

**1992 No. 573**

**SOCIAL SECURITY**

**The Family credit (General) Amendment  
Regulations 1992**

<i>Made - - - -</i>	<i>9th March 1992</i>
<i>Laid before Parliament</i>	<i>13th March 1992</i>
<i>Coming into force -</i>	<i>7th April 1992</i>

The Secretary of State for Social Security, in exercise of powers conferred by sections 20(6), (12)(d)(i) and (k), 22(8), (8A) and (9)(a) and (b), 51(1)(h) and 84(1) of the Social security Act 1986(a) and sections 166(1) to (3A) of the Social Security act 1975(b), and of all other powers enabling him in that behalf and after agreement by the Social security Advisory Committee that proposals to make 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 Family credit (General) Amendment Regulations 1992 and shall come into force on 7th April 1992 immediately after the coming into force of regulation 2 of the Family Credit (General) Amendment Regulations 1991(d).

(2) In these Regulations “the General Regulations” means the Family Credit (General) Regulations 1987(e).

- [Regulation 2 amends regulation 2 of S.I. 1987/1973.]
- [Regulation 3 substitutes regulations 4 and 5 of S.I. 1987/1973.]
- [Regulation 4 substitutes regulation 14 of S.I. 1987/1973.]
- [Regulation 5 substitutes regulation 17 of S.I. 198/1973.]
- [Regulation 6 amends regulation 19 of S.I. 1987/1973.]

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(a) 1986 c.50; section 20(6) was amended by the Social security Act 1988 (c.7), section 3(b) and Schedule 5 and by the Social Security act 1989 (c.245), Schedule 8, paragraph 15(1); section 20(12)(d) was amended by the 1989 Act, section 13(2); section 20(8A) was inserted by the Local Government Finance Act 1988 (c.41), Schedule 10, paragraph 4(3); section 84(1) is an interpretation provision and is cited because of the meanings assigned to the words “prescribed” and “regulations”.

(b) 1975 c.14; section 166(3) was amended by the Social security act 1989 (c.24) Schedule 8, paragraph 10(1); section 166(3A) was inserted by section 62(1) of the Social security Act 1986 and section 166(1) to (3A) is applied by section 83(1) of that Act.

(c) See the Social Security Act 1986, section 61(1)(b) and (10); the definition of “regulations” was added to section 61(10) by the Social Security Act 1989 (c.24), Schedule 8, paragraph 12(4).

(d) S.I. 1991/1520.

(e) S.I. 1987/1973; relevant amending instruments are S.I. 1988/660, 908, 1438 and 1970, 1990/574 and 1774 and 1991/2695.

[Regulation 7 amends regulation 20 of S.I. 1987/1973.]

[Regulation 8 amends regulation 20A of S.I. 1987/1973.]

[Regulation 9 amends regulation 37 of S.I. 1987/1973.]

[Regulation 10 amends regulation 38 of S.I. 1987/1973.]

[Regulation 11 amends regulation 39 of S.I. 1987/1973.]

[Regulation 12 amends regulation 40 of S.I. 1987/1973.]

[Regulation 13 amends Schedule 2 to S.I. 1987/1973.]

[Regulation 14 amends Schedule 3 to S.I. 1987/1973.]

#### **Extension of award period**

**15.**—(1) In the case of an award of family credit on any claim to which paragraph (4) of regulation 13 of the Social Security (Claims and Payments) Regulations 1987(a) applies (advance claims and awards), for the purposes of section 20(6) of the Social Security Act 1986 the prescribed period shall be determined in accordance with paragraph (2) of this regulation.

(2) For the purposes of determining the prescribed period the Secretary of State shall assign a number to the claim in question (the claim number), and where that claim number—

- (a) is exactly divisible by 13, the prescribed period shall be 27 weeks; or
- (b) is not exactly divisible by 13, the remainder shall be multiplied by 13 and the prescribed period shall be the number of weeks equal to the sum of the resulting product plus 27.

#### **Amendments consequential upon the Children Act 1989**

**16.** The Schedule to these Regulations, which makes changes to the General Regulations consequential upon the Children Act 1989(b), shall have effect.

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

9th March 1992

*Nicholas Scott*  
Minister of State,  
Department of Social Security

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(a) S.I. 1987/1968; paragraph (4) of regulation 13 was inserted by S.I. 1991/2284.

(b) 1989 c.41.

## SCHEDULE

Regulation 16

AMENDMENTS MADE CONSEQUENTIAL UPON THE CHILDREN  
ACT 1989

1. The provisions of the General Regulations shall be further amended in accordance with the paragraphs below, which made amendments consequential upon the Children Act 1989.

[Para. 2 amends regulation 8 of S.I. 1987/1973.]

[Para. 3 amends Schedule 2 to S.I. 1987/1973.]

[Para. 4 amends Schedule 3 to S.I. 1987/1973.]

5. In so far as it is necessary to give effect in Scotland to a provision in the General Regulations amended in accordance with paragraph 2 or 3(a) (in so far as it relates to paragraph 22(1)(b) of Schedule 2 to the General Regulations) of this Schedule, that provisions shall have effect as if the amendment had not been made.

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**EXPLANATORY NOTE**

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

These Regulations make further amendments to the Family Credit (General) Regulations 1987 (S.I. 1987/1973) in the following respects—

- (a) they re-state the circumstances which constitute engagement and normal engagement in remunerative work, and provide for absence from work by way of holiday not preventing a claim for family credit during that time (regulation 3);
- (b) they provide a revised method for calculating the average weekly income of employed earners (regulations 2(a) and (b), 4,5,7 and 8);
- (c) they provide for statutory sick pay to be treated as earnings in all cases, for maternity allowance and statutory maternity pay to be disregarded as income in all cases, for certain payments to disabled workers to be disregarded both as income, capital or both and they re-state the circumstances in which payments from the social Fund are to be disregarded as capital (regulations 6, 13 and 14);
- (d) they amend the definition of “student” to exclude a person in receipt of a training allowance, they insert a definition of “training allowance” and further define the amount in respect of travel costs which is to be disregarded when calculating a student’s income (regulations 2(c) and 9 to 12);
- (e) they provide that where claims for family credit by those working between 16 and 24 hours a week are made in the period of 4 weeks prior to 7th April 1992, the award period for any such claim will be at least 27 weeks and not more than 39 weeks (regulation 15);
- (f) they make changes consequential upon the children act 1989 (regulation 16 and Schedule).

