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STATUTORY INSTRUMENTS

1990 No. 725

SOCIAL SECURITY

The Social Security (Claims and Payments) Amendment Regulations 1990

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| <i>Made</i> | - - - - | <i>23rd March 1990</i> |
| <i>Laid before Parliament</i> | | <i>26th March 1990</i> |
| <i>Coming into force</i> | | |
| — <i>for the purposes of regulations 1 and 3</i> | | <i>8th April 1990</i> |
| — <i>for the purposes of regulation 2</i> | | <i>9th April 1990</i> |

The Secretary of State for Social Security, in exercise of powers conferred by sections 51(1)(b) and (m) and 84(1) of the Social Security Act 1986(1) and section 166(1) to (3A) of the Social Security Act 1975(2) and of all other powers enabling him in that behalf, it having appeared to him that by reason of the urgency of the matter it was inexpedient to refer the proposals in respect of these Regulations to the Social Security Advisory Committee(3), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Claims and Payments) Amendment Regulations 1990 and shall come into force for the purposes of regulations 1 and 3 on 8th April 1990 and for the purposes of regulation 2 on 9th April 1990.

Amendment of the Social Security (Claims and Payments) Regulations 1987

2.—(1) Regulation 6 of the Social Security (Claims and Payments) Regulations 1987(4) (date of claim) shall be amended in accordance with this regulation.

(1) [1986 c. 50](#); section 84(1) is an interpretation provision and is cited because of the meanings assigned to the words “prescribed” and “regulations”.

(2) [1975 c. 14](#); subsection (3A) was inserted in section 166 by section 62 of the Social Security Act 1986; section 166 is applied by section 84(1) of that Act.

(3) See section 61(1)(a) of the Social Security Act 1986.

(4) [S.I. 1987/1968](#); the relevant amending instruments are [S.I. 1988/522](#) and [1725](#) and [1989/1686](#).

(2) In paragraph (1) for the words “Subject to paragraphs (3), (4) and (5)” there shall be substituted the words “Subject to the following provisions of this regulation,”.

(3) After paragraph (5)(5) there shall be added the following paragraphs—

“(6) Where—

- (a) on or after 9th April 1990 a person satisfies the capital condition in section 22(6) of the Social Security Act 1986(6) for income support and he would not have satisfied that condition had the amount prescribed under regulation 45 of the Income Support (General) Regulations 1987(7) been £6,000; and
- (b) a claim for that benefit is received from him in an appropriate office not later than 27th May 1990;

the claim shall be treated as made on the date determined in accordance with paragraph (7).

(7) For the purpose of paragraph (6), where—

- (a) the claimant satisfies the other conditions of entitlement to income support on the date on which he satisfies the capital condition, the date shall be the date on which he satisfied that condition;
- (b) the claimant does not satisfy the other conditions of entitlement to income support on the date on which he satisfies the capital condition, the date shall be the date on which he satisfies the conditions of entitlement to that benefit.”.

Revocation

3. Regulation 2 of the Income-Related Benefits (Miscellaneous Amendments) Regulations 1990(8) is hereby revoked.

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

23rd March 1990

Nicholas Scott
Minister of State,
Department of Social Security

(5) See S.I. 1989/1686.
(6) 1986 c. 50.
(7) S.I. 1987/1967.
(8) S.I. 1990/671.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which replace a similar provision in regulation 2 of the Income-Related Benefits (Miscellaneous Amendments) Regulations 1990 ([S.I. 1990/671](#)), enable a person who becomes entitled to income support only as a result of the increase in the capital limit from £6,000 to £8,000, and whose claim for income support is received by 27th May 1990, to have that claim treated as made on the day he satisfied the entitlement conditions for income support.