

1993 No. 2118

SOCIAL SECURITY

**The Housing Benefit and Council Tax Benefit
(Miscellaneous Amendments) Regulations 1993**

<i>Made</i> - - - -	<i>25th August 1993</i>
<i>Laid before Parliament</i>	<i>6th September 1993</i>
<i>Coming into force</i>	<i>4th October 1993</i>

The Secretary of State for Social Security, in exercise of powers conferred on him by sections 123(1)(d) and (e), 135(1), (3), (4) and (5), 137(1) and (2)(d) and (1) and 175(1) to (5) of the Social Security Contributions and Benefits Act 1992(a) and of all other powers enabling him in that behalf, after consultation with organisations appearing to him to be representative of the authorities concerned(b), and 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 Housing Benefit and Council Tax Benefit (Miscellaneous Amendments) Regulations 1993 and shall come into force on 4th October 1993.

(2) In these Regulations—

- (a) “the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987(d);
- (b) “the Council Tax Benefit Regulations” means the Council Tax Benefit (General) Regulations 1992(e).

[Regulation 2 amends regulation 2 of S.I. 1987.1971.]

[Regulation 3 amends regulation 4 of S.I. 1987/1971.]

[Regulation 4 amends regulation 15 of S.I. 1987/1971.]

[Regulation 5 amends regulation 16 of S.I. 1987.1971.]

[Regulation 6 amends regulation 17 of S.I. 1987/1971.]

[Regulation 7 amends regulation 23 of S.I. 1987/1971.]

[Regulation 8 amends regulation 28 of S.I. 1987/1971.]

(a) 1992 c.4; section 123(1)(e) of the Social Security Contributions and Benefits Act 1992 was substituted by the Local Government Finance Act 1992 (c.14), section 103 and Schedule 9, paragraph 1(1); section 137(1) is an interpretation provision and is cited because of the meaning assigned to the word “prescribed”.

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

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

(d) S.I. 1987/1971.

(e) S.I. 1992/1814.

HOUSING BENEFIT AND COUNCIL TAX BENEFIT
(MISCELLANEOUS AMENDMENTS) REGULATIONS 1993

- [Regulation 9 amends regulation 32 of S.I. 1987/1971.]
- [Regulation 10 amends regulation 33 of S.I. 1987/1971.]
- [Regulation 11 amends regulation 36 of S.I. 1987/1971.]
- [Regulation 12 amends Schedule 2 to S.I. 1987/1971.]
- [Regulation 13 amends Schedule 3 to S.I. 1987/1971.]
- [Regulation 14 amends Schedule 4 to S.I. 1987/1971.]
- [Regulation 15 amends Schedule 5 to S.I. 1987/1971.]
- [Regulation 16 amends regulation 2 of S.I. 1992/1814.]
- [Regulation 17 amends regulation 4 of S.I. 1992/1814.]
- [Regulation 18 amends regulation 8 of S.I. 1992/1814.]
- [Regulation 19 amends regulation 9 of S.I. 1992/1814.]
- [Regulation 20 amends regulation 15 of S.I. 1992/1814.]
- [Regulation 21 amends regulation 19 of S.I. 1992/1814.]
- [Regulation 22 amends regulation 23 of S.I. 1992/1814.]
- [Regulation 23 amends regulation 24 of S.I. 1992/1814.]
- [Regulation 24 amends regulation 27 of S.I. 1992/1814.]
- [Regulation 25 amends Schedule 1 to S.I. 1992/1814.]
- [Regulation 26 amends Schedule 3 to S.I. 1992/1814.]
- [Regulation 27 amends Schedule 4 to S.I. 1992/1814.]
- Regulation 28 amends Schedule 5 to S.I. 1992/1814.]

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

25th August 1993

Alistair Burt
Parliamentary Under-Secretary of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971) and the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814) so that with respect to each benefit—

- (a) they provide definitions of “date of claim” and “maternity leave” (regulations 2 and 16);
- (b) they provide that a person absent from work owing to illness or maternity is not to be treated as engaged in remunerative work (regulations 3 and 17);
- (c) they provide for certain capital of a child or young person to be treated as income and make consequential amendments (regulation 5, 6, 10, 11, 12, 15, 18, 19, 23, 24, 25 and 28);

- (d) they alter from 52 weeks to a year the period by reference to which the earnings of self-employed earners are to be estimate (regulations 7 and 20);
- (e) with respect to the calculation of earnings of employed earners, they further specify the amounts which are to be included as earnings; they amend the provisions relating to the disregard of certain earnings where the employment has been terminated or the claimant has ceased to be engaged in work; they provide that certain disregards do not apply when certain other disregards apply, and that a specified amount only shall be disregarded in respect of earnings of children in certain circumstances (regulations 8, 13, 21 and 26);
- (f) with respect to the calculation of earnings of self-employed earners, they amend the provisions specifying the amount to be deducted in respect of social security contributions (regulations 9 and 22);
- (g) they amend, in relation to the calculation of a person's applicable amount, the conditions relating to severe disability premium (regulations 12 and 25);
- (h) with respect to the calculation of income other than earnings, they provide that the disregard of a specified amount of certain was pensions and payments is not to apply where the pension or payment falls to be disregarded under other specified provisions (regulations 14 and 27);
- (i) with respect to the calculation of capital, they specify that £200 of certain payments made as a training bonus are to be disregarded (regulations 15 and 28).

With respect to housing benefit, they amend the provisions specifying the circumstances in which a person is to be treated as being or not being a member of the household (regulation 4).

These Regulations do not impose a charge on businesses.

