1994 No.2139

SOCIAL SECURITY

The Incom-related Benefits Schemes (Miscellaneous Amendments) (No. 5) Regulation 1994

Made - - - - *12th August 1994*

Laid before Parliament *19th August 1994*

Coming into force in accordance with regulation 1(1)

The Secretary of State for Social Security, in exercise of the powers conferred on him by sections 123(1)(a), (b) and (c), 128(3) and (4)(b), 129(6) and (7)(b), 135(1) and (6), 136(3), (4) and (5)(a) to (c), 137(1) and (2)(c) and (d) and 175(1) and (3) to (5) of the Social Security Contributions and Benefits Act 1992**(a)** and sections 5(1)(k), 27(1), 33(3) and 189(1), (4) and (5) of the Social Security Administration Act 1992**(b)** 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**(c)**, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Income-related Benefits Schemes (Miscellaneous Amendments) (No. 5) Regulations 1994 and shall come into force–

(a) for the purposes of this regulation and regulations 22 to 33, on 3rd October 1004;

(b) for the purposes of regulations 2 to 21, on 4th October 1994.

(2) Regulations 22 to 33 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 3rd October 1994 which applies in his case.

(3) In paragraph (2) above the expressions “claimant” and “benefit week” have the same meanings as in the Income Support Regulations.

(4) Regulations 2 to 21 of these Regulations shall have effect in relation to any particular claimant–

(a) except where sub-paragraph (b) applies, on 4th October 1994; or

(b) where a claimant has an award of disability working allowance or family credit which is current on 3rd October 1994, on the day following the expiration of that award.

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

(b) 1992 c.5.

(c) *See* the Social Security Administration Act 1992 (c.5), section 173(1)(b) and (7); section 173(7) defines “regulations”.

(5) 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)**.

[Regulation 2 amends regulation 6 of S.I. 1991/2887.]

[Regulation 3 amends regulation 17 of S.I. 1991/2887.]

[Regulation 4 amends regulations 22, 26 and 29 of S.I. 1991/2887.]

[Regulation 5 further amends regulation 22 of S.I. 1991/2887.]

[Regulation 6 amends regulation 24 of S.I. 1991/2887.]

[Regulation 7 amends regulation 34 of S.I. 1991/2887.]

[Regulation 8 substitutes regulation 56 of S.I. 1991/2887.]

[Regulation 9 amends Schedule 3 to S.I. 1991/2887.]

[Regulation 10 amends Schedule 4 to S.I. 1987/1973.]

[Regulation 11 amends regulation 4 of S.I. 1987/1973.]

[Regulation 12 amends regulation 14 of S.I. 1987/1973.]

[Regulation 13 amends regulation 15 of S.I. 1987/1973.]

[Regulation 14 amends regulations 20, 23 and 26 of S.I. 1987/1973.]

[Regulation 15 further amends regulations 20 of S.I. 1987/1973.]

[Regulation 16 amends regulation 20ZA of S.I. 1987/1973.]

[Regulation 17 amends regulation 21 of S.I. 1987/1973.]

[Regulation 18 amends regulation 31 of S.I. 1987/1973.]

[Regulation 19 substitutes regulation 51 of S.I. 1987/1973.]

[Regulation 20 amends Schedule 2 to S.I. 1987/1973.]

[Regulation 21 amends Schedule 3 to S.I. 1987/1973.]

[Regulation 22 amends regulation 2 of S.I. 1987/1967.]

[Regulation 23 amends regulation 6 of S.I. 1987/1967.]

[Regulation 24 amends regulation 19 of S.I. 1987/1967.]

[Regulation 25 amends regulation 19 of S.I. 1987/1967.]

[Regulation 26 amends regulations 36 and 42 of S.I. 1987/1967.]

[Regulation 27 amends regulation 37 of S.I. 1987/1967.]

[Regulation 28 amends regulation 38 of S.I. 1987/1967.]

(a) S.I. 1991/2887; relevant amending instruments S.I. 1992/1101 and 2155, 1993/315, 963, 1249 and 2119 and 1994/527.

(b) S.I. 1987/1973; relevant amending instruments S.I. 1988/660, 999, 1438 and 1970, 1990/127 and 574, 1991/387, 1175 and 1520, 1992/573, 1101 and 2155, 1993/315, 963, 1249 and 2119 and 1994/527.

(c) S.I. 1987/1967; relevant amending instruments S.i. 1988/663, 1445 and 2022, 1989/534 and 1678, 1990/127, 547 and 2324, 1991/236, 387, 1033, 11765, 1559, 1656 and 2742, 1992/468, 1101, 1198, 2155 and 3147, 1993/315, 349, 518, 963, 1150,1249 and 2119 and 1994/527.

[Regulation 29 amends regulations 39 and 42 of S.I. 1987/1967.]

[Regulation 30 amends Schedule 2 to S.I. 1987/1967.]

[Regulation 31 amends Schedule 7 to S.I. 1987/1967.]

[Regulation 32 amends Schedule 9 to S.I. 1987/1967.]

[Regulation 33 amends Schedule 10 to S.I. 1987/1967.]

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

William Hague
Minister of State,
Department of Social Security

12th August 1994

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

(a) treating a person as not being engaged in remunerative work where he receives payments from certain organisations for providing temporary accommodation and care to a person not normally a member of his household or is in receipt of a training allowance while on a scheme of training or instruction (regulations 2, 11 and 23);

(b) the provisions concerning the period over which the weekly earnings of employed or self-employed earners are to be calculated (regulation 3, 5(2), 12(a), 13, 15(2), 16(a) and (c), 26 and 28);

(c) the amount of income tax to be deducted in calculating certain earnings (regulations 4, 14, 16(b) and 29);

(d) excluding payments made to a claimant by certain organisations for providing temporary accommodation and care to a person not normally a member of his household from being treated as earnings (regulations 6, 17 and 27);

(e) the rates of income tax to be deducted from interest due on a loan secured on a person's dwelling which is used for the purpose of an annuity, in calculating sums to be disregarded from a claimant's income and certain payments to widows under the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions order 1983, the Personal Injuries (Civilians) Scheme 1983 and specified Dispensing Instruments which are to be disregarded from a person's income (regulations 9, 20 and 32);

(f) the disregard of capital administered by the High Court, the County Court or the Court of Protection in England and Wales or the Court of Session or Sheriff Court in Scotland on behalf of a person under the age of 18, which derives from an award of damages for personal injury to that person or for the death of one or both of such a person's parents and of arrears of payments under the instruments referred to in paragraph (e) above (regulations 10, 21 and 33).

The Disability Working Allowance (General) Regulations are further amended with respect to–

(a) the deduction to be made in calculating earnings on account of pension contributions (regulation 5(3));

(b) child support maintenance payments which are not to be treated as capital (regulation 7);

(c) the effect of a new award of disability working allowance or family credit which overlaps the period of an existing award of disability working allowance in terminating the existing award (regulation 8).

The Family Credit (General) Regulations are further amended with respect to–

(a) the determination of a claimant's normal weekly earnings where an adjudication offer considers he has restricted his hours of work with the intention of increasing the amount of benefit to which he is entitled (regulation 12(b));

(b) the deduction to be made in calculating earnings on account of pension contributions (regulation 13(3));

(c) child support maintenance payments which are not to be treated as capital (regulation 18);

(d) the effect of a new award of family credit or disability working allowance which overlaps the period of an existing award of family credit in terminating the existing award (regulation 19).

The Income support (General) Regulations are further amended with respect to–

(a) extending the classes of persons who are to be treated as having preserved rights to receive income support where they are resident in residential care homes or nursing homes (regulation 24(2) and (5)).

(b) the extension in Scotland of preserved rights to income support to certain persons who were resident in residential care or nursing homes on 31st March 1993 or who were temporarily absent from such accommodation on that date (regulation 24(3) and (4)).

(c) the definition of residential accommodation as it applies to Scotland (regulation 25);

(d) the conditions governing the award of a severe disability premium where the person caring for the disabled person receives a back payment of invalid care allowance (regulation 30);

(e) the inclusion of an amount in a claimant's applicable amount, in respect of a retaining fee which is payable during certain absences from residential accommodation provided under the Polish Resettlement Act 1947 and increasing the maximum amount in respect of the weekly charge for his accommodation (regulation 31).

These Regulations do not impose a charge on businesses.