
STATUTORY INSTRUMENTS

1987 No. 1967

The Income Support (General) Regulations 1987

PART I
GENERAL

Citation and commencement

1. These Regulations may be cited as the Income Support (General) Regulations 1987 and shall come into force on 11th April 1988.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the Social Security Act 1986;

“attendance allowance” means—

- (a) an attendance allowance under section 35 of the Social Security Act(1);
- (b) an increase of disablement pension under section 61 or 63 of that Act(2);
- (c) a payment under regulations made in exercise of the power conferred by section 159(3)(b) of that Act;
- (d) an increase of an allowance which is payable in respect of constant attendance under section 5 of the Industrial Injuries and Diseases (Old Cases) Act 1975(3);
- (e) a payment by virtue of article 14, 15, 16, 43 or 44 of the Personal Injuries (Civilians) Scheme 1983(4) or any analogous payment; or
- (f) any payment based on need for attendance which is paid as part of a war disablement pension;

“benefit week” has the meaning prescribed in paragraph 4 of Schedule 7 to the Social Security (Claims and Payments) Regulations 1987(5);

“claimant” means a person claiming income support;

“close relative” means a parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-daughter, brother, sister, or the spouse of any of the preceding persons or, if that person is one of an unmarried couple, the other member of that couple;

“concessionary payment” means a payment made under arrangements made by the Secretary of State with the consent of the Treasury which is charged either to the National Insurance

(1) Section 35 was amended by the National Health Service Act 1977 (c. 49), Schedule 15, paragraph 63, by the Social Security Act 1979 (c. 18) section 2 and by the Social Security Act 1980 (c. 30), Schedule 1, Part II, paragraph 8.

(2) Subsections (3) and (4) of section 61 were added by the Social Security Act 1986 (c. 50), section 39 and Schedule 3, paragraph 6.

(3) 1975 c. 16.

(4) S.I.1983/686; the relevant amending instruments are S.I. 1983/1164 and 1984/1675.

(5) S.I. 1987/1968.

Fund or to a Departmental Expenditure Vote to which payments of benefit under the Act, the Social Security Act or the Child Benefit Act 1975⁽⁶⁾ are charged;

“co-ownership scheme” means a scheme under which a dwelling is let by a housing association and the tenant, or his personal representative, will, under the terms of the tenancy agreement or of the agreement under which he became a member of the association, be entitled, on his ceasing to be a member and subject to any condition stated in either agreement, to a sum calculated by reference directly or indirectly to the value of the dwelling;

“couple” means a married or an unmarried couple;

“course of study” means any full-time course of study or sandwich course whether or not a grant is made for attending it;

“Crown tenant” means a person who occupies a dwelling under a tenancy or licence where the interest of the landlord belongs to Her Majesty in right of the Crown or to a government department or is held in trust for Her Majesty for the purposes of a government department, except (in the case of an interest belonging to Her Majesty in right of the Crown) where the interest is under the management of the Crown Estate Commissioners;

“dwelling occupied as the home” means the dwelling together with any garage, garden and outbuildings, normally occupied by the claimant as his home including 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.

“earnings” has the meaning prescribed in regulation 35 or, as the case may be, 37;

“employed earner” shall be construed in accordance with section 2(1)(a) of the Social Security Act;

“housing association” has the meaning assigned to it by section 1(1) of the Housing Associations Act 1985⁽⁷⁾;

“housing benefit expenditure” means expenditure of a kind for which housing benefit may be granted;

“invalid carriage or other vehicle” means a vehicle propelled by petrol engine or by electric power supplied for use on the road and to be controlled by the occupant;

“liable relative” has the meaning prescribed in regulation 54;

“lone parent” means a person who has no partner and who is responsible for, and a member of the same household as, a child or young person;

“long tenancy” means a tenancy granted for a term of years certain exceeding twenty one years, whether or not the tenancy is, or may become, terminable before the end of that term by notice given by or to the tenant or by re-entry, forfeiture (or, in Scotland, irritancy) or otherwise and includes a lease for a term fixed by law under a grant with a covenant or obligation for perpetual renewal unless it is a lease by sub-demise from one which is not a long tenancy;

“mobility allowance” means an allowance under section 37A of the Social Security Act⁽⁸⁾;

“mobility supplement” means any supplement under article 26A of the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 1983⁽⁹⁾ including such a supplement by virtue of any other scheme or order or under Article 25A of the Personal Injuries (Civilians) Scheme 1983⁽¹⁰⁾;

(6) 1975 c. 61.

(7) 1985c.69.

(8) Section 37A was inserted by section 22(1) of the Social Security Pensions Act 1975 (c. 60) and amended by the National Health Service Act 1977 (c. 49), Schedule 15, paragraph 64, the Social Security Act 1979 (c. 18), section 3 and by Sections 71 and 86 and Schedule 11 of the Social Security Act 1986 (c. 50).

(9) S.I. 1983/883; article 26A was added by S.I. 1983/1116 and amended by S.I. 1983/1521 and 1986/592.

(10) S.I. 1983/686, amended by S.I. 1983/1164, 1540 and 1986/628.

“net earnings” means such earnings as are calculated in accordance with regulation 36;

“net profit” means such profit as is calculated in accordance with regulation 38;

“non-dependant” has the meaning prescribed in regulation 3;

“non-dependant deduction” means a deduction that is to be made under regulation 17(e) and paragraph 11 of Schedule 3;

“nursing home” has the meaning prescribed in regulation 19(3);

“occupational pension” means any pension or other periodical payment under an occupational pension scheme but does not include any discretionary payment out of a fund established for relieving hardship in particular cases;

“partner” means where a claimant—

(a) is a member of a married or an unmarried couple, the other member of that couple;

(b) is married polygamously to two or more members of his household, any such member;

“payment” includes a part of a payment;

“period of study” means—

(a) in the case of a course of study for one year or less, the period beginning with the start of the course to the end;

(b) in the case of a course of study for more than one year, in the first or, as the case may be, any subsequent year of the course, the period beginning with the start of the course or, as the case may be, that year’s start and ending with either—

(i) the day before the start of the next year of the course in a case where the student’s grant is assessed at a rate appropriate to his studying throughout the year, or, if he does not have a grant, where it would have been assessed at such a rate had he had one; or

(ii) in any other case the day before the start of the normal summer vacation appropriate to his course,

and, for the purposes of this definition, any period of attendance at the educational establishment which is outside the period of the course shall be treated as part of the period of study;

“policy of life insurance” means any instrument by which the payment of money is assured on death (except death by accident only) or the happening of any contingency dependent on human life, or any instrument evidencing a contract which is subject to payment of premiums for a term dependent on human life;

“polygamous marriage” means any marriage where there is more than one spouse and the ceremony of marriage as between the spouses took place under the law of a country which permits polygamy;

“relative” means close relative, grand-parent, grand-child, uncle, aunt, nephew or neice;

“relevant enactment” has the meaning prescribed in regulation 16(8)(a);

“remunerative work” has the meaning prescribed in regulation 5;

“residential accommodation” has the meaning prescribed in regulation 21(3);

“residential care home” has the meaning prescribed in regulation 19(3);

“self-employed earner” shall be construed in accordance with section 2(1)(b) of the Social Security Act;

“single claimant” means a claimant who neither has a partner nor is a lone parent;

“Social Security Act” means the Social Security Act 1975⁽¹¹⁾;

“student” has the meaning prescribed in regulation 61;

“supplementary benefit” means a supplementary pension or allowance under section 1 or 4 of the Supplementary Benefits Act 1976⁽¹²⁾;

“terminal date” in respect of a claimant means the terminal date in his case for the purposes of regulation 7 of the Child Benefit (General) Regulations 1976⁽¹³⁾;

“training allowance” means an allowance (whether by way of periodical grants or otherwise) payable—

- (a) out of public funds by a Government department or by or on behalf of the Manpower Services Commission;
- (b) to a person for his maintenance or in respect of a member of his family; and
- (c) for the period, or part of the period, during which he is following a course of training or instruction provided by, or in pursuance of arrangements made with, that department or approved by that department in relation to him or so provided or approved by or on behalf of that Commission,

but it does not include an allowance paid by any Government department to or in respect of a person by reason of the fact that he is following a course of full-time education or is training as a teacher;

“year of assessment” has the meaning prescribed in section 526(5) of the Income and Corporation Taxes Act 1970⁽¹⁴⁾;

“young person” has the meaning prescribed in regulation 14.

(2) In these Regulations, unless the context otherwise requires, a reference—

- (a) to a numbered Part is to the Part of these Regulations bearing that number;
- (b) to a numbered regulation or Schedule is to the regulation in or Schedule to these Regulations bearing that number;
- (c) in a regulation or Schedule to a numbered paragraph is to the paragraph in that regulation or Schedule bearing that number;
- (d) in a paragraph to a lettered or numbered sub-paragraph is to the sub-paragraph in that paragraph bearing that letter or number.

(3) Unless the context requires otherwise, any reference to the claimant’s family or, as the case may be, to a member of his family, shall be construed for the purposes of these Regulations as if it included in relation to a polygamous marriage a reference to any partner and to any child or young person who is treated as the responsibility of the claimant or his partner, where that child or young person is a member of the claimant’s household.

Definition of non-dependant

3.—(1) In these Regulations, “non-dependant” means any person, except someone to whom paragraph (2) applies, who normally resides with a claimant.

(2) This paragraph applies to—

- (a) any member of the claimant’s family;

⁽¹¹⁾ 1975 c. 14.

⁽¹²⁾ 1976 c. 71, as amended by section 6(1) of, and Part I of Schedules 2 to, the Social Security Act 1980 (c. 30).

⁽¹³⁾ S.I. 1976/965; the relevant amending instruments are S.I. 1980/1054, 1982/470 and 1987/357.

⁽¹⁴⁾ 1970 c. 10.

- (b) a child or young person who is living with the claimant but who is not a member of his household by virtue of regulation 16 (membership of the same household);
- (c) a person who jointly occupies the claimant's dwelling;
- (d) subject to paragraph (3), any person who is liable to make payments in respect of his occupation of the dwelling to the claimant or the claimant's partner;
- (e) a person who lives with the claimant in order to care for him or a partner of his and who is engaged by a charitable or voluntary body (other than a public or local authority) which makes a charge to the claimant or his partner for the services provided by that person.

(3) A person, other than one to whom sub-paragraph (a) to (c) or (e) of paragraph (2) applies, who lives in board and lodging accommodation or a hostel within the meaning of regulation 20(2) (applicable amounts for persons in board and lodging accommodation and hostels) shall be a non-dependant.

(4) For the purposes of this regulation a person resides with another only if they share any accommodation except a bathroom, a lavatory or a communal area.

(5) In this regulation "communal area" means any area (other than rooms) of common access (including halls and passageways) and rooms of common use in sheltered accommodation.