
STATUTORY INSTRUMENTS

1999 No. 2556

SOCIAL SECURITY

The Social Security (Miscellaneous Amendments) (No. 2) Regulations 1999

<i>Made</i>	- - - -	<i>13th September 1999</i>
<i>Laid before Parliament</i>		<i>13th September 1999</i>
<i>Coming into force</i>	- -	<i>4th October 1999</i>

The Secretary of State for Social Security, in exercise of the powers conferred on him by sections 123(1), 124(1)(e), 135(1), 136(3) and (5)(b), 137(1) and (2)(d), 175(1) and (3) to (5) of the Social Security Contributions and Benefits Act 1992^{F1}, sections 21, 35(1) and 36(1), (2) and (4) of, and paragraph 1(2) of Schedule 1 to, the Jobseekers Act 1995^{F2} and sections 1(1), 5(1)(a), 6(1)(a), 63(2A), 128A(1), 189(1) and (3) to (5) and 191 of the Social Security Administration Act 1992^{F3} 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 to be representative of the authorities concerned^{F4} and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it^{F5}, hereby makes the following Regulations:

- F1** 1992 c.4; sections 123 and 137 were amended to have effect in relation to council tax benefit by Schedule 9 to the [Local Government Finance Act 1992 \(c.14\)](#), **paragraphs 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 1992 c.5; [section 6\(1\)](#) was amended to have effect in relation to council tax benefit by Schedule 9 to the [Local Government Finance Act 1992 \(c.14\)](#), **paragraph 12(1)**; sections 63(2A) and 128A were inserted by section 28 of the [Jobseekers Act 1995 \(c.18\)](#); [section 191](#) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribe”.

F4 See section 176(1) of the [Social Security Administration Act 1992 \(c. 5\)](#).

F5 See sections 170 and 173(1)(b) of the [Social Security Administration Act 1992 \(c. 5\)](#); [paragraph 67](#) of Schedule 2 to the [Jobseekers Act 1995](#) added that Act to the list of “relevant enactments” in respect of which regulations must normally be referred to the Committee.

Citation and commencement

1. These Regulations may be cited as the Social Security (Miscellaneous Amendments) (No. 2) Regulations 1999 and shall come into force on 4th October 1999.

Amendment of the Income Support (General) Regulations 1987

2.—(1) The Income Support (General) Regulations 1987 ^{F6} shall be amended in accordance with the following paragraphs of this regulation.

(2) At the end of regulation 5 ^{F7} (persons treated as engaged in remunerative work), there shall be added the following paragraphs—

“(8) Subject to paragraph (9), a person who has not been treated as engaged in remunerative work in accordance with regulation 6(2) as a consequence of his commencing work shall be treated as engaged in remunerative work for the period specified in paragraph (10) where he ceased to be engaged in that work within the period of five weeks beginning on the date on which he commenced it.

(9) Paragraph (8) shall not apply in the case of a person who is temporarily absent from the work referred to in regulation 6(2)(a).

(10) A person to whom paragraph (8) applies shall be treated as engaged in remunerative work for the period commencing on the day after the day on which he was last engaged in the work referred to in regulation 6(2)(a) and ending on the day on which the length of that period corresponds with the length of the period in respect of which he had not been treated as engaged in remunerative work in accordance with regulation 6(2).”.

(3) Regulation 6 (persons not treated as engaged in remunerative work) shall be renumbered paragraph (1) of regulation 6 and after the renumbered paragraph (1) there shall be added the following paragraphs—

“(2) A lone parent shall not be treated as engaged in remunerative work for the period specified in paragraph (3) in so far as—

(a) he is engaged in work which—

(i) is remunerative work; and

(ii) he is expected to be engaged in for a period of no less than five weeks; and

(b) he had been, for a continuous period of 26 weeks ending on the day before the day on which he commenced the work referred to in sub-paragraph (a)—

(i) entitled to and in receipt of income support or income-based jobseeker's allowance; and

(ii) a lone parent.

(3) A person referred to in paragraph (2) shall not be treated as engaged in remunerative work for the period of 14 days commencing with the day on which he was first engaged in the work referred to in sub-paragraph (a) of that paragraph.”.

(4) In the definition of “part-time employment” in both regulation 29(4D)(a) (calculation of earnings derived from employed earner's employment) and regulation 35(3)(c) (earnings of employed earners) ^{F8}, for “6” there shall be substituted “ 6(1) ”.

(5) In regulation 36(2) (calculation of net earnings of employed earners), after “13” there shall be inserted “, 15A or 15B ”.

(6) In regulation 38(2) (calculation of net profit of self-employed earners), after “13” there shall be inserted “ or 15B ”.

(7) In Schedule 1B ^{F9} (prescribed categories of person)—

- (a) in paragraph 8, for the words “regulation 6(a)” there shall be substituted the words “regulation 6(1)(a) ”;
- (b) in paragraph 9, for the words “regulation 6(g)” there shall be substituted the words “regulation 6(1)(g) ”.

(8) After sub-paragraph (6) in paragraph 12 of Schedule 2 ^{F10} (additional condition for the higher pensioner and disability premiums) there shall be added the following sub-paragraph—

“(7) A person—

- (a) to whom regulation 6(2) (persons not treated as engaged in remunerative work) applies; and
- (b) whose applicable amount immediately before he was engaged in the work referred to in regulation 6(2)(a), included a premium applicable under paragraph 11(a),

shall, for the period specified in regulation 6(3), be treated as having continued to satisfy the additional condition specified in this paragraph for the payment of that premium.”.

(9) After paragraph 15A in Schedule 8 ^{F11} (sums to be disregarded in the calculation of earnings) there shall be inserted the following paragraph—

“**15B.** In the case of a person to whom regulation 6(2) (persons not treated as engaged in remunerative work) applies, any earnings which derive from the work referred to in sub-paragraph (a) of that paragraph but only to the extent that they relate to work performed during the period specified in regulation 6(3).”.

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

“**70.** In the case of a person to whom regulation 6(2) (persons not treated as engaged in remunerative work) applies, any working families tax credit or disabled person’s tax credit to which section 128 or as the case may be 129 of the Contributions and Benefits Act ^{F12} refers which is paid to that person.”.

(11) At the end of Schedule 10 (sums to be disregarded in the calculation of capital) there shall be added the following paragraph—

“**57.** In the case of a person to whom regulation 6(2) (persons not treated as engaged in remunerative work) applies, the amount of any—

- (a) back to work bonus payable to that lone parent by way of a jobseeker’s allowance or income support in accordance with section 26 of the Jobseekers Act 1995 ^{F13} or a corresponding payment under article 28 of the Jobseekers (Northern Ireland) Order 1995 ^{F14}; or
- (b) child maintenance bonus payable to that lone parent by way of a jobseeker’s allowance or income support in accordance with section 10 of the Child Support Act 1995 ^{F15} or a corresponding payment under article 4 of the Child Support (Northern Ireland) Order 1995 ^{F16};

which is paid during the period specified in regulation 6(3).”.

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

Changes to legislation: There are currently no known outstanding effects for the The Social Security (Miscellaneous Amendments) (No. 2) Regulations 1999. (See end of Document for details)

- F7** The relevant amending instruments are [S.I. 1988/1445](#) and 1990/547.
- F8** [Regulations 29\(4D\)](#) and 35(3) were inserted by [S.I. 1989/1323](#).
- F9** [Schedule 1B](#) was inserted by [S.I. 1996/206](#).
- F10** The relevant amending instruments are [S.I. 1988/2022](#) and 1995/482.
- F11** [Paragraph 15A](#) was inserted by [S.I. 1996/1944](#).
- F12** [Sections 128](#) and 129 were amended by the [Tax Credits Act 1999 \(c.10\)](#), [section 1\(2\)](#) and Schedule 1, paragraphs 1 and 2.
- F13** [1995 c.18](#).
- F14** [S.I. 1995/2705 \(N.I.15\)](#).
- F15** [1995 c. 34](#).
- F16** [S.I. 1995/2702 \(N.I.13\)](#).

Amendment of the Jobseeker's Allowance Regulations 1996

3. At the end of regulation 52 of the Jobseeker's Allowance Regulations 1996^{F17} (persons treated as engaged in remunerative work), there shall be added the following paragraphs—

“(4) Subject to paragraph (5), a person who has not been treated as engaged in remunerative work in accordance with regulation 6(2) of the Income Support Regulations (persons not treated as engaged in remunerative work) as a consequence of his commencing work shall be treated as engaged in remunerative work for the period specified in paragraph (6) where he ceased to be engaged in that work within the period of five weeks beginning on the date on which he commenced it.

(5) Paragraph (4) shall not apply in the case of a person who is temporarily absent from the work referred to in regulation 6(2)(a) of the Income Support Regulations.

(6) A person to whom paragraph (4) applies shall be treated as engaged in remunerative work for the period commencing on the day after the day on which he was last engaged in the work referred to in regulation 6(2)(a) of the Income Support Regulations and ending on the day on which the length of that period corresponds with the length of the period in respect of which he had not been treated as engaged in remunerative work in accordance with regulation 6(2) of those Regulations.”.

F17 [S.I. 1996/207](#) to which there are amendments which are not relevant to these Regulations.

Amendment of the Council Tax Benefit (General) Regulations 1992

4.—^{F18}(1) The Council Tax Benefit (General) Regulations 1992 shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 53A (extended payments)—

(a) in paragraph (1)—

(i) after the words “in a case” where they first occur, there shall be inserted the words “other than a case to which paragraph (1A) applies”;

(ii) in sub-paragraph (a)(i) for “58(a)” there shall be substituted “58(1)(a)”;

(iii) in sub-paragraph (a)(ii) for “58(c)” there shall be substituted “58(1)(c)”;

(b) after paragraph (1) there shall be inserted the following paragraphs—

“(1A) Subject to paragraph (2), in the case of a person to whom regulation 6(2) of the Income Support (General) Regulations 1987 (persons not treated as engaged in remunerative work) applies, his council tax benefit shall be determined in accordance with Part II of Schedule 5A where—

- (a) he was entitled to council tax benefit and his benefit period has come to an end—
 - (i) on either of the grounds specified in paragraph (1)(a); or
 - (ii) in accordance with regulation 58(1)(c) on the ground that he vacated the dwelling of which he was a resident during the period specified in regulation 6(3) of those Regulations; and
 - (b) the Secretary of State has certified to the appropriate authority—
 - (i) that regulation 6(2) of those Regulations applies to him;
 - (ii) the date on which he was first engaged in the work referred to in sub-paragraph (a) of regulation 6(2) of those Regulations; and
 - (iii) the date on which his entitlement to income support ceased or is expected to cease.
- (1B) Any award determined in accordance with paragraph (1A) shall be referred to in these Regulations as an “extended payment”.”;
- (c) in paragraph (5)—
 - (i) in sub-paragraph (a), for the words from “during” to the end of the sub-paragraph there shall be substituted the following—
 - “(i) in a case where the beneficiary is a person to whom regulation 6(2) of the Income Support (General) Regulations 1987 (persons not treated as engaged in remunerative work) applies, during the period beginning on the day immediately following the end of the relevant benefit period and ending on the last day of the benefit week which includes the day—
 - (aa) which is 4 weeks after the day on which that person was first engaged in the work referred to in sub-paragraph (a) of that paragraph of that regulation; or
 - (bb) on which that person’s liability for council tax ends,
 - whichever shall first occur;
 - (ii) in any other case, during the 4 weeks immediately following the end of the relevant benefit period; and”;
 - (ii) in sub-paragraph (b), for the words “made within that 4 week period” there shall be substituted the words “ made by the beneficiary within the period which, under sub-paragraph (a), applies in his case ”.
- (3) In regulation 62 (time and manner in which claims are to be made)—
- (a) in paragraph (15)—
 - (i) in sub-paragraph (a)—
 - (aa) at the beginning, there shall be inserted the words “ subject to paragraph (15A), ”;
 - (bb) for “58(a)” there shall be substituted “ 58(1)(a) ”;
 - (ii) at the end of sub-paragraph (b) there shall be inserted the word “ or ”;
 - (iii) after sub-paragraph (b) there shall be inserted the following sub-paragraph—
 - “(c) the Secretary of State has certified the matters specified in regulation 53A(1A)(b) to the appropriate authority.”;
 - (b) after paragraph (15), there shall be inserted the following paragraph—

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

Changes to legislation: There are currently no known outstanding effects for the The Social Security (Miscellaneous Amendments) (No. 2) Regulations 1999. (See end of Document for details)

“(15A) Where the appropriate authority has invited a person to make a claim for a further grant of council tax benefit pursuant to paragraph (15)(c), it need not invite that person to make a claim for a further grant of that benefit pursuant to paragraph (15)(a).”.

(4) In regulation 66 (who is to make a determination)—

(a) in paragraph (4), after the words “this regulation” there shall be inserted the words “ and subject to paragraph (5) ”;

(b) after paragraph (4) there shall be added the following paragraph—

“(5) For the purposes of paragraph (4), a person shall be treated as having claimed an extended payment where—

(a) he is a person to whom regulation 6(2) of the Income Support (General) Regulations 1987 (persons not treated as engaged in remunerative work) applies; and

(b) the Secretary of State has certified the matters specified in regulation 53A(1A)(b) to the appropriate authority during the period of 14 days commencing on the day on which that person was first engaged in the work referred to in sub-paragraph (a) of regulation 6(2) of those Regulations,

and the appropriate day in relation to that person shall be the day on which that person was first engaged in the work referred to in that sub-paragraph of that regulation.”.

(5) In regulation 95 (information to be supplied by an authority to another authority)—

(a) in paragraph (3)—

(i) in sub-paragraph (a)—

(aa) after the words “authority A, details” there shall be inserted the words “ relevant to that claim ”;

(bb) at the end of head (iii), the word “and” shall be omitted;

(ii) after sub-paragraph (a) there shall be inserted the following sub-paragraph—

“(aa) in the case of a person to whom regulation 6(2) of the Income Support (General) Regulations 1987 (persons not treated as engaged in remunerative work) applies, the matters certified by the Secretary of State pursuant to regulation 53A(1A)(b); and”;

(b) at the end there shall be added the following paragraph—

“(5) For the purposes of this regulation, a person shall be treated as having claimed an extended payment from an authority where—

(a) he is a person to whom regulation 6(2) of the Income Support (General) Regulations 1987 (persons not treated as engaged in remunerative work) applies; and

(b) the Secretary of State has certified the matters specified in regulation 53A(1A)(b) to the appropriate authority.”.

(6) In Schedule 5A (extended payments of council tax benefit)—

(a) in sub-paragraph (c) of paragraph 2—

(i) at the end of head (iii) there shall be inserted the word “ or ”;

(ii) after head (iii) there shall be added the following heads—

“(iv) the claimant’s applicable amount included an amount applicable under paragraph 11 of Schedule 2 to the Income Support (General) Regulations

- 1987 or, as the case may be, under paragraph 13 of Schedule 1 to the Jobseeker's Allowance Regulations 1996 (disability premium); or
- (v) the claimant was, or was treated as, incapable of work in accordance with Part XIA of the Contributions and Benefits Act 1992 and the regulations made thereunder (incapacity for work);”;
- (b) in sub-paragraph (b) of paragraph 6, for the words “4 weeks liability to council tax” there shall be substituted the words “ liability to council tax for the period specified in regulation 53A(5)(a) ”;
- (c) in paragraph 7, for the words “4 weeks immediately following the end of the relevant benefit period” there shall be substituted the words “ the period specified in regulation 53A(5)(a) ”;
- (d) paragraph 8 shall be renumbered paragraph 8(1) and in that renumbered sub-paragraph—
- (i) in the definition of “claimant”, after the word “means” there shall be inserted the words “ , subject to sub-paragraph (2), ”;
- (ii) at the end of the definition of “the relevant benefit period” there shall be inserted the words “ or, as the case may be, (1A)(a) ”;
- (e) after the renumbered paragraph 8(1) there shall be added the following sub-paragraph—
- “(2) For the purposes of this Schedule (other than Part I), a person shall be treated as having claimed an extended payment where—
- (a) he is a person to whom regulation 6(2) of the Income Support (General) Regulations 1987 (persons not treated as engaged in remunerative work) applies; and
- (b) the Secretary of State has certified the matters specified in regulation 53A(1A)(b) to the appropriate authority,
- and the words “claim” and “claimant” shall be construed accordingly.”.]

F18 Regs. 4 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 Housing Benefit (General) Regulations 1987

5.—^{F18}(1) The Housing Benefit (General) Regulations 1987 shall be amended in accordance with the following paragraphs of this regulation.

- (2) In regulation 62A (extended payments)—
- (a) in paragraph (1)—
- (i) after the words “in a case” where they first occur, there shall be inserted the words “ other than a case to which paragraph (1A) applies ”;
- (ii) in sub-paragraph (a)(i) for “67(a)” there shall be substituted “ 67(1)(a) ”;
- (iii) in sub-paragraph (a)(ii) for “67(c)” there shall be substituted “ 67(1)(c) ”;
- (b) after paragraph (1) there shall be inserted the following paragraphs—
- “(1A) Subject to paragraph (2), in the case of a person to whom regulation 6(2) of the Income Support (General) Regulations 1987 (persons not treated as engaged in remunerative work) applies, his housing benefit shall be determined in accordance with Part II of Schedule 5A where—
- (a) he was entitled to housing benefit and his benefit period has come to an end—

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

Changes to legislation: There are currently no known outstanding effects for the The Social Security (Miscellaneous Amendments) (No. 2) Regulations 1999. (See end of Document for details)

- (i) on either of the grounds specified in paragraph (1)(a); or
 - (ii) in accordance with regulation 67(1)(c) on the ground that he vacated the dwelling of which he was a resident during the period specified in regulation 6(3) of those Regulations; and
- (b) the Secretary of State has certified to the appropriate authority—
 - (i) that regulation 6(2) of those Regulations applies to him;
 - (ii) the date on which he was first engaged in the work referred to in sub-paragraph (a) of regulation 6(2) of those Regulations; and
 - (iii) the date on which his entitlement to income support ceased or is expected to cease.
- (1B) Any award determined in accordance with paragraph (1A) shall be referred to in these Regulations as an “extended payment”.
- (c) in paragraph (5)—
 - (i) in sub-paragraph (a), for the words from “during” to the end of the sub-paragraph there shall be substituted the following—
 - “(i) in a case where the beneficiary is a person to whom regulation 6(2) of the Income Support (General) Regulations 1987 (persons not treated as engaged in remunerative work) applies, during the period beginning on the day immediately following the end of the relevant benefit period and ending on the last day of the benefit week which includes the day—
 - (aa) which is 4 weeks after the day on which that person was first engaged in the work referred to in sub-paragraph (a) of that paragraph of that regulation; or
 - (bb) on which that person’s liability for rent ends,
 whichever shall first occur;
 - (ii) in any other case, during the 4 weeks immediately following the end of the relevant benefit period; and”;
 - (ii) in sub-paragraph (b), for the words “made within that 4 week period” there shall be substituted the words “made by the beneficiary within the period which, under sub-paragraph (a) applies in his case”.
- (3) In regulation 72 (time and manner in which claims are to be made)—
 - (a) in paragraph (14)—
 - (i) in sub-paragraph (a)—
 - (aa) at the beginning, there shall be inserted the words “subject to paragraph (14A), ”;
 - (bb) for “67(a)” there shall be substituted “67(1)(a)”;
 - (ii) at the end of sub-paragraph (b) there shall be inserted the word “or”;
 - (iii) after sub-paragraph (b) there shall be inserted the following sub-paragraph—
 - “(c) the Secretary of State has certified the matters specified in regulation 62A(1A)(b) to be the appropriate authority,”;
 - (b) after paragraph (14), there shall be inserted the following paragraph—
 - “(14A) Where the appropriate authority has invited a person to make a claim for a further grant of housing benefit pursuant to paragraph (14)(c), it need not invite that person to make a claim for a further grant of that benefit pursuant to paragraph (14)(a).”.

- (4) In regulation 76 (who is to make a determination)—
- (a) in paragraph (4) ^{F19} after the words “this regulation”, there shall be inserted the words “and subject to paragraph (5) ”;
 - (b) after paragraph (4) there shall be added the following paragraph—

“(5) For the purposes of paragraph (4), a person shall be treated as having claimed an extended payment where—

 - (a) he is a person to whom regulation 6(2) of the Income Support (General) Regulations 1987 (persons not treated as engaged in remunerative work) applies; and
 - (b) the Secretary of State has certified the matters specified in regulation 62A(1A) (b) to the appropriate authority during the period of 14 days commencing on the day on which that person was first engaged in the work referred to in sub-paragraph (a) of regulation 6(2) of those Regulations,

and the appropriate day in relation to that person shall be the day on which that person was first engaged in the work referred to in that sub-paragraph of that regulation.”.
- (5) In Schedule 5A (extended payments of housing benefit)—
- (a) in sub-paragraph (c) of paragraph 2—
 - (i) at the end of head (iii) there shall be inserted the word “ or ”;
 - (ii) after head (iii) there shall be added the following heads—

“(iv) the claimant’s applicable amount included an amount applicable under paragraph 11 of Schedule 2 to the Income Support (General) Regulations 1987 or, as the case may be, under paragraph 13 of Schedule 1 to the Jobseeker’s Allowance Regulations 1996 (disability premium); or

(v) the claimant was, or was treated as, incapable of work in accordance with Part XIIA of the Contributions and Benefits Act and the regulations made thereunder (incapacity for work);”;
 - (b) in paragraph 4—
 - (i) in sub-paragraph (3), for the words “paragraph (1)” there shall be substituted the words “ sub-paragraph (1) ”;
 - (ii) in sub-paragraph (4), for the words “4 weeks following the last day” there shall be substituted the words “ weeks in the period specified in regulation 62A(5)(a) ”;
 - (c) in sub-paragraph (b) of paragraph 8, for the words “4 weeks rent” there shall be substituted the words “ the rent in respect of the period specified in regulation 62A(5)(a) ”;
 - (d) paragraph 12 shall be renumbered paragraph 12(1) and in that renumbered sub-paragraph—
 - (i) in the definition of “claimant”, after the word “means” there shall be inserted the words “ , subject to sub-paragraph (2), ”;
 - (ii) at the end of the definition of “the relevant benefit period” there shall be inserted the words “ or, as the case may be, (1A)(a) ”;
 - (e) after the renumbered paragraph 12(1) there shall be added the following sub-paragraph—

“(2) For the purposes of this Schedule (other than Part I), a person shall be treated as having claimed an extended payment where—

 - (a) he is a person to whom regulation 6(2) of the Income Support (General) Regulations 1987 (persons not treated as engaged in remunerative work) applies; and

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Changes to legislation: There are currently no known outstanding effects for the The Social Security (Miscellaneous Amendments) (No. 2) Regulations 1999. (See end of Document for details)

(b) the Secretary of State has certified the matters specified in regulation 62A(1A)
(b) to the appropriate authority,
and the words “claim” and “claimant” shall be construed accordingly.”.]

F18 Regs. 4 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)

F19 Paragraph (4) was inserted by [S.I. 1996/194](#) and amended by [S.I. 1996/1510](#).

Amendment of the Housing Benefit (Supply of Information) Regulations 1988

^{F20}**6.**

F20 [Reg. 6](#) 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 Social Security (Claims and Payments) Regulations 1987

7. At the end of regulation 3 of the Social Security (Claims and Payments) Regulations 1987 ^{F21}
(claims not required for entitlement to benefit in certain cases) there shall be added the following paragraph—

- “(h) in the case of income support where the beneficiary—
- (i) is a person to whom regulation 6(2) of the Income Support (General) Regulations 1987 (persons not treated as engaged in remunerative work) applies;
 - (ii) was in receipt of an income-based jobseeker’s allowance on the day before the day on which he was first engaged in the work referred to in sub-paragraph (a) of that paragraph; and
 - (iii) would satisfy the conditions of entitlement to income support (apart from the condition of making a claim which would apply in the absence of this paragraph) only by virtue of regulation 6(3) of those Regulations.”.

F21 [S.I. 1987/1968](#); the relevant amending instruments are [S.I. 1989/136](#), 1994/2943 and 1996/1460.

Modifications etc. (not altering text)

C1 [Reg. 7](#) modified (7.4.2003 for specified purposes) by [The Child Benefit and Guardian’s Allowance \(Administration\) Regulations 2003](#) (S.I. 2003/492), regs. 1, 43, **Sch. 3 Pt. 1** (with regs. 1(2), 44)

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

Hugh Bayley
Parliamentary Under-Secretary of State,
Department of Social Security

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), the Housing Benefit (Supply of Information) Regulations 1988 (S.I. 1988/662), the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814) and the Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968).

In particular, regulation 2(3) of these Regulations provides that for the purpose of entitlement to income support, a lone parent may be treated as not engaged in remunerative work for the first 14 days after commencing such work following a period of entitlement to income support or income-based jobseeker's allowance of at least 26 weeks.

These Regulations also provide that during the 14 day period—

— any disability premium which was applicable before commencing such work, shall continue to be applicable for that period (regulation 2(8));

— any earnings from the employment which caused the lone parent to be treated as not engaged in remunerative work shall be disregarded (regulation 2(9));

— any working families tax credit or disabled person's tax credit shall be disregarded as income (regulation 2(10));

— any back to work bonus or child maintenance bonus shall be disregarded as capital when paid during that period (regulation 2(11)).

Regulation 2(5) and (6) makes amendments which are consequential on that made in regulation 2(9). Regulation 2 (4) and (7) makes amendments which are consequential on that made in regulation 2(3).

Regulations 2(2) and 3 provide that in income support and jobseeker's allowance respectively, a lone parent who was previously treated as not engaged in remunerative work in accordance with regulation 2(3), shall be treated as engaged in remunerative work for a specified period if he ceases to be so engaged in such work within five weeks of commencing it.

Regulations 4(2) to (4) and (6)(b) to (e) and 5(2) to (4) and (5)(b) to (e) provide respectively for the treatment of extended payments of council tax benefit and housing benefit in the case of lone parents who are not treated as engaged in remunerative work pursuant to these Regulations. Those provisions also make consequential and minor technical amendments. Regulations 4(5) and 6 provide for the exchange of certain information by authorities in connection with the making of such payments.

Regulations 4(6)(a) and 5(5)(a) provide respectively that extended payments of housing benefit and council tax benefit shall be made to those persons who were in receipt of income support whilst incapable of work or were in receipt of income support or jobseeker's allowance which included the disability premium.

Regulation 7 amends the Social Security (Claims and Payments) Regulations 1987 so as to provide that certain lone parents who are not treated as engaged in remunerative work pursuant to these Regulations, shall not be required to make a claim for income support in order to be entitled to it.

These Regulations do not impose any charge on business.

Status:

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

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Miscellaneous Amendments) (No. 2) Regulations 1999.