
EXPLANATORY NOTE

(This note is not part of the Regulations)

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

- (a) substitute the term “voluntary organisation” in place of “voluntary body” and define the new term (regulations 2, 3(c), 6(a), 8(a), 10, 11(c), 13(a), 15(a), 17, 18, 20, 22(a) and 27(a);
- (b) make provision regarding the recognised cycle of work in respect of school and other ancillary workers (regulations 3(a) and (b), 11(a) and (b) and 19(a) and (b));
- (c) amend the provisions specifying sums to be disregarded in calculating a person’s income other than earnings and in particular the circumstances in which a payment made by a person to a claimant for benefit as a contribution towards that person’s accommodation costs are to be disregarded (regulations 8(b) and (c), 15(b) and (c) and 27(b), (c) and (d));
- (d) matters on which an adjudication officer must be satisfied in determining a claimant’s notional income in considering whether it is reasonable for a person to provide his services free of charge (regulations 6(b), 13(b) and 22(b)).

The Disability Working Allowance (General) Regulations 1991 and the Family Credit (General) Regulations 1987 are further amended in the following respects—

- (a) to exclude from the definition of relevant child care charges certain payments made between a claimant and his partner, to extend that definition to include charges made by establishments exempted from registration under the Children Act 1989, to provide that the age of a child, for the purposes of the treatment of child care charges in calculating a claimant’s income, shall be determined at the date on which the claimant’s benefit period for the relevant benefit begins and to amend the conditions specifying when a member of a couple is incapacitated (regulations 5 and 12);
- (b) substituting for the references to the Social Security Act 1986 in respect of a claimant’s maximum rate of benefit references to the Social Security Contributions and Benefits Act 1992 (regulations 7 and 14);
- (c) to provide that payments made by the Secretary of State to compensate for a reduced maintenance assessment under the Child Support Act 1991 are disregarded in calculating income and capital (regulations 8(d), 9, 15(d) and 16).

The Disability Working Allowance (General) Regulations 1991 are further amended with respect to entitlement to the benefit in prescribed circumstances (regulation 4).

The Income Support (General) Regulations 1987 are further amended in the following respects—

- (a) the definitions of “prisoner” and “residential accommodation” are amended with respect to calculating applicable amounts in special cases and the circumstances in which a person is not to be treated as being in residential accommodation are amended (regulation 21));
- (b) the sums to be disregarded in calculating the income of a claimant for benefit in cases of urgency (regulation 23);
- (c) the conditions governing entitlement to the higher pensioner and disability premiums (regulation 24);

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- (d) housing costs, including mortgage interest payments on so much of a loan as exceeds £100,000, which are not to be met from income support (regulation 25);
- (e) the accommodation charges for residents in accommodation provided under the Polish Resettlement Act 1947 which may be met from income support (regulation 26(2));
- (f) a claimant's entitlement to a disability premium in respect of a period before the date of claim (regulation 26(3));
- (g) a saving provision is included for those entitled to income support on 9th April 1995 in respect of a loan or loans in excess of £100,000(Regulation 28).

These Regulations do not impose a charge on businesses.