
STATUTORY INSTRUMENTS

1997 No. 65

SOCIAL SECURITY

**The Income-related Benefits and Jobseeker's Allowance
(Miscellaneous Amendments) Regulations 1997**

Made - - - - *16th January 1997*
Laid before Parliament *23rd January 1997*
Coming into force in accordance with regulation 1

The Secretary of State for Social Security, in exercise of the powers conferred on him by sections 123(1), 130(1), 131(10)(a), 135(1), 136(2), (3), (5)(a), (b) and (d), 137(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(1), sections 5(1)(p) and (6), 32(8), 75(2), 76(1), 189(1), (3) and (4) and 191 of the Social Security Administration Act 1992(2) and sections 4(5), 12(1) and (4)(b) and (d), 13(3), 35(1) and 36(1), (2) and (4) of the Jobseekers Act 1995(3) and of all other powers enabling him in that behalf, after consultation, in respect of provisions in these Regulations relating to housing benefit and council tax benefit, with organisations appearing to him to be representative of the authorities concerned(4) and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(5), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Income-related Benefits and Jobseeker's Allowance (Miscellaneous Amendments) Regulations 1997 and this regulation shall come into force on 1st April 1997.

(2) In so far as these Regulations amend provisions relating to income support or jobseeker's allowance, these Regulations shall come into force on 7th April 1997 and, in relation to any particular

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- (1) 1992 c. 4; sections 123, 131, 135 and 137 were amended to have effect with respect to council tax benefit by Schedule 9 to the Local Government Finance Act 1992 (c. 14), paras. 1, 4, 8 and 9; section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word "prescribed".
- (2) 1992 c. 5; section 5(6) was inserted by section 120 of the Housing Act 1996 (c. 52); section 76 was amended to have effect with respect to council tax benefit by Schedule 9 to the Local Government Finance Act 1992 (c. 14), para. 15; section 191 is an interpretation provision and is cited because of the meaning ascribed to the word "prescribe".
- (3) 1995 c. 18; section 35(1) is an interpretation provision and is cited because of the meaning ascribed to the words "prescribed" and "regulations".
- (4) See section 176(1) of the Social Security Administration Act 1992 (c. 5).
- (5) See sections 170 and 173(1)(b) of the Social Security Administration Act 1992 (c. 5); paragraph 67 of Schedule 2 to the Jobseekers Act 1995 added that Act to the list of "relevant enactments" in respect of which regulations must normally be referred to the Committee.

claimant for either of those benefits, these Regulations shall have effect from the first day of the first benefit week to commence for that claimant on or after that date.

(3) In paragraph (2) above, the expression “benefit week” shall have the same meaning as in paragraph (1) of regulation 2 of the Income Support Regulations⁽⁶⁾ or, where appropriate, in paragraph (3) of regulation 1 of the Jobseeker’s Allowance Regulations⁽⁷⁾.

(4) In so far as these Regulations amend provisions relating to council tax benefit, these Regulations shall come into force on 1st April 1997.

(5) In so far as these Regulations amend provisions relating to housing benefit—

- (a) in any case where rent is payable at intervals of one month or any other interval which is not a week or a multiple thereof, these Regulations shall come into force on 1st April 1997;
- (b) in any other case, these Regulations shall come into force on 7th April 1997.

(6) In so far as these Regulations amend provisions relating to family credit or disability working allowance, these Regulations shall come into force on 8th April 1997 and, in relation to any particular claimant for either of those benefits, these Regulations shall have effect where a claimant has an award of family credit or disability working allowance which is current on 7th April 1997, on the day following the expiration of that award.

(7) In these Regulations—

“the Council Tax Benefit Regulations” means the Council Tax Benefit (General) Regulations 1992⁽⁸⁾;

“the Disability Working Allowance Regulations” means the Disability Working Allowance (General) Regulations 1991⁽⁹⁾;

“the Family Credit Regulations” means the Family Credit (General) Regulations 1987⁽¹⁰⁾;

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987⁽¹¹⁾;

“the Income Support Regulations” means the Income Support (General) Regulations 1987⁽¹²⁾;

“the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations 1996⁽¹³⁾.

Income-related benefits and jobseeker’s allowance: disregard of certain income other than earnings

2.—(1) At the end of Schedule 4 to the Council Tax Benefit Regulations (sums to be disregarded in the calculation of income other than earnings), there shall be added the following paragraphs—

“**62.** Any payment made under the Community Care (Direct Payments) Act 1996⁽¹⁴⁾ or under section 12B of the Social Work (Scotland) Act 1968⁽¹⁵⁾.”

63.—(1) Any Career Development Loan paid to the claimant pursuant to section 2 of the Employment and Training Act 1973⁽¹⁶⁾ except to the extent that the loan has been applied for and paid in respect of living expenses for the period of education and training supported

⁽⁶⁾ The definition of “benefit week” was amended by S.I. 1988/1445.

⁽⁷⁾ The definition of “benefit week” was amended by S.I. 1996/1517 and 2538.

⁽⁸⁾ S.I. 1992/1814.

⁽⁹⁾ S.I. 1991/2887.

⁽¹⁰⁾ S.I. 1987/1973.

⁽¹¹⁾ S.I. 1987/1971.

⁽¹²⁾ S.I. 1987/1967.

⁽¹³⁾ S.I. 1996/207.

⁽¹⁴⁾ 1996 c. 30.

⁽¹⁵⁾ 1968 c. 49; section 12B was inserted by the Community Care (Direct Payments) Act 1996 (c. 30), section 4.

⁽¹⁶⁾ 1973 c. 50; section 2 was amended by section 25 of the Employment Act 1988 (c. 19).

by that loan and those expenses relate to any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the claimant or, where the claimant is a member of a family, any other member of his family, or any council tax or water charges for which that claimant or member is liable.

(3) For the purposes of this paragraph, “ordinary clothing and footwear” means clothing or footwear for normal daily use, but does not include school uniforms, or clothing and footwear used solely for sporting activities.”.

(2) At the end of Schedule 4 to the Housing Benefit Regulations (sums to be disregarded in the calculation of income other than earnings), there shall be added the following paragraphs—

“**62.** Any payment made under the Community Care (Direct Payments) Act 1996 or under section 12B of the Social Work (Scotland) Act 1968.

63.—(1) Any Career Development Loan paid to the claimant pursuant to section 2 of the Employment and Training Act 1973 except to the extent that the loan has been applied for and paid in respect of living expenses for the period of education and training supported by that loan and those expenses relate to any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the claimant or, where the claimant is a member of a family, any other member of his family, or any council tax or water charges for which that claimant or member is liable.

(3) For the purposes of this paragraph—

“ordinary clothing and footwear” means clothing or footwear for normal daily use, but does not include school uniforms, or clothing and footwear used solely for sporting activities; and

“rent” means eligible rent less any deductions in respect of non-dependants which fall to be made under regulation 63 (non-dependant deductions).”.

(3) In Schedule 9 to the Income Support Regulations (sums to be disregarded in the calculation of income other than earnings)—

(a) in paragraph 15B(**17**)—

(i) in sub-paragraph (1)—

(aa) in head (c), after the words “occupational pension of his”, there shall be inserted the words “, or of any income from a personal pension scheme or a retirement annuity contract of his.”;

(bb) for the words “or pensions” there shall be substituted the words “, pensions or income”;

(ii) for sub-paragraph (2) there shall be substituted the following sub-paragraph—

“(2) Where a claimant is entitled to pensions or income referred to in sub-paragraph (1) from more than one source, all such pensions and income to which he is entitled shall be aggregated for the purposes of that sub-paragraph.”;

(iii) in sub-paragraph (3), for the words “occupational pension” there shall be substituted the words “pension or income referred to in sub-paragraph (1)”;

(b) at the end there shall be added the following paragraphs—

(17) Paragraph 15B was inserted by S.I. 1996/606.

58. Any payment made under the Community Care (Direct Payments) Act 1996 or under section 12B of the Social Work (Scotland) Act 1968.

59.—(1) Subject to paragraph 60, any Career Development Loan paid to the claimant pursuant to section 2 of the Employment and Training Act 1973 except to the extent that the loan has been applied for and paid in respect of living expenses for the period of education and training supported by that loan and those expenses relate to any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel, rent for which housing benefit is payable, or any housing costs to the extent that they are met under regulation 17(1)(e) or 18(1)(f) (housing costs) or any accommodation charges to the extent that they are met under regulation 19 (persons in residential care or nursing homes), of the claimant or, where the claimant is a member of a family, any other member of his family, or any council tax or water charges for which that claimant or member is liable.

(3) For the purposes of this paragraph, “ordinary clothing and footwear” means clothing or footwear for normal daily use, but does not include school uniforms, or clothing and footwear used solely for sporting activities.

60. Any Career Development Loan paid to the claimant pursuant to section 2 of the Employment and Training Act 1973 where the period of education and training supported by that loan has been completed.

61.—(1) Any payment specified in sub-paragraph (2) to a claimant who was formerly a student and who has completed the course in respect of which those payments were made.

(2) The payments specified for the purposes of sub-paragraph (1) are—

- (a) any grant income and covenant income as defined for the purposes of Chapter VIII of Part V;
- (b) any loan made pursuant to arrangements made under section 1 of the Education (Student Loans) Act 1990⁽¹⁸⁾ or article 3 of the Education (Student Loans) (Northern Ireland) Order 1990⁽¹⁹⁾.

(4) In Schedule 7 to the Jobseeker’s Allowance Regulations (sums to be disregarded in the calculation of income other than earnings)—

(a) in paragraph 16A⁽²⁰⁾—

(i) in sub-paragraph (1)—

- (aa) in head (c), after the words “occupational pension of his”, there shall be inserted the words “, or of any income from a personal pension scheme of his,”;
- (bb) for the words “or pensions” there shall be substituted the words “, pensions or income”;

(ii) for sub-paragraph (2) there shall be substituted the following sub-paragraph—

“(2) Where a claimant is entitled to pensions or income referred to in sub-paragraph (1) from more than one source, all such pensions and income to which he is entitled shall be aggregated for the purposes of that sub-paragraph.”;

⁽¹⁸⁾ 1990 c. 6.

⁽¹⁹⁾ S.I. 1990/1506 (N.I. 11).

⁽²⁰⁾ Paragraph 16A was inserted by S.I. 1996/1517.

(iii) in sub-paragraph (3), for the words “occupational pension” there shall be substituted the words “pension or income referred to in sub-paragraph (1)”;

(b) at the end there shall be added the following paragraphs—

“**56.** Any payment made under the Community Care (Direct Payments) Act 1996 or under section 12B of the Social Work (Scotland) Act 1968.

57.—(1) Subject to paragraph 58, any Career Development Loan paid to the claimant pursuant to section 2 of the Employment and Training Act 1973 except to the extent that the loan has been applied for and paid in respect of living expenses for the period of education and training supported by that loan and those expenses relate to any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel, rent for which housing benefit is payable, or any housing costs to the extent that they are met under regulation 83(f) or 84(1)(g) (housing costs) or any accommodation charges to the extent that they are met under regulation 86 (persons in residential care or nursing homes), of the claimant or, where the claimant is a member of a family, any other member of his family, or any council tax or water charges for which that claimant or member is liable.

(3) For the purposes of this paragraph, “ordinary clothing and footwear” means clothing or footwear for normal daily use, but does not include school uniforms, or clothing and footwear used solely for sporting activities.

58. Any Career Development Loan paid to the claimant pursuant to section 2 of the Employment and Training Act 1973 where the period of education and training supported by that loan has been completed.

59.—(1) Any payment specified in sub-paragraph (2) to a claimant who was formerly a full-time student and who has completed the course in respect of which those payments were made.

(2) The payments specified for the purposes of sub-paragraph (1) are—

(a) any grant income and covenant income as defined for the purposes of Chapter IX of Part VIII;

(b) any loan made pursuant to arrangements made under section 1 of the Education (Student Loans) Act 1990 or article 3 of the Education (Student Loans) (Northern Ireland) Order 1990.”

(5) At the end of the Schedules specified in paragraph (6) of this regulation (sums to be disregarded in the calculation of income other than earnings), there shall be added the following paragraphs bearing the specified respective paragraph numbers—

“Any payment made under the Community Care (Direct Payments) Act 1996 or under section 12B of the Social Work (Scotland) Act 1968.”

“(1) Any Career Development Loan paid to the claimant pursuant to section 2 of the Employment and Training Act 1973 except to the extent that the loan has been applied for and paid in respect of living expenses for the period of education and training supported by that loan and those expenses relate to any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or housing costs of any member of the family or any personal community charge, collective community charge contribution or any council tax for which any member of the family is liable.

(3) For the purposes of this paragraph, “ordinary clothing and footwear” means clothing or footwear for normal daily use, but does not include school uniforms, or clothing and footwear used solely for sporting activities.”.

(6) The respective paragraph numbers and Schedules for the purposes of paragraph (5) of this regulation are—

- (a) paragraphs 55 and 56 of Schedule 3 to the Disability Working Allowance Regulations;
- (b) paragraphs 57 and 58 of Schedule 2 to the Family Credit Regulations.

(7) In paragraph 22 of Schedule 2 to the Family Credit Regulations, in sub-paragraph (2)(a), for the figure “27(2)” there shall be substituted the figure “27”.

Income-related benefits and jobseeker’s allowance: capital treated as income

3.—(1) In paragraph (1) of regulation 41 of the Income Support Regulations⁽²¹⁾ (capital treated as income), after the sum “£8,000” there shall be inserted the words “or, in a case where regulation 45(b)⁽²²⁾ applies, £16,000”.

(2) In paragraph (1) of regulation 104 of the Jobseeker’s Allowance Regulations (capital treated as income), after the sum “£8,000” there shall be inserted the words “or, in a case where regulation 107(b)⁽²³⁾ applies, £16,000”.

(3) There shall be added as—

- (a) paragraph (4) of regulation 25 of the Council Tax Benefit Regulations;
- (b) paragraph (3) of regulation 28 of the Disability Working Allowance Regulations;
- (c) paragraph (4) of regulation 34 of the Housing Benefit Regulations;
- (d) paragraph (3) of regulation 25 of the Family Credit Regulations;
- (e) paragraph (6) of regulation 41 of the Income Support Regulations;
- (f) paragraph (5) of regulation 104 of the Jobseeker’s Allowance Regulations,

the following paragraph—

“Any Career Development Loan paid pursuant to section 2 of the Employment and Training Act 1973 shall be treated as income.”.

Income support and jobseeker’s allowance: definition of housing benefit expenditure

4.—(1) For the definition of “housing benefit expenditure” in paragraph (1) of regulation 2 of the Income Support Regulations there shall be substituted the following definition—

““housing benefit expenditure” means expenditure in respect of which housing benefit is payable as specified in regulation 10(1) of the Housing Benefit (General) Regulations 1987 but does not include any such expenditure in respect of which an amount is applicable under regulation 17(1)(e) or 18(1)(f) (housing costs);”.

(2) For the definition of “housing benefit expenditure” in paragraph (3) of regulation 1 of the Jobseeker’s Allowance Regulations (interpretation) there shall be substituted the following definition—

““housing benefit expenditure” means expenditure in respect of which housing benefit is payable as specified in regulation 10(1) of the Housing Benefit (General) Regulations 1987 but does not include any such expenditure in respect of which an amount is applicable under regulation 83(f) or 84(1)(g) (housing costs);”.

(21) The figure of £8,000 was inserted by S.I. 1990/671.

(22) Regulation 45(b) was added by S.I. 1996/462.

(23) Regulation 107(b) was added by S.I. 1996/1516.

Income support and jobseeker's allowance: treatment of Career Development Loans and calculation of income and capital of students

5.—(1) In regulation 29 of the Income Support Regulations⁽²⁴⁾ (calculation of earnings derived from employed earner's employment and income other than earnings)—

(a) in paragraph (2), for the words “paragraphs (3) and (4A) to (4D)” there shall be substituted the words “the following provisions of this regulation”;

(b) after paragraph (2), there shall be inserted the following paragraphs—

“(2A) The period over which a Career Development Loan, which is paid pursuant to section 2 of the Employment and Training Act 1973, shall be taken into account shall be the period of education and training intended to be supported by that loan.

(2B) Where grant income as defined in Chapter VIII of this Part has been paid to a person who ceases to be a student before the end of the period in respect of which that income is payable and, as a consequence, the whole or part of that income falls to be repaid by that person, that income shall be taken into account over the period beginning on the date on which that income is treated as paid under regulation 31 and ending—

(a) on the date on which repayment is made in full; or

(b) on the last date of the academic term or vacation during which that person ceased to be a student,

whichever shall first occur.”.

(2) After paragraph (2) of regulation 94 of the Jobseeker's Allowance Regulations (calculation of earnings derived from employed earner's employment and income other than earnings), there shall be inserted the following paragraphs—

“(2A) The period over which a Career Development Loan, which is paid pursuant to section 2 of the Employment and Training Act 1973, shall be taken into account shall be the period of education and training intended to be supported by that loan.

(2B) Where grant income as defined in Chapter IX of this Part has been paid to a person who ceases to be a full-time student before the end of the period in respect of which that income is payable and, as a consequence, the whole or part of that income falls to be repaid by that person, that income shall be taken into account over the period beginning on the date on which that income is treated as paid under regulation 96 and ending—

(a) on the date on which repayment is made in full; or

(b) on the last date of the academic term or vacation during which that person ceased to be a full-time student,

whichever shall first occur.”.

Income support and jobseeker's allowance: calculation of weekly amount of income

6.—(1) After paragraph (6) of regulation 32 of the Income Support Regulations⁽²⁵⁾ (calculation of weekly amount of income) there shall be added the following paragraph—

“(6A) Where income is taken into account under paragraph (2B) of regulation 29 over the period specified in that paragraph, the amount of that income to be taken into account in respect of any week in that period shall be an amount equal to the amount of that income which would have been taken into account under regulation 62 had the person to whom that income was paid not ceased to be a student.”.

⁽²⁴⁾ Regulation 29 was amended by S.I. 1988/2022, 1989/1323 and 1990/547.

⁽²⁵⁾ Regulation 32 was amended by S.I. 1988/663 and 1445, 1989/1323, 1995/482 and 1996/206.

(2) After paragraph (6) of regulation 97 of the Jobseeker’s Allowance Regulations (calculation of weekly amount of income) there shall be inserted the following paragraph—

“(7) Where income is taken into account under paragraph (2B) of regulation 94 over the period specified in that paragraph, the amount of that income to be taken into account in respect of any week in that period shall be an amount equal to the amount of that income which would have been taken into account under regulation 131 had the person to whom that income was paid not ceased to be a full-time student.”.

Income support and jobseeker’s allowance: calculation of income other than earnings

7.—(1) After paragraph (3A) of regulation 40 of the Income Support Regulations(26) (calculation of income other than earnings) there shall be inserted the following paragraph—

“(3B) In the case of income to which regulation 29(2B) applies (calculation of income of former students), the amount of income to be taken into account for the purposes of paragraph (1) shall be the amount of that income calculated in accordance with regulation 32(6A) and on the basis that none of that income has been repaid.”.

(2) After paragraph (5) of regulation 103 of the Jobseeker’s Allowance Regulations (calculation of income other than earnings) there shall be inserted the following paragraph—

“(5A) In the case of income to which regulation 94(2B) applies (calculation of income of former full-time students), the amount of income to be taken into account for the purposes of paragraph (1) shall be the amount of that income calculated in accordance with regulation 97(7) and on the basis that none of that income has been repaid.”.

Income support and jobseeker’s allowance: calculation of tariff income from capital

8. In both regulation 53 of the Income Support Regulations(27) and regulation 116 of the Jobseeker’s Allowance Regulations(28) (calculation of tariff income from capital)—

(a) in paragraph (1B)—

(i) in sub-paragraph (a), the words “, or residential accommodation” and “or accommodation” shall be omitted;

(ii) after sub-paragraph (c) there shall be inserted the following sub-paragraph—

“(d) residential accommodation.”;

(b) in sub-paragraph (a) of paragraph (1C), for the words “(a) or (b)” there shall be substituted the words “(a), (b) or (d)”.

Income support: notional capital

9. In paragraph (3) of regulation 51 of the Income Support Regulations (notional capital), in sub-paragraph (a)(i), for the words “or a war widow’s pension” there shall be substituted the words “, war widow’s pension or a pension payable to a person as a widow under the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983(29) in so far as that Order is made under the Naval and Marine Pay and Pensions Act 1865(30) or the Pensions and Yeomanry Pay Act

(26) Regulation 40(3A) was inserted by S.I. 1990/1549 and amended by S.I. 1991/236.

(27) Regulation 53(1B) and (1C) was inserted by S.I. 1996/462.

(28) Regulation 116(1B) and (1C) was inserted by S.I. 1996/1516.

(29) S.I. 1983/883; relevant amending instruments are S.I. 1993/598, 1994/1906, 1995/766 and 1996/732 and 1638. The Order needs to be read subject to the provisions of section 168 of the Pensions Act 1995 (c. 26), the effect of which is to disregard subsequent marriages which have been dissolved or been the subject of a decree of judicial separation, in determining a person’s entitlement to a widow’s pension.

(30) 1865 c. 73.

1884⁽³¹⁾, or is made only under section 12(1) of the Social Security (Miscellaneous Provisions) Act 1977⁽³²⁾ and any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or who have died in consequence of service as members of the armed forces of the Crown.”.

Income support: description of Greater London area

10. In Schedule 3C to the Income Support Regulations⁽³³⁾ (the Greater London area), in paragraph (a), for the word “Barking” there shall be substituted the words “Barking and Dagenham”.

Housing benefit and council tax benefit: recoverable overpayments and excess benefit

11. In both paragraph (3) of regulation 99 of the Housing Benefit Regulations⁽³⁴⁾ (recoverable overpayments) and paragraph (3) of regulation 84 of the Council Tax Benefit Regulations (recoverable excess benefit), for the words “or something done or omitted to be done”, there shall be substituted the words “, whether in the form of an act or omission,”.

Housing benefit: circumstances in which payment is to be made to a landlord

12. In regulation 93 of the Housing Benefit Regulations⁽³⁵⁾ (circumstances in which payment is to be made to a landlord)—

- (a) after “93” there shall be inserted “—(1)”;
- (b) after the words “Subject to” there shall be inserted the words “paragraph (2) and”;
- (c) at the end there shall be inserted the following paragraph—

“(2) Any payment of rent allowance made to a landlord pursuant to this regulation or to regulation 94 (circumstances in which payment may be made to a landlord) shall be to discharge, in whole or in part, the liability of the claimant to pay rent to that landlord in respect of the dwelling concerned, except in so far as—

- (a) the claimant had no entitlement to the whole or part of that rent allowance so paid to his landlord; and
- (b) the overpayment of rent allowance resulting was recovered in whole or in part from that landlord.”.

Housing benefit: circumstances in which payment may be made to a landlord

13. At the end of paragraph (2) of regulation 94 of the Housing Benefit Regulations⁽³⁶⁾ (circumstances in which payment may be made to a landlord), there shall be inserted the words “and paragraph (2) of that regulation shall have effect for the purposes of this regulation”.

Housing benefit: ineligible service charges

14.—(1) Paragraph 1A of Schedule 1 to the Housing Benefit Regulations⁽³⁷⁾ (ineligible service charges) shall be amended in accordance with the following paragraphs.

(2) In sub-paragraph (2) at the beginning there shall be inserted the words “Subject to sub-paragraph (3A),”.

⁽³¹⁾ 1884 c. 55.

⁽³²⁾ 1977 c. 5.

⁽³³⁾ Schedule 3C was inserted by S.I. 1992/3147.

⁽³⁴⁾ Regulation 99(3) is amended by S.I. 1988/1843.

⁽³⁵⁾ Regulation 93 was amended by S.I. 1990/546 and 1996/2432.

⁽³⁶⁾ Regulation 94(2) was added by S.I. 1994/2137.

⁽³⁷⁾ Paragraph 1A was inserted by S.I. 1988/1444 and amended by S.I. 1989/416, 1991/235, 1993/317 and 1996/599.

(3) In sub-paragraph (3) after the word “applies” there shall be inserted the words “and subject to sub-paragraph (3A)”.

(4) After sub-paragraph (3) there shall be inserted the following sub-paragraph—

“(3A) For the purposes of sub-paragraphs (2)(b) and (3)(b), a person attains the age of 16 on the first Monday in September following his 16th birthday.”.

Council tax benefit: maximum council tax benefit

15. In paragraph (3) of regulation 51 of the Council Tax Benefit Regulations (maximum council tax benefit), after the words “other persons,” there shall be inserted the words “but excepting any person so residing with the claimant who is a student to whom regulation 40(2) (students who are excluded from council tax benefit) applies,”.

Disability working allowance: reviews

16. For paragraph (1) of regulation 66 of the Social Security (Adjudication) Regulations 1995(38) (review in disability working allowance cases) there shall be substituted the following paragraph—

“(1) Where a claim for disability working allowance has been refused and a further claim for disability working allowance is made within the period prescribed under section 30(1) of the Administration Act and is accordingly treated as an application for review in accordance with section 30(13) of that Act, then if that further claim results in an award of disability working allowance, the decision on review shall have effect from the date on which the further claim is made.”.

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

16th January 1997

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Income Support (General) Regulations 1987 (S.I. 1987/1967), the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207), the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971), the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814), the Family Credit (General) Regulations 1987 (S.I. 1987/1973) and the Disability Working Allowance (General) Regulations 1991 (S.I. 1991/2887).

In particular, these Regulations—

- provide new rules in all the income-related benefits and jobseeker's allowance for the disregard of certain sums from the calculation of income other than earnings for the purpose of the benefits mentioned above; the new rules relate to payments made under the Community Care (Direct Payments) Act 1996 (c. 30) and to Career Development Loans (regulation 2(1), (2), (3)(b), (4)(b), (5) and (6));
- extend the disregards in relation to income support and jobseeker's allowance to income from personal pensions and retirement annuity contracts (regulation 2(3)(a) and (4)(a));
- treat Career Development Loans as income in the income-related benefits and in jobseeker's allowance (regulation 3(3));
- modify the definition of "housing benefit expenditure" for the purpose of income support and jobseeker's allowance (regulation 4);
- in income support and jobseeker's allowance, ensure that a former student's income is disregarded in respect of any period after their course or training is completed (regulation 2(3)(b) and (4)(b)) and, in relation to Career Development Loans and income paid to former students who have abandoned their course, to ensure that such income is not taken into account beyond the date the course would have ended or beyond the date any repayment has been made and to specify the rate at which such income is taken into account (regulations 5, 6 and 7);
- extend the rules on notional capital in income support in relation to pensions paid to widows of former service personnel so that they coincide with the corresponding rules relating to notional income (regulation 9);
- in housing benefit and council tax benefit, clarify the position on which official errors would result in such benefit being irrecoverable (regulation 11);
- in housing benefit, provide that where overpayments of benefit which are recovered from a landlord, the tenant's liability to pay rent shall not be discharged in respect of the overpayment recovered (regulations 12 and 13);
- in housing benefit, specify the day on which a member of the family of a claimant for housing benefit is to be treated as reaching the age of 16 for the purpose of determining deductions to be made from the claimant's eligible rent on account of charges made for meals which form part of that rent (regulation 14);
- in council tax benefit, provide that where a claimant's appropriate maximum council tax benefit is calculated in a case where he is jointly and severally liable for council tax with other residents in a dwelling, a student who is excluded from entitlement to benefit shall be excluded from the calculation (regulation 15);
- change the position relating to the date upon which reviews of decisions relating to disability working allowance take effect (regulation 16);

Status: *This is the original version (as it was originally made).*

— correct some technical errors and erroneous references (regulations 2(7), 3(1) and (2), 8 and 10).

These Regulations do not impose a charge on business.