
STATUTORY INSTRUMENTS

1996 No. 606

SOCIAL SECURITY

The Income Support (General) Amendment Regulations 1996

Made - - - - *6th March 1996*
Laid before Parliament *13th March 1996*
Coming into force - - *8th April 1996*

The Secretary of State for Social Security, in exercise of the powers conferred on him by sections 136(5)(b), 137(1) and 175(1) and (3) to (5) of the Social Security Contributions and Benefits Act 1992⁽¹⁾, and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it⁽²⁾, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Income Support (General) Amendment Regulations 1996 and shall come into force on 8th April 1996.

(2) These Regulations shall have effect in relation to any particular claimant from the beginning of the first benefit week to commence for that claimant on or after 8th April 1996.

(3) In paragraph (2), the expressions “claimant” and “benefit week” have the same meaning as in the Income Support (General) Regulations 1987⁽³⁾.

Amendment of the Income Support Regulations

2. In Schedule 9 to the Income Support (General) Regulations 1987⁽⁴⁾ (sums to be disregarded in the calculation of income other than earnings) after paragraph 15A⁽⁵⁾ the following paragraph shall be inserted—

“**15B.**—(1) Subject to sub-paragraphs (2) and (3), where a claimant—

(a) is a person to whom regulation 19 (preserved rights to income support) or paragraph 13A, 13B, 16 or 18 of Schedule 7 (applicable amounts in special cases) applies;

(1) 1992 c. 4; section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”.
(2) See section 173(1)(b) of the Social Security Administration Act 1992 (c. 5).
(3) S.I.1987/1967.
(4) S.I. 1987/1967; relevant amending instruments S.I. 1988/663, 1445, 2022, 1989/1678, 1991/1033, 1175, 1559, 1992/468, 1101, 1198, 2155, 3147, 1993/127, 315, 518, 963, 1249, 2119, 1994/527, 2139, 1995/516, 559, 2303 and 2972.
(5) Paragraph 15A was inserted in Schedule 9 by S.I. 1993/518.

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- (b) is not residing with his spouse; and
 - (c) at least 50 per cent. of any occupational pension of his is being paid to, or in respect of, his spouse for that spouse's maintenance,
an amount equal to 50 per cent. of the pension or pensions concerned.
- (2) Where a claimant is entitled to more than one occupational pension, those pensions shall be aggregated for the purposes of sub-paragraph (1).
- (3) This paragraph shall not have effect in respect of that part of any occupational pension to which a spouse is legally entitled whether under a court order or not.”.

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

6th March 1996

Roger Evans
Parliamentary Under-Secretary of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Schedule 9 to the Income Support (General) Regulations 1987 (S.I.1987/1967) to provide that where a claimant for income support is resident in, or is temporarily absent from, a residential care home or nursing home and has preserved rights to higher limits of income support, or is resident in accommodation provided under the Polish Resettlement Act 1947, and at least 50 per cent. of any occupational pension of his is being paid to, or in respect of, his spouse for the spouse's maintenance, 50 per cent. of the pension or pensions concerned shall be disregarded in calculating the claimant's income. This disregard shall not have effect in the case of any occupational pension or part of a pension to which the spouse is legally entitled whether under a court order or not.

These Regulations do not impose a charge upon businesses.