

1992 No.50

SOCIAL SECURITY

HOUSING, ENGLAND AND WALES  
HOUSING, SCOTLAND

The Income-related Benefits Schemes  
(Miscellaneous Amendments) Regulations 1992

*Made* - - - - 13th January 1992

*Laid before Parliament* 17th January 1992

*Coming into force in accordance with regulation 1(1)*

The Secretary of State for Social Security, in exercise of powers conferred by sections 21(6)(b), 22(1) and 84(1) of the Social Security Act 1986(a) and section 166(1) to (3A) of the Social Security Act 1975(b), and of all other powers enabling him in that behalf, so far as these Regulations relate to housing benefit, after consultation with organisations appearing to him to be representative of the authorities concerned(c) and after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it(d), hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Income-related Benefits Schemes (Miscellaneous Amendments) Regulations 1992 and shall come into force as follows—

- (a) regulation 1, and regulation 2 only insofar as it relates to any case where rent is payable at intervals of one month or any other interval which is not a week or a multiple of a week, on 1st April 1992 immediately after the coming into force of article 16(4) and (5) of the Up-rating Order;
- (b) regulation 2, except in a case to which sub-paragraph (a) above relates, on 6th April 1992;
- (c) regulation 3, subject to sub-paragraph (d) below, on 6th April 1992 immediately after the coming into force of article 13(6) and (7) of the Up-rating Order;
- (d) regulation 3 shall come into force in relation to any particular claimant at the beginning of the first benefit week to commence for that claimant on or after the date specified in sub-paragraph (c) above; and for this

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(a) 1986 c.50; section 84(1) is an interpretation provision and is cited because of the meaning assigned to the words “prescribed” and “regulations”.

(b) 1975 c.14; section 166(3) was amended by the Social Security Act 1989 (c.24), section 31(1) and Schedule 8, paragraph 10; section 166(3A) was inserted by section 62(1) of the Social Security Act 1986 and section 166(1) to (3A) is applied by section 83(1) of that Act.

(c) See section 61(7) of the Social Security Act 1986; section 61(7) was amended by the Local Government Finance Act 1988 (c.41), Schedule 10, paragraph 10.

(d) See the Social Security Act 1986 (c.50), section 61(1)(b) and (10). The Social Security Act 1989 (c.24), Schedule 8, added a definition of “regulations” to section 61(10) of the Social Security Act 1986.

purpose, the expressions "claimant" and "benefit week" have the same meaning as in the Income Support Regulations.

(2) In these Regulations—

"the Housing Benefit Regulations" means the Housing Benefit (General) Regulations 1987(a);

"the Income Support Regulations" means the Income Support (General) Regulations 1987(b);

"the Up-rating Order" means the Social Security Benefits Up-rating (No. 2) Order 1991(c).

[Regulation 2 amends regulation 63 of S.I. 1987/1971.]

[Regulation 3 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.

13th January 1992

*Ann Widdecombe*  
Parliamentary Under-Secretary of State,  
Department of Social Security

#### EXPLANATORY NOTE

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

These Regulations further amend the Housing Benefit (General) Regulations 1987 and the Income Support (General) Regulations 1987 in respect of the deductions to be made when determining the amount respectively of housing benefit or income support to which a person may be entitled where he has a non-dependant residing with him.

Formerly, there were two rates of weekly deduction (set at £5.70 and £13.50). These Regulations increase these rates to four. The lowest rate, set at £4.00, will apply to those not in remunerative work, or working but with gross weekly incomes of less than £65. For other non-dependants who work, one of three higher rate deductions will apply. These are set at £8, £12 and £18, for non-dependants with gross incomes of up to £100, up to £130, and £130 and over, respectively (regulations 2(a) and (b) and 3(a) and (b)).

They provide that no deduction is to be made in respect of a non-dependant where a claimant or his partner is receiving either attendance allowance or the care component of disability living allowance, or where a person who would otherwise be treated as a non-dependant has been a patient for more than 6 weeks, or is in prison (regulations 2(c) and (d) and 3(c) and (d)).

They further provide that income from attendance allowance or disability living allowance shall be disregarded in calculating a non-dependant's gross weekly income (regulations 2(e) and 3(e)).

(a) S.I. 1987/1971; relevant amending instruments are S.I. 1990/546 and 1775 and S.I. 1991/503.

(b) S.I. 1987/1967; relevant amending instruments are S.I. 1991/547 and 1776 and S.I. 1991/503 and 2334.

(c) S.I. 1991/2910.