
STATUTORY INSTRUMENTS

1993 No. 963

**SOCIAL SECURITY
HOUSING, ENGLAND AND WALES
HOUSING, SCOTLAND**

**The Social Security Benefits (Miscellaneous
Amendments) (No. 2) Regulations 1993**

<i>Made</i>	- - - -	<i>1st April 1993</i>
<i>Laid before Parliament</i>		<i>1st April 1993</i>
<i>Coming into force</i>	- -	<i>22nd April 1993</i>

The Secretary of State for Social Security, in exercise of the powers conferred upon him by sections 123(1), 130(4), 131(10), 135(1), 136(3) and (5), 137(1) and 175(1) to (5) of the Social Security Contributions and Benefits Act 1992⁽¹⁾, sections 5(1)(h), 6(1)(h), 189(1) and (3) to (5) and 191 of the Social Security Administration Act 1992⁽²⁾, and of all other powers enabling him in that behalf, so far as these Regulations relate to housing benefit and council tax benefit, after consultation with organisations appearing to him to be representative of the authorities concerned⁽³⁾, and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it⁽⁴⁾, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security Benefits (Miscellaneous Amendments) (No. 2) Regulations 1993 and shall come into force on 22nd April 1993.

(1) 1992 c. 4; section 123(1) was amended by the Local Government Finance Act 1992 (c. 14) ("the 1992 Act"), section 103, Schedule 9, paragraph 1(1); section 131(10) was substituted by the 1992 Act, section 103, Schedule 9, paragraph 4; section 137(1) is cited because of the meaning ascribed to the word "prescribed".

(2) 1992 c. 5; section 6(1) was amended by the 1992 Act, section 103, Schedule 9, paragraph 11; section 191 is cited because of the meaning ascribed to the word "prescribe".

(3) See section 176(1) of the Social Security Administration Act 1992 (c. 5), which was amended by the 1992 Act, Schedule 9 paragraph 23.

(4) See section 173(1)(b) of the Social Security Administration Act 1992.

Amendment of the Income Support (General) Regulations 1987

2.—(1) The Income Support (General) Regulations 1987⁽⁵⁾ shall be further amended in accordance with the following provisions of this regulation.

(2) In regulation 2 (interpretation) in paragraph (1), there shall be inserted at the appropriate places

““the Independent Living Funds” means the Independent Living Fund, the Independent Living (Extension) Fund and the Independent Living (1933) Fund;

“the Independent Living (Extension) Fund” means the Trust of that name established by a deed dated 25th February 1993 and made between the Secretary of State for Social Security of the one part and Robin Glover Wendt and John Fletcher Shepherd of the other part;

“the Independent Living (1993) Fund” means the Trust of that name established by a deed dated 25th February 1993 and made between the Secretary of State for Social Security of the one part and Robin Glover Wendt and John Shepherd of the other part;”.

(3) In each of the provisions to which paragraph (4) below refers, the words “the Independent Living Funds” shall be substituted for the words “the Independent Living Fund”.

(4) Those provisions are regulations 42(4) (notional income), 48(10)(c) (income treated as capital), 51(3) (notional capital) and 72(1)(a) (assessment of income and capital in urgent cases), Schedule 3, paragraph 11(8)(b) (non-dependant deductions), Schedule 9, paragraphs 21(2) and 39(1) (sums to be disregarded in the calculation of income other than earnings) and Schedule 10, paragraph 22(1) (capital to be disregarded).

(5) In Schedule 10 (capital to be disregarded), in paragraph 29, for the words “or the Fund” there shall be substituted the words “the Fund or the Independent Living (1993) Fund.”.

Amendment of the Family Credit (General) Regulations 1987

3.—(1) The Family Credit (General) Regulations 1987⁽⁶⁾ shall be further amended in accordance with the following provisions of this regulation.

(2) In regulation 2 (interpretation) in paragraph (1), there shall be inserted at the appropriate places

““the Independent Living Funds” means the Independent Living Fund, the Independent Living (Extension) Fund and the Independent Living (1993) Fund;

“the Independent Living (Extension) Fund” means the Trust of that name established by a deed dated 25th February 1993 and made between the Secretary of State for Social Security of the one part and Robin Glover Wendt and John Fletcher Shepherd of the other part;

“the Independent Living (1993) Fund” means the Trust of that name established by a deed dated 25th February 1993 and made between the Secretary of State for Social Security of the one part and Robin Glover Wendt and John Fletcher Shepherd of the other part;”.

(3) In each of the provisions to which paragraph (4) below refers, the words “the Independent Living Funds” shall be substituted for the words “the Independent Living Fund”.

(4) Those provisions are regulations 26(3) (notional income), 31(3) (income treated as capital) and 34(3) (notional capital), Schedule 2, paragraph 34(1) (sums to be disregarded in the calculation of income other than earnings) and Schedule 3, paragraph 23(1) (capital to be disregarded).

(5) In Schedule 3 (capital to be disregarded), in paragraph 31, for the words “or the Fund.” there shall be substituted the words “the Fund or the Independent Living (1993) Fund.”.

(5) [S.I.1987/1967](#); the relevant amending instruments are [S.I.1988/663](#), [999](#), [1445](#) and [2022](#), [1989/534](#) and [1323](#), [1990/127](#), [1991/1175](#) and [1559](#) and [1992/50](#), [1101](#) and [2155](#).

(6) [S.I. 1987/1973](#); the relevant amending instruments are [S.I. 1988/660](#), [999](#), [1438](#) and [1970](#), [1990/127](#), [1991/1175](#) and [1520](#) and [1992/1101](#).

Amendment of the Housing Benefit (General) Regulations 1987

4.—(1) The Housing Benefit (General) Regulations 1987(7) shall be further amended in accordance with the following provisions of this regulation.

(2) In regulation 2 (interpretation) in paragraph (1) there shall be inserted at the appropriate places

““the Independent Living Funds” means the Independent Living Fund, the Independent Living (Extension) Fund and the Independent Living (1993) Fund;

“the Independent Living (Extension) Fund” means the Trust of that name established by a deed dated 25th February 1993 and made between the Secretary of State for Social Security of the one part and Robin Glover Wendt and John Fletcher Shepherd of the other part;

“the Independent Living (1993) Fund” means the Trust of that name established by a deed dated 25th February 1993 and made between the Secretary of State for Social Security of the one part and Robin Glover Wendt and John Fletcher Shepherd of the other part;”.

(3) In each of the provisions to which paragraph (4) below refers, the words “the Independent Living Funds” shall be substituted for the words “the Independent Living Fund”.

(4) Those provisions are regulations 35(3) (notional income), 40(6) (income treated as capital), 43(3) (notional capital), 63(9)(b) (non-dependant deductions) and 73(3)(b) and (c) (evidence and information), Schedule 4, paragraph 34(1) (sums to be disregarded in the calculation of income other than earnings) and Schedule 5, paragraph 23(1) (capital to be disregarded).

(5) In Schedule 5 (capital to be disregarded), in paragraph 32, for the words “or the Fund” there shall be substituted the words “the Fund or the Independent Living (1993) Fund.”.

Amendment of the Council Tax Benefit (General) Regulations 1992

5.—(1) The Council Tax Benefit (General) Regulations 1992(8) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2 (interpretation) in paragraph (1), there shall be inserted at the appropriate places

““the Independent Living Funds” means the Independent Living Fund, the Independent Living (Extension) Fund and the Independent Living (1993) Fund;

“the Independent Living (Extension) Fund” means the Trust of that name established by a deed dated 25th February 1993 and made between the Secretary of State for Social Security of the one part and Robin Glover Wendt and John Fletcher Shepherd of the other part;

“the Independent Living (1993) Fund” means the Trust of that name established by a deed dated 25th February 1993 and made between the Secretary of State for Social Security of the one part and Robin Glover Wendt and John Fletcher Shepherd of the other part;”.

(3) In each of the provisions to which paragraph (4) below refers, the words “the Independent Living Funds” shall be substituted for the words “the Independent Living Fund”.

(4) Those provisions are regulations 26(3) (notional income), 31(6) (income treated as capital), 34(3) (notional capital), 52(9)(b) (non-dependant deductions) and 63(3)(b) and (c) (evidence and information), Schedule 2, paragraph 2(b) (income disregarded in calculating alternative maximum council tax benefit), Schedule 4, paragraph 35(1) (sums to be disregarded in the calculation of income other than earnings) and Schedule 5, paragraph 23(1) (capital to be disregarded).

(5) In Schedule 5, paragraph 32 (capital to be disregarded) for the words “or the Fund” there shall be substituted the words “the Fund or the Independent Living (1993) Fund.”.

(7) [S.I. 1987/1971](#); the relevant amending instruments are [S.I. 1988/1971](#), [1990/127](#), [546](#) and [1775](#), [1991/1175](#) and [1599](#) and [1992/50](#), [432](#), [1101](#) and [2148](#).

(8) [S.I. 1992/1814](#); the relevant amending instrument is [S.I. 1993/688](#).

Amendment of the Disability Working Allowance (General) Regulations 1991

6.—(1) The Disability Working Allowance (General) Regulations 1991⁽⁹⁾ shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2 (interpretation) in paragraph (1), there shall be inserted at the appropriate places—

““the Independent Living Funds” means the Independent Living Fund, the Independent Living (Extension) Fund and the Independent Living (1993) Fund;

“the Independent Living (Extension) Fund” means the Trust of that name established by a deed dated 25th February 1993 and made between the Secretary of State for Social Security of the one part and Robin Glover Wendt and John Fletcher Shepherd of the other part;

“the Independent Living (1993) Fund” means the Trust of that name established by a deed dated 25th February 1993 and made between the Secretary of State for Social Security of the one part and Robin Glover Wendt and John Fletcher Shepherd of the other part;”.

(3) In each of the provisions to which paragraph (4) below refers, the words “the Independent Living Funds” shall be substituted for the words “the Independent Living Fund”.

(4) Those provisions are regulations 29(3) (notional income), 34(3) (income treated as capital) and 37(3) (notional capital), Schedule 3, paragraph 33(1) (sums to be disregarded in the calculation of income other than earnings) and Schedule 4, paragraph 23(1) (capital to be disregarded).

(5) In Schedule 4 (capital to be disregarded), in paragraph 31, for the words “or the Fund” there shall be substituted the words “the Fund or the Independent Living (1993) Fund.”.

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

1st April 1993

Ann Widdecombe
Parliamentary Under-Secretary of State,
Department of Social Security

(9) [S.I. 1991/2887](#); the relevant amending instrument is [S.I. 1992/1101](#).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Income Support (General) Regulations 1987, the Housing Benefit (General) Regulations 1987, the Council Tax Benefit (General) Regulations 1992, the Family Credit (General) Regulations 1987 and the Disability Working Allowance (General) Regulations 1991.

On 25th February 1993, two new Trusts, the Independent Living (Extension) Fund and the Independent Living (1993) Fund were established.

These Regulations provide that payments from those Funds are to be disregarded in determining the entitlement of a person to income support, housing benefit, council tax benefit, family credit or disability working allowance.