

SCHEDULE 11

Article 3(11)

AMENDMENT OF THE COMMUNITY CHARGES (DEDUCTIONS FROM INCOME SUPPORT) (No. 2) REGULATIONS 1990

1. In regulation 1(2)(1) (interpretation)–
 - (a) the definitions of “the 1975 Act” and “adjudication officer” shall be omitted;
 - (b) after the definition of “the 1986 Act” there shall be inserted the following definition–

““the 1998 Act” means the Social Security Act 1998;”;
 - (c) for the definition of “Commissioner” there shall be substituted the following definition–

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

and
 - (d) for the definition of “tribunal” there shall be substituted the following definition–

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

2.—(1) In the heading to regulation 2(2) (deductions from income support or jobseeker’s allowance) for the word “Deductions” there shall be substituted the words “Application for deductions”.

(2) Paragraphs (4) to (6) of regulation 2 shall be omitted.

3. For regulations 2A(3) (deductions from debtor’s jobseeker’s allowance) and 3 (notification of decision) there shall be substituted the following regulation–

“Deductions from debtor’s income support or jobseeker’s allowance

3.—(1) Subject to paragraph (4) and regulation 4, where the Secretary of State receives an application from an authority in respect of a debtor who is entitled to income support or income-based jobseeker’s allowance and the amount payable by way of that benefit, after any deduction under this paragraph, is 10 pence or more, the Secretary of State may deduct a sum from that benefit which is equal to 5 per cent. of the personal allowance–

- (a) set out in paragraph 1(1)(e) of Schedule 2 to the Income Support (General) Regulations 1987 or, as the case may be, of Schedule 1 to the Jobseeker’s Allowance Regulations 1996 for a couple where–
 - (i) a liability order is made; and
 - (ii) that benefit is payable, in respect of both members of a couple both of whom are aged not less than 18; and
- (b) in any other case, for a single claimant aged not less than 25 set out in paragraph 1(3)(c) of Schedule 2 to the Income Support (General) Regulations 1987 or, as the case may be, paragraph 1(3)(e) of Schedule 1 to the Jobseeker’s Allowance Regulations 1996,

and pay that sum to the authority towards satisfaction of any outstanding sum which is or forms part of the amount in respect of which the liability order was made.

(2) Subject to paragraph (3) and regulation 4, where–

- (a) the Secretary of State receives an application from an authority in respect of a debtor who is entitled to contribution-based jobseeker’s allowance; and

(1) Regulation 1 was amended by [S.I. 1996/2344](#).

(2) Regulation 2 was amended by [S.I. 1992/1026](#), [1193/2113](#) and [1996/2344](#).

(3) Regulation 2A was inserted by [S.I. 1996/2344](#).

Status: This is the original version (as it was originally made).

- (b) the amount of contribution-based jobseeker's allowance payable before any deduction under this paragraph is equal to or more than one-third of the age-related amount applicable to the debtor under section 4(1)(a) of the Jobseekers Act,

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 debtor under section 4(1)(a) of the Jobseekers Act and pay that sum to the authority towards satisfaction of any outstanding sum which is or forms part of the amount in respect of which the liability order was made.

(3) Where the sum that would otherwise fall to be deducted under paragraph (2) includes a fraction of a penny, the sum to be deducted shall be rounded down to the next whole penny.

(4) Before making a deduction under paragraph (1) the Secretary of State shall make any deduction which falls to be made in respect of a liability mentioned in any of the following provisions of the Social Security (Claims and Payments) Regulations 1987–

- (a) regulation 34A(4) (mortgage interest);
- (b) paragraph 3(5) (housing costs) of Schedule 9;
- (c) paragraph 5(6) (rent and certain service charges for fuel) of Schedule 9;
- (d) paragraph 6(7) (fuel costs) of Schedule 9; and
- (e) paragraph 7(8) (water charges) of Schedule 9.

(5) Subject to regulations 5 and 6, a decision of the Secretary of State under this regulation shall be final.

(6) The Secretary of State shall notify the debtor in writing of a decision to make a deduction under this regulation as soon as is practicable and at the same time shall notify the debtor of his right of appeal. .”

4. For paragraph (1)(9) of regulation 4 (circumstances, time of making and termination of deductions) there shall be substituted the following paragraph–

“(1) The Secretary of State–

- (a) shall make deductions under regulation 3 only where the debtor is entitled to income support or jobseeker's allowance throughout any benefit week; and
- (b) shall not determine any application under regulation 2 which relates to a debtor in respect of whom–
 - (i) he is making deductions; or
 - (ii) deductions fall to be made,

pursuant to an earlier application under regulation 3 until no deductions pursuant to that earlier application fall to be made.”.

5. For regulations 5 (appeal) and 6 (review) there shall be substituted the following regulations–

“Revision and supersession

5. Any decision of the Secretary of State under regulation 3 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.

(4) Regulation 34A was inserted by S.I. 1992/1026.
(5) Paragraph 3 was amended by S.I. 1992/1026 and 2595, 1995/1613 and 2927 and 1996/1460.
(6) Paragraph 5 was amended by S.I. 1991/2284, 1992/2595 and 1996/1460.
(7) Paragraph 6 was amended by S.I. 1991/2284, 1992/2595, 1994/2319 and 1996/1460.
(8) Paragraph 7 was amended by S.I. 1992/2595, 1993/478, 1994/2319 and 1996/1460.
(9) Regulation 4(1) was amended by S.I. 1996/2344.

Appeal

6. Any decision of the Secretary of State under regulation 3 (whether as originally made or as revised under regulation 5) 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.”
6. Regulations 7 to 11 and Schedules 1 and 2 are hereby revoked.