

1992 No.2155

SOCIAL SECURITY

The Income-related Benefits Schemes  
(Miscellaneous Amendments) Regulations 1993

Made - - - - 22nd February 1993

Laid before Parliament 26th February 1993

Coming into force in accordance with regulation 1(1)

The Secretary of State for Social Security, in exercise of powers conferred by sections 128(3), 129(4), and 6, 135(1), 136(1), (3), (5), (5)(a) and (b), 137(1) 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 that proposals in respect of these Regulations should not be referred to it(b), 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 1993 and shall come into force—

- (a) for the purposes of this regulation and regulation 5 on 29th March 1993;
- (b) for the purposes of regulation 2 and the Schedule, and regulations 9, 15 and 21 in so far as they relate to council tax or council tax benefit, on 1st April 1993;
- (c) for the purposes of regulations 3 to 8, and regulation 9 in so far as it is not already in force, on 12th April 1993;
- (d) for the purposes of regulations 10 to 14 and 16 to 20, and regulations 15 and 21 in so far as they are not already in force, on 13th April 1993.

(2) Regulations 3 to 8 of these Regulations and regulation 9 except in so far as it came into force on 1st April 1993 shall have effect in regulation to any particular claimant at the beginning of the first benefit week to commence for that claimant on or after 12th April 1993 which applies in his case; and for this purposes the expressions “claimant” and “benefit week” have the same meanings as in the Income Support Regulations.

(3) Regulations 10 to 14 and 16 to 20 of these Regulations, and regulations 15 and 21 except in so far as they came into force on 1st April 1993 shall have effect in relation to any particular claimant—

- (a) except where sub-paragraph (b) applies, on 13th April 1993, or
- (b) where a claimant has an award of family credit or disability working allowance which is current on 12th April 1993, on the day following the expiration of that award.

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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), sections 172(1) and 173(1)(b) and (7); section 173(7) defines “regulations”.

(4) In these Regulations–

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

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

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

#### Amendments consequential on the introduction of council tax

2. The Schedule to these Regulations, which contains amendments to the Income Support Regulations, the Family Credit Regulations and the Disability Working Allowance Regulations consequential on the abolition of community charges, the introduction of council tax, and the introduction of council tax benefit in succession to community charge benefits, shall have effect.

[Regulation 3 amends regulation 2 of S.I. 1987/1967.]

[Regulation 4 amends regulation 21 of S.I. 1987/1967.]

[Regulation 5 revoked by Sch. 3 to S.I. 1996/206 as from 7.10.96.]

[Regulation 6 amends regulation 42 of S.I. 1987/1967.]

[Regulation 7 revoked by Sch. 4 to S.I. 1995/1613 as from 2.10.95.]

[Regulation 8 amends Schedule 8 of S.I. 1987/1967.]

[Regulation 9 amends Schedule 9 to S.I. 1987/1967.]

[Regulation 10 amends regulation 2 of S.I. 1987/1973.]

[Regulation 11 amends regulation 16 of S.I. 1987/1973.]

[Regulation 12 amends regulation 19 of S.I. 1987/1973.]

[Regulation 13 amends regulation 27 of S.I. 1987/1973.]

[Regulation 14 inserts regulation 51A into S.I. 1987/1973.]

[Regulation 15 amends Schedule 2 of S.I. 1987/1973.]

[Regulation 16 amends regulation 2 of S.I. 1991/2887.]

[Regulation 17 amends regulation 18 of S.I. 1991/2887.]

[Regulation 18 amends regulation 21 of S.I. 1991/2887.]

[Regulation 19 amends regulation 30 of S.I. 1991/2887.]

[Regulation 20 inserts regulation 56A into S.I. 1991/2887.]

[Regulation 21 amends Schedule 3 of S.I. 1991/2887.]

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

22nd February 1993

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

(a) S.I. 1991/2887; relevant amending instrument is S.I. 1992/2155.

(b) S.I. 1987/1973; relevant amending instruments are S.I. 1988/660, 1988/999, 1988/1438, 1988/1970, 1990/127, 1990/574, 1990/1774, 1991/1175, 1991/1520, 1992/573 and 1992/1101.

(c) S.I. 1987/1967; relevant amending instruments are S.I. 1988/1445, 1988/2022, 1989/534, 1990/127, 1990/547, 1990/1776, 1991/1175, 1991/1559, 1991/2742, 1992/50, 1992/1101 and 1992/1198.

**SCHEDULE**

Regulation 2

**Amendments consequential on the introduction of council tax and council tax  
benefit**

{Paragraph 1 of Schedule introduces amendments consequential on the  
introduction of council tax and council tax benefit.}

[Part I of Schedule specifies amendments to S.I. 1987/1967.]

[Part II of schedule specifies amendments to S.I. 1987/1973.]

[Part III of Schedule specifies amendments to S.I. 1991/2887.]

## EXPLANATORY NOTE

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

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

- (a) they make amendments consequential upon the abolition of community charges, the introduction of council tax and the introduction council tax benefit in succession to community charge benefits (regulations 2, 9, 15, 21 and the Schedule);
- (b) they provide definitions of community charge benefit and the Contributions and Benefits Act (regulations 3, 10 and 16);
- (c) they amend the disregards in respect of income arising from disregarded capital( regulations 9, 15 and 21);

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

- (a) they amend the definition of “water charges” (regulation 3);
- (b) they amend the definition of “person from abroad” to include a national of a European Community State who has been required to leave the UK (regulation 4);
- (c) they reduce from 2 years to 12 months the period of time a person must have been unemployed before his applicable amount can be reduced in cases of failure to attend courses, and they provide that such courses may be ones provided by or on behalf of the Secretary of State. they also make minor drafting changes to this provision (regulation 5);
- (d) in relation to the calculation of housing costs, they specify the deduction to be made in the case of non-dependants and their partners (regulation 7);
- (e) in relation to the calculation of income, they further amend the notional income provisions in respect of occupational pensions, and they provide a disregard in respect of the earnings of a claimant or partner who is entitled to the carer premium (regulations 6 and 8);

With respect to the Family Credit (General) Regulations 1987 and the Disability Working Allowance (General) Regulations 1991—

- (a) they provide a definition of “water charges” (regulations 10 and 16);
- (b) they provide that where a child or young person has capital in excess of £3,000, any income of that child or young person consisting of maintenance is to be treated as the income of the claimant (regulations 13 and 19);
- (c) they provide for a child support reduced benefit direction to be treated as a change of circumstances so as to permit a review of an award (regulations 14 and 20);
- (d) in relation to the calculation of income, they amend the method of calculation of weekly maintenance and they specify that statutory maternity pay is not to be treated as earnings, and they provide a disregard of guardian’s allowance (regulations 11, 12, 15, 17, 18 and 21).