STATUTORY INSTRUMENTS

# 1988 No. 1229

# SOCIAL SECURITY

## The Income Support (Transitional) Regulations 1988

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| *Made - - - -* | *15th July 1988* |
| *Laid before Parliament* | *15th July 1988* |
| *Coming into force -* | |
| *Regulations 1 and 4* | *5th August 1988* |
| *Regulations 2 and 3* | *12th September 1988* |

The Secretary of State for Social Services, in exercise of powers conferred on him by section 18(4) of the Social Security Act 1988(a) 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 Income Support (Transitional) Regulations 1988 and shall come into force as follows–

(a) regulations 1 and 4, on 5th August 1988;

(b) regulations 2 and 3, on 12th September 1988.

(2) In these Regulations "the General Regulations" means the Income Support (General) Regulations 1987(b) and unless the context otherwise requires the expressions used in these regulations shall have the same meaning as in the General Regulations.

**Couples**

**2.**—(1) This regulation applies where, on 11th September 1988–

(a) the claimant is a member of a couple and has continued after that date to be a member of the same couple; and

(b) the claimant is entitled to income support; and

(c) the claimant is aged not less than 18; and

(d) the other member of that couple is aged less than 18 and had ceased full-time education on or before 11th April 1988.

(2) This regulation shall cease to apply where the member of the couple to whom paragraph (1)(d) above refers attains the age of 18.

(3) Where this regulation applies–

(a) the claimant's applicable amount for the purpose of determining his entitlement to income support shall be determined as if paragraph 1(3)(c) of Schedule 2 to the General Regulations (applicable amounts) applied and paragraph 1(3)(a), (b), (d), (e) and (f) of that Schedule shall not apply; and

(a) 1988 c.7.
(b) S.I. 1987/1967; the relevant amending regulation is S.I. 1988/1228.

(b) regulation 23(4) of the General Regulations (calculation of income and capital) and paragraph 1(3) of Schedule 5 to the General Regulations (applicable amounts of persons in board and lodging accommodation or hostels) shall not apply.

**Polygamous marriages**

**3.**—(1) This regulation applies where, on 11th September 1988–

(a) the claimant is a member of a polygamous marriage and has continued after that date to be a member of that polygamous marriage; and

(b) the claimant is entitled to income support; and

(c) the claimant is aged not less than 18; and

(d) at least one other member of that marriage is aged less than 18 and had ceased full-time education on or before 11th April 1988.

(2) This regulation shall cease to apply where the member of the polygamous marriage to whom paragraph (1)(d) above refers has, or if there is more than one such member, those members have, attained the age of 18.

(3) Where this regulation applies the claimant's applicable amount for the purpose of determining his entitlement to income support shall be determined as if regulations 18(2) and 23(5) of the General Regulations (polygamous marriages) did not apply.

**Review of awards of income support**

**4.**—(1) This regulation shall apply to a person who will be aged less than 18 on 12th September 1988.

(2) Any decision awarding income support to a person to whom this regulation applies may be reviewed under section 104 of the Social Security Act before 12th September 1988 as if–

(a) regulations 2 and 3 of these Regulations; and

(b) any amendments to the Act and any Regulations made under the Act to come into force not later than 12th September 1988,

were already in force.

(3) Any decision given on review in accordance with paragraph (2) shall have effect as from 12th September 1988.

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

*Nicholas Scott*
Minister of State,
Department of Health and Social Security

15th July 1988

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make transitional provision in connection with the commencement on 12th September 1988 of section 4(1) and (2) of the Social Security Act 1988, which relates to income support for persons aged 16 or 17 years. They provide for a claimant who is a member of a couple or a polygamous marriage before that date and whose partner is under the age of 18 to continue to receive income support after that date at the rate appropriate to persons over 18 (regulations 2 and 3). They also contain provision for the adjudicating authorities to review current awards of income support to persons under 18 in advance of, but with effect from, 12th September 1988 (regulation 4).

These regulations are made before the expiry of 12 months from the commencement of the provisions 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.