

1996 No.462

SOCIAL SECURITY

The Income-related Benefits Schemes
(Miscellaneous Amendments) Regulations 1996

Made - - - - 28th February 1996

Laid before Parliament 4th March 1996

Coming into force in accordance with regulation 1

The Secretary of State for Social Security, in exercise of the powers conferred by sections 123(1), 130(2), 134(1) and (6), 136(2), (3) and (5)(a) and (b), Contributions and Benefits Act 1992(a), sections 5(1)(b) and 6(1)(b) 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), and after consultation, in respect of provisions in these Regulations relating to housing benefit and council tax benefit, with organisations appearing to the Secretary of State to be representative of the authorities concerned(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 1996 and this regulation shall come into force on 1st April 1992.

(2) In so far as these Regulations amend provisions relating to income support they shall come into force on 8th April 1996 and, in relation to any particular claimant for that benefit, shall have effect from the beginning of the first benefit week to commence for that claimant on or after that date.

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

(4) In so far as these Regulations amend provisions relating to housing benefit or council tax benefit they shall come into force on 1st April 1996.

(5) In so far as these Regulations amend provisions relating to family credit or disability working allowance, they shall come into force on 9th April 1996 and, in relation to any particular claimant for either of those benefits, they shall have effect—

- (a) where a claimant has an award of family credit or disability working allowance which is current on 9th April, on the day following the expiration of that award; or
- (b) in any other case, on 9th April 1996.

(a) 1992 c.4; sections 123, 130, 135, 136 and 137 of the Contributions and Benefits Act 1992 were amended to have effect with respect to council tax benefit by Schedule 9 to the Local Government Finance Act 1992 (c.14); section 137(1) is an interpretation provision and is cited because of the meaning assigned to the word “prescribed”.

(b) 1992 c.5; section 6(1)(b) was amended by the Local Government Finance Act 1992 (c.14), Schedule 9, paragraph 12.

(c) See the Social Security Administration Act 1992 (c.5), section 173(1)(b) and (7).

(d) See the Social Security Administration Act 1992 (c.5), section 176(1).

- [Reg. 2 inserts reg. 19(1ZR) into S.I. 1987/1967.]
- [Reg 3(1) inserts para. 13(3A) into Sch. 2 to S.I. 1987/1971 and para. 14(3A) into Sch. 1 to S.I. 1992/1814.]
- [Reg. 3(2) amends para. 15(5)(b)(i) of Sch. 2 to S.I. 1987/1971.]
- [Reg. 3(3) amends para. 19(6)(b)(i) of Sch. 1 to S.I. 1992/1814.]
- [Reg. 4(1) substitutes paras. 57–58 of Sch. 4 to S.I. 1987/1971.]
- [Reg. 4(2) substitutes paras. 56–57 of Sch. 4 to S.I. 1992/1814.]
- [Reg. 5 amends reg. 72(15) of S.I. 1987/1971 and reg. 62(16) of S.I. 1992/1814.]
- [Reg. 6 amends reg. 10 of S.I. 1995/1944.]
- [Reg. 7 substitutes reg. 14(2)(aa) of S.I. 1987/1973.]
- [Reg. 8 amends reg. 65 of, and paras. 15(1) and 36 of Sch. 9 to, S.I. 1987/1967.]
- [Reg. 8(b) amends reg. 56 of, and paras. 13(1) and 33 of Sch. 4 to, S.I. 1987/1971.]
- [Reg. 8(c) amends reg. 45 of, and paras. 13(1) and 34 of Sch. 4 to, S.I. 1992/1814.]
- [Reg. 8(e) amends reg. 41 of, and paras. 13(1) and 29 of Sch. 2 to, S.I. 1987/1973.]
- [Reg. 9(1) amends provisions as specified in reg. 9(2) as follows.]
- [Reg. 9(2)(a) substitutes reg. 66A(3) of S.I. 1987/1967.]
- [Reg. 9(2)(b) substitutes reg. 57A(3) of S.I. 1987/1971.]
- [Reg. 9(2)(c) substitutes reg. 47(3) of S.I. 1992/1814.]
- [Reg. 9(2)(d) substitutes reg. 42A(3) of S.I. 1987/1973.]
- [Reg. 9(2)(e) substitutes reg. 47(3) of S.I. 1991/2887.]
- [Reg. 10(1) amends provisions as specified in reg. 10(2) as follows.]
- [Reg. 10(2)(a) amends reg. 67 of S.I. 1987/1967.]
- [Reg. 10(2)(b) amends reg. 58(1) of S.I. 1987/1971.]
- [Reg. 10(2)(c) amends reg. 48 of S.I. 1992/1814.]
- [Reg. 10(2)(d) amends reg. 43 of S.I. 1987/1973.]
- [Reg. 10(2)(e) amends reg. 48 of S.I. 1991/2887.]
- [Reg. 11(1) inserts para. 46 into Sch. 10 to S.I. 1987/1967.]
- [Reg. 11(2) inserts para. 48 into Sch. 5 to S.I. 1987/1971 and into Sch. 5 to S.I. 1992/1814 and into Sch. 4 to S.I. 1991/2887.]
- [Reg. 11(3) inserts para. 49 into Sch. 3 to S.I. 1987/1973.]
- [Reg. 12(1)(a) substitutes reg. 45 of S.I. 1987/1967.]
- [Reg. 12(1)(b)(i) amends reg. 53(1) of S.I. 1987/1967.]
- [Reg. 12(1)(b)(ii) inserts reg. 53(1A)–(1C) into S.I. 1987/1967.]
- [Reg. 12(1)(b)(iii) amends reg. 53(2) and (3) of S.I. 1987/1967.]
- [Reg. 12(1)(b)(iv) inserts reg. 53(4) into S.I. 1987/1967.]
- [Reg. 12(2)(a)(i) amends reg. 7(6)(a) of S.I. 1987/1971.]
- [Reg. 12(2)(a)(ii) substitutes reg. 7(9) of S.I. 1987/1971.]

[Reg. 12(2)(b)(i) amends reg. 45(1) of S.I. 1987/1971.]

[Reg. 12(2)(b)(ii) amends reg. 45(1A)–(1C) into S.I. 1987/1971.]

[Reg. 12(2)(b)(iii) amends reg. 45(2) and (3) of S.I. 1987/1971.]

[Reg. 12(2)(b)(iv) inserts reg. 45(4)–(5) into S.I. 1987/1971.]

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

28th February 1996

Roger Evans
Parliamentary Under-Secretary of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Income Support (General) Regulations 1987 (S.I. 1987/1967), the Housing Tax Benefit (General) Regulations 1987 (S.I. 1987/1971), the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814), 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.

With regard to income support, provision is made for the preserved rights of a person in a residential care home run by the Abbeyfield Society to cease if arrangements are made to provide him with personal care (regulation 2).

With regard to housing benefit and council tax benefit, provision is made—

for the severe disability premium payable to a couple to continue if one partner is in hospital (regulation 3);

for the additional family credit and disability working allowance payable to persons who work for 30 hours or more per week to be disregarded in the calculation of income (regulation 4);

for clarifying regulations relating to backdated claims (regulation 5).

With regard to family credit, provision is made for the calculation of normal weekly income where a person is paid fortnightly (regulation 7).

With regard to all income-related benefits, provision is made—

for increasing to £20 the disregard of certain charitable or voluntary payments in the calculation of income and for increasing the maximum amount to be disregarded from a claimant's income in respect of such payments (regulation 8);

for treating as income a student loan which a person will be able to acquire if he takes reasonable steps to do so (regulation 9);

for clarifying regulations relating to the disregard of a partner's contribution to a student grant in the calculation of the partner's income (regulation 10);

for any payment to a claimant as holder of the Victoria Cross or George Cross to be disregarded in the calculation of capital (regulation 11).

Regulation 6 amends the definition of "exempt accommodation" in regulation 10 (saving) of the Housing Benefit (General) Amendment Regulations 1995.

Regulation 12 amends the capital limits in respect of claimants for income support and housing benefit who are in residential care, nursing homes or other

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types of residential accommodation. In relation to income support and housing benefit, the amount to be disregarded in the assessment of tariff income from capital is increased from £3,000 to £10,000 (paragraphs (1)(b) and (2)(b)). The upper capital limit for claimants for income support is increased from £8,000 to £16,000 (paragraph (1)(a)). Provision is also made for cases of temporary absence from residential accommodation and some consequential amendments are made to the relevant regulations.

These Regulations do not impose any costs on business.