

## 1993 No. 1679

### SOCIAL SECURITY

#### The Income Support (General) Amendment No. 3 Regulations 1993

<i>Made</i> - - - -	<i>5th July 1993</i>
<i>Laid before Parliament</i>	<i>12th July 1993</i>
<i>Coming into force</i>	<i>2nd August 1993</i>

The Secretary of State for Social Security, in exercise of the powers conferred upon him by sections 135(1), 136(5)(b), 137(1) and 175(1) to (4) of the Social Security Contributions and Benefits Act 1992(a) and of all other powers enabling him in that behalf, after reference to the Social Security Advisory Committee of proposals to make the regulations specified in the Schedule to this instrument(b), the Committee having agreed that the proposals in respect of the remainder of the regulations in this instrument be not referred to it(c), hereby makes the following Regulations:

#### Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Income Support (General) Amendment No. 3 Regulations 1993 and shall come into force on 2nd August 1993.

(2) Regulation 6 of these Regulations shall have effect in relation to any particular claimant at the beginning of the first benefit week to commence for that claimant on or after 2nd August 1993 which applies in his case.

(3) In these Regulations “the Income Support Regulations” means the Income Support (General) Regulations 1987(d) and expressions used in these Regulations and in the Income Support Regulations shall have the same meaning in these Regulations as they have in the Income Support Regulations.

#### Urgent Cases

2.—(1) Regulation 70 of the Income Support Regulations(e) (urgent cases) shall be further amended in accordance with the following provisions of this regulation.

(2) In paragraph (3)–

(a) for sub-paragraph (b), there shall be substituted the following sub-paragraph–

“(b) is an asylum seeker for the purposes of paragraph (3A);” and

(b) sub-paragraph (d) shall be omitted.

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(a) 1992 c.4; section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”.

(b) See the Social Security Administration Act 1992 (c.5), section 172(1).

(c) See the Social Security Administration Act 1992, section 173(1)(b).

(d) S.I. 1987/1967.

(e) The relevant amending instrument is S.I. 1989/1323.

(3) After paragraph (3), there shall be inserted the following paragraphs—

“(3A) For the purposes of this paragraph, a person—

(a) becomes an asylum seeker when he has submitted a claim for asylum to the Secretary of State that it would be contrary to the United Kingdom’s obligations under the Convention for him to be removed from, or required to leave, the United Kingdom and that claim is recorded by the Secretary of State as having been made; and

(b) ceases to be an asylum seeker when his claim is recorded by the Secretary of State as having been finally determined or abandoned.

(3B) In paragraph (3A), “the Convention” means the Convention relating to the Status of Refugees done at Geneva on 28th July, 1951 and the protocol to that Convention.”.

(4) In the cases of a claimant who was entitled to income support by virtue of regulation 70 of the Income Support Regulations for the benefit week which includes 2nd August 1993, then in respect of each day after that date on which the claimant’s entitlement to income support continues, regulation 70 shall continue to apply in his case as if the preceding provisions of this regulation had not been made.

[Regulation 3 revoked by Sch. 4 to S.I. 1995/1613 as from 2.10.95.]

**Saving**

4.—(1) In the case of a claimant who was entitled to income support for the benefit week which included 2nd August 1993 then, but subject to paragraph (3), in respect of each day after that date on which the claimant’s entitlement to income support continues, Schedule 3 to the Income Support Regulations shall continue to apply in his case as if regulation 3 of these Regulations had not been made.

(2) Heads (c) to (f) of sub-paragraph (9) of paragraph 7 of Schedule 3 to the Income Support Regulations shall apply to paragraph (1) above as they apply to sub-paragraph (1) of paragraph 7, but with the modification that for the words “in receipt of income support”, wherever they occur, there were substituted the words “entitled to income support”, and that the words “Subject to sub-paragraphs (10) and (11)” were omitted.

(3) In its application to any loan taken out or increased after 2nd August 1993 Schedule 3 to the Income Support Regulations shall have effect as amended by regulation 3 of these Regulations.

(4) Paragraphs 91) and (3) above shall apply as from 11th April 1994 as if for the references to “2nd August 1993” wherever they occur there were substituted references to “11th April 1994”.

[Regulations 5 and 6 revoked by Sch. 4 to S.I. 1995/1613 as from 2.10.95.]

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

5th July 1993

*Alistair Burt*  
Parliamentary Under-Secretary of State,  
Department of Social Security

SCHEDULE

REGULATIONS CONTAINING PROPOSALS REFERRED TO THE  
SOCIAL SECURITY ADVISORY COMMITTEE

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<i>Regulation</i>	<i>Provision</i>
Regulation 3(1) and (2)(a) and (b) in so far as they relate to sub-paragraphs (6B) and (6C) of paragraph 7 of Schedule 3 to the Income Support Regulations.	Limitation on loans taken into account for income support purposes.
Regulation 3(3) in so far as it relates to paragraph 7A of Schedule 3 to the Income Support Regulations.	Apportionment of qualifying loans.
Regulation 4(1), (3) and (4).	Savings Provision.
Regulation 5.	Restriction on meeting housing costs.
Regulation 6(b).	Sums to be disregarded in the calculation of income other than earnings, except where paragraph 10 of Schedule 3 to the Income Support Regulations applies to the loan.

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**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations further amend the Income Support (General) Regulations 1987.

Certain categories of persons from abroad as defined in regulation 21(3) of the Income support (General) Regulations 1987, have a reduced applicable amount calculated in accordance with regulation 70 of those Regulations (urgent cases). Regulation 2 amends one of those categories so that asylum seekers, but not those seeking only a variation of their leave to enter the United Kingdom, qualify as urgent cases. There are savings for existing beneficiaries (paragraph 4)).

Regulation 3 excludes from the mortgage interest payments taken into account in determining a person's applicable amount, payment so much of any loan or loans as exceed £150,000 as from 2nd August 1993 or £125,000 as from 11th April 1994. There are savings provisions for those entitled to income support on 2nd August 1993 with a loan or loans above that amount (regulation 4). Similar savings provisions apply to the 1994 change.

Regulation 5 provides a linking rule for the purposes of determining whether successive periods of 6 months, during which no restriction is placed upon the payment of high mortgage costs, are still current.

Regulation 6 provides for the disregard of certain payments made under a mortgage protection policy in the calculation of income other than earnings.

These Regulations do not impose a charge on businesses.

The report of the Social Security Advisory Committee dated 20th May 1993 on the proposals referred to them (that is the proposals identified in the Schedule to this Instrument) together with the statement showing the extent to which these Regulations give effect to them, and in so far as they do not give effect to them, the reasons why not, are contained in Command Paper No. 2272, published by Her Majesty's Stationery Office.