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## STATUTORY INSTRUMENTS

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# 1987 No. 1967

## The Income Support (General) Regulations 1987

### PART VI

#### URGENT CASES

##### Applicable amounts in urgent cases

71.—(1) For the purposes of calculating any entitlement to income support under this Part—

- (a) except in a case to which [<sup>F1</sup>sub-paragraph (b), (c) or (d),] applies, a claimant' weekly applicable amount shall be the aggregate of—
- (i) 90 per cent of the amount applicable in respect of himself or, if he is a member of a couple or of a polygamous marriage, of the amount applicable in respect of both of them under paragraph 1 (1), (2) or (3) of Schedule 2 or, as the case may be, the amount applicable in respect of them under regulation 18 (polygamous marriages); and where regulation 22 (reduction in applicable amounts in certain cases of actual or notional unemployment benefit disqualification) applies, the reference in this head to 90 per cent of the amount applicable shall be construed as a reference to 90 per cent of the relevant amount under that regulation reduced by the percentage specified in paragraph (1) or (2), as the case may be, of that regulation;
  - (ii) the amount applicable under paragraph 2 of Schedule 2 in respect of any child or young person who is a member of his family except a child or young person whose capital, if calculated in accordance with Part V in like manner as for the claimant, except where otherwise provided, would exceed £3,000;
  - (iii) the amount, if applicable, specified in paragraph 15 (2) or (3) of Schedule 2 (pensioner premiums); and
  - (iv) any amounts applicable under regulation 17 (e) or 18 (f) (housing costs);
- (b) where the claimant is a resident in board and lodging accommodation, a hostel, a residential care home or a nursing home, his weekly applicable amount shall be the aggregate of—
- (i) 90 per cent of the amount of the allowance for personal expenses prescribed in paragraph 13 (a) of Schedule 4 (applicable amounts of persons in residential care and nursing homes) or paragraph 11 (b) of Schedule 5 (applicable amounts of persons in board and lodging accommodation or hostels) whichever is appropriate in respect of him or, if he is a member of a couple or of a polygamous marriage, of the amount applicable in respect of both or all of them; and where regulation 22 (reduction in applicable amounts in certain cases of actual or notional unemployment benefit disqualification) applies, the reference in this head to 90 per cent of the amount so reduced shall be construed as a reference to 90 per cent of the relevant amount under that regulation reduced by the percentage specified in paragraph (1) or (2), as the case may be, of that regulation;

- (ii) the amount applicable under paragraph 13 (b) to (e) of Schedule 4 or paragraph 11 (c) to (f) of Schedule 5, whichever is appropriate, in respect of any child or young person who is a member of his family except a child or young person whose capital, if calculated in accordance with Part V in like manner as for the claimant, except where otherwise provided, would exceed £3,000;
  - (iii) the amount in respect of the weekly charge for his accommodation calculated in accordance with regulation 19 and Schedule 4 or regulation 20 and Schedule 5 whichever is appropriate except any amount in respect of a child or young person who is a member of the family and whose capital, if calculated in accordance with Part V in like manner as for the claimant, except where otherwise provided, would exceed £3,000.
- (c) where the claimant is resident in residential accommodation, his weekly applicable amount shall be the aggregate of—
- (i) 90 per cent of the amount in respect of personal expenses as is referred to in column (2) of paragraph 13 (a) to (c) and (e) of Schedule 7 (applicable amounts in special cases) applicable to him;
  - (ii) the amount applicable under column (2) of paragraph 13 (d) of Schedule 7, in respect of any child or young person who is a member of his family except a child or young person whose capital, if calculated in accordance with Part V in like manner as for the claimant, except where otherwise provided, would exceed £3,000;
  - (iii) the amount, being 80 per cent of the sum referred to in column (2) of paragraph 13 (a) to (c) and (e) of Schedule 7 (applicable amounts in special cases), in respect of the cost of the residential accommodation.
- [<sup>F2</sup>(d) except where sub-paragraph (b) or (c) applies, in the case of a person to whom any paragraph, other than paragraph 17, in column (1) of Schedule 7 (special cases) applies, the amount shall be 90% of the amount applicable in column 2 of that Schedule in respect of the claimant and partner (if any), plus, if applicable—
- (i) any amount in respect of a child or young person who is a member of the family except a child or young person whose capital, if calculated in accordance with Part V in like manner as for the claimant, except where otherwise provided, would exceed £3,000;
  - (ii) any premium under paragraph 9 or 10 of Schedule 2; and
  - (iii) any housing costs under regulation 17(e) or 18(f).]
- (2) The period for which a claimant's weekly applicable amount is to be calculated in accordance with paragraph (1) where paragraph (3) of regulation 70 (urgent cases) applies shall be—
- (a) in a case to which sub-paragraph (a) of paragraph (3) of that regulation applies, any period, or the aggregate of any periods, not exceeding 42 days during any one period of leave to which that regulation applies;
  - (b) in a case to which sub-paragraph (b) of paragraph (3) of that regulation applies—
    - (i) the period ending not later than the date on which that determination is sent to the claimant; or
    - (ii) if he has a right to appeal against the determination under Part II of the 1971 Act, the period ending not later than 28 days after the date on which that determination is sent to him;

- (c) in a case to which sub-paragraph (c) of paragraph (3) of that regulation applies, the period ending not later than the end of the period for which that appeal is treated as pending under section 33 (4) of the 1971 Act;
- (d) in a case to which sub-paragraph (d) of paragraph (3) of that regulation applies, the period ending not later than—
  - (i) where the application referred to in that regulation is successful, the date on which that determination is sent to the claimant; or
  - (ii) where that application is refused, the date on which he is removed from the United Kingdom;
- (e) in any case to which sub-paragraph (e), (f), (g), (h) or (j) of paragraph (3) of that regulation applies, the period ending not later than—
  - (i) the date on which the claimant is removed from the United Kingdom; or
  - (ii) where given leave (within the meaning of section 33 of the 1971 Act) to remain in the United Kingdom, or otherwise permitted in writing by the Secretary of State to remain in the United Kingdom, the date on which that leave was given;
- (f) in a case to which sub-paragraph (i) of paragraph (3) of that regulation applies, the period ending not later than the date on which—
  - (i) leave (within the meaning of section 33 of the 1971 Act) is granted; or
  - (ii) he is removed from the United Kingdom; or
  - (iii) his immigration status is determined by the Secretary of State,

[<sup>F3</sup>(3) Where the calculation of a claimant's applicable amount under this regulation results in a fraction of a penny that fraction shall be treated as a penny.]

#### **Textual Amendments**

- F1** Words in [reg. 71\(1\)\(a\)](#) substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), [regs. 1\(1\)](#), **25(a)**
- F2** [Reg. 71\(1\)\(d\)](#) added (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), [regs. 1\(1\)](#), **25(b)**
- F3** [Reg. 71\(3\)](#) added (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), [regs. 1\(1\)](#), **25(c)**

#### **Commencement Information**

- I1** [Reg. 71](#) in force at 11.4.1988, see [reg. 1](#)

**Status:**

Point in time view as at 11/04/1988. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the The Income Support (General) Regulations 1987, Section 71.