
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814) (the Council Tax Benefit Regulations), the Disability Working Allowance (General) Regulations 1991 (S.I. 1991/2887) (the Disability Working Allowance Regulations), the Family Credit (General) Regulations 1987 (S.I. 1987/1973) (the Family Credit Regulations), the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971) (the Housing Benefit Regulations), the Income Support (General) Regulations 1987 (S.I. 1987/1967) (the Income Support Regulations) and the Social Fund (Recovery by Deductions from Benefits) Regulations 1988 (S.I. 1988/35).

In the Council Tax Benefit Regulations the provision governing students from abroad who are excluded from council tax benefit is amended to take account of changes with respect to persons from abroad (regulation 2(6)).

In the Council Tax Benefit Regulations and the Housing Benefit Regulations the manner in which a student's covenant income is calculated is amended and a minor amendment is made to the diminishing notional capital rule (regulations 2(4), (8) and (9) and 5(4), (7) and (8)).

The Council Tax Benefit Regulations, the Housing Benefit Regulations and the Income Support Regulations are amended with respect to—

- a) the definitions relating to the treatment of students (regulations 2(5), 5(5) and 6(8));
- b) the manner of calculating a student's grant income (regulations 2(7), 5(6) and 6(9));
- c) the provisions specifying who is to be treated as a person from abroad (regulation 2(2) and (3), 5(2)(a) and (3), 6(2) and (6)).

In the Disability Working Allowance Regulations provision is made with respect to the period over which a person's weekly income is to be determined and the Family Credit Regulations are amended with respect to the calculation of a student's grant income. Those Regulations are also amended with respect to the treatment of overlapping awards of those benefits (regulations 3 and 4).

In the Housing Benefit Regulations the definitions of "person affected" and "young individual" are amended (regulation 5(2)).

The Income Support Regulations are amended—

- a) with respect to payment of benefit to persons temporarily absent from Great Britain and the entitlement of persons from abroad (regulations 6(2), (3) and (6));
- b) with respect to the treatment of a partner of a claimant for income support as engaged in remunerative work where he is engaged in such work for at least 24 hours per week (regulation 6(4));
- c) so that a person detained in custody or on temporary release is not to be treated as a member of the household of a claimant for income support (regulation 6(5));
- d) with respect to the day on which arrears of child support maintenance are to be treated as paid (regulation 6(7));
- e) with respect to the treatment of prescribed housing costs (regulation 6(10));
- f) with respect to sums which are to be disregarded in the calculation of a person's income other than earnings (regulation 6(11)).

Where a person attending a specified course of study on 31st July 1996 is in receipt of council tax benefit, housing benefit or income support and remains entitled to the benefit concerned on 7th October 1996, while he satisfies the other conditions of entitlement to that benefit he will remain entitled to that benefit until he leaves the course or the course ends (regulations 7 and 8).

Changes to legislation: *There are currently no known outstanding effects for the The Income-related Benefits Schemes and Social Fund (Miscellaneous Amendments) Regulations 1996. (See end of Document for details)*

The Social Fund (Recovery by Deductions from Benefits) Regulations 1988 (S.I. 1988/35) are amended in consequence of the introduction of jobseeker's allowance (regulation 9).

The Housing Benefit (General) Amendment Regulations 1995 (S.I. 1995/1644) are amended so that the definition of "exempt accommodation" in the savings provision to those Regulations is extended to apply to accommodation which is provided by a non-metropolitan county council for care and support (regulation 10).

A minor correction is made to the interpretation provision in the Housing Benefit (General) Amendment Regulations 1996 (S.I. 1996/965) (regulation 11).

The Income Support (Jobseeker's Allowance Consequential Amendments) Regulations 1996 (S.I. 1996/206) are amended with respect to the continuity between income support and jobseeker's allowance (regulation 12).

Regulation 13 and the Schedule provide for the treatment of the extra-statutory allowance named earnings top-up for the purposes of income-related benefits.

Copies of the Earnings Top-up Scheme may be obtained by application to the Customer Services Manager, Earnings Top-up, Norcross, Blackpool FY5 3TA.

These Regulations do not impose a charge upon businesses.

Changes to legislation:

There are currently no known outstanding effects for the The Income-related Benefits Schemes and Social Fund (Miscellaneous Amendments) Regulations 1996.