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STATUTORY INSTRUMENTS

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**1993 No. 495**

**SOCIAL SECURITY**

**The Deductions from Income Support  
(Miscellaneous Amendment) Regulations 1993**

<i>Made</i>	- - - -	<i>5th March 1993</i>
<i>Laid before Parliament</i>		<i>11th March 1993</i>
<i>Coming into force</i>	- -	<i>1st April 1993</i>

The Secretary of State for Social Security, in exercise of the powers conferred by sections 24(2)(b) and (c) and 30 of the Criminal Justice Act 1991(1) and sections 5(1)(p) and 189(1), (3) and (4) of the Social Security Administration Act 1992(2) and of all other powers enabling him in that behalf, after consultation with the Council on Tribunals in accordance with section 8 of the Tribunals and Inquiries Act 1992(3) and after agreement by the Social Security Advisory Committee that the proposals to make 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 Deductions from Income Support (Miscellaneous Amendments) Regulations 1993 and shall come into force on 1st April 1993.

(2) In these Regulations—

“the Claims and Payments Regulations” means the Social Security (Claims and Payments) Regulations 1987(5);

“the Community Charges Regulations” means the Community Charges (Deductions from Income Support (No.2) Regulations 1990(6);

“the Community Charges (Scotland) Regulations” means the Community Charges (Deductions from Income Support) (Scotland) Regulations 1989(7);

“the Fines Regulations” means the Fines (Deductions from Income Support Regulations) 1992(8);

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- (1) [1991 c. 53.](#)  
(2) [1992 c. 5.](#)  
(3) [1992 c. 53.](#)  
(4) See section 173(1)(b) of the Social Security Administration Act [1992 \(c. 5\).](#)  
(5) [S.I.1987/1968.](#)  
(6) [S.I. 1990/545.](#)  
(7) [S.I. 1989/507.](#)  
(8) [S.I. 1992/2182.](#)

## **Amendment of Schedule 9 to the Claims and Payments Regulations**

2.—(1) Schedule 9 to the Claims and Payments Regulations shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph 1 (interpretation)—

(a) before the definition of “family” there shall be inserted the following definitions—

“the Community Charges Regulations” means the Community Charges (Deductions from Income Support (No.2) Regulations 1990;

“the Community Charges (Scotland) Regulations” means the Community Charges (Deductions from Income Support) (Scotland) Regulations 1989;

“the Council Tax Regulations” means the Council Tax (Deductions from Income Support) Regulations 1993<sup>(9)</sup>;

(b) after the definition of “family” there shall be inserted the following definition—

“the Fines Regulations” means the Fines (Deductions from Income Support) Regulations 1992.

(3) In paragraph 8(1) (maximum amount of payments to third parties)—

(a) for the words “and 7(5)(a)” there shall be substituted the words “, 7(5)(a) and 7A”;

(b) after the words “Schedule 9A” there shall be inserted the words “, and regulation 2 of the Council Tax Regulations and regulation 6 of the Fines Regulations”.

(4) In paragraph 9 (priority as between certain debts) for sub-paragraph (1) there shall be substituted the following sub-paragraphs—

“9.—(1)(A) Where in any one week—

(a) more than one of paragraphs 3 to 7A are applicable to the beneficiary; or

(b) one or more of those paragraphs are applicable to the beneficiary and one or more of the following provisions, namely, Schedule 9A, regulation 2 of the Community Charges Regulations, regulation 2 of the Community Charges (Scotland) Regulations, regulation 6 of the Fines Regulations and regulation 7 of the Council Tax Regulations also applies; and

(c) the amount of the specified benefit which may be made to third parties is insufficient to meet the whole of the liabilities for which provision is made;

the order of priorities specified in sub-paragraph (1)(B) shall apply.

(1)(B) The order of priorities which shall apply in sub-paragraph (1)(A) is—

(za) any liability mentioned in Schedule 9A;

(a) any liability mentioned in paragraph 3 (housing costs);

(b) any liability mentioned in paragraph 5 (service charges for fuel and rent not falling within paragraph 2(1)(a));

(c) any liability mentioned in paragraph 6 (fuel costs);

(d) any liability mentioned in paragraph 7 (water charges);

(e) any liability mentioned in regulation 2 of the Community Charges Regulations (deductions from income support), regulation 2 of the Community Charges (Scotland) Regulations (deductions from income support) or any liability mentioned in regulation 7 of the Council Tax Regulations (deductions from debtor’s income support);

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(9) S.I. 1993/494.

- (f) any liability mentioned in regulation 6 of the Fines Regulations (deductions from offenders income support);
- (g) any liability mentioned in paragraph 7A (payments in place of payments of child support maintenance).”.

### **Amendment of the Fines Regulations**

3.—(1) The Fines Regulations shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 1(2) (interpretation), in the definition of “payments to third parties”, after the words “Community Charges (Deductions from Income Support) (Scotland) Regulations 1989” there shall be added the words “and regulation 2 of the Council Tax (Deductions from Income Support) Regulations 1993”.

(3) For regulation 4 there shall be substituted the following regulation—

#### **“Reference to adjudication officer**

4.—(1) Where the Secretary of State receives an application from a court in respect of an offender he shall, subject to regulation 7(5), refer it forthwith to an adjudication officer who shall determine whether there is sufficient entitlement to income support to enable the Secretary of State to make any deduction.

(2) The adjudication officer shall determine there is sufficient entitlement to income support to enable the Secretary of State to make a deduction—

- (a) if the amount payable by way of income support after any deduction to be made under regulation 6 is 10 pence or more; and
- (b) if the aggregate amount payable under one or more of the following provisions, namely, paragraphs (3)(2)(a), 5(6), 6(2)(a), 7(3)(a) and 7(5)(a) of Schedule 9 to the Claims and Payments Regulations, paragraph 3(5) of Schedule 9A 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 regulation 6 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.

(3) The adjudication officer shall determine whether there is sufficient entitlement to income support to enable a deduction to be made, so far as is practicable, within 14 days of receipt of the reference from the Secretary of State”.

(4) In regulation 12(1)(a), for the words “by a party to the proceedings or their representative” there shall be substituted the words “by a party to the proceedings or the party’s representative”.

(5) In regulation 15(1), for the words “that party” there shall be substituted the words “that person”.

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

5th March 1993

*Ann Widdecombe*  
Parliamentary Under-Secretary of State,  
Department of Social Security

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations—

(1) amend paragraphs 8 and 9 of Schedule 9 to the Social Security (Claims and Payments) Regulations 1987 (which provide for the maximum amount which can be deducted from income support in respect of certain debts and the priority of those debts) by inserting into those paragraphs references to debts in respect of council tax, fines and child support; and

(2) make minor drafting changes to the Fines (Deductions from Income Support) Regulations 1992.