

Status: Point in time view as at 01/10/2004.

Changes to legislation: Immigration and Asylum Act 1999, SCHEDULE 8 is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 8

Section 95(12).

PROVISION OF SUPPORT: REGULATIONS

General regulation-making power

- 1 The Secretary of State may by regulations make such further provision with respect to the powers conferred on him by section 95 as he considers appropriate.

Determining whether a person is destitute

- 2 (1) The regulations may provide, in connection with determining whether a person is destitute, for the Secretary of State to take into account, except in such circumstances (if any) as may be prescribed—
- (a) income which the person concerned, or any dependant of his, has or might reasonably be expected to have, and
 - (b) support which is, or assets of a prescribed kind which are, or might reasonably be expected to be, available to him or to any dependant of his, otherwise than by way of support provided under section 95.
- (2) The regulations may provide that in such circumstances (if any) as may be prescribed, a person is not to be treated as destitute for the purposes of section 95.

Modifications etc. (not altering text)

- C1** Sch. 8 para. 2 applied (with modifications) (6.12.1999) by 1948 c. 29, s. 21(1B) (as inserted by 1999 c. 33, ss. 116, 169(2), Sch. 15 para. 5; S.I. 1999/3190, art. 2, Sch.)
Sch. 8 para. 2 applied (with modifications) (6.12.1999) by 1968 c. 46, s. 45(4B) (as inserted by 1999 c. 33, ss. 117(1), 169(2), Sch. 15 para. 6; S.I. 1999/3190, art. 2, Sch.)
Sch. 8 para. 2 applied (with modifications) (6.12.1999) by 1977 c. 49, Sch. 8 para. 2(2B) (as inserted by 1999 c. 33, ss. 117(2), 169(2), Sch. 15 para. 9; S.I. 1999/3190, art. 2 Sch.)
Sch. 8 para. 2 applied (with modifications) (*prosp.*) by 1968 c. 49, ss. 12(2B), 13A(5), 13B(4) (as inserted by 1999 c. 33, ss. 120(1)-(3), 169(2), 170(4), Sch. 15 para. 7)
Sch. 8 para. 2 applied (with modifications) (*prosp.*) by 1984 c. 36, ss. 7(4), 8(5) (as inserted by 1999 c. 33, ss. 120(4)(5), 169(2), 170(4), Sch. 15 para. 10)

Prescribed levels of support

- 3 The regulations may make provision—
- (a) as to the circumstances in which the Secretary of State may, as a general rule, be expected to provide support in accordance with prescribed levels or of a prescribed kind;

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- (b) as to the circumstances in which the Secretary of State may, as a general rule, be expected to provide support otherwise than in accordance with the prescribed levels.

Provision of items and services

- 4 The regulations may make provision for prescribed items or services to be provided or made available to persons receiving support under section 95 for such purposes and in such circumstances as may be prescribed.

Support and assets to be taken into account

- 5 The regulations may make provision requiring the Secretary of State, except in such circumstances (if any) as may be prescribed, to take into account, when deciding the level or kind of support to be provided—
 - (a) income which the person concerned, or any dependant of his, has or might reasonably be expected to have, and
 - (b) support which is, or assets of a prescribed kind which are, or might reasonably be expected to be, available to him or to any dependant of his, otherwise than by way of support provided under section 95.

Valuation of assets

- 6 The regulations may make provision as to the valuation of assets.

Breach of conditions

- 7 The regulations may make provision for the Secretary of State to take into account, when deciding—
 - (a) whether to provide, or to continue to provide, support under section 95, or
 - (b) the level or kind of support to be provided,
 the extent to which any condition on which support is being, or has previously been, provided has been complied with.

Suspension or discontinuation of support

- 8 (1) The regulations may make provision for the suspension or discontinuance of support under section 95 in prescribed circumstances (including circumstances in which the Secretary of State would otherwise be under a duty to provide support).
- (2) The circumstances which may be prescribed include the cessation of residence—
 - (a) in accommodation provided under section 95; or
 - (b) at an address notified to the Secretary of State in accordance with the regulations.

Notice to quit

- 9 (1) The regulations may provide that if—
 - (a) as a result of support provided under section 95, a person has a tenancy or a licence to occupy accommodation,

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- (b) one or more of the conditions mentioned in sub-paragraph (2) are satisfied, and
- (c) he is given such notice to quit as may be prescribed by the regulations, his tenancy or licence is to be treated as ending with the period specified in that notice, regardless of when it could otherwise be brought to an end.

(2) The conditions are that—

- (a) the support provided under section 95 is suspended or discontinued as a result of any provision of a kind mentioned in paragraph 8;
- (b) the relevant claim for asylum has been determined;
- (c) the supported person has ceased to be destitute;
- (d) he is to be moved to other accommodation.

Contributions to support

- 10 The regulations may make provision requiring a supported person to make payments to the Secretary of State, in prescribed circumstances, by way of contributions to the cost of the provision of that support.

Recovery of sums by Secretary of State

- 11 (1) The regulations may provide for the recovery by the Secretary of State of sums representing the whole or part of the monetary value of support provided to a person under section 95 where it appears to the Secretary of State—
- (a) that that person had, at the time when he applied for support, assets of any kind in the United Kingdom or elsewhere which were not capable of being realised; but
 - (b) that those assets have subsequently become, and remain, capable of being realised.
- (2) An amount recoverable under regulations made by virtue of sub-paragraph (1) may be recovered—
- (a) as if it were a debt due to the Secretary of State; or
 - (b) by such other method of recovery, including by deduction from support provided under section 95 as may be prescribed.

Procedure

- 12 The regulations may make provision with respect to procedural requirements including, in particular, provision as to—
- (a) the procedure to be followed in making an application for support;
 - (b) the information which must be provided by the applicant;
 - (c) the circumstances in which an application may not be entertained [^{F1}(which may, in particular, provide for an application not to be entertained where the Secretary of State is not satisfied that the information provided is complete or accurate or that the applicant is co-operating with enquiries under paragraph (d))];
 - (d) the making of further enquiries by the Secretary of State;
 - (e) the circumstances in which, and person by whom, a change of circumstances of a prescribed description must be notified to the Secretary of State.

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Textual Amendments

- F1** Words in [Sch. 8 para. 12\(c\)](#) inserted (8.12.2002) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [s. 57](#) (with [s. 159](#)); [S.I. 2002/2811](#), [art. 2](#), [Sch.](#)

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