

SCHEDULE 12

Article 3(12)

AMENDMENT OF THE FINES (DEDUCTIONS FROM INCOME SUPPORT) REGULATIONS 1992

1. In regulation 1(2)<sup>M1</sup> (interpretation)—
  - (a) for the definition of “the 1992 Act” there shall be substituted the following definition—  
““the 1998 Act” means the Social Security Act 1998;”;
  - (b) the definitions of “adjudication officer” and “appropriate appeal court” shall be omitted;
  - (c) for the definition of “Commissioner” there shall be substituted the following definition—  
““Commissioner” has the meaning it bears in section 39(1) of the 1998 Act;”;
  - (d) for the definition of “tribunal” there shall be substituted the following definition—  
““tribunal” means an appeal tribunal constituted under Chapter I of Part I of the 1998 Act.”.

**Marginal Citations**

**M1** There are amendments to regulation 1 which are not relevant to this Order.

2. For regulations 4 to 6A<sup>M2</sup> (reference to adjudication officer, notification of decision, and deductions from offender’s income support or jobseeker’s allowance) there shall be substituted the following regulation—

**“ Deductions from offender’s income support or jobseeker’s allowance**

- 4.—(1) Subject to regulation 7, where—
  - (a) the Secretary of State receives an application from a court in respect of an offender who is entitled to income support or income-based jobseeker’s allowance;
  - (b) the amount payable by way of that benefit, after any deduction under this paragraph, is 10 pence or more; and
  - (c) the aggregate amount payable under one or more of the following provisions, namely, paragraphs 3(2)(a), 5(6), 6(2)(a) and 7(3)(a) and (5)(a) of Schedule 9 to the Claims and Payments Regulations, and regulation 2 of the Council Tax (Deductions from Income Support) Regulations 1993, together with the amount to be deducted under this paragraph does not exceed an amount equal to 3 times 5 per cent. of the personal allowance for a single claimant aged not less than 25 years,

the Secretary of State may deduct a sum from that benefit which is equal to 5 per cent. of the personal allowance for a single claimant aged not less than 25 and pay that sum to the court towards satisfaction of the fine or the sum required to be paid by compensation order.

- (2) Subject to paragraphs (3) and (4) and regulation 7, where—
  - (a) the Secretary of State receives an application from a court in respect of an offender who is entitled to contribution-based jobseeker’s allowance; and
  - (b) the amount of contribution-based jobseeker’s allowance payable before any deduction under this paragraph is equal to or more than one-third of the age-related amount applicable to the offender under section 4(1)(a) of the Jobseekers Act,

the Secretary of State may deduct a sum from that benefit which is equal to one-third of the age-related amount applicable to the offender under section 4(1)(a) of the Jobseekers

**Changes to legislation:** There are currently no known outstanding effects for the The Social Security Act 1998 (Commencement No. 12 and Consequential and Transitional Provisions) Order 1999, SCHEDULE 12. (See end of Document for details)

Act and pay that sum to the court towards satisfaction of the fine or the sum required to be paid by compensation order.

(3) No deduction shall be made under paragraph (2) where a deduction is being made from the offender's contribution-based jobseeker's allowance under the Community Charges (Deductions from Income Support) (No. 2) Regulations 1990, the Community Charges (Deductions from Income Support) (Scotland) Regulations 1989 or the Council Tax (Deductions from Income Support) Regulations 1993.

(4) Where the sum that would otherwise fall to be deducted under paragraph (2) includes a fraction of a penny, the sum to be deducted shall be rounded down to the next whole penny.

(5) The Secretary of State shall notify the offender and the court in writing of a decision to make a deduction under this regulation so far as is practicable within 14 days from the date on which he made the decision and at the same time shall notify the offender of his right of appeal."

**Marginal Citations**

**M2** Regulation 4 was substituted by [S.I. 1993/495](#) and amended by [S.I. 1996/2344](#) and 1997/827. Regulation 6 was amended, and regulation 6A was inserted, by [S.I. 1996/2344](#).

3. In regulation 7 <sup>M3</sup> (circumstances, time of making and termination of deductions)–
- (a) in paragraph (1), for the words "income support or jobseeker's allowance under regulation 6 or 6A" there shall be substituted the words "under regulation 4"; and
  - (b) for paragraph (5) there shall be substituted the following paragraph–

"(5) The Secretary of State shall not determine any application under regulation 2 which relates to an offender in respect of whom–

    - (a) he is making deductions; or
    - (b) deductions fall to be made,

pursuant to an earlier application under that regulation until no deductions pursuant to that earlier application fall to be made."

**Marginal Citations**

**M3** Regulation 7 was amended by [S.I. 1996/2344](#).

4. For regulations 9 (appeal) and 10 (review) there shall be substituted the following regulations–

**" Revision and supersession**

9. Any decision of the Secretary of State under regulation 4 may be revised under section 9 of the 1998 Act or superseded under section 10 of that Act as though the decision were made under section 8(1)(c) of that Act.

**Appeal**

10. Any decision of the Secretary of State under regulation 4 (whether as originally made or as revised under regulation 9) may be appealed to a tribunal as though the decision were made on an award of a relevant benefit (within the meaning of section 8(3) of the 1998 Act) under section 8(1)(c) of the 1998 Act."

5. Regulations 11 to 15 and Schedules 1 and 2 are hereby revoked.

**Changes to legislation:**

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