

SCHEDULE 1

Regulation 2

AMENDMENTS TO THE INCOME SUPPORT REGULATIONS

Modifications etc. (not altering text)

- C1** Sch. 1 modified (6.4.2017) by [The Social Security \(Restrictions on Amounts for Children and Qualifying Young Persons\) Amendment Regulations 2017 \(S.I. 2017/376\)](#), regs. 1, **5(1)**

1. In regulation 2A ^{M1} (disapplication of section 1(1A) of the Administration Act) paragraph (a) shall be omitted.

Commencement Information

- I1** Sch. 1 para. 1 coming into force and having effect in accordance with {reg. 1(1)-(4)}

Marginal Citations

- M1** The relevant amending instrument is [S.I. 1997/2676](#).

2. In regulation 17(1) ^{M2} (applicable amounts)–

- (a) paragraphs (b) (amount in respect of children or young persons) and (c) (family premium) shall be omitted; and
- (b) in paragraph (bb) for the words “or where the claimant is a member of a family, an amount in respect of any member of the family aged 16 or over” there shall be substituted the words “ or, if he is a member of a couple, an amount in respect of both of them ”.

Commencement Information

- I2** Sch. 1 para. 2 coming into force and having effect in accordance with {reg. 1(1)-(4)}

Marginal Citations

- M2** The relevant amending instruments are [S.I. 1992/3147](#), 1993/2119 and 1996/206.

3. In regulation 18 ^{M3} (polygamous marriages)–

- (a) paragraphs (1)(c) (amount in respect of children or young persons) and (1)(d) (family premiums) shall be omitted; and
- (b) in paragraph (1)(cc) for the words “any member of his household aged 16 or over” there shall be substituted the words “ any partner of the polygamous marriage ”.

Commencement Information

- I3** Sch. 1 para. 3 coming into force and having effect in accordance with {reg. 1(1)-(4)}

Marginal Citations

- M3** The relevant amending instruments are [S.I. 1988/1228](#), 1992/3147, 1993/2119, 1996/206 and 2001/3767.

4. In regulation 21(1) ^{M4} (special cases)–

- (a) in paragraph (1) the words from “but no amount shall” to the end of that paragraph shall be omitted, and

Changes to legislation: There are currently no known outstanding effects for the The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003. (See end of Document for details)

(b) in paragraph (2) omit “,3”.

Commencement Information

I4 Sch. 1 para. 4 coming into force and having effect in accordance with {reg. 1(1)-(4)}

Marginal Citations

M4 The relevant amending instruments are [S.I. 1994/527](#), 1996/206, 1996/2431, 2000/636 and 2001/3767.

5. In regulation 21ZB(3) ^{M5} (treatment of refugees) for the word “dependants” there shall be substituted the word “partner”.

Commencement Information

I5 Sch. 1 para. 5 coming into force and having effect in accordance with {reg. 1(1)-(4)}

Marginal Citations

M5 The relevant amending instrument is [S.I. 2000/636](#).

6. In regulation 23 ^{M6} (calculation of income and capital of members of claimant’s family and of a polygamous marriage)–

(a) in paragraph (1)–

(i) for the words from “Subject” to “of the Act” there shall be substituted the words “Subject to paragraph (4), the income and capital of a claimant’s partner which by virtue of section 136(1) of the Contributions and Benefits Act”, and

(ii) the words “or that child or young person” shall be omitted;

(b) for paragraph (2) there shall be substituted the following paragraph–

“(2) Subject to the following provisions of this Part, the income paid to, or in respect of, and capital of, a child or young person who is a member of the claimant’s family shall not be treated as the income or capital of the claimant.”;

(c) in paragraph (3)(a) the words “and the income of any child or young person who is one of that member’s family” shall be omitted;

(d) in paragraph (3)(b) the words “or, as the case may be, the income of that child or young person” and words after “for the claimant” to the end of that paragraph shall be omitted.

Commencement Information

I6 Sch. 1 para. 6 coming into force and having effect in accordance with {reg. 1(1)-(4)}

Marginal Citations

M6 The relevant amending instrument is [S.I. 1988/1228](#).

7. In regulation 25 (liable relative payments) for “44” there shall be substituted “42”.

Commencement Information

I7 Sch. 1 para. 7 coming into force and having effect in accordance with {reg. 1(1)-(4)}

8. In regulation 40 ^{M7} (calculation of income other than earnings)–
- (a) in paragraph (1) for the words after “income under” to the end of that paragraph there shall be substituted the words “ regulation 41 (capital treated as income) ”;
 - (b) in paragraph (4)(b) for the word “dependants” there shall be substituted the word “ partner ”.

Commencement Information

I8 Sch. 1 para. 8 coming into force and having effect in accordance with {reg. 1(1)-(4)}

Marginal Citations

M7 The relevant amending instruments are S.I. 1988/2022, 1998/563 and 2000/636.

9. Regulation 41(3) ^{M8} (capital treated as income) shall be omitted.

Commencement Information

I9 Sch. 1 para. 9 coming into force and having effect in accordance with {reg. 1(1)-(4)}

Marginal Citations

M8 The relevant amending instruments are S.I. 1988/663, 1989/1034 and 2001/3070.

10. In regulation 42 ^{M9} (notional income)–
- (a) paragraph (2)(d) shall be omitted;
 - (b) in paragraph (2) (e) for the words “working families’ tax credit” there shall be substituted the words “ working tax credit ”;
 - (c) in paragraph (2)(f) for the words “disabled person’s tax credit” there shall be substituted the words “ child tax credit ”;
 - (d) paragraph (2D) shall be omitted;
 - (e) in paragraph (4)(a)–
 - (i) for the words “in respect of a member of the family” there shall be substituted the words “ his partner ”;
 - (ii) in head (i) for the words “or by that member, if it is paid to any member of that family” there shall be substituted the words “ or by his partner, if it is paid to his partner ”;
 - (iii) in head (ia) for the words “that member” there shall be substituted the words “ the claimant’s partner ”;
 - (iv) in head (ii) for the words “or by that member” there shall be substituted the words “ or his partner ”, for the words “of any member of that family” there shall be substituted the words “ of his partner ” and for the words “member is liable” there shall be substituted the words “ partner is liable ”;
 - (f) for paragraph (4)(b) there shall be substituted the following–
 - “(b) to a single claimant or his partner in respect of a third party (but not in respect of another member of his family) shall be treated as possessed by that single claimant or, as the case may be, his partner, to the extent that it is kept or used by him or used by or on behalf of his partner;”;

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- (g) in paragraph (4ZA)(d)(iii) for the words “any member of his family” there shall be substituted “ his partner (if any) ”;
- (h) in paragraph (4A) for the words after “the cost of maintaining the claimant” to the end of that paragraph there shall be substituted the words “ or his partner in that home shall be treated as possessed by the claimant or his partner ”.

Commencement Information

I10 Sch. 1 para. 10 coming into force and having effect in accordance with {reg. 1(1)-(5)(a)}

Marginal Citations

M9 The relevant amending instruments are [S.I. 1988/1445](#), 1991/1559, 1992/468, 1993/315, 1994/527, 1995/2792, 1995/3282, 1996/1803, 1998/2117, 1999/2566, 1999/2640 and 2002/841.

11. Regulation 44^{M10} (modifications in respect of children and young persons) and regulation 47 (disregard of capital of child or young person) shall be omitted.

Commencement Information

I11 Sch. 1 para. 11 coming into force and having effect in accordance with {reg. 1(1)-(4)}

Marginal Citations

M10 The relevant amending instruments are [S.I. 1988/663](#), 1993/2119, 1999/3178 and 2000/2629.

12. In regulation 48^{M11} (income treated as capital)–
- (a) paragraphs (8), (8A) and (10)(b) shall be omitted, and
 - (b) in paragraph (10)(a) for the words “or to a member of the family” there shall be substituted the words “ or to the partner ”.

Commencement Information

I12 Sch. 1 para. 12 coming into force and having effect in accordance with {reg. 1(1)-(4)}

Marginal Citations

M11 The relevant amending instruments are [S.I. 1988/2022](#) and 1998/563.

13. In regulation 51^{M12} (notional capital)–
- (a) in paragraph (3)(a)–
 - (i) for the words “in respect of a member of the family” there shall be substituted the words “ his partner ”;
 - (ii) in head (i) for the words “or by that member if it is paid to any member of the family” there shall be substituted the words “ or by his partner, if it is paid to his partner ”;
 - (iii) in head (ia) for the words “that member” there shall be substituted the words “ the claimant’s partner ”;
 - (iv) in head (ii) for the words “or by that member” there shall be substituted the words “ or his partner ”, for the words “of any member of that family” there shall be substituted the words “ of his partner ” and for the words “member is liable” there shall be substituted the words “ partner is liable ”;

Changes to legislation: There are currently no known outstanding effects for the *The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003*. (See end of Document for details)

- (b) for paragraph (3)(b) there shall be substituted the following—
- “(b) to a single claimant or his partner in respect of a third party (but not in respect of another member of his family) shall be treated as possessed by that single claimant or, as the case may be, his partner, to the extent that it is kept or used by him or used by or on behalf of his partner.”;
- (c) in paragraph (3A)(c)(iii) for the words “any member of his family” there shall be substituted “his partner (if any)”.

Commencement Information

I13 Sch. 1 para. 13 coming into force and having effect in accordance with {reg. 1(1)-(4)}

Marginal Citations

M12 The relevant amending instruments are S.I. 1988/1445, 1989/534, 1991/1559, 1993/315, 1997/65, 1998/2117, 1999/1640, 1999/2640, 2001/3767 and 2002/841.

14. In regulation 54 ^{M13} (liable relatives interpretation) in the definition of “payment” paragraph (d) shall be omitted.

Commencement Information

I14 Sch. 1 para. 14 coming into force and having effect in accordance with {reg. 1(1)-(4)}

Marginal Citations

M13 The relevant amending instrument is S.I. 1988/663.

^{F1}15.

Textual Amendments

F1 Sch. 1 para. 15 repealed (5.8.2008) by virtue of *The Social Security (Child Maintenance Amendments) Regulations 2008* (S.I. 2008/2111), reg. 4(2)

Commencement Information

I15 Sch. 1 para. 15 coming into force and having effect in accordance with {reg. 1(1)-(4)}

16. In regulation 62 ^{M14} (calculation of grant income)—

- (a) after paragraph (2)(h) there shall be added the following sub-paragraph—
- “(i) intended for the maintenance or child care costs of a child dependant.”;
- (b) for paragraph (2B) there shall be substituted the following paragraph—
- “(2B) There shall also be excluded from a student’s grant income any grant of £510 in respect of expenditure on travel, books and equipment which is payable under regulation 15(8) of the Education (Student Support) Regulations 2002.”;
- (c) in paragraph (3) before the word “dependants” there shall be inserted the word “adult” and the words “or intended for an older student under Part IV of that Schedule” shall be omitted;

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- (d) in paragraph (3A) for the word “dependants” in both places where it occurs there shall be substituted the words “ an adult dependant ”^{F2}and the words “or for an older student” shall be omitted], and
- (e) in paragraph (3B) for the word “dependants” there shall be substituted the words “ an adult dependant ”.

Textual Amendments

F2 Words in [Sch. 1 para. 16\(d\)](#) added (8.8.2003) by [Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) \(No.3\) Regulations 2003 \(S.I. 2003/1731\)](#), regs. 1(1), **6(4)(a)**

Commencement Information

I16 [Sch. 1 para. 16](#) coming into force and having effect in accordance with {reg. 1(1)-(4)}

Marginal Citations

M14 The relevant amending instruments are [S.I. 1988/663](#), 2000/1922, 2001/2319 and 2002/1589.

17. In regulation 66B(3)^{M15} (treatment of payments from access funds) and in regulation 68(3) (income treated as capital)–

- (a) for the words “any other member of his family” there shall be substituted the words “ his partner ”, and
- (b) for the words “member is liable” there shall be substituted the words “ partner is liable ”.

Commencement Information

I17 [Sch. 1 para. 17](#) coming into force and having effect in accordance with {reg. 1(1)-(4)}

Marginal Citations

M15 The relevant amending instruments are [S.I. 2000/1922](#) and 2001/3767.

18. In regulation 71(1)^{M16} (applicable amounts in urgent cases)–

- (a) sub-paragraphs (a)(ii), (c)(ii) and (d)(i) shall be omitted, and
- (b) in sub-paragraphs (a)(iii) and (d)(ii) “II or” shall be omitted.

Commencement Information

I18 [Sch. 1 para. 18](#) coming into force and having effect in accordance with {reg. 1(1)-(4)}

Marginal Citations

M16 The relevant amending instruments are [S.I. 1988/663](#), 1989/1034, 1994/527, 2000/636 and 2001/3767.

19. In Schedule 1B^{M17} (prescribed categories of person)–

- (a) in paragraphs 14A(1)(c) (parental leave) and 14B(2)(b) (paternity leave) after the words “working families’ tax credit, disabled person’s tax credit” there shall be inserted the words “working tax credit, child tax credit payable at a rate higher than the family element, ”, and
- (b) in paragraph 14A(2) and 14B(3) at the end there shall be added the words “and “family element” means in a case where any child in respect of whom child tax credit is payable is under the age of one year, the amount specified in regulation 7(3)(a) of the Child Tax

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Credit Regulations 2002 ^{M18} or in any other case, the amount specified in regulation 7(3) (b) of those Regulations”.

Marginal Citations

M17 The relevant amending instruments are [S.I. 1996/206](#), 1999/3329 and 2002/2689.

M18 [S.I. 2002/2007](#).

20. In Schedule 2 ^{M19} (applicable amounts)–

- (a) paragraphs 2 (amounts for child or young person), 3 (family premium), 6(1)(c) (premiums) and 14 (disabled child premium) shall be omitted;
- (b) in paragraph 12(1)(a)(i) (additional condition for the higher pensioner and disability premium) for the words “disabled person’s tax credit” there shall be substituted the words “ the disability element or the severe disability element of working tax credit as specified in regulation 20(1)(b) and (f) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 ^{M20} ”
- (c) in paragraph 13A (enhanced disability premium)–
 - (i) in sub-paragraph (1)(b) for the words “a member of the claimant’s family” there shall be substituted the words “ the claimant’s partner (if any) ”; and
 - (ii) sub-paragraph (2)(a) shall be omitted, and
- (d) in paragraph 15 (weekly amounts of premiums specified in Part III) sub-paragraphs (6) (disabled child premium) in Columns (1) and (2) and (8)(a) (enhanced disability premium) in Column (2) shall be omitted.

Commencement Information

I19 [Sch. 1 para. 20](#) coming into force and having effect in accordance with {reg. 1(1)-(5)(a)}

Marginal Citations

M19 The relevant amending instruments are [S.I. 1988/663](#), 1988/1445, 1991/2742, 1993/2119, 1994/2139, 1995/482, 1995/516, 1996/2545, 1997/1790, 1998/766, 1999/2555, 1999/2566, 2000/2629 and 2002/668.

M20 [S.I. 2002/2005](#).

21. In Schedule 7 ^{M21} (applicable amounts in special cases)–

- F³(a)
- F³(b)
- F³(c)
- F⁴(d)
- F⁵(e)
- F⁵(f)
- F⁵(g)
- F⁵(h)

(i) for paragraph 16A(a) and (b) in Column (2) there shall be substituted–

“**16A.**

Changes to legislation: There are currently no known outstanding effects for the *The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003*. (See end of Document for details)

- (a) The amount applicable in respect of the claimant only under regulation 17(1)(a), any amount which may be applicable to him under regulation 17(1)(d) plus the amount applicable to him under regulation 17(1)(e), (f) and (g) or, as the case may be, regulation 21.
- (b) The amount determined in accordance with that regulation or regulation 21 in respect of the claimant and any partners of his who are not subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act and to whom section 115 of that Act does not apply for the purposes of exclusion from entitlement to income support.”.

Textual Amendments

- F3** Sch. 1 para. 21(a)(c) revoked (10.4.2006 for certain purposes) by [Social Security \(Hospital In-Patients\) Regulations 2005 \(S.I. 2005/3360\)](#), reg. 1(e), **Sch.**
- F4** Sch. 1 para. 21(d) repealed (8.4.2007) by virtue of [Social Security \(Miscellaneous Amendments\) Regulations 2007 \(S.I. 2007/719\)](#), regs. 1(3), **5(2)**
- F5** Sch. 1 para. 21(e)(f) (g) (h) repealed (8.8.2003) by virtue of [Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) \(No.3\) Regulations 2003 \(S.I. 2003/1731\)](#), regs. 1(1), **6(4)(b)**

Commencement Information

- I20** Sch. 1 para. 21 coming into force and having effect in accordance with {reg. 1(1)-(4)}

Marginal Citations

- M21** The relevant amending instruments are [S.I. 1988/2022](#), 1989/1678, 1995/516, 1996/1803, 2000/636, 2001/3767 and 2002/668.

- 22.** In Schedule 8 ^{M22} (sums to be disregarded in the calculation of earnings)—
 - (a) in paragraph 14 the words “except earnings to which paragraph 15 applies” shall be omitted, and
 - (b) paragraph 15 shall be omitted.

Commencement Information

- I21** [Sch. 1 para. 22](#) coming into force and having effect in accordance with {reg. 1(1)-(4)}

Marginal Citations

- M22** The relevant amending instruments are [S.I. 1992/468](#), 2000/2545 and 2001/3767.

- 23.** In Schedule 9 ^{M23} (sums to be disregarded in the calculation of income other than earnings)—
 - (a) after paragraph 5 there shall be inserted the following paragraph—
 - “**5A.** Any guardian’s allowance.”;
 - (b) after paragraph 5A there shall be inserted the following paragraph—
 - “**5B.** —
 - (1) Any child tax credit.
 - (2) Any child benefit.”;
 - (c) in sub-paragraph (1) of paragraph 25 the words “to the extent specified in sub-paragraph (2)” shall be omitted and sub-paragraph (2) of that paragraph shall be omitted,

Changes to legislation: There are currently no known outstanding effects for the The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003. (See end of Document for details)

(d) after paragraph 25, there shall be inserted the following paragraph—

“**25A.** In the case of a claimant who has a child or young person—

- (a) who is a member of his family, and
- (b) who is residing at an educational establishment at which he is receiving relevant education,

any payment made to that educational establishment, in respect of that child or young person’s maintenance by or on behalf of a person who is not a member of the family or by a member of the family out of funds contributed for that purpose by a person who is not a member of the family.”, and

(e) in paragraph 70, for the words “any working families' tax credit or disabled person’s tax credit to which section 128 or as the case may be 129 of the Contributions and Benefits Act refers” there shall be substituted the words “ any working tax credit ”.

Commencement Information

I22 [Sch. 1 para. 23](#) coming into force and having effect in accordance with {reg. 1(1)-(5)(a)}

Marginal Citations

M23 The relevant amending instrument is [S.I. 2002/2402](#).

24. In Schedule 10 ^{M24} (capital to be disregarded)—

- (a) in paragraph 7(b) after the words “family income supplement under the Family Income Supplements Act 1970” there shall be inserted the words “ ,working families' tax credit under section 128 of the Contributions and Benefits Act, disabled person’s tax credit under section 129 of that Act, child tax credit, working tax credit, ”, and
- (b) in paragraph 20, the words “ , 44(1)” and the words “ , modifications in respect of children and young persons” shall be omitted.

Commencement Information

I23 [Sch. 1 para. 24](#) coming into force and having effect in accordance with {reg. 1(1)-(5)(a)}

Marginal Citations

M24 the relevant amending instruments are [S.I. 1990/1549](#), [1996/206](#) and [2002/2380](#).

SCHEDULE 2

Regulation 3

AMENDMENTS TO JOBSEEKER'S ALLOWANCE REGULATIONS

Modifications etc. (not altering text)

C2 [Sch. 2](#) modified (6.4.2017) by [The Social Security \(Restrictions on Amounts for Children and Qualifying Young Persons\) Amendment Regulations 2017 \(S.I. 2017/376\)](#), regs. 1, **6(1)**

1. In regulation 2A ^{M25} (disapplication of section 1(1A) of the Administration Act) paragraph (a) shall be omitted.

Changes to legislation: There are currently no known outstanding effects for the The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003. (See end of Document for details)

Commencement Information
I24 Sch. 2 para. 1 coming into force and having effect in accordance with {reg. 1(1)(6)-(8)}

Marginal Citations
M25 The relevant amending instrument is [S.I. 1997/2676](#).

2. In regulation 83 ^{M26} (applicable amounts)–
- (a) paragraphs (b) (amount in respect of children and young persons) and (d) (family premium) shall be omitted; and
 - ^{F6}(b)

Textual Amendments
F6 Sch. 2 para. 2(b) omitted (8.8.2003) by virtue of [Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) \(No.3\) Regulations 2003 \(S.I. 2003/1731\)](#), regs. 1(1), **6(5)(b)**

Commencement Information
I25 Sch. 2 para. 2 coming into force and having effect in accordance with {reg. 1(1)(6)-(8)}

Marginal Citations
M26 The relevant amending instrument is [S.I. 2001/3767](#).

3. In regulation 84 ^{M27} (polygamous marriages)–
- (a) paragraph (1)(c) (amount in respect of children and young persons) and (e) (family premium) shall be omitted, and
 - ^{F7}(b)

Textual Amendments
F7 Sch. 2 para. 3(b) omitted (8.8.2003) by virtue of [Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) \(No.3\) Regulations 2003 \(S.I. 2003/1731\)](#), regs. 1(1), **6(5)(b)**

Commencement Information
I26 Sch. 2 para. 3 coming into force and having effect in accordance with {reg. 1(1)(6)-(8)}

Marginal Citations
M27 The relevant amending instrument is [S.I. 2001/3767](#).

4. In regulation 85 ^{M28} (special cases)–
- (a) in paragraph (1) the words from “but excluding” to the end of that paragraph shall be omitted, and
 - (b) in paragraph (3) omit “,2”.

Commencement Information
I27 Sch. 2 para. 4 coming into force and having effect in accordance with {reg. 1(1)(6)-(8)}

Marginal Citations

M28 The relevant amending instruments are [S.I. 1997/454](#) and 2001/3767.

5. In regulation 86B(c) ^{M29} (applicable amounts for joint-claim couples: polygamous marriages) for the words “any member of his household aged 16 or over” there shall be substituted the words “any partner of the polygamous marriage”.

Commencement Information

I28 [Sch. 2 para. 5](#) coming into force and having effect in accordance with {reg. 1(1)(6)-(8)}

Marginal Citations

M29 The relevant amending instruments are [S.I. 2000/1978](#) and 2001/3767.

6. In regulation 88 ^{M30} (calculation of income and capital of members of claimant’s family and of a polygamous marriage)–

- (a) in paragraph (1)–
 - (i) for the words “paragraphs (2) and” there shall be substituted the word “ paragraph ” and for the word “regulations” there shall be substituted the word “ regulation ”;
 - (ii) the words “and 106 (modifications in respect of children and young persons)” and the words “and the income of a child or young person” and the words after “to his partner” to the end of that paragraph shall be omitted;
- (b) for paragraph (2) there shall be substituted the following paragraph–

“(2) Subject to the following provisions of this Part, the income paid to, or in respect of, and capital of, a child or young person who is a member of the claimant’s family shall not be treated as the income or capital of the claimant.”;
- (c) in paragraph (4)(a) the words after “each such member” to the end of that sub-paragraph shall be omitted, and
- (d) in paragraph (4)(b) the words from “or, as the case may be, the income of that child or young person” and the words after “for the claimant” to the end of that paragraph shall be omitted.

Commencement Information

I29 [Sch. 2 para. 6](#) coming into force and having effect in accordance with {reg. 1(1)(6)-(8)}

Marginal Citations

M30 The relevant amending instrument is [S.I. 2000/1978](#).

7. In regulation 89 (liable relative payments) for “106” there shall be substituted “ 105 ”.

Commencement Information

I30 [Sch. 2 para. 7](#) coming into force and having effect in accordance with {reg. 1(1)(6)-(8)}

8. In regulation 103 ^{M31} (calculation of income other than earnings)–

- (a) in paragraph (1) for the words after “income under” to the end of that paragraph there shall be substituted the words “ regulation 104 (capital treated as income) ”, and

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- (b) in paragraph (6)(b) for the word “dependants” there shall be substituted the word “ partner ”.

Commencement Information

I31 Sch. 2 para. 8 coming into force and having effect in accordance with {reg. 1(1)(6)-(8)}

Marginal Citations

M31 The relevant amending instrument is [S.I. 2000/636](#).

9. Regulation 104(3) ^{M32} (capital treated as income) shall be omitted.

Commencement Information

I32 Sch. 2 para. 9 coming into force and having effect in accordance with {reg. 1(1)(6)-(8)}

Marginal Citations

M32 The relevant amending instrument is [S.I. 2001/3070](#).

10. In regulation 105 ^{M33} (notional income)–
- (a) paragraphs (2)(c) and (2A) shall be omitted;
 - (b) in paragraph (2)(d) for the words “working families' tax credit or disabled person’s tax credit” there shall be substituted the words “ working tax credit or child tax credit ”;
 - (c) in paragraph (10)(a)–
 - (i) for the words “in respect of a member of the family” there shall be substituted the words “ his partner ”;
 - (ii) in head (i) for the words “by that member of the family, if it would normally be paid to that member” there shall be substituted the words “ by his partner, if it would normally be paid to his partner ”;
 - (iii) in head (ia) for the words “that member” there shall be substituted the words “ the claimant’s partner ”, and
 - (iv) in head (ii) for the words “or by that member of the family” there shall be substituted the words “ or his partner ”, for the words “of any member of the family” there shall be substituted the words “ of his partner ” and for the words “member is liable” there shall be substituted the words “ partner is liable ”;
 - (d) for paragraph (10)(b) there shall be substituted the following–
 - (b) to a single claimant or his partner in respect of a third party (but not in respect of another member of his family) shall be treated as possessed by that single claimant or, as the case may be, his partner, to the extent that it is kept or used by him or used by or on behalf of his partner;”;
 - (e) in paragraph (10A)(d)(iii) for the words “any member of his family” there shall be substituted “ his partner (if any) ”, and
 - (f) in paragraph (11) for the words after “the cost of maintaining the claimant” to the end of that paragraph there shall be substituted the words “ or his partner in that home shall be treated as possessed by the claimant or his partner ”.

Commencement Information

I33 [Sch. 2 para. 10](#) coming into force and having effect in accordance with {reg. 1(1)(6)-(9)}

Marginal Citations

M33 The relevant amending instruments are [S.I. 1996/1803](#), 1998/2117, 1999/2566, 1999/2640, 2000/1978 and 2002/841.

11. Regulation 106 ^{M34} (modifications in respect of children and young persons) and regulation 109 (disregard of capital of child or young person) shall be omitted.

Commencement Information

I34 [Sch. 2 para. 11](#) coming into force and having effect in accordance with {reg. 1(1)(6)-(8)}

Marginal Citations

M34 The relevant amending instrument is [S.I. 2000/2629](#).

12. In regulation 110 ^{M35} (income treated as capital) paragraphs (8) and (10)(b) shall be omitted.

Commencement Information

I35 [Sch. 2 para. 12](#) coming into force and having effect in accordance with {reg. 1(1)(6)-(8)}

Marginal Citations

M35 The relevant amending instrument is [S.I. 1998/563](#).

13. In regulation 113 ^{M36} (notional capital)–

(a) in paragraph (3)(a)–

(i) for the words “in respect of a member of the family” there shall be substituted the words “ his partner ”;

(ii) in head (i) for the words “by that member of the family, if it would normally be paid to that member” there shall be substituted the words “ by his partner, if it would normally be paid to his partner ”;

(iii) in head (ia) for the words “that member” there shall be substituted the words “ the claimant’s partner ”;

(iv) in head (ii) for the words “or by that member of the family” there shall be substituted the words “ or his partner ”, for the words “of any member of the family” there shall be substituted the words “of his partner” and for the words “member is liable” there shall be substituted the words “ partner is liable ”;

(b) for paragraph (3)(b) there shall be substituted the following–

“(b) to a single claimant or his partner in respect of a third party (but not in respect of another member of his family) shall be treated as possessed by that single claimant or, as the case may be, his partner, to the extent that it is kept or used by him or used by or on behalf of his partner.”, and

(c) in paragraph (3A)(c)(iii) for the words “any member of his family” there shall be substituted “ his partner (if any) ”.

Changes to legislation: There are currently no known outstanding effects for the *The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003*. (See end of Document for details)

Commencement Information

I36 Sch. 2 para. 13 coming into force and having effect in accordance with {reg. 1(1)(6)-(8)}

Marginal Citations

M36 The relevant amending instruments are [S.I. 1998/2117](#), 1999/2640, 2000/1978, 2001/3767 and 2002/841.

14. In regulation 117 (liable relatives interpretation) in the definition of “payment” paragraph (d) shall be omitted.

Commencement Information

I37 Sch. 2 para. 14 coming into force and having effect in accordance with {reg. 1(1)(6)-(8)}

^{F8}15.

Textual Amendments

F8 Sch. 2 para. 15 repealed (5.8.2008) by virtue of [The Social Security \(Child Maintenance Amendments\) Regulations 2008 \(S.I. 2008/2111\)](#), [reg. 4\(3\)](#)

Commencement Information

I38 Sch. 2 para. 15 coming into force and having effect in accordance with {reg. 1(1)(6)-(8)}

16. In regulation 131 ^{M37} (calculation of grant income)–
- (a) after paragraph (2)(g) there shall be added the following–
 - “(h) intended for the maintenance or child care costs of a child dependent.”;
 - (b) for paragraph (3A) there shall be substituted the following paragraph–
 - “(3A) There shall also be excluded from a student’s grant income any grant of £510 in respect of expenditure on travel, books and equipment which is payable under regulation 15(8) of the Education (Student Support) Regulations 2002.”;
 - (c) in paragraph (4) before the word “dependants” there shall be inserted the word “ adult ” and the words “, or intended for an older student under Part IV of that Schedule,” shall be omitted;
 - (d) in paragraph (5) for the word “dependants” in both places where it occurs there shall be substituted the words “ an adult dependant ”^{F9}and the words “or for an older student” shall be omitted], and
 - (e) in paragraph (5A) for the word “dependants” there shall be substituted the words “ an adult dependant ”.

Textual Amendments

F9 Words in Sch. 2 para. 16(d) added (8.8.2003) by [Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) \(No.3\) Regulations 2003 \(S.I. 2003/1731\)](#), [regs. 1\(1\), 6\(5\)\(a\)](#)

Commencement Information

I39 Sch. 2 para. 16 coming into force and having effect in accordance with {reg. 1(1)(6)-(8)}

Marginal Citations

M37 The relevant amending instruments are [S.I. 2000/1922](#), 2001/2319, 2002/1589 and 2002/2207.

17. In regulation 136A(3)^{M38} (treatment of payments from access funds) and regulation 138(3)^{M39} (income treated as capital)–

- (a) for the words “any other member of his family” there shall be substituted the words “ his partner ”, and
- (b) for the words “member is liable” there shall be substituted the words “ partner is liable ”.

Commencement Information

I40 [Sch. 2 para. 17](#) coming into force and having effect in accordance with {reg. 1(1)(6)-(8)}

Marginal Citations

M38 The relevant amending instruments are [S.I. 2000/1992](#) and 2001/3767.

M39 The relevant amending instruments are [S.I. 2000/1992](#) and 2001/3767.

18. In regulation 140(5)(a)^{M40} (meaning of “person in hardship”) for the words after “Schedule 1 or” to the end of that sub-paragraph there shall be substituted the words “an element of child tax credit in respect of a child or young person who is disabled or severely disabled within the meaning of regulation 8 of the Child Tax Credit Regulations 2002^{M41}”.

Commencement Information

I41 [Sch. 2 para. 18](#) coming into force and having effect in accordance with {reg. 1(1)(6)-(8)}

Marginal Citations

M40 The relevant amending instruments are [S.I. 1996/1516](#) and 1999/2860.

M41 [S.I. 2002/2007](#).

19. In regulation 148(1)^{M42} (applicable amount in urgent cases)–

- (a) sub-paragraphs (a)(ii), (c)(ii) and (d)(i) shall be omitted;
- (b) in sub-paragraphs (a)(iii) and (d)(ii) “II or” shall be omitted.

Commencement Information

I42 [Sch. 2 para. 19](#) coming into force and having effect in accordance with {reg. 1(1)(6)-(8)}

Marginal Citations

M42 The relevant amending instruments are [S.I. 2000/1978](#), 2001/3767 and 2002/398.

20. In Schedule 1^{M43} (applicable amounts)–

- (a) paragraphs 2 (amounts for child or young person), 4 (family premium), 7(1)(c) (premiums) and 16 (disabled child premium) shall be omitted;
- (b) in paragraph 14(1)(a) (additional conditions for higher pensioner and disability premium) for the words “either disabled person’s tax credit” there shall be substituted the words “ the disability element or the severe disability element of working tax credit as specified in

Changes to legislation: There are currently no known outstanding effects for the The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003. (See end of Document for details)

regulation 20(1)(b) and (f) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 ^{M44}”;

- (c) in paragraph 15A (enhanced disability premium)–
 - (i) in sub-paragraph (1)(b) for the words “a member of the claimant’s family” there shall be substituted the words “ the claimant’s partner (if any) ”, and
 - (ii) sub-paragraph (2)(a) shall be omitted;
- (d) in paragraph 20 (weekly amounts of premiums specified in Part III) sub-paragraph (7) (disabled child premium) in Columns (1) and (2) and sub-paragraph (9)(a) (enhanced disability premium) in Column (2) shall be omitted, and
- (e) in paragraph 20H(1)(a) (additional conditions for higher pensioner and disability premium, joint claim) for the words “either disabled person’s tax credit” there shall be substituted the words “ the disability element or the severe disability element of working tax credit as specified in regulation 20(1)(b) and (f) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 ”.

Commencement Information
I43 Sch. 2 para. 20 coming into force and having effect in accordance with {reg. 1(1)(6)-(9)};

Marginal Citations
M43 The relevant amending instruments are S.I. 1996/1803, 1996/2545, 1998/766, 1999/2555, 1999/2566, 2000/724, 2000/2629, 2002/668 and 2002/2019.
M44 S.I. 2002/2005.

- 21.** In Schedule 5 ^{M45} (applicable amounts in special cases)–
- ^{F10}(a)
 - ^{F11}(b)
 - (c) for paragraph 13A(a) and (b) in Column (2) there shall be substituted–
 - “**13A.**
 - (a) the amount applicable in respect of the claimant only under regulation 83(a), plus any amount which may be applicable to him under regulation 83(e) or (f) plus the amount applicable to him under regulation 87(2) or (3) or, as the case may be, regulation 85;
 - (b) the amount determined in accordance with that regulation or regulation 85 in respect of the claimant and any partners of his who are not subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act and to whom section 115 of that Act does not apply for the purposes of exclusion from entitlement to jobseeker’s allowance;”
 - ^{F11}(d)

Textual Amendments
F10 Sch. 2 para. 21(a) repealed (8.4.2007) by virtue of Social Security (Miscellaneous Amendments) Regulations 2007 (S.I. 2007/719), regs. 1(3), **5(3)**
F11 Sch. 2 para. 21(b) and (d) omitted (8.8.2003) by virtue of Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) (No.3) Regulations 2003 (S.I. 2003/1731), regs. 1(1), **6(5)(b)**

Commencement Information

I44 Sch. 2 para. 21 coming into force and having effect in accordance with {reg. 1(1)(6)-(8)}

Marginal Citations

M45 The relevant amending instruments are [S.I. 1996/1516](#), 1996/1803, 2000/636, 2001/3767 and 2002/668.

- 22.** In Schedule 6^{M46} (sums to be disregarded in the calculation of earnings)–
- (a) in paragraph 17 the words “except earnings to which paragraph 18 applies” shall be omitted, and
 - (b) paragraph 18 shall be omitted.

Commencement Information

I45 Sch. 2 para. 22 coming into force and having effect in accordance with {reg. 1(1)(6)-(8)}

Marginal Citations

M46 The relevant amending instruments are [S.I. 2000/2545](#) and 2001/3767.

- 23.** In Schedule 7^{M47} (sums to be disregarded in the calculation of income other than earnings)–
- (a) after paragraph 6 there shall be inserted the following paragraph–
 - “**6A.** Any guardian’s allowance”;
 - (b) after paragraph 6A there shall be inserted the following paragraph–
 - “**6B.** –
 - (1) Any child tax credit.
 - (2) Any child benefit.”, and
 - (c) in paragraph 26(1) the words “to the extent specified in sub-paragraph (2)” shall be omitted and sub-paragraph (2) of that paragraph shall be omitted, and
 - (d) after paragraph 26, there shall be inserted the following paragraph–
 - “**26A.** In the case of a claimant who has a child or young person–
 - (a) who is a member of his family, and
 - (b) who is residing at an educational establishment at which he is receiving relevant education,

any payment made to that educational establishment, in respect of that child or young person’s maintenance by or on behalf of a person who is not a member of the family or by a member of the family out of funds contributed for that purpose by a person who is not a member of the family.”.

Commencement Information

I46 Sch. 2 para. 23 coming into force and having effect in accordance with {reg. 1(1)(6)-(9)}

Marginal Citations

M47 The relevant amending instruments are [S.I. 1998/563](#) and 2002/2402.

- 24.** In Schedule 8^{M48} (capital to be disregarded)–

Changes to legislation: There are currently no known outstanding effects for the The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003. (See end of Document for details)

- (a) in paragraph 12(b) at the end there shall be inserted “,working families' tax credit under section 128 of that Act, disabled person’s tax credit under section 129 of that Act, child tax credit, working tax credit,” and
- (b) in paragraph 25 the words “, 106(1)” and the words “, modifications in respect of children and young persons” shall be omitted.

Commencement Information
I47 Sch. 2 para. 24 coming into force and having effect in accordance with {reg. 1(1)(6)-(9)}

Marginal Citations
M48 The relevant amending instrument is S.I. 2002/2380.

F12SCHEDULE 3

Regulations 4 and 5

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Textual Amendments
F12 Sch. 3 revoked (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), Sch. 1 (with regs. 23Sch. 3Sch. 4)

SCHEDULE 4

Regulation 6

OTHER MISCELLANEOUS CONSEQUENTIAL AMENDMENTS

1. In the Social Security (Credits) Regulations 1975^{M49}–
 - (a) in regulation 2 (interpretation)–
 - (i) the definition of “disabled person’s tax credit” shall be omitted, and
 - (ii) for the definition of “working families' tax credit” there shall be substituted the definition–

““working tax credit” means a working tax credit under section 10 of the Tax Credits Act 2002 ”,^{M50}
 - (b) in the heading which precedes regulation 7B^{M51} (credits for disabled person’s tax credit) for the words “disabled person’s tax credit” there shall be substituted the words “ disability element of working tax credit ”;
 - (c) in regulation 7B(1) for the words “a disabled person’s tax credit” there shall be substituted the words “ the disability element or the severe disability element of working tax credit as specified in regulation 20(1)(b) and (f) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 is included in an award of working tax credit which ”;
 - (d) in the heading which precedes regulation 7C^{M52} (credits for working families' tax credit) for the words “working families' tax credit” there shall be substituted the words “ working tax credit ”;
 - (e) in regulation 7C–

Changes to legislation: There are currently no known outstanding effects for the The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003. (See end of Document for details)

- (i) at the beginning of paragraph (1), there shall be inserted “ Subject to regulation 7B, ”;
- (ii) in paragraphs (1) and (2) for the words “working families' tax credit” there shall be substituted the words “ working tax credit ”;
- (iii) in paragraph (3) for the words “working families' tax credit” in sub-paragraphs (a) and (c) there shall be substituted the words “ working tax credit ”, sub-paragraph (b) shall be omitted and the words “as equal” in sub-paragraph (c) shall be omitted, and
- (iv) paragraph (5) shall be omitted.

Marginal Citations

- M49** [S.I. 1975/556](#). The relevant amending instrument is [S.I. 1999/2566](#).
- M50** [2002 c. 21](#).
- M51** The relevant amending instruments are [S.I. 1991/2772](#), [1996/2367](#) and [1999/2566](#).
- M52** The relevant amending instruments are [S.I. 1995/2558](#), [1999/2566](#) and [2000/1483](#).

F13 **2.**

Textual Amendments

- F13** [Sch. 4 para. 2](#) revoked (5.12.2005) by [Social Fund Maternity and Funeral Expenses \(General\) Regulations 2005 \(S.I. 2005/3061\)](#), [reg. 1](#), [Sch.](#)

3. In regulation 6 ^{M53} (date of claim) of the Social Security (Claims and Payments) Regulations 1987–

- (a) in paragraph (28)(a) for the words “working families' tax credit or disabled person’s tax credit” there shall be substituted the words “ working tax credit ” ; and
- (b) in paragraph (28)(b) after the words “remunerative work” there shall be added the words “ for the purposes of that tax credit ”.

Marginal Citations

- M53** [S.I. 1987/1968](#). The relevant amending instruments are [S.I. 1997/793](#) and [1999/2572](#).

4. In regulation 2B(2) ^{M54} (relaxation of the first contribution condition in certain cases) of the Social Security (Incapacity Benefit) Regulations 1994 after sub-paragraph (b)(ii) there shall be inserted the following head–

- “(iii) who was entitled to working tax credit where the disability element or the severe disability element of working tax credit as specified in regulation 20(1)(b) and (f) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 was included in the award; or”.

Marginal Citations

- M54** [S.I. 1994/2946](#). The relevant amending instrument is [S.I. 2000/3120](#).

5. Paragraph 5 of Schedule 1 and paragraph 5 of Schedule 2 to the Income-related Benefits and Jobseeker’s Allowance (Working Tax Credit and Child Tax Credit)(Amendment) Regulations 2002 ^{M55} shall be omitted.

Changes to legislation: There are currently no known outstanding effects for the The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003. (See end of Document for details)

Marginal Citations

M55 [S.I. 2002/2402](#).

6. Paragraph 5 of Schedule 3 and paragraph 5 of Schedule 4 to the Income-related Benefits and Jobseeker's Allowance (Working Tax Credit and Child Tax Credit)(Amendment) Regulations 2002 shall be omitted.

Commencement Information

I48 [Sch. 4 para. 6](#) coming into force in accordance with {reg. 1(10)(a)}

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003.