STATUTORY INSTRUMENTS

1988 No. 908

SOCIAL SECURITY

The Family Credit (General) Amendment No. 2 Regulations 1988

Made - - - -	*19th May 1988*
Laid before Parliament	*19th May 1988*
Coming into force -	*30th May 1988*

The Secretary of State for Social Services, in exercise of powers conferred upon him by sections 22(9)(b) and 84(1) of the Social Security Act 1986(a) and sections 166(1) to (3A) of the Social Security Act 1975(b) and of all other powers enabling him in that behalf by this instrument, which is made before the end of a period of 12 months from the commencement of the enactment under which it is made, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Family Credit (General) Amendment No. 2 Regulations 1988 and shall come into force on 30th May 1988.

(2) In these Regulations "the General Regulations" means the Family Credit (General) Regulations 1987(c).

Amendment of Schedule 3 to the General Regulations

2. In Schedule 3 to the General Regulations (capital to be disregarded) after paragraph 25 there shall be added the following paragraphs–

"**26.**—(1) Where a claimant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling.

(2) In this paragraph "dwelling" includes any garage, garden and outbuildings which were formerly occupied by the claimant as his home and any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, in Scotland, any croft land on which the dwelling is situated.

27. Any premises where the claimant is taking reasonable steps to dispose of those premises, for a period of 26 weeks from the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises.

(a) 1986 c.50; section 84(1) is an interpretation provision and is cited because of the meanings assigned to the words "prescribed" and "regulations".
(b) 1975 c.14; section 166(3A) is inserted by section 62 of the Social Security Act 1986 and section 166(1) to (3A) is applied by section 83(1) of that Act.
(c) S.I. 1987/1973 amended by S.I. 1988/660.

28. Any premises where the claimant has commenced legal proceedings to obtain possession of those premises in order to occupy them as his home, for a period of 26 weeks from the date on which he commenced such proceedings, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.

29. Any premises which the claimant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the claimant first takes steps to effect those repairs or alterations, or such longer period as is reasonable in the circumstances to enable those repairs or alterations to be carried out and the claimant to commence occupation of the premises.

30. Any premises occupied in whole or in part by the former partner of a claimant as his home; but this provision shall not apply where the former partner is a person from whom the claimant is estranged or divorced.".

Signed by authority of the Secretary of State for Social Services

Nicholas Scott
Minister of State
Department of Health and Social Security

19th May 1988.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Family Credit (General) Regulations 1987.

They amend Part IV to provide, in the calculation of capital, for the disregard, for a period of 26 weeks of the claimant's interest in his former home where he has left that home following his estrangement or divorce from his former partner; for the disregard, for such period or longer, of property where he is taking steps to dispose of it or to obtain possession of it or essential repairs are needed to make it fit for occupation, and for the disregard of any premises occupied by a former partner, from whom the claimant is neither estranged nor divorced.

These Regulations are made before the expiry of 12 months from the commencement of the enactment under which they are made; they are accordingly exempt by section 61(5) of the Social Security Act 1986 from reference to the Social Security Advisory Committee and have not been so referred.

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