
STATUTORY INSTRUMENTS

1993 No. 1249

SOCIAL SECURITY

The Income-related Benefits Schemes and Social Security (Recoupment) Amendment Regulations 1993

<i>Made</i>	- - - -	<i>12th May 1993</i>
<i>Laid before Parliament</i>		<i>13th May 1993</i>
<i>Coming into force</i>		
<i>(a) except for regulation 3(5)</i>		<i>14th May 1993</i>
<i>(b) regulation 3(5)</i>		<i>3rd June 1993</i>

The Secretary of State for Social Security, in exercise of powers conferred upon him by sections 123(1), 130(4), 131(10), 132(1) and (5), 133(3), 135(1), 136(3) and (5), 137(1) and 175(1) to (4) of the Social Security Contributions and Benefits Act 1992⁽¹⁾ and sections 5(1)(h), 6(1)(h), 81(4), 136(2), 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, 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, commencement and interpretation

1.—(1) These Regulations may be cited as the Income-related Benefits Schemes and Social Security (Recoupment) Amendment Regulations 1993 and shall come into force—

- (a) except for regulation 3(5) on 14th May 1993;
- (b) in the case of regulation 3(5) on 3rd June 1993.

(2) In these Regulations—

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- (1) 1992 c. 4; sections 123, 132, 133, 136, 137 and 175 of the Social Security Contributions and Benefits Act 1992 were amended to have effect with respect to council tax benefit by Schedule 9 to the Local Government Finance Act 1992 (c. 14); section 137(1) is an interpretation provision and is cited because of the meaning assigned to the word “prescribed”.
 - (2) 1992 c. 5; section 6 of the Social Security Administration Act 1992 was amended to have effect with respect to council tax benefit by Schedule 9 to the Local Government Finance Act 1992; section 191 is an interpretation provision and is cited because of the meaning assigned to the word “prescribe”.
 - (3) Sesection 176(1) of the Social Security Administration Act 1992; section 176(1) was amended by the Local Government Finance Act 1992, Schedule 9, paragraph 23.
 - (4) Sesection 173(1)(b) and (7) of the Social Security Administration Act 1992 (c. 5); section 173(7) defines “regulations”.

- (a) “the Family Credit Regulations” means the Family Credit (General) Regulations 1987(5);
- (b) “the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987(6);
- (c) “the Income Support Regulations” means the Income Support (General) Regulations 1987(7);
- (d) “the Disability Working Allowance Regulations” means the Disability Working Allowance (General) Regulations 1991(8);
- (e) “the Council Tax Benefit Regulations” means the Council Tax Benefit (General) Regulations 1992(9);
- (f) “the Recoupment Regulations” means the Social Security (Recoupment) Regulations 1990(10).

Amendment of the Family Credit Regulations

2.—(1) The Family Credit Regulations(11) shall be amended in accordance with the provisions of this regulation.

(2) In regulation 2(1) (interpretation)–

- (a) in the definition of “qualifying person” after the word “Fund” there shall be added the words “or the Eileen Trust”;
- (b) after the definition of “student” the following definition shall be inserted–

““the Eileen Trust” means the charitable trust of that name established on 29th March 1993 out of funds provided by the Secretary of State for the benefit of persons eligible for payment in accordance with its provisions;”.

(3) The following provisions shall be amended by inserting the words “, the Eileen Trust” after the words “the Fund” each time they appear–

- (a) regulation 26(3) (notional income);
- (b) regulation 31(3) (income treated as capital);
- (c) regulation 34(3) (notional capital).

(4) In Schedule 2 (sums to be disregarded in the calculation of income other than earnings) in paragraph 34–

- (a) in sub-paragraph (1) after the words “the Fund” there shall be inserted the words “, the Eileen Trust”;
- (b) in sub-paragraph (7) at the end the words “and the Eileen Trust” shall be added.

(5) In Schedule 3 (capital to be disregarded) in paragraph 23–

- (a) in sub-paragraph (1) after the words “the Fund” there shall be inserted the words “, the Eileen Trust”; and
- (b) in sub-paragraph (7) at the end the words “and the Eileen Trust” shall be added.

(5) S.I.1987/1973.

(6) S.I. 1987/1971.

(7) S.I. 1987/1967.

(8) S.I. 1991/2887.

(9) S.I. 1992/1814.

(10) S.I. 1990/322.

(11) Relevant amending instruments are S.I. 1988/660, 999, 1438, 1970, 1990/127, 1991/1175, 1520, 1992/1101 and 1993/963.

Amendment of the Housing Benefit Regulations

3.—(1) The Housing Benefit Regulations(12) shall be amended in accordance with the provisions of this regulation.

(2) In regulation 2(1) (interpretation)–

(a) in the definition of “qualifying person” after the word “Fund” there shall be added the words “or the Eileen Trust”;

(b) after the definition of “supplementary benefit” the following definition shall be inserted–

““the Eileen Trust” means the charitable trust of that name established on 29th March 1993 out of funds provided by the Secretary of State for the benefit of persons eligible for payment in accordance with its provisions;”.

(3) The following provisions shall be amended by inserting the words “, the Eileen Trust” after the words “the Fund” each time they appear–

(a) regulation 35(3) (notional income);

(b) regulation 40(6) (income treated as capital);

(c) regulation 43(3) (notional capital);

(d) regulation 63(9)(b) (non-dependant deductions).

(4) In regulation 73(3)(a)(ii) (evidence and information) for the words “or the Fund” there shall be substituted the words “, the Fund or the Eileen Trust”.

(5) In Schedule 1A (excluded tenancies)(13) –

(a) in paragraph 2(4) for head (b) there shall be substituted the following head–

“(b) at the date of that increase the claimant was not liable to pay council tax; and”;

(b) in paragraph 12–

(i) in the definition of “rent” after the word “rent” there shall be inserted the words “shall be construed in accordance with sub-paragraph (8) of regulation 12A (interpretation of “tenancy” and other expressions appropriate to a tenancy)(14) and, subject to that sub-paragraph,”

(ii) at the end of the paragraph for the words “regulation 12(8)” there shall be substituted the words “regulation 12A(8)”.

(6) In Schedule 4 (sums to be disregarded in the calculation of income other than earnings) in paragraph 34–

(a) in sub-paragraph (1) after the words “the Fund” there shall be inserted the words “, the Eileen Trust”;

(b) in sub-paragraph (7) at the end the words “and the Eileen Trust” shall be added.

(7) In Schedule 5 (capital to be disregarded) in paragraph 23–

(a) in sub-paragraph (1) after the words “the Fund” there shall be inserted the words “, the Eileen Trust”; and

(b) in sub-paragraph (7) at the end the words “and the Eileen Trust” shall be added.

(12) Relevant amending instruments are S.I. 1988/1971, 1990/127, 546, 1775, 1991/1175, 1599, 1992/50, 432, 1101, 2148, 1993/317 and 963.

(13) Schedule 1A was inserted by S.I. 1990/546 and paragraph 2(4) was added by S.I. 1993/317.

(14) Regulation 12A was inserted by S.I. 1990/546.

Amendment of the Income Support Regulations

4.—(1) The Income Support Regulations(15) shall be amended in accordance with the provisions of this regulation.

(2) In regulation 2(1) (interpretation)–

(a) in the definition of “qualifying person” after the word “Fund” there shall be added the words “or the Eileen Trust”;

(b) after the definition of “terminal date” the following definition shall be inserted–

““the Eileen Trust” means the charitable trust of that name established on 29th March 1993 out of funds provided by the Secretary of State for the benefit of persons eligible for payment in accordance with its provisions;”

(3) The following provisions shall be amended by inserting the words “, the Eileen Trust” after the words “the Fund” each time they appear–

(a) regulation 42(4) (notional income);

(b) regulation 48(10)(c) (income treated as capital);

(c) regulation 51(3) (notional capital);

(d) regulation 72(1)(a) (assessment of income and capital in urgent cases);

(e) paragraph 11(8)(b) of Schedule 3 (housing costs; non-dependant deductions).

(4) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings)–

(a) in paragraph 21(2) after the words “the Fund” there shall be inserted the words “, the Eileen Trust”;

(b) in paragraph 39–

(i) in sub-paragraph (1) after the words “the Fund” there shall be inserted the words “, the Eileen Trust”;

(ii) in sub-paragraph (7) at the end the words “and the Eileen Trust” shall be added.

(5) In Schedule 10 (capital to be disregarded) in paragraph 22–

(a) in sub-paragraph (1) after the words “the Fund” there shall be inserted the words “, the Eileen Trust”; and

(b) in sub-paragraph (7) at the end the words “and the Eileen Trust” shall be added.

Amendment of the Disability Working Allowance Regulations

5.—(1) The Disability Working Allowance Regulations(16) shall be amended in accordance with the provisions of this regulation.

(2) In regulation 2(1) (interpretation)–

(a) in the definition of “qualifying person” after the word “Fund” there shall be added the words “or the Eileen Trust”;

(b) after the definition of “student” the following definition shall be inserted–

““the Eileen Trust” means the charitable trust of that name established on 29th March 1993 out of funds provided by the Secretary of State for the benefit of persons eligible for payment in accordance with its provisions;”.

(15) Relevant amending instruments are S.I. 1988/663, 999, 1445, 2022, 1989/534, 1990/127, 1991/1175, 1559, 1992/1101 and 1993/963.

(16) Relevant amending instruments are S.I. 1992/1101, 2155 and 1993/963.

(3) The following provisions shall be amended by inserting the words “, the Eileen Trust” after the words “the Fund” each time they appear–

- (a) regulation 29(3) (notional income);
- (b) regulation 34(3) (income treated as capital);
- (c) regulation 37(3) (notional capital).

(4) In Schedule 3 (sums to be disregarded in the calculation of income other than earnings) in paragraph 33–

- (a) in sub-paragraph (1) after the words “the Fund” there shall be inserted the words “, the Eileen Trust”;
- (b) in sub-paragraph (6) at the end the words “and the Eileen Trust” shall be added.

(5) In Schedule 4 (capital to be disregarded) in paragraph 23–

- (a) in sub-paragraph (1) after the words “the Fund” there shall be inserted the words “, the Eileen Trust”; and
- (b) in sub-paragraph (6) at the end the words “and the Eileen Trust” shall be added.

Amendment of the Council Tax Benefit Regulations

6.—(1) The Council Tax Benefit Regulations(17) shall be amended in accordance with the provisions of this regulation.

(2) In regulation 2(1) (interpretation)–

- (a) in the definition of “qualifying person” after the word “Fund” there shall be added the words “or the Eileen Trust”;
- (b) after the definition of “supplementary benefit” the following definition shall be inserted–
““the Eileen Trust” means the charitable trust of that name established on 29th March 1993 out of funds provided by the Secretary of State for the benefit of persons eligible for payment in accordance with its provisions;”.

(3) The following provisions shall be amended by inserting the words “, the Eileen Trust” after the words “the Fund” each time they appear–

- (a) regulation 26(3) (notional income);
- (b) regulation 31(6) (income treated as capital);
- (c) regulation 34(3) (notional capital);
- (d) regulation 52(9)(b) (non-dependant deductions);
- (e) paragraph 2(b) of Schedule 2 (amount of alternative maximum council tax benefit).

(4) In regulation 63(3)(a)(ii) (evidence and information) for the words “or the Fund” there shall be substituted the words “, the Fund or the Eileen Trust”.

(5) In Schedule 4 (sums to be disregarded in the calculation of income other than earnings) in paragraph 35–

- (a) in sub-paragraph (1) after the words “the Fund” there shall be inserted the words “, the Eileen Trust”;
- (b) in sub-paragraph (7) at the end the words “and the Eileen Trust” shall be added.

(6) In Schedule 5 (capital to be disregarded) in paragraph 23–

- (a) in sub-paragraph (1) after the words “the Fund” there shall be inserted the words “, the Eileen Trust”; and

(17) Relevant amending instruments are S.I. 1993/688 and 963.

(b) in sub-paragraph (7) at the end the words “and the Eileen Trust” shall be added.

Amendment of the Recoupment Regulations

7. In regulation 4 of the Recoupment Regulations(**18**) (exempt payments) after paragraph (g) the following paragraph shall be added–

“(h) any payment made from the Eileen Trust established on 29th March 1993 out of funds provided by the Secretary of State for the benefit of persons eligible for payment in accordance with its provisions.”.

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

12th May 1993

Alistair Burt
Parliamentary Under-Secretary of State,
Department of Social Security

(18) Relevant amending instruments are S.I. [1990/1558](#), [1991/1175](#) and [1992/1101](#).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Family Credit (General) Regulations 1987, the Housing Benefit (General) Regulations 1987, the Income Support (General) Regulations 1987, the Disability Working Allowance (General) Regulations 1991 and the Council Tax Benefit (General) Regulations 1992 so that payments from the charitable trust known as the Eileen Trust are to be disregarded in determining the entitlement of a person to such a benefit and its amount.

They further amend the Housing Benefit (General) Regulations 1987 in relation to the requirement to refer a claim for benefit to a rent officer to make a determination with respect to a person's rent, by extending the circumstances in which such a reference is required where the claimant for benefit is not personally liable to pay council tax, and amend the definition of "rent" as it applies to Schedule 1A of those Regulations (excluded tenancies).

They also amend the Social Security (Recoupment) Regulations 1990 so as to exempt payments under the Eileen Trust from the effects of section 82 of the Social Security Administration Act 1992 (recovery from damages etc. of sums equivalent to benefit).

These Regulations do not impose a charge on businesses.