

1999 No. 1509

SOCIAL SECURITY

**The Social Security Amendment (Non-Cash Vouchers)
Regulations 1999**

<i>Made</i> - - - -	<i>27th May 1999</i>
<i>Laid before Parliament</i>	<i>4th June 1999</i>
<i>Coming into force</i>	<i>1st July 1999</i>

The Secretary of State for Social Security, in exercise of powers conferred upon him by sections 123(1), 136(3), 137(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(a) and sections 12(1), 35(1) and 36(1), (2) and (4) of the Jobseekers Act 1995(b), and of all other powers enabling him in that behalf, after consultation, in respect of those provisions in these Regulations relating to housing benefit and council tax benefit, with organisations appearing to him to be representative of the authorities concerned(c) and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(d), hereby makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Social Security Amendment (Non-Cash Vouchers) Regulations 1999 and, subject to the following paragraphs of this regulation, they shall come into force on 1st July 1999.

(2) Where a claimant for either income support or a jobseeker's allowance—

- (a) has an award of either of those benefits which is current on 30th June 1999;
- (b) that award is reviewed on or after 1st July 1999; and
- (c) the decision on that review takes effect on or after 1st July 1999,

regulation 2(5) or, as the case may be, 2(6) of these Regulations shall have effect in relation to that claimant from the date from which the decision on the first review of that award after 30th June 1999 takes effect.

(3) In relation to any claimant for either council tax benefit or housing benefit, regulation 2(1) or, as the case may be, 2(4) of these Regulations shall have effect, where that claimant has an award of either of those benefits which is current on 30th June 1999, from the first day of the first benefit period to commence for that claimant on or after 1st July 1999 and for the purposes of this paragraph, "benefit period" shall have the same meaning as it has in regulation 57 of the Council Tax Benefit (General) Regulations 1992(e) or, as the case may be, in regulation 66 of the Housing Benefit (General) Regulations 1987(f).

(a) 1992 c. 4; sections 123(1) and 137(1) were amended to have effect with respect to council tax benefit by Schedule 9 to the Local Government Finance Act 1992 (c. 14), paragraphs 1(1) and 9; section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word "prescribed".

(b) 1995 c. 18; section 35(1) is an interpretation provision and is cited because of the meaning ascribed to the words "prescribed" and "regulations".

(c) See section 176(1) of the Social Security Administration Act 1992 (c. 5).

(d) 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 (c. 18) added that Act to the list of "relevant enactments" in respect of which regulations must normally be referred to the Committee.

(e) S.I. 1992/1814; regulation 57 was amended by S.I. 1996/1510.

(f) S.I. 1987/1971; regulation 66 was amended by S.I. 1988/1971, 1989/1322 and 1996/1510.

(4) In relation to any claimant for either family credit or disability working allowance, regulation 2(2) or, as the case may be, 2(3) of these Regulations shall have effect, where that claimant has an award of either of those benefits which expires after 1st July 1999, on the day following the expiration of that award.

Earnings of employed earners

2.—(1) In regulation 19 of the Council Tax Benefit (General) Regulations 1992**(a)** (which relates to earnings of employed earners)—

(a) at the end of paragraph (1), there shall be added the following sub-paragraph—

“(k) the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person’s earnings in accordance with regulation 18(22) to (25) of the Social Security (Contributions) Regulations 1979**(b)**.”;

(b) at the beginning of paragraph (2)(a), there shall be inserted the words “subject to paragraph (3),”;

(c) after paragraph (2), there shall be added the following paragraph—

“(3) Paragraph (2)(a) shall not apply in respect of any non-cash voucher referred to in paragraph (1)(k).”.

(2) In regulation 21 of the Disability Working Allowance (General) Regulations 1991**(c)** (which relates to earnings of employed earners)—

(a) at the end of paragraph (1), there shall be added the following sub-paragraph—

“(j) the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person’s earnings in accordance with regulation 18(22) to (25) of the Social Security (Contributions) Regulations 1979.”;

(b) in paragraph (2)(a), for the words “paragraph (3)” there shall be substituted the words “paragraphs (3) and (4)”;

(c) after paragraph (3), there shall be added the following paragraph—

“(4) Paragraph (2)(a) shall not apply in respect of any non-cash voucher referred to in paragraph (1)(j).”.

(3) In regulation 19 of the Family Credit (General) Regulations 1987**(d)** (which relates to earnings of employed earners)—

(a) at the end of paragraph (1), there shall be added the following sub-paragraph—

“(i) the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person’s earnings in accordance with regulation 18(22) to (25) of the Social Security (Contributions) Regulations 1979.”;

(b) in paragraph (2)(a), for the words “paragraph (3)” there shall be substituted the words “paragraphs (3) and (4)”;

(c) after paragraph (3), there shall be added the following paragraph—

“(4) Paragraph (2)(a) shall not apply in respect of any non-cash voucher referred to in paragraph (1)(i).”.

(a) S.I. 1992/1814; regulation 19 was amended by S.I. 1993/2118.

(b) S.I. 1979/591; the relevant amending instrument is S.I. 1999/561.

(c) S.I. 1991/2887; regulation 21 was amended by S.I. 1993/315.

(d) S.I. 1987/1973; regulation 19 was amended by S.I. 1992/573 and 1993/315.

(4) In regulation 28 of the Housing Benefit (General) Regulations 1987**(a)** (which relates to earnings of employed earners)–

(a) at the end of paragraph (1), there shall be added the following sub-paragraph–

“(k) the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person’s earnings in accordance with regulation 18(22) to (25) of the Social Security (Contributions) Regulations 1979.”;

(b) at the beginning of paragraph (2)(a), there shall be inserted the words “subject to paragraph (3),”;

(c) after paragraph (2), there shall be added the following paragraph–

“(3) Paragraph (2)(a) shall not apply in respect of any non-cash voucher referred to in paragraph (1)(k).”.

(5) In regulation 35 of the Income Support (General) Regulations 1987**(b)** (which relates to earnings of employed earners)–

(a) at the end of paragraph (1), there shall be added the following sub-paragraph–

“(j) the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person’s earnings in accordance with regulation 18(22) to (25) of the Social Security (Contributions) Regulations 1979.”;

(b) at the beginning of paragraph (2)(a), there shall be inserted the words “subject to paragraph (2A),”;

(c) after paragraph (2), there shall be added the following paragraph–

“(2A) Paragraph (2)(a) shall not apply in respect of any non-cash voucher referred to in paragraph (1)(j).”.

(6) In regulation 98 of the Jobseeker’s Allowance Regulations 1996**(c)** (which relates to earnings of employed earners)–

(a) at the end of paragraph (1), there shall be added the following sub-paragraph–

“(h) the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person’s earnings in accordance with regulation 18(22) to (25) of the Social Security (Contributions) Regulations 1979.”;

(b) at the beginning of paragraph (2)(a), there shall be inserted the words “subject to paragraph (2A),”;

(c) after paragraph (2), there shall be added the following paragraph–

“(2A) Paragraph (2)(a) shall not apply in respect of any non-cash voucher referred to in paragraph (1)(h).”.

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

Angela Eagle
Parliamentary Under-Secretary of State,
Department of Social Security

27th May 1999

(a) S.I. 1987/1971; regulation 28 was amended by S.I. 1993/2118.

(b) S.I. 1987/1967; regulation 35 was amended by S.I. 1988/663, 1989/1323, 1990/774, 1993/2119 and 1997/454.

(c) S.I. 1996/207; regulation 98 was amended by S.I. 1996/1517 and 1997/454.

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 Disability Working Allowance (General) Regulations 1991 (S.I. 1991/2887), the Family Credit (General) Regulations 1987 (S.I. 1987/1973), the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971), the Income Support (General) Regulations 1987 (S.I. 1987/1967) (collectively referred to below as “the income-related benefits”) and the Jobseeker’s Allowance Regulations 1996 (S.I. 1996/207).

In particular, regulation 2 of these Regulations provides that, for the purposes of the income-related benefits and jobseeker’s allowance, non-cash vouchers which are not disregarded as payments under the Social Security (Contributions) Regulations 1979 (S.I. 1979/591 as amended) shall be treated as earnings. The Regulations referred to above have also been amended by regulation 2 so as to ensure that such vouchers are not treated as payments in kind.

These Regulations do not impose a charge on business.

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