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STATUTORY INSTRUMENTS

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**1998 No. 2250**

**SOCIAL SECURITY**

**The Social Security Amendment (Capital) Regulations 1998**

*Made* - - - - *15th September 1998*  
*Laid before Parliament* *21st September 1998*  
*Coming into force* - - *12th October 1998*

The Secretary of State for Social Security, in exercise of the powers conferred on him by sections 123(1), 136(3), 137(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992<sup>M1</sup> and sections 12(1), 35(1) and 36(1), (2) and (4) of the Jobseekers Act 1995<sup>M2</sup> 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<sup>M3</sup> and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it<sup>M4</sup>, hereby makes the following Regulations:

**Marginal Citations**

- M1** 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".
- M2** 1995 c. 18; section 35(1) is an interpretation provision and is cited because of the meaning ascribed to the words "prescribed" and "regulations".
- M3** See section 176(1) of the [Social Security Administration Act 1992 \(c. 5\)](#).
- M4** See the [Social Security Administration Act 1992 \(c. 5\)](#), **sections 170** and 173(1)(b); 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 be referred to the Committee. Section 173(7) defines "regulations".

**Citation and commencement**

1. These Regulations may be cited as the Social Security Amendment (Capital) Regulations 1998 and shall come into force on 12th October 1998.

### Capital jointly held

2.—(1) In each of the regulations specified in paragraph (2) of this regulation, for the words from “to an equal share” to the end of the regulation there shall be substituted the following—  
 “to the whole beneficial interest therein in an equal share and the foregoing provisions of this Chapter shall apply for the purposes of calculating the amount of capital which the claimant is treated as possessing as if it were actual capital which the claimant does possess”.

(2) The regulations specified for the purposes of paragraph (1) of this regulation (which relate to capital jointly held) are—

- (a) [<sup>F1</sup>regulation 36 of the Council Tax Benefit (General) Regulations 1992<sup>M5</sup>];
- (b) regulation 39 of the Disability Working Allowance (General) Regulations 1991<sup>M6</sup>;
- (c) regulation 35 of the Family Credit (General) Regulations 1987<sup>M7</sup>;
- (d) [<sup>F2</sup>regulation 44 of the Housing Benefit (General) Regulations 1987<sup>M8</sup>];
- (e) regulation 52 of the Income Support (General) Regulations 1987<sup>M9</sup>;
- (f) regulation 115 of the Jobseeker’s Allowance Regulations 1996<sup>M10</sup>.

**F1** [Reg. 2\(2\)\(a\) revoked \(6.3.2006\) by The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\), reg. 1\(1\), Sch. 1 \(with regs. 2, 3, Sch. 3, Sch. 4\)](#)

**F2** [Reg. 2\(2\)\(d\) revoked \(6.3.2006\) by The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\), reg. 1\(1\), Sch. 1 \(with regs. 2, 3, Sch. 3, Sch. 4\)](#)

#### Marginal Citations

**M5** [S.I. 1992/1814](#); the relevant amending instrument is [S.I. 1995/2303](#).

**M6** [S.I. 1991/2887](#); the relevant amending instrument is [S.I. 1995/2303](#).

**M7** [S.I. 1987/1973](#); the relevant amending instrument is [S.I. 1995/2303](#).

**M8** [S.I. 1987/1971](#); the relevant amending instrument is [S.I. 1995/2303](#).

**M9** [S.I. 1987/1967](#); the relevant amending instrument is [S.I. 1995/2303](#).

**M10** [S.I. 1996/207](#) to which there are amending instruments which are not relevant to these Regulations.

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

*Angela Eagle*  
 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 amend the provisions governing the treatment of a person's entitlement to capital which is jointly held for the purposes of ascertaining entitlement to the benefits referred to above (regulation 2).

These Regulations do not impose a charge on business.

**Changes to legislation:**

There are currently no known outstanding effects for the The Social Security Amendment (Capital) Regulations 1998.