

1992 No.2155

SOCIAL SECURITY

The Income-related Benefits Schemes (Miscellaneous Amendments) (No.3) Regulations 1992

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| <i>Made</i> - - - - | <i>7th September 1992</i> |
| <i>Laid before Parliament</i> | <i>14th September 1992</i> |
| <i>Coming into force</i> | <i>5th October 1992</i> |

The Secretary of State for Social Security, in exercise of powers conferred by sections 129(4) and (8), 135(1), 136(3), (4) and (5), 137(1) and (2)(d) and (e) and 175(1) to (5) of the Social Security Contributions and Benefits Act 1992(a) and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee(b) that proposals in respect of these Regulations should not be referred to it, hereby makes the following Regulations:

Citation, commencement and interpretations

1.—(1) These Regulations may be cited as the Income-related Benefits Schemes (Miscellaneous Amendments) (No. 3) Regulations 1992 and shall come into force on 5th October 1992.

(2) Regulations 12 to 21 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 the date specified in paragraph (1) which applies in his case; and for this purpose the expressions “claimant” and “benefit week” have the same meanings as in the Income Support Regulations.

(3) In these Regulations—

“the Disability Working Allowance Regulations” means the Disability Working Allowance (General) Regulations 1991(c);

“the Family Credit Regulations” means the Family Credit (General) Regulations 1987(d);

“the Income Support Regulations” means the Income Support (General) Regulations 1987(e).

[Regulation 2 amends regulation 2 of S.I. 1991/2887.]

(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 sections 172(1) and 173(1)(b).

(c) S.I. 1991/2887.

(d) S.I. 1987/1973; relevant amending instruments are S.I. 1988/660, 1988/1970, 1990/574, 1990/1774 and 1992/573.

(e) S.I. 1987/1967; relevant amending instruments are S.I. 1988/663, 1988/1228, 1988/1445, 1989/534, 1989/1323, 1990/547, 1990/1776, 1991/1559, 1991/1656 and 1992/468.

Schedule of amendments relating to Disability Working Allowance

3. The Schedule to these Regulations, which contains minor and miscellaneous amendments to the Disability Working Allowance Regulations, shall have effect.

[Regulation 4 amends regulation 2 of S.I. 1987/1973.]

[Regulation 5 amends regulation 15 of S.I. 1987/1973.]

[Regulation 6 amends regulation 20 of S.I. 1987/1973.]

[Regulation 7 amends regulation 20A of S.I. 1987/1973.]

[Regulation 8 amends regulation 23 of S.I. 1987/1973.]

[Regulation 9 amends regulation 26 of S.I. 1987/1973.]

[Regulation 10 amends regulation 37 of S.I. 1987/1973.]

[Regulation 11 amends regulation 47 of S.I. 1987/1973.]

[Regulation 12 amends regulation 2 of S.I. 1987/1967.]

[Regulation 13 amends regulation 6 of S.I. 1987/1967.]

[Regulation 14 amends regulation 12 of S.I. 1987/1967.]

[Regulation 15 amends regulation 21 of S.I. 1987/1967.]

[Regulation 16 amends regulation 37 of S.I. 1987/1967.]

[Regulation 17 amends regulation 39 of S.I. 1987/1967.]

[Regulation 18 amends regulation 42 of S.I. 1987/1967.]

[Regulation 19 amends regulation 61 of S.I. 1987/1967.]

[Regulation 20 amends regulation 62 of S.I. 1987/1967.]

[Regulation 21 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.

7th September 1992

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

[Schedule makes minor and miscellaneous amendments to S.I. 1991/2887.]

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the Disability Working Allowance (General) Regulations 1991 (S.I. 1991/2887) and further amendments to the Family Credit (General) Regulations 1987 (S.I. 1987/1973) and the Income Support (General) Regulations 1987 (S.I. 1987/1967). In particular, they—

- (a) provide for the calculation of the amount to be deducted in respect of income tax in relation to a claimant's earnings to include the lower rate of income tax and define "lower rate" (regulations 2, 4, 6, 8, 9, 12, 17 and 18, and paragraphs 4, 7 and 8 of the Schedule);
- (b) amend the definition of "advanced education" in the provisions relating to relevant education and to students (regulations 10, 14 and 19, and paragraph 12 of the Schedule).

With respect to the Disability Working Allowance (General) Regulations 1991, they—

- (a) provide a definition of the expression "training allowance" (regulation 2); and
- (b) make a number of minor drafting changes (regulation 3 and the Schedule).

With respect to the Family Credit (General) Regulations 1987, they—

- (a) amend the provisions for calculating the estimated earnings of self-employed earners (regulation 5) by deleting the reference to "other evidence" in regulation 15(2);
- (b) make minor amendments to certain provisions (regulations 7 and 11) relating to the method of calculating bonus or commission and to the applicable amount.

With respect to the Income Support (General) Regulations 1987, they—

- (a) provide that foster parents are not to be treated as in remunerative work solely because they receive payments for fostering a child (regulation 15);
- (b) further define the circumstances in which payments in respect of certain types of accommodation are included in applicable amounts (regulation 15);
- (c) provide that specified payments to foster parents are not to be treated as earnings (regulation 16);
- (d) make minor drafting changes to regulation 62 which relates to the calculation of grant income (regulation 20);
- (e) amend the provisions for calculating the income of a non-dependant by providing a disregard of certain payments (regulation 21).

