1998 No.563

SOCIAL SECURITY

The Social Security (Miscellaneous Amendment) Regulations 1998

Made - - - - *4th March 1998*

Laid before Parliament *11th March 1998*

Coming into force in accordance with regulation 1.

The Secretary of State for Social Security, in exercise of powers conferred upon her by sections 64(1), 68(4)(c), 70(4), 71(6), 123(1), 124(1), 128(1), 129(1), 130(1)(a), (2), (4) and (5), 131(1), (3) and (12), 135(1), 136(2), (3) and (5), 137(1), (2)(a) and (i), 146A, 147(1), 175(1), (4) and (5) of the Social Security Contributions and Benefits Act 1992(**a**), sections 5(1)(k) and (p), 32(8), 75(2), 76(1), 189(1) and (3) and 191 of the Social Security Administration Act 1992(b), sections 4(5), 12(1), (2) and (4), 13(3), 35(1), 36(1), (2) and (4) of, and paragraphs 3 and 11 of Schedule 1 to the Jobseekers Act 1995(**c**), sections 10(1), (5)(a) and (b) and (7) and 26(1) to (3) of the Child Support Act 1995(**d**), paragraph 7A of Schedule 2 to the Abolition of Domestic Rates (Scotland) Act 1987(**e**), section 146(6), of and paragraph 6 of Schedule 4 to, the Local Government Finance Act 1988(**f**), sections 24 and 30 of the Criminal Justice Act 1991(**g**) and section 116(1) of, and paragraphs 1 and 6 of Schedule 4 and paragraph 6 of Schedule 8 to, the Local Government Finance Act 1992(**h**) and of all other powers enabling her in that behalf, after consultation, in respect of those provisions in these Regulations relating to housing benefit and council tax benefit, with organisations appearing to her to be representative of the authorities concerned(**i**) and after agreement by the Social Security Advisory Committee that these Regulations should not be referred to it(**j**), hereby makes the following Regulations:

(**a**) 1992 c.4; sections 123, 131, 135 and 137 were amended to have effect with respect to council tax benefit by Schedule 9 to the Local Government Finance Act 1992 (c.14); section 146A was inserted by the Asylum and Immigration Act 1996 (c.49); sections 137(1) and 147(1) are interpretation provisions and are cited because of the meaning ascribed to the word "prescribed".

(**b**) 1992 c.5; section 5(6) was inserted by section 120 of the Housing Act 1996 (c.52); section 76 was amended to have effect with respect to council tax benefit by Schedule 9 to the Local Government Finance Act 1992 (c. 14); section 191 is an interpretation provision and is cited because of the meaning ascribed to the word "prescribe".

(**c**) 1995 c.18; section 35(1) is an interpretation provision and is cited because of the meaning given to the words "prescribed" and "regulations".

(**d**) 1995 c.34.

(**e**) 1987 c.47 ("the 1987 Act"); paragraph 7A was inserted by paragraph 36(1) of Schedule 12 to the Local Government Finance Act 1988 (c.41). The 1987 Act was repealed by Schedule 14 of the Local Government Finance Act 1992 (c.14) but paragraph 7A of Schedule 2 continues to have effect for the purposes of amending the Community Charges (Deductions from Income Support)(Scotland) Regulations 1989 (S.I.1989/507)(S.59) by virtue of Article 2 of the Local Government Finance Act 1992 (Recovery of Community Charge) Saving Order 1993 (S.I.1993/ 1780). Paragraph 7A of Schedule 2 to the 1987 Act as continued in effect by virtue of that Order, was amended by paragraph 10 of Schedule 2 to the Jobseekers Act 1995 (c.18).

(**f**) 1988 c.41 ("the 1988 Act"); section 146(6) is cited because of the meaning given to the word "prescribed". Paragraph 6 of Schedule 4 was repealed by Schedule 14 to the Local Government Finance Act 1992 (c.14), but continues to have effect for the purposes of amending the Community Charges (Deductions from Income Support)(No.2) Regulations 1990 (S.I.1990/ 545) by virtue of Article 2 of the Local Government Finance Act 1992 (Recovery of Community Charge) Saving Order 1993 (S.I.1993/1780). Paragraph 6 of Schedule 4 to the 1988 Act as continued in effect by virtue of that Order, was amended by paragraph 18 of Schedule 2 to the Jobseekers Act 1995.

(**g**) 1991 c.53.

(**h**) 1992 c.14; paragraph 6 of Schedule 4 and paragraph 6 of Schedule 8 were amended by the Jobseekers Act 1995, Schedule 2, paragraphs 75 and 76 respectively. Section 116(1) is an interpretation provision and is cited because of the meaning given to the word "prescribed".

(**i**) *See* section 176(1) of the Social Security Administration Act 1992 (c.5).

(**j**) *See* sections 170 and 173(1)(b) of the Social Security Administration Act 1992 (c.5); paragraph 20 of Schedule 3 to the Child Support Act 1995 (c.34) added that Act to the list of "relevant enactments" in respect of which regulations must normally be referred to the Committee.

PART I
GENERAL

Citation, commencement and interpretation

Words in reg.1 substituted by reg. 2 of S.I. 1998/865 as rom 20.3.98.

1.—(1) These Regulations may be cited as the Social Security (Miscellaneous Amendments) Regulations 1998 and this regulation and▶and regulations 2,3, 16, 18(2)(a) and (d) to (g) and 18(1) in so far as it relates those sub-paragraphs◀ shall come into force on 1st April 1998.

(2) Except in the case of regulation 16, in so far as they amend provisions relating to income support or jobseeker's allowance, these Regulations shall come into force on 6th April 1998 and 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 that date and, in a case to which regulation 8(2)(c) and (3) applies, immediately after article 18(8) of, and Schedule 7 to, the Social Security Benefits Up-rating Order 1998(**a**) come into force.

(3) In paragraph (2) above, the expressions "benefit week" and "claimant" with respect to income support shall have the same meaning as in regulation 2(1) of the Income Support Regulations(**b**) and with respect to jobseeker's allowance "benefit week" shall have the same meaning as in regulation 1(3) of the Jobseeker's Allowance Regulations(**c**).

(4) In so far as these Regulations amend provisions relating to council tax benefit they shall come into force on 1st April 1998.

(5) In so far as these Regulations amend provisions relating to disability working allowance or family credit, they shall come into force on 7th April 1998 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 April 1998, on the day following the expiration of that award.

(6) In so far as these Regulations amend provisions relating to housing benefit, they shall come into force -

(a) in any case where rent is payable at intervals of a whole number of weeks, on 6th April 1998; -

(b) in any other case, on 1st April 1998.

(7) In these Regulations -

"the Child Maintenance Bonus Regulations" means the Social Security (Child Maintenance Bonus) Regulations 1996(**d**);

"the Council Tax Benefit Regulations" means the Council Tax Benefit (General) Regulations 1992(**e**);

"the Disability Working Allowance Regulations" means the Disability Working Allowance (General) Regulations 1991(**f**);

"the Family Credit Regulations" means the Family Credit (General) Regulations 1987(**g**);

"the Housing Benefit Regulations" means the Housing Benefit (General) Regulations 1987(**h**);

"the Income Support Regulations" means the Income Support (General) Regulations 1987(**i**);

"the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations 1996(**j**).

(**a**) S.I. 1998/470.
(**b**) The definition of "benefit week" was amended by S.I.1988/1445.
(**c**) The definition of "benefit week" was amended by S.I.1996/1517 and 2538.
(**d**) S.I.1996/3195; relevant amending instrument S.I.1997/454.
(**e**) S.I.1992/1814; relevant amending instruments S.I.1994/470, 1807, 1995/560, 1996/1944, 2303, 2432 and 1997/2197.
(**f**) S.I. 1991/2887; relevant amending instruments S.I. 1995/2303, 1996/30, and 1997/2197.
(**g**) S.I. 1987/1973; relevant amending instruments S.I. 1992/573, 1995/2303, 1996/30 and 1997/2197.
(**h**) S.I.1987/1971; relevant amending instruments S.I.1989/1446, 1990/396 (S.45), 546, 1775, 1991/235, 1992/50, 432, 1993/1249, 1994/470, 1003, 1807, 1995/560, 1644, 2868, 1996/965, 1994, 2432, 1997/852, 1974 and 2197.
(**i**) S.I.1987/1967; relevant amending instruments S.I.1988/999, 1445, 2022, 1989/1323, 1990/127, 547, 1549, 1991/235, 1175, 2742, 1992/468, 1101, 1993/963, 1249, 1994/527, 1804, 1995/516, 1996/965, 1944, 2431, 1997/65 and 2197.
(**j**) S.I.1996/207; relevant amending instruments S.I.1996/1517, 2538 and 1997/65.

[Regulation 2, which made amendments to regulations 1,3 and 4 of S.I. 1996/3195, is revoked by regulation 4(1) of S.I. 2000/3176 subject to the transitional provisions in regulations 4(2) to (4) of S.I. 2000/3176. Revocation effective from, in relation to any particular case, the date on which section 23 of the Child Support, Pensions and Social Security Act comes into force in relation to that type of case.]

[Regulation 3 amends regulations regulation 1(2) in S.I.s 1990/545, 1989/507, 1992/2182 and 1993/494.]

[Regulation 4 amends regulations 38 and 48A of S.I. 1992/1814, regulations 41 and 48A of S.I. 1991/2887, regulations 37 and 43A of S.I. 1987/1973, regulations 46 and 58A of S.I. 1987/1971, regulations 61 and 67A of S.I. 1987/1967 and regulations 130 and 137A of S.I. 1996/207.]

[Regulation 5 amends regulation 2 of S.I. 1992/1814, regulation 2 of S.I. 1991/2887, regulation 2 of S.I. 1987/1973, regulation 2 of S.I. 1987/1971, regulation 2 of S.I. 1987/1967 and regulation 1 of S.I. 1996/207.]

[Regulation 6 amends regulation 26 of S.I. 1992/1814, regulation 29 of S.I. 1991/2887, regulation 26 of S.I. 1991987/1973, regulation 35 of S.I. 1987/1971, regulation 42 of S.I. 1987/1967 and S.I. 1996/207.]

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

[Regulation 8 amends regulation 4B of S.I. 1992/1814, regulation 8 of S.I. 1987/1971, regulation 21 and Schedule 7 to S.I. 1987/1967, regulation 85 of S.I. 1996/207 and Schedule 7 to S.I. 1987/1967.]

[Regulation 9 amends regulation 11 of S.I. 1987/1971.]

[Regulation 10 amends regulation 12A of S.I. 1987/1971.]

[Regulation 11 amends Schedule 1A to S.I. 1987/1971.]

[Regulation 12 amends 29 of S.I. 1987/1967 and regulation 94 of S.I 1996/207.]

[Regulation 13 amends regulations 40, 42 and Schedule 9 to S.I. 1987/1967 and Schedule 7 to S.I. 1996/207.]

[Regulation 14 amends regulation 48 of S.I. 1987/1967 and regulation 110 of S.I. 1996/207.]

[Regulation 15 amends Schedule 9 to S.I. 1987/1967.]

[Regulation 16 amends regulation 47A of S.I. 1996/207.]

[Regulation 17 amends regulation 10 of S.I. 1995/1644.]

[Regulation 18 amends regulation 14B of S.I. 1976/965, regulation 5 of S.I. 1991/2887, regulation 3 of S.I. 1987/1973, regulation 2 of S.I. 1991/2740, regulation 2 of S.I. 1991/2890, regulation 9 of S.I. 1976/409, regulation 3 of S.I. 1984/1303, regulation 4A of S.I. 1992/1814, regulation 7A of S.I. 1987/1971, regulation 21 of S.I. 1987/1967 and regulation 85 of S.I. 1996/207.]

[Regulation 19 amends regulation 72 of S.I. 1987/1967 and regulation 149 of S.I. 1996/207.]

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

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

4th March 1998

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend–

(a) the Social Security (Child Maintenance Bonus) Regulations 1996 (S.I.1996/3195);

(b) the Community Charges (Deductions from Income Support)(No.2) Regulations 1990(S.I.1990/545), the Community Charge (Deductions from Income Support) (Scotland) Regulations 1989 (S.I.1989/577), the Council Tax (Deductions from Income Support)Regulations 1993 (S.I.1993/494) and the Fines (Deductions from Income Support) .Regulations 1992 (S.I.1992/2182) (collectively referred to below as "the Deductions from Income Support Regulations");

(c) the Council Tax Benefit (General) Regulations 1992 (S.I.1992/1814), the DisabilityWorking Allowance (General) Regulations 1991 (S.I.1991/2887), the Family Credit(General) Regulations 1987 (S.I.1987/1973), the Housing Benefit (General) Regulations .1987 (S.I.1987/ 1971), the Income Support (General) Regulations 1987 (S.I.1987/1967) (collectively referred to below as "the Income-related Benefits Regulations") and the Jobseeker's Allowance Regulations 1996 (S.I.1996/207);

in the following respects.

The Social Security (Child Maintenance Bonus) Regulations 1996 are amended with respect to the definition of "child maintenance", to provide for the periods for which the work condition for entitlement to a bonus will remain satisfied in specified cases and to amend the conditions specifying what comprises a bonus period (regulation 2);

Additional definitions with respect to jobseeker's allowance are inserted in the Deductions from Income Support Regulations (regulation 3);

The Income-related Benefits Regulations and the Jobseeker's Allowance Regulations are amended-

(a) with respect to the assessment of a student's income (regulation 4);

(b) with the addition of a definition of the Children (Northern Ireland) Order 1995 (regulation 5);

(c) to exclude Rehabilitation Allowances from notional income (regulation 6);

(d) with respect to the disregard of income other than earnings (regulation 7).

The Council Tax Benefit, Housing Benefit, Income Support and Jobseeker's Allowance Regulations are amended with respect to the meaning of persons in detention (regulation 8);

The Housing Benefit Regulations are amended so as to up-date definitions applicable for establishing a person's maximum rent eligible for housing benefit, with respect to tenancies excluded from benefit and to amend the requirement to refer claims for benefit to a rent officer (regulations 9 to 11);

The Income Support and Jobseeker's Allowance Regulations are amended with respect to the treatment of instalments of grant awards for former students and the calculation of notional income, income other than earnings and income treated as capital (regulations 12 to 15);

The Jobseeker's Allowance Regulations are amended by extending the meaning of "period of interruption of employment" which is to form part of jobseeking periods and so as to provide that in relation to linked periods which span 6th October 1996, days of unemployment which form part of a period of interruption of employment, shall be treated as a jobseeking period in certain circumstances where such linked periods had already ended before 1st December 1997 (regulation 16);

A saving provision for housing benefit is amended with respect to the definition of exempt accommodation (regulation 17).

All the Regulations referred to in sub-paragraph (c) of the first paragraph to this Note, together with the Child Benefit (General) Regulations 1976 (S.I.1976/965), the Social Security (Attendance Allowance) Regulations 1991 (S.I.1991/2740), the Social Security

(Disability Living Allowance) Regulations 1991 (S.I.1991/2890), the Social Security (Invalid Care Allowance) Regulations 1976 (S.I.1976/409) and the Social Security (Severe Disablement Allowance) Regulations 1984 (S.I.1984/1303) are amended so as to extend the right to benefit of persons granted exceptional leave to enter the United Kingdom by an immigration officer (regulation 18).

The Income Support Regulations and the Jobseeker's Allowance Regulations are further amended so as to disregard concessionary payments in respect of unpaid income support, income-based jobseeker's allowance and payments from the social fund, in calculating a person's entitlement to urgent payments of either of those benefits (regulation 19).

These Regulations do not impose a charge on business.