
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make further amendments to the Income Support (General) Regulations 1987 (S.I.1987/1967), the Family Credit (General) Regulations 1987 (S.I. 1987/1973) and the Disability Working Allowance (General) Regulations 1991 (S.I. 1991/2887) in the following respects—

- (a) they provide definitions of “maternity leave” and “personal pension scheme”(regulations 2, 25 and 36);
- (b) they make a minor amendment to the definition of “advanced education”(regulations 4, 16, 32 and 43);
- (c) they amend the provisions specifying the circumstances in which a person is to be treated as being or not being a member of the household (regulations 6, 27 and 38);
- (d) they make minor amendments with respect to the calculation of the income and capital of a child (regulations 7, 8, 15, 18, 31, 33, 42 and 44);
- (e) they provide that, in the calculation of net profits of the self-employed, a proportion of any premium paid towards a personal pension scheme shall be disregarded (regulations 13, 29 and 40);
- (f) with respect to the calculation of income other than earnings, they provide that the disregard of a specified amount of certain war pensions and payments is not to apply where the pension or payment falls to be disregarded under other specified provisions (regulations 23, 34 and 45);
- (g) with respect to the calculation of capital, they specify that £200 of certain payments made as a training bonus are to be disregarded (regulations 24, 35 and 46).

With respect to the Income Support (General) Regulations 1987—

- (a) they provide a definition of “date of claim” (regulation 2);
- (b) they provide that a person who is absent from work owing to illness or maternity is not to be treated as engaged in remunerative work (regulation 3);
- (c) they amend the provisions specifying the circumstances in which a person is to be treated as responsible for a child or young person (regulation 5);
- (d) with respect to the calculation of applicable amounts for people in residential care and nursing homes who have preserved rights, they amend the definition of “residential care home” for this purpose and make other consequential and minor amendments, they amend the provision specifying the maximum levels payable for people in residential care homes, and they make a minor amendment to the definition of “the Greater London Area” (regulations 9 and 20);
- (e) they make a minor amendment to the definition of “residential accommodation” as it affects a certain category of people (regulation 10);
- (f) they alter from 52 weeks to a year the period by reference to which the earnings of the self-employed are to be determined (regulation 11);
- (g) with respect to the calculation of earnings of self-employed earners, they amend the provisions specifying the amount to be deducted in respect of social security contributions (regulation 14);

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- (h) they amend the provisions which specify the calculation of applicable amounts in urgent cases (regulation 17);
- (i) with respect to the applicable amount, they amend the definition of “hospice”, which affects entitlement to the residential allowance, and they amend the conditions relating to the severe disability premium (regulation 18);
- (j) with respect to housing costs, they add rentcharges to the list of eligible costs, and they amend the provision specifying that costs in respect of residential care or nursing homes are excluded (regulation 19);
- (k) they alter the element of personal expenses contained in the applicable amount of people in specified types of accommodation, and they make minor amendments to the circumstances in which a person’s applicable amount may include a retaining fee in respect of a residential care or nursing home (regulation 21);
- (l) with respect to the calculation of earnings of employed earners, they amend the provision relating to the disregard of certain earnings where the employment has been terminated or the claimant has ceased to be engaged in work (regulation 22);
- (m) with respect to the calculation of income other than earnings, they amend the provisions specifying that certain payments are not to be treated as earnings, they make a minor amendment in relation to the disregard of disability living allowance, they provide additional disregards in respect of certain payments made to people in residential care and nursing homes, and they amend the provision specifying that certain payments under mortgage protection policies are to be disregarded (regulations 12 and 23).

With respect to the Family Credit (General) Regulations 1987 and the Disability Working Allowance (General) Regulations 1991—

- (a) they provide that a person who is absent from work owing to illness or maternity shall not be regarded as on holiday (regulations 26 and 37);
- (b) they amend the provisions specifying the method of calculation of normal weekly income other than earnings (regulations 28, 30, 39 and 41);
- (c) they make minor amendments with respect to the disregard of any capital which is treated as income (regulations 35 and 46).

These Regulations do not impose a charge on businesses.