
STATUTORY INSTRUMENTS

1996 No. 1418

SOCIAL SECURITY

The Family Credit (General) Amendment Regulations 1996

<i>Made</i>	- - - -	<i>1st June 1996</i>
<i>Laid before Parliament</i>		<i>5th June 1996</i>
<i>Coming into force</i>	- -	<i>2nd July 1996</i>

The Secretary of State for Social Security, in exercise of the powers conferred upon him by sections 123(1)(b), 128(3), 137(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(1) and sections 5(1)(k), 27(1), 189(1), (3) and (4) and 191 of the Social Security Administration Act 1992(2) and of all other powers enabling him in that behalf, after reference to the Social Security Advisory Committee(3), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Family Credit (General) Amendment Regulations 1996 and shall come into force on 2nd July 1996.

Insertion of regulation 49A into the Family Credit (General) Regulations 1987

2. After regulation 49 in Part VI of the Family Credit (General) Regulations 1987(4) (changes of circumstances) there shall be inserted the following regulation—

“Young person leaving full-time education

49A.—(1) Subject to paragraph (3), where an award of family credit is payable and the claimant or his partner are responsible, or are treated as being responsible for the purposes of regulation 7 (circumstances in which a person is to be treated as responsible or not responsible for another), for a young person and that young person—

- (a) is, for the purpose of that award, a person of a prescribed description under section 128(1)(d) of the Contributions and Benefits Act; and
- (b) ceases, or has ceased, to receive full-time education,

(1) 1992 c. 4; section 137(1) is an interpretation provision and is cited because of the meaning assigned to the word “prescribed”.
(2) 1992 c. 5; section 191 is an interpretation provision and is cited because of the meaning assigned to the word “prescribe”.
(3) See section 172(1) of the Social Security Administration Act 1992.
(4) S.I. 1987/1973.

that cessation shall be a change of circumstances affecting the award, the award shall be reviewed and the award shall cease with effect from the date specified in paragraph (2).

(2) The date specified for the purposes of paragraph (1) shall be—

- (a) 2nd July 1996 where the young person ceased to receive full-time education as from a date before that date; or
- (b) the date upon which the young person attains the age of 16 or ceases to receive full-time education, whichever is the later.

(3) Paragraph (1) shall not apply where a young person referred to in that paragraph is a member of the same household as one or more children or, as the case may be, young persons who are receiving full-time education and for whom the claimant or his partner are responsible or are treated as responsible for the purposes of regulation 7.

(4) For the purposes of paragraphs (1) and (2), “young person” includes a young person who attains the age of 19—

- (a) during the period between the date of claim and the date from which the claimant is awarded family credit; or
- (b) during the period an award of family credit is payable.

(5) In this regulation, “full-time education” means full-time education, either by attendance at a recognised educational establishment as defined in section 147(1) of the Contributions and Benefits Act or otherwise, if such education is recognised by the Secretary of State pursuant to section 142(2) of that Act, but is not a course of advanced education for the purposes of Chapter VII of Part IV(5) (income and capital of students).”.

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

1st June 1996

Roger Evans
Parliamentary Under-Secretary of State,
Department of Social Security

(5) The definition of “a course of advanced education” in regulation 37 is amended by S.I. [1992/2155](#) and [1993/2119](#).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Family Credit (General) Regulations 1987 (S.I.1987/1973) by providing that awards of family credit shall be reviewed and shall terminate where persons between the ages of 16 and 19 leave, or have already left, full-time education during the period those awards are in effect and that person is the only member of that household in respect of whom family credit is payable (regulation 2). The Regulations also define what is to constitute full-time education for the purpose of this requirement.

The Report of the Social Security Advisory Committee dated 2nd May 1996 on the proposals referred to them in respect of these Regulations, together with a statement showing the extent to which these Regulations give effect to the Recommendations of the Committee, and in so far as they do not give effect to them, the reasons why not, are contained in Command Paper Cm 3297, published by Her Majesty's Stationery Office.

These Regulations do not impose a charge on business.