

1997 No. 2197

SOCIAL SECURITY

**The Income-related Benefits and Jobseeker's Allowance
(Amendment) (No. 2) Regulations 1997**

Made - - - - *9th September 1997*

Laid before Parliament *12th September 1997*

Coming into force in accordance with regulation 1

The Secretary of State for Social Security in exercise of powers conferred upon her by sections 123(1), 124(1)(e), 135(1), 136(2) to (4) and (5)(a) and (b), 137(1) and (2)(h) and 175(1) and (3) to (5) of the Social Security Contributions and Benefits Act 1992(a) and sections 4(5), 12(1), (2) and (4)(a) and (b), 13(3), 35(1), 36(2) and (4) and 40 of the Jobseekers Act 1995(b) and of all other powers enabling her in that behalf, after consultation with organisations appearing to her to be representative of the authorities concerned(c) and after agreement by the Social Security Advisory Committee that proposals in respect of 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 and Jobseeker's Allowance (Amendment) (No. 2) Regulations 1997 and, subject to paragraphs (2) to (4), shall come into force on 6th October 1997.

(2) In relation to a claimant for either income support or jobseeker's allowance, these Regulations shall have effect from the first day of the first benefit week to commence for that claimant on or after 6th October 1997.

(3) In paragraph (2) above, the expression "benefit week" shall have the same meaning as in regulation 2(1) of the Income Support Regulations(e) or, where appropriate, in regulation 1(3) of the Jobseeker's Allowance Regulations(f).

(4) In so far as these Regulations amend provisions relating to disability working allowance or family credit, they shall come into force on 7th October 1997 and, in relation to any particular claimant for either of those benefits, these Regulations shall have effect where a claimant has an award of disability working allowance or family credit which is current on 7th October 1997, on the day following the expiration of that award.

(a) 1992 c.4; section 123(1)(e) and 131 were substituted and section 130 was amended to have effect with respect to council tax benefit by Schedule 9 to the Local Government Finance Act 1992 (c.14); section 124(1)(e) was inserted by Schedule 2 paragraph 30(5) to the Jobseekers Act 1995 (c.18) and section 137(1) is cited because of the meaning ascribed to the word "prescribed".
(b) 1995 c.18; section 35(1) is an interpretation provision and is cited because of the meanings ascribed to the words "prescribed" and "regulations".
(c) See the Social Security Administration Act 1992 (c.5), section 176(1).
(d) See the Social Security Administration Act 1992, sections 170 and 173(1)(b) and the Jobseekers Allowance Act 1995 Schedule 2, paragraph 67(a).
(e) The definition of "benefit week" was amended by S.I. 1988/1445.
(f) The definition of "benefit week" was amended by S.I. 1996/1517 and 2538.

(5) In these Regulations, unless the context otherwise requires -

“the Council Tax Benefit Regulations” means the Council Tax Benefit (General) Regulations 1992(a);

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

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

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987(d);

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

“the Jobseeker's Allowance Regulations” means the Jobseeker's Allowance Regulations 1996(f).

[Regulation 2 amends regulations 29 and 37 of S.I. 1991/2887.]

[Regulation 3 amends regulations 26 and 34 of S.I. 1987/1973.]

[Regulation 4 amends regulation 5 of S.I. 1987/1971.]

[Regulation 5 amends regulations 4ZA, 40, 42, 51, 61 and Schedules 4 and 7 to S.I. 1987/1967.]

[Regulation 6 amends regulations 105 and 113 of S.I. 1996/207.]

[Regulation 7(1) and (2) amends regulations 26 and 34 of S.I. 1992/1814 and regulations 35 and 43 of S.I. 1987/1971.]

[Regulation 7(3) and (4) amends regulations 26 of S.I. 1992/1814, 29 of S.I. 1991/2887, 26 of S.I. 1987/1973, 35 of S.I. 1987/1971, 42 of S.I. 1987/1967 and 105 of S.I. 1996/207.]

[Regulation 7(5) and (6) amends regulation 53 and Schedule 2 to S.I. 1987/1967 and regulation 116 and Schedule 1 to S.I. 1996/207.]

[Regulation 7(7) and (8) amends Schedule 4 to S.I. 1992/1814, Schedule 3 to 1991/2887, Schedule 2 to S.I. 1987/1973, Schedule 4 to S.I. 1987/1971, Schedule 9 to S.I. 1987/1967 and Schedule 7 to S.I. 1996/207.]

[Regulation 7(9) and (10) amends Schedule 5 to S.I. 1992/1814, Schedule 4 to 1991/2887, Schedule 3 to S.I. 1987/1973, Schedule 5 to S.I. 1987/1971, Schedule 10 to S.I. 1987/1967 and Schedule 8 to S.I. 1996/207.]

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

9th September 1997

Keith Bradley
Parliamentary Under-Secretary of State,
Department of Social Security

(a) S.I. 1992/1814; relevant amending instrument S.I. 1994/2137.

(b) S.I. 1991/2887; relevant amending instruments S.I. 1992/2155, 1994/527 and 2139 and 1995/2303.

(c) S.I. 1987/1973; relevant amending instruments S.I. 1990/1774, 1994/2139 and 1995/2303.

(d) S.I. 1987/1971; relevant amending instruments S.I. 1993/317 and 1994/2137.

(e) S.I. 1987/1967; relevant amending instruments S.I. 1989/1678, 1990/1549, 1991/236, 1992/468, 3147, 1993/518, 1219, 1994/2139, 1995/516, 2303, 1996/204, 206, 462, 1944 and 1997/65.

(f) S.I. 1996/207.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814), the Disability Working Allowance (General) Regulations 1991 (S.I. 1991/2887), the Family Credit (General) Regulations (S.I. 1987/1973), the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971), the Income Support (General) Regulations 1987 (S.I. 1987/1967) and the Jobseeker's Allowance Regulations (S.I. 1996/207).

With respect to housing benefit, provision is made for housing benefit to be payable in respect of two dwellings where a claimant could not reasonably have avoided his liabilities in respect of both of them (regulation 4).

With respect to income support, provision is made -

- so that where a person is of a prescribed category for any day in a benefit week he shall fall in that category for the whole of that week (regulation 5(2));
- to amend the reference to "week" in the calculation of income other than earnings to refer to "benefit week" (regulation 5(3));
- to amend the definition of "grant income" and the apportionment of student loans in respect of benefit weeks in calculating income other than earnings (regulation 5(5));
- to omit provisions in Schedule 4 which formerly had effect with respect to regulation 19 (applicable amounts for persons in residential care and nursing homes) (regulation 5(6));
- to amend the definition of "personal care" as it has effect with respect to the applicable amounts of persons provided with accommodation under the Polish Resettlement Act 1947 (C.19) (regulation 5(7)).

With respect to income support and jobseeker's allowance, provision is made -

- to amend the definition of "personal care" for the purpose of calculating a claimant's tariff income from capital and in the conditions in respect of a residential allowance (regulation 7(5) and (6)).

With respect to all the benefits, provision is made -

- for excepting certain funds in Court from being treated as notional income or capital (regulations 2, 3, 5(4), 6, 7(1) and (2));
- for excepting certain payments under the Coal Industry Act 1994 from being treated as notional income (regulation 7(3) and (4));
- for extending the disregard of certain educational awards to children or young persons in Scotland when paid by the Board of Management of Colleges (regulation 7(7) and (8)); and
- for extending the disregard of capital arising from compensation for personal injuries administered by the Court for persons aged under 18 to persons aged 18 and over (regulation 7(9) and (10)).

These Regulations do not impose a charge on businesses.

