the conditions specified in sub-paragraph (3) have continued to apply.
- (3) The conditions specified for the purposes of sub-paragraph (2) are that, in respect of the period commencing on 6th April 1998—
 - (a) the claimant has not ceased to be entitled, or has not ceased to be treated as entitled, to income support;
 - (b) the claimant has not ceased to be a lone parent; and
 - (c) a premium under paragraph 9, 9A, 10 or 11 has not become applicable to that claimant.
- (4) For the purpose of sub-paragraph (3)(a), a claimant shall be treated as entitled to income support during the period of an award of an income-based jobseeker's allowance, throughout which his applicable amount included the amount applicable under paragraph 4(1)(a) of Schedule 1 to the Jobseeker's Allowance Regulations.⁽²⁴⁾

Income support: disregard of certain sums in the calculation of a lone parent's earnings

12. For paragraph 5 of Schedule 8 to the Income Support Regulations⁽²⁴⁾ (disregard of certain sums in the calculation of a lone parent's earnings) there shall be substituted the following paragraph—

“5. In a case where the claimant is a lone parent and paragraph 4 does not apply, £15.”.

Jobseeker's allowance: amendment of provisions relating to family premium

13. In paragraph 4 of Schedule 1 to the Jobseeker's Allowance Regulations⁽²⁵⁾ (family premium)

- (a) after “4.” there shall be inserted
 - “—
 - (1)”;
- (b) in head (a) of the renumbered sub-paragraph (1), for the words “and no premium is applicable under paragraph 10, 11, 12 or 13” there shall be substituted the words “to whom sub-paragraph (2) applies”;

⁽²²⁾ S.I. 1996/207.

⁽²³⁾ The relevant amending instrument is S.I. 1997/1790.

⁽²⁴⁾ Paragraph 5 was amended by S.I. 1988/1445 and 1996/1803.

⁽²⁵⁾ Paragraph 4 is amended by S.I. 1996/1803.

- (c) after sub-paragraph (1) there shall be inserted the following sub-paragraphs—
- “(2) The amount in sub-paragraph (1)(a) shall be applicable to a lone parent—
- (a) who was entitled to an income-based jobseeker’s allowance on 5th April 1998 and whose applicable amount on that date included the amount applicable under sub-paragraph (a) of this paragraph as in force on that date; or
 - (b) on becoming entitled to an income-based jobseeker’s allowance where the claimant was entitled to income support on 5th April 1998 and that claimant’s applicable amount—
 - (i) on that date, included the amount applicable under sub-paragraph (a) of paragraph 3 of Schedule 2 to the Income Support Regulations as in force on that date; and
 - (ii) on the last day of that award, included the amount applicable under paragraph 3(1)(a) of Schedule 2 to the Income Support Regulations⁽²⁶⁾, and in respect of whom, all of the conditions specified in sub-paragraph (3) have continued to apply.
- (3) The conditions specified for the purposes of sub-paragraph (2) are that, in respect of the period commencing on 6th April 1998—
- (a) the claimant has not ceased to be entitled, or has not ceased to be treated as entitled, to an income-based jobseeker’s allowance;
 - (b) the claimant has not ceased to be a lone parent; and
 - (c) a premium under paragraph 10, 11, 12 or 13 has not become applicable to the claimant.
- (4) For the purpose of sub-paragraph (3)(a), a claimant shall be treated as entitled to an income-based jobseeker’s allowance during the period of an award of income support, throughout which his applicable amount included the amount applicable under paragraph 3(1)(a) of Schedule 2 to the Income Support Regulations.”.

Jobseeker’s allowance: disregard of certain sums in the calculation of a lone parent’s earnings

14. For paragraph 6 of Schedule 6 to the Jobseeker’s Allowance Regulations⁽²⁷⁾ (disregard of certain sums in the calculation of a lone parent’s earnings) there shall be substituted the following paragraph—

“**6.** In a case where the claimant is a lone parent and paragraph 5 does not apply, £15.”.

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

24th July 1997

Patricia Hollis
Parliamentary Under-Secretary of State,
Department of Social Security

⁽²⁶⁾ The relevant amending instrument is S.I. 1997/1790.

⁽²⁷⁾ Paragraph 6 is amended by S.I. 1996/1803.

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 amend the Income Support (General) Regulations 1987 (S.I.1987/1967), the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207), the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971) and the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814).

In particular, these Regulations prescribe the circumstances in which the applicable amount of a claimant for council tax benefit, housing benefit, income support and income-based jobseeker's allowance who is a lone parent, will include the lone parent rate of family premium (regulations 3, 8, 11 and 13).

These Regulations also make related amendments to those Regulations which—

- disregard certain sums in the calculation of a lone parent's earnings (regulations 4, 9, 12 and 14);
- change the conditions of entitlement of lone parents to an extended payment of housing benefit and council tax benefit (regulations 5 and 10);
- in council tax benefit, provide that students who are lone parents are not excluded from entitlement to that benefit (regulation 2) and in housing benefit, provide that students who are lone parents are treated as liable to make payments in respect of a dwelling (regulation 6) and that certain lone parents are excluded from reductions in eligible rent (regulation 7).

The Report of the Social Security Advisory Committee dated 13th March 1997 on the proposals referred to them in respect of these Regulations, together with a statement showing the extent to which these Regulations give effect to the Recommendations of the Committee, and in so far as they do not give effect to them, the reasons why not, are contained in Command Paper Cm 3713, published by The Stationery Office Ltd.

These Regulations do not impose a charge on business.