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STATUTORY INSTRUMENTS

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**1998 No. 766**

**SOCIAL SECURITY**

**The Social Security Amendment  
(Lone Parents) Regulations 1998**

<i>Made</i>	- - - -	<i>16th March 1998</i>
<i>Laid before Parliament</i>		<i>18th March 1998</i>
<i>Coming into force</i>	- -	<i>6th April 1998</i>

The Secretary of State for Social Security, in exercise of the powers conferred on her by sections 123(1)(a), (d) and (e), 130(2) and (4), 131(10), 135(1), 136(4) and (5)(b), 137(1) and (2)(i) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(1) and sections 4(5), 12(2) and (4)(b), 35(1) and 36(1), (2) and (4) of the Jobseekers Act 1995(2) and of all other powers enabling her in that behalf, whereas, in respect of provisions in these Regulations relating to housing benefit and council tax benefit, it appears to the Secretary of State that by reason of the urgency of the matter, it is inexpedient to consult organisations appearing to her to be representative of the authorities concerned(3) and whereas, it appears to the Secretary of State that by reason of the urgency of the matter, it is inexpedient to refer proposals in respect of these Regulations to the Social Security Advisory Committee(4) hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Social Security Amendment (Lone Parents) Regulations 1998 and, subject to paragraph (2) of this regulation, shall come into force on 6th April 1998.

(2) To the extent that article 21(8) of the Up-rating Order (applicable amounts for housing benefit) comes into force on 6th April 1998, regulation 9 of these Regulations shall come into force immediately after that article of that Order.

(3) In these Regulations—

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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(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) 1995 c. 18; section 35(1) is an interpretation provision and is cited because of the meaning ascribed to the words “prescribed” and “regulations”.
- (3) See section 176(1) and (2)(a) of the Social Security Administration Act 1992 (c. 5).
- (4) See sections 170 and 173(1)(a) of the Social Security Administration Act 1992 (c. 5); paragraph 67 of Schedule 2 to the Jobseekers Act 1995 (c. 18) added that Act to the list of “relevant enactments” under which proposals in respect of regulations must normally be referred to the Committee.

“the Council Tax Benefit Regulations” means the Council Tax Benefit (General) Regulations 1992<sup>(5)</sup>;

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987<sup>(6)</sup>;

“the Income Support Regulations” means the Income Support (General) Regulations 1987<sup>(7)</sup>;

“the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations 1996<sup>(8)</sup>;

“the Up-rating Order” means the Social Security Benefits Up-rating Order 1998<sup>(9)</sup>.

## **Revocation**

2. The Social Security (Lone Parents) (Amendment) Regulations 1997<sup>(10)</sup> are hereby revoked.

## **Council tax benefit: students who are not excluded from entitlement**

3. In regulation 40(3) of the Council Tax Benefit Regulations<sup>(11)</sup> (students who are not excluded from entitlement to council tax benefit)—

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

“(aa) who is a lone parent;”;

- (b) in sub-paragraph (b)—

- (i) after the word “include” there shall be inserted the word “the”;

- (ii) the words “a family premium under paragraph 3(a) of Schedule 1,” shall be omitted.

## **Council tax benefit: amendment of provisions relating to family premium**

4. Paragraph 3 of Schedule 1 to the Council Tax Benefit Regulations<sup>(12)</sup> (family premium) shall be renumbered sub-paragraph (1) of paragraph 3 and—

- (a) in head (a) of the renumbered sub-paragraph (1), for the words “and no premium is applicable under paragraph 9, 10, 11 or 12” there shall be substituted the words “to whom sub-paragraph (2) applies”;

- (b) after sub-paragraph (1) there shall be inserted the following sub-paragraphs—

“(2) The amount in sub-paragraph (1)(a) shall be applicable to a lone parent—

- (a) who was entitled to council tax benefit on 5th April 1998 and whose applicable amount on that date included the amount applicable under sub-paragraph (a) of this paragraph as in force on that date; or

- (b) on becoming entitled to council tax benefit where that lone parent—

- (i) had been treated as entitled to that benefit in accordance with sub-paragraph (4) as at the day before the date of claim for that benefit; and

- (ii) was entitled to housing benefit as at the date of claim for council tax benefit or would have been entitled to housing benefit as at that date had that day not fallen during a rent free period as defined in regulation 70(1) of the

<sup>(5)</sup> S.I. 1992/1814.

<sup>(6)</sup> S.I. 1987/1971.

<sup>(7)</sup> S.I. 1987/1967.

<sup>(8)</sup> S.I. 1996/207.

<sup>(9)</sup> S.I. 1998/470.

<sup>(10)</sup> S.I. 1997/1790.

<sup>(11)</sup> Regulation 40(3) was amended by S.I. 1995/626 and 1996/1803.

<sup>(12)</sup> Paragraph 3 was amended by S.I. 1996/1803.

Housing Benefit (General) Regulations 1987(13) (“the Housing Benefit Regulations”),

and in respect of whom, all of the conditions specified in sub-paragraph (3) have continued to apply.

(3) The conditions specified for the purposes of sub-paragraph (2) are that, in respect of the period commencing on 6th April 1998—

- (a) the claimant has not ceased to be entitled, or has not ceased to be treated as entitled, to council tax benefit;
- (b) the claimant has not ceased to be a lone parent;
- (c) where the claimant was entitled to income support or to an income-based jobseeker’s allowance on 5th April 1998, he has continued to be entitled to one or other of those benefits;
- (d) where the claimant was not entitled to income support or to an income-based jobseeker’s allowance on 5th April 1998, he has not become entitled to either of those benefits; and
- (e) a premium under paragraph 9, 10, 11 or 12 has not become applicable to the claimant.

(4) For the purposes of sub-paragraphs (2)(b)(i) and (3)(a), a claimant shall be treated as entitled to council tax benefit during any period where he was not, or had ceased to be, so entitled and—

- (a) throughout that period, he had been awarded housing benefit and his applicable amount included the amount applicable under paragraph 3(1)(a) of Schedule 2 to the Housing Benefit Regulations(14) (lone parent rate of family premium); or
- (b) he would have been awarded housing benefit during that period had that period not been a rent free period as defined in regulation 70(1) of the Housing Benefit Regulations and his applicable amount throughout that period would have included the amount applicable under paragraph 3(1)(a) of Schedule 2 to those Regulations.”.

**Council tax benefit: disregard of certain sums in the calculation of a lone parent’s earnings**

5. For paragraph 4 of Schedule 3 to the Council Tax Benefit Regulations(15) (disregard of certain sums in the calculation of a lone parent’s earnings) there shall be substituted the following paragraph—

“4. In a case where the claimant is a lone parent, £25.”.

**Council tax benefit: conditions for an extended payment**

6. In paragraph 2(c) of Schedule 5A to the Council Tax Benefit Regulations(16) (conditions for an extended payment of council tax benefit)—

- (a) after head (i) there shall be inserted the following head—
  - “(ia) the claimant was a lone parent; or;”
- (b) in head (ii)—

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(13) S.I. 1987/1971; the relevant amending instrument was S.I. 1990/546.

(14) S.I. 1987/1971; relevant amending instruments S.I. 1996/1803 and 1998/766.

(15) Paragraph 4 was amended by S.I. 1996/1803.

(16) Schedule 5A was inserted by S.I. 1996/194 and amended by S.I. 1996/1510 and 1803.

- (i) the words “pursuant to paragraph 3(a) (rate of family premium applicable to a lone parent) or,” shall be omitted;
- (ii) after the word “carers,” there shall be inserted the words “pursuant to paragraph”.

**Housing benefit: students who are treated as liable to make payments in respect of a dwelling**

7. In regulation 48A(2) of the Housing Benefit Regulations(17) (students who are treated as liable to make payments in respect of a dwelling)—

- (a) after sub-paragraph (a) there shall be inserted the following sub-paragraph—
  - “(aa) who is a lone parent;”;
- (b) in sub-paragraph (b)—
  - (i) after the word “include” there shall be inserted the word “the”;
  - (ii) the words “a family premium under paragraph 3(a) of Schedule 2,” shall be omitted.

**Housing benefit: exclusions from reductions in the amounts of eligible rent relating to students**

8. In regulation 51(2) of the Housing Benefit Regulations(18) (exclusions from reductions in the amounts of eligible rent relating to students)—

- (a) in sub-paragraph (c)(i), the words “a family premium under paragraph 3(a) of Schedule 2 or” shall be omitted;
- (b) after sub-paragraph (c)(i) there shall be inserted the following head—
  - “(ia) he is a lone parent; or.”

**Housing benefit: amendment of provisions relating to family premium**

9. Paragraph 3 of Schedule 2 to the Housing Benefit Regulations(19) (family premium) shall be renumbered sub-paragraph (1) of paragraph 3 and—

- (a) in head (a) of the renumbered sub-paragraph (1), for the words “and no premium is applicable under paragraph 9, 9A, 10 or 11” there shall be substituted the words “to whom sub-paragraph (2) applies”;
- (b) after sub-paragraph (1) there shall be inserted the following sub-paragraphs—
  - “(2) The amount in sub-paragraph (1)(a) shall be applicable to a lone parent—
    - (a) who was entitled to housing benefit on 5th April 1998 and whose applicable amount on that date included the amount applicable under sub-paragraph (a) of this paragraph as in force on that date; or
    - (b) who was not entitled to housing benefit on 5th April 1998 because that date fell during a rent free period as defined in regulation 70(1) (rent free periods) and his applicable amount on that date would have included the amount applicable under sub-paragraph (a) of this paragraph as in force on that date; or
    - (c) on becoming entitled to housing benefit where that lone parent—

(17) Regulation 48A was inserted by S.I. 1990/1549 and amended by S.I. 1990/1657, 1991/235, 1992/432, 1995/626 and 1996/1510 and 1803.

(18) Regulation 51(2)(c) was amended by S.I. 1995/626 and 1996/1803.

(19) Paragraph 3 was amended by S.I. 1996/1803.

- (i) had been treated as entitled to that benefit in accordance with sub-paragraph (4)(a) as at the day before the date of claim for that benefit; and
  - (ii) was entitled to council tax benefit as at the date of claim for housing benefit,
- and in respect of whom, all of the conditions specified in sub-paragraph (3) have continued to apply.
- (3) The conditions specified for the purposes of sub-paragraph (2) are that, in respect of the period commencing on 6th April 1998—
- (a) the claimant has not ceased to be entitled, or has not ceased to be treated as entitled, to housing benefit;
  - (b) the claimant has not ceased to be a lone parent;
  - (c) where the claimant was entitled to income support or to an income-based jobseeker's allowance on 5th April 1998, he has continued to be entitled to one or other of those benefits;
  - (d) where the claimant was not entitled to income support or to an income-based jobseeker's allowance on 5th April 1998, he has not become entitled to either of those benefits; and
  - (e) a premium under paragraph 9, 9A, 10 or 11 has not become applicable to the claimant.
- (4) For the purposes of sub-paragraphs (2)(c)(i) and (3)(a), a claimant shall be treated as entitled to housing benefit—
- (a) during any period where he was not, or had ceased to be, so entitled and throughout that period, he had been awarded council tax benefit and his applicable amount included the amount applicable under paragraph 3(1)(a) of Schedule 1 to the Council Tax Benefit (General) Regulations 1992<sup>(20)</sup> (lone parent rate of family premium); or
  - (b) during any rent free period as defined for the purposes of regulation 70(1).<sup>21</sup>

#### **Housing benefit: disregard of certain sums in the calculation of a lone parent's earnings**

**10.** For paragraph 4 of Schedule 3 to the Housing Benefit Regulations<sup>(21)</sup> (disregard of certain sums in the calculation of a lone parent's earnings) there shall be substituted the following paragraph—

“4. In a case where the claimant is a lone parent, £25.”.

#### **Housing benefit: conditions for an extended payment**

**11.** In paragraph 2(c) of Schedule 5A to the Housing Benefit Regulations<sup>(22)</sup> (conditions for an extended payment of housing benefit)—

- (a) after head (i) there shall be inserted the following head—
  - “(ia) the claimant was a lone parent; or,”
- (b) in head (ii)—
  - (i) the words “pursuant to paragraph 3(a) (rate of family premium applicable to a lone parent) or,” shall be omitted;

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<sup>(20)</sup> S.I. 1992/1814; relevant amending instruments S.I. 1996/1803 and 1998/766.

<sup>(21)</sup> Paragraph 4 was substituted by S.I. 1990/1775 and amended by S.I. 1996/1803.

<sup>(22)</sup> Schedule 5A was inserted by S.I. 1996/194 and amended by S.I. 1996/1510 and 1803.

(ii) after the word “carers,” there shall be inserted the words “pursuant to”.

**Income support: amendment of provisions relating to family premium**

**12.** Paragraph 3 of Schedule 2 to the Income Support Regulations<sup>(23)</sup> (family premium) shall be renumbered sub-paragraph (1) of paragraph 3 and—

(a) in head (a) of the renumbered sub-paragraph (1), after the words “lone parent” there shall be inserted the words “to whom the conditions in both sub-paragraphs (2) and (3) apply”;

(b) after sub-paragraph (1) there shall be inserted the following sub-paragraphs—

“(2) The first condition for the purposes of sub-paragraph (1)(a) is that the claimant—

(a) was both a lone parent and entitled to income support on 5th April 1998; or

(b) does not come within head (a) above but—

(i) was both a lone parent and entitled to income support on any day during the period of 12 weeks ending on 5th April 1998;

(ii) was both a lone parent and entitled to income support on any day during the period of 12 weeks commencing on 6th April 1998; and

(iii) the last day in respect of which (i) above applied was no more than 12 weeks before the first day in respect of which (ii) above applied.

(3) The second condition for the purposes of sub-paragraph (1)(a) is that as from the appropriate date specified in sub-paragraph (4), the claimant has continued, subject to sub-paragraph (5), to be both a lone parent and entitled to income support.

(4) The appropriate date for the purposes of sub-paragraph (3) is—

(a) in a case to which sub-paragraph (2)(a) applies, 6th April 1998;

(b) in a case to which sub-paragraph (2)(b) applies, the first day in respect of which sub-paragraph (2)(b)(ii) applied.

(5) For the purposes of sub-paragraph (3), where the claimant has ceased, for any period of 12 weeks or less, to be—

(a) a lone parent; or

(b) entitled to income support; or

(c) both a lone parent and entitled to income support,

the claimant shall be treated, on again becoming both a lone parent and entitled to income support, as having continued to be both a lone parent and entitled to income support throughout that period.

(6) In determining whether the conditions in sub-paragraphs (2) and (3) apply, entitlement to an income-based jobseeker’s allowance shall be treated as entitlement to income support for the purposes of any requirement that a person is entitled to income support.”.

**Income support: disregard of certain sums in the calculation of a lone parent’s earnings**

**13.** For paragraph 5 of Schedule 8 to the Income Support Regulations<sup>(24)</sup> (disregard of certain sums in the calculation of a lone parent’s earnings) there shall be substituted the following paragraph—

“**5.** In a case where the claimant is a lone parent and paragraph 4 does not apply, £15.”.

<sup>(23)</sup> Paragraph 3 was amended by S.I. 1988/1445 and 1996/1803.

<sup>(24)</sup> Paragraph 5 was amended by S.I. 1988/1445 and 1996/1803.

### **Jobseeker's allowance: amendment of provisions relating to family premium**

14. Paragraph 4 of Schedule 1 to the Jobseeker's Allowance Regulations (25) (family premium) shall be renumbered sub-paragraph (1) of paragraph 4 and—

- (a) in head (a) of the renumbered sub-paragraph (1)—
  - (i) after the words “lone parent” there shall be inserted the words “to whom the conditions in both sub-paragraphs (2) and (3) apply”;
  - (ii) the word “11,” shall be omitted;
- (b) after sub-paragraph (1) there shall be inserted the following sub-paragraphs—
  - “(2) The first condition for the purposes of sub-paragraph (1)(a) is that the claimant—
    - (a) was both a lone parent and entitled to an income-based jobseeker's allowance on 5th April 1998; or
    - (b) does not come within head (a) above but—
      - (i) was both a lone parent and entitled to an income-based jobseeker's allowance on any day during the period of 12 weeks ending on 5th April 1998;
      - (ii) was both a lone parent and entitled to an income-based jobseeker's allowance on any day during the period of 12 weeks commencing on 6th April 1998; and
      - (iii) the last day in respect of which (i) above applied was no more than 12 weeks before the first day in respect of which (ii) above applied.
  - (3) The second condition for the purposes of sub-paragraph (1)(a) is that as from the appropriate date specified in sub-paragraph (4), the claimant has continued, subject to sub-paragraph (5), to be both a lone parent and entitled to an income-based jobseeker's allowance.
  - (4) The appropriate date for the purposes of sub-paragraph (3) is—
    - (a) in a case to which sub-paragraph (2)(a) applies, 6th April 1998;
    - (b) in a case to which sub-paragraph (2)(b) applies, the first day in respect of which sub-paragraph 2(b)(ii) applied.
  - (5) For the purposes of sub-paragraph (3), where the claimant has ceased, for any period of 12 weeks or less, to be—
    - (a) a lone parent; or
    - (b) entitled to an income-based jobseeker's allowance; or
    - (c) both a lone parent and entitled to an income-based jobseeker's allowance,the claimant shall be treated, on again becoming both a lone parent and entitled to an income-based jobseeker's allowance, as having continued to be both a lone parent and entitled to an income-based jobseeker's allowance throughout that period.
  - (6) In determining whether the conditions in sub-paragraphs (2) and (3) apply, entitlement to income support shall be treated as entitlement to an income-based jobseeker's allowance for the purposes of any requirement that a person is entitled to an income-based jobseeker's allowance.”.

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(25) Paragraph 4 was amended by S.I. 1996/1803.

**Jobseeker's allowance: disregard of certain sums in the calculation of a lone parent's earnings**

15. For paragraph 6 of Schedule 6 to the Jobseeker's Allowance Regulations(26) (disregard of certain sums in the calculation of a lone parent's earnings) there shall be substituted the following paragraph—

“6. In a case where the claimant is a lone parent and paragraph 5 does not apply, £15.”.

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

16th March 1998

*Keith Bradley*  
Parliamentary Under-Secretary of State,  
Department of Social Security

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(26) Paragraph 6 was amended by S.I. [1996/1803](#).



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## 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](#)) and the Council Tax Benefit (General) Regulations 1992 (S.I. [1992/1814](#)). They also revoke the Social Security (Lone Parents) (Amendment) Regulations 1997 (S.I. [1997/1790](#)) (regulation 2).

In particular, these Regulations prescribe the circumstances in which the applicable amount of a claimant for council tax benefit, housing benefit, income support and income-based jobseeker's allowance who is a lone parent, will include the lone parent rate of family premium (regulations 4, 9, 12 and 14).

These Regulations also provide that a lone parent who satisfies the relevant conditions in the period before these Regulations take effect, will requalify for the premium in income support and income-based jobseeker's allowance following a break in the eligibility conditions of not more than 12 weeks (regulations 12 and 14).

These Regulations also make related amendments to those regulations which—

- disregard certain sums in the calculation of a lone parent's earnings (regulations 5, 10, 13 and 15);
- change the conditions of entitlement of lone parents to an extended payment of housing benefit and council tax benefit (regulations 6 and 11);
- in council tax benefit, provide that students who are lone parents are not excluded from entitlement to that benefit (regulation 3) and in housing benefit, provide that students who are lone parents are treated as liable to make payments in respect of a dwelling (regulation 7) and that certain lone parents are excluded from reductions in eligible rent (regulation 8).

These Regulations have not been referred to the Social Security Advisory Committee pursuant to section 172(1) of the Social Security Administration Act 1992 ("the Administration Act") as it appears to the Secretary of State that by reason of the urgency of the matter, it is inexpedient so to refer them (see section 173(1)(a) of the Administration Act). They shall be referred to the Committee as soon as practicable after the date on which they have been made (see section 173(2) of the Administration Act).

These Regulations do not impose a charge on business.