

1988 No. 999

SOCIAL SECURITY

**The Family Credit and Income Support (General)
Amendment Regulations 1988**

<i>Made - - - -</i>	<i>8th June 1988</i>
<i>Laid before Parliament</i>	<i>8th June 1988</i>
<i>Coming into force</i>	<i>9th June 1988</i>

The Secretary of State for Social Services, in exercise of powers conferred upon him by sections 22(8) and (9) and 84(1) of the Social Security Act 1986^(a) and section 166(1) to (3) of the Social Security Act 1975^(b) and of all other powers enabling him in that behalf by this instrument, which is made before the end of a period of 12 months from the commencement of the enactment under which it is made, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Family Credit and Income Support (General) Amendment Regulations 1988 and shall come into force on 9th June 1988.

(2) In these Regulations—

“the Family Credit Regulations” means the Family Credit (General) Regulations 1987^(c); and

“the Income Support Regulations” means the Income Support (General) Regulations 1987^(d).

Amendment of regulation 2(1) of the Family Credit Regulations

2. In regulation 2(1) of the Family Credit Regulations (interpretation) there shall be inserted after the definition of “student” the following definition—

““the Independent Living Fund” means the charitable trust established out of funds provided by the Secretary of State for the purpose of providing financial assistance to those persons incapacitated by or otherwise suffering from very severe disablement who are in need of such assistance to enable them to live independently;”.

Amendment of regulations 26 and 34 of, paragraph 34 of Schedule 2 to, and paragraph 23 of Schedule 3 to, the Family Credit Regulations

3. In the following provisions of the Family Credit Regulations there shall be inserted after the words “the Macfarlane Trust” the words “or the Independent Living Fund”—

(a) regulation 26(3) (notional income);

(b) regulation 34(3) (notional capital);

(a) 1986 c.50; section 84(1) is an interpretation provision and is cited because of the meanings assigned to the words “prescribed” and “regulations”.

(b) 1975 c.14; section 166(1) to (3) is applied by section 83(1) of the Social Security Act 1986.

(c) S.I. 1987/1973; amended by S.I. 1988/660 and 908.

(d) S.I. 1987/1967; amended by S.I. 1988/663 and 910.

- (c) paragraph 34 of Schedule 2 (income other than earnings to be disregarded); and
- (d) paragraph 23 of Schedule 3 (capital to be disregarded).

Amendment of regulation 2(1) of the Income Support Regulations

4. In regulation 2(1) of the Income Support Regulations (interpretation) there shall be inserted after the definition of "terminal date" the following definition—

““the Independent Living Fund” means the charitable trust established out of funds provided by the Secretary of State for the purpose of providing financial assistance to those persons incapacitated by or otherwise suffering from very severe disablement who are in need of such assistance to enable them to live independently;”.

Amendment of regulations 24, 42 and 51 of, paragraphs 21 and 39 of Schedule 9 to, and paragraph 22 of Schedule 10 to, the Income Support Regulations

5. In the following provisions of the Income Support Regulations there shall be inserted after the words "the Macfarlane Trust" the words "or the Independent Living Fund"—

- (a) regulation 24(5)(b)(iii) (treatment of charitable or voluntary payments);
- (b) regulation 42(4) (notional income);
- (c) regulation 51(3) (notional capital);
- (d) paragraphs 21(2) and 39 of Schedule 9 (income other than earnings to be disregarded); and
- (e) paragraph 22 of Schedule 10 (capital to be disregarded).

Amendment of regulation 72 of the Income Support Regulations

6. In regulation 72(1) of the Income Support Regulations (assessment of income and capital in urgent cases) for sub-paragraph (a) there shall be substituted the following sub-paragraph—

“(a) any income, other than a payment of income made under the Macfarlane Trust or the Independent Living Fund, possessed or treated as possessed by him shall be taken into account in full notwithstanding any provision in that Part disregarding the whole or any part of that income;”.

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

8th June 1988

Nicholas Scott
Minister of State,
Department of Health and Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Family Credit (General) Regulations 1987 and the Income Support (General) Regulations 1987 to provide, in the calculation of income and capital, for the disregard of payments made to the incapacitated and very severely disabled out of the Independent Living Fund.

These Regulations are made before the expiry of 12 months from the commencement of the provisions under which they are made; they are accordingly exempt by section 61(5) of the Social Security Act 1986 from reference to the Social Security Advisory Committee and have not been so referred.