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## STATUTORY INSTRUMENTS

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# 1999 No. 2165

## SOCIAL SECURITY

### The Social Security Amendment (Sports Awards) Regulations 1999

<i>Made</i>	- - - -	<i>29th July 1999</i>
<i>Laid before Parliament</i>		<i>2nd August 1999</i>
<i>Coming into force</i>	- -	<i>23rd August 1999</i>

The Secretary of State for Social Security, in exercise of the powers conferred on him by sections 123(1), 136(3) and (5)(b), 137(1) and (2)(d) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992<sup>F1</sup> and sections 12(1) and (4)(b), 21, 35(1) and 36(1), (2) and (4) of, and paragraph 1(2)(b) of Schedule 1 to, the Jobseekers Act 1995<sup>F2</sup> and of all other powers enabling him in that behalf, after consultation, in respect of provisions in these Regulations relating to housing benefit and council tax benefit, with organisations appearing to the Secretary of State for Social Security to be representative of the authorities concerned<sup>F3</sup> and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it<sup>F4</sup>, hereby makes the following Regulations:

- F1** 1992 c.4; sections 123(1) and 137(1) were amended to have effect with respect to council tax benefit by Schedule 9 to the [Local Government Finance Act 1992 \(c.14\)](#), **paragraphs 1(1)** and 9; section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”.

**F2** 1995 c.18; section 35(1) is an interpretation provision and is cited because of the meaning ascribed to the words “prescribed” and “regulations”.

**F3** See section 176(1) of the [Social Security Administration Act 1992 \(c.5\)](#).

**F4** See the [Social Security Administration Act 1992 \(c.5\)](#), **sections 170** and 173(1)(b); paragraph 67 of Schedule 2 to the [Jobseekers Act 1995 \(c.18\)](#) added that Act to the list of “relevant enactments” in respect of which regulations must be referred to the Committee. Section 173(7) defines “regulations”.

#### Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security Amendment (Sports Awards) Regulations 1999 and shall come into force on 23rd August 1999.

(2) In relation to any particular claimant for either family credit or disability working allowance, regulations 2 and 4 of these Regulations shall have effect, where a claimant has an award of either of those benefits—

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- (a) which expires on 23rd August 1999, on 24th August 1999;
- (b) which expires after 23rd August 1999, on the day following the expiration of that award.

(3) In these Regulations—

<sup>F5</sup> ...

“the Disability Working Allowance Regulations” means the Disability Working Allowance (General) Regulations 1991<sup>F6</sup>;

“the Family Credit Regulations” means the Family Credit (General) Regulations 1987<sup>F7</sup>;

<sup>F5</sup> ...

“the Income Support Regulations” means the Income Support (General) Regulations 1987<sup>F8</sup>;

“the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations 1996<sup>F9</sup>.

**F5** Words in reg. 1(2) revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

**F6** [S.I. 1991/2887](#).

**F7** [S.I. 1987/1973](#).

**F8** [S.I. 1987/1967](#).

**F9** [S.I. 1996/207](#).

### Common amendments: definition of “sports award”

2.—(1) In each of the regulations specified in paragraph (2) below (interpretation), there shall be inserted the following definition in the appropriate place—

““sports award” means an award made by one of the Sports Councils named in section 23(2) of the National Lottery etc. Act 1993<sup>F10</sup> out of sums allocated to it for distribution under that section;”.

(2) The regulations specified in this paragraph are—

<sup>F11</sup>(a) .....

(b) regulation 2(1) of the Disability Working Allowance Regulations;

(c) regulation 2(1) of the Family Credit Regulations;

<sup>F12</sup>(d) .....

(e) regulation 2(1) of the Income Support Regulations;

(f) regulation 1(3) of the Jobseeker’s Allowance Regulations.

**F10** [1993 c.39](#).

**F11** Reg. 2(2)(a) revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

**F12** Reg. 2(2)(d) revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

### Amendment of the Council Tax Benefit Regulations

<sup>F13</sup>3. ....

**F13** Reg. 3 revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), [Sch. 1](#) (with regs. 2, 3, [Sch. 3](#), [Sch. 4](#))

## **Amendment of the Disability Working Allowance Regulations and of the Family Credit Regulations**

**4.—**(1) Both the Disability Working Allowance Regulations and the Family Credit Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) After sub-paragraph (d) in paragraph (3) in both regulation 6 of the Disability Working Allowance Regulations <sup>F14</sup> and regulation 4 of the Family Credit Regulations <sup>F15</sup>, there shall be added the following sub-paragraph—

- “(e) he is engaged in an activity in respect of which—
- (i) a sports award has been made, or is to be made, to him; and
  - (ii) no other payment is made or is expected to be made to him.”.

(3) At the end of paragraph (3) in both regulation 24 of the Disability Working Allowance Regulations and in regulation 21 of the Family Credit Regulations <sup>F16</sup> (earnings of self-employed earners) there shall be added the words “ nor shall it include any sports award ”.

(4) There shall be added as paragraph 63 of Schedule 3 to the Disability Working Allowance Regulations and as paragraph 65 of Schedule 2 to the Family Credit Regulations <sup>F17</sup> (sums to be disregarded in the calculation of income other than earnings) the following paragraph—

“(1) Any payment of a sports award except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or housing costs of any member of the family or any council tax for which any member of the family is liable.

(3) For the purposes of sub-paragraph (2)—

“food” does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made;

“housing costs” do not include accommodation costs incurred as a consequence of living away from home whilst training for, or competing in, the sport in respect of which the award was made;

“ordinary clothing and footwear” means clothing or footwear for normal daily use but does not include school uniforms or clothing or footwear used solely for sporting activities.”.

(5) There shall be added as paragraph 57 of Schedule 4 to the Disability Working Allowance Regulations and paragraph 58 of Schedule 3 to the Family Credit Regulations <sup>F18</sup> (sums to be disregarded in the calculation of capital) the following paragraph—

“(1) Any payment of a sports award for a period of 26 weeks from the date of receipt of that payment except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or housing costs of any member of the family or any council tax for which any member of the family is liable.

(3) For the purposes of sub-paragraph (2)—

“food” does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made;

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“housing costs” do not include accommodation costs incurred as a consequence of living away from home whilst training for, or competing in, the sport in respect of which the award was made; “ordinary clothing and footwear” means clothing or footwear for normal daily use but does not include school uniforms or clothing or footwear used solely for sporting activities.”

- F14** Regulation 6(3) was substituted by S.I. 1994/2139 and modified to include sub-paragraph (d) by S.I. 1998/2825.
- F15** Regulation 4 was substituted by S.I. 1992/573; paragraph (3) was substituted by S.I. 1994/2139 and modified to include sub-paragraph (d) by S.I. 1998/2825.
- F16** Both regulation 24(3) and 21(3) were added by S.I. 1994/2139.
- F17** Schedules 3 and 2 were modified to include paragraphs 62 and 64 respectively by S.I. 1998/2825.
- F18** Schedules 4 and 3 were modified to include paragraphs 56 and 57 respectively by S.I. 1998/2825.

### Amendment of the Housing Benefit Regulations

**F19** 5. ....

- F19** Reg. 5 revoked (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), Sch. 1 (with regs. 2, 3, Sch. 3, Sch. 4)

### 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 6 (persons not treated as engaged in remunerative work), after paragraph (1) **F20**, there shall be added the following paragraph—

- “(m) he is engaged in an activity in respect of which—
- (i) a sports award has been made, or is to be made, to him; and
- (ii) no other payment is made or is expected to be made to him.”.

(3) After paragraph (2)(b) in regulation 37 **F21** (earnings of self-employed earners) there shall be added the following sub-paragraph—

- “(c) any sports award.”.

(4) At the end of Schedule 9 **F22** (sums to be disregarded in the calculation of income other than earnings) there shall be added the following paragraph—

**“69.—(1)** Any payment of a sports award except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel, rent for which housing benefit is payable or any housing costs to the extent that they are met under regulation 17(1)(e) or 18(1)(f) (housing costs) or any accommodation charges to the extent that they are met under regulation 19 (persons in residential care or nursing homes), of the claimant or, where the claimant is a member of a family, any other member of his family, or any council tax or water charges for which that claimant or member is liable.

(3) For the purposes of sub-paragraph (2)—

“food” does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made;

“ordinary clothing and footwear” means clothing or footwear for normal daily use but does not include school uniforms or clothing or footwear used solely for sporting activities.”.

(5) At the end of Schedule 10 <sup>F23</sup> (sums to be disregarded in the calculation of capital) there shall be added the following paragraph—

“**56.**—(1) Any payment of a sports award for a period of 26 weeks from the date of receipt of that payment except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel, rent for which housing benefit is payable or any housing costs to the extent that they are met under regulation 17(1)(e) or 18(1)(f) (housing costs) or any accommodation charges to the extent that they are met under regulation 19 (persons in residential care or nursing homes), of the claimant or, where the claimant is a member of a family, any other member of his family, or any council tax or water charges for which that claimant or member is liable.

(3) For the purposes of sub-paragraph (2)—

“food” does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made;

“ordinary clothing and footwear” means clothing or footwear for normal daily use but does not include school uniforms or clothing or footwear used solely for sporting activities.”.

**F20** Regulation 6 was modified to include paragraph (1) by S.I. 1998/2825.

**F21** Regulation 37(2) was substituted by S.I. 1992/2155; sub-paragraph (b) was substituted by S.I. 1994/2139.

**F22** Schedule 9 was modified to include paragraph 68 by S.I. 1998/2825.

**F23** Schedule 10 was modified to include paragraph 55 by S.I. 1998/2825.

### Amendment of the Jobseeker’s Allowance Regulations

7.—(1) The Jobseeker’s Allowance Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 53 <sup>F24</sup> (persons treated as not engaged in remunerative work), after paragraph (h), there shall be added the following paragraph—

“(i) he is engaged in an activity in respect of which—

(i) a sports award had been made, or is to be made, to him; and

(ii) no other payment is made or is expected to be made to him.”.

(3) After paragraph (2)(b) in regulation 100 (earnings of self-employed earners) there shall be added the following sub-paragraph—

“(c) any sports award.”.

(4) At the end of Schedule 7 <sup>F25</sup> (sums to be disregarded in the calculation of income other than earnings) there shall be added the following paragraph—

“**67.**—(1) Any payment of a sports award except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel, rent for which housing benefit is payable or any housing costs to the extent that they are met under regulation 83(f) or 84(1)(g) (housing costs) or any accommodation charges

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to the extent that they are met under regulation 86 (persons in residential care or nursing homes), of the claimant or, where the claimant is a member of a family, any other member of his family, or any council tax or water charges for which that claimant or member is liable.

(3) For the purposes of sub-paragraph (2)—

“food” does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made;

“ordinary clothing and footwear” means clothing or footwear for normal daily use but does not include school uniforms or clothing or footwear used solely for sporting activities.”.

(5) At the end of Schedule 8 <sup>F26</sup> (sums to be disregarded in the calculation of capital) there shall be added the following paragraph—

“**51.**—(1) Any payment of a sports award for a period of 26 weeks from the date of receipt of that payment except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel, rent for which housing benefit is payable or any housing costs to the extent that they are met under regulation 83(f) or 84(1)(g) (housing costs) or any accommodation charges to the extent that they are met under regulation 86 (persons in residential care or nursing homes), of the claimant or, where the claimant is a member of a family, any other member of his family, or any council tax or water charges for which that claimant or member is liable.

(3) For the purposes of sub-paragraph (2)—

“food” does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made;

“ordinary clothing and footwear” means clothing or footwear for normal daily use but does not include school uniforms or clothing or footwear used solely for sporting activities.”.

**F24** Regulation 53 was amended by S.I. 1996/1516.

**F25** Schedule 7 was modified to include paragraph 66 by S.I. 1998/2825.

**F26** Schedule 8 was modified to include paragraph 50 by S.I. 1998/2825.

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

*Angela Eagle*  
Parliamentary Under-Secretary of State,  
Department of Social Security

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## EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814), the Disability Working Allowance (General) Regulations 1991 (S.I. 1991/2887), the Family Credit (General) Regulations 1987 (S.I. 1987/1973), the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971), the Income Support (General) Regulations 1987 (S.I. 1987/1967) and the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207).

In particular, these Regulations prescribe how sports awards should be treated for the purpose of ascertaining entitlement to the benefits referred to above—

—regulation 2 defines a sports award for the purposes of those benefits;

—regulations 3 to 7 prescribe that for the purposes of those benefits, a person undertaking an activity covered by a sports award shall not be treated as engaged in remunerative work, that a sports award shall not be treated as earnings of a self-employed earner and that a sports award shall be disregarded as income other than earnings and capital to the extent that it is not paid in respect of living expenses.

These Regulations do not impose any charge on business.

**Status:**

Point in time view as at 06/03/2006.

**Changes to legislation:**

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