
STATUTORY INSTRUMENTS

1996 No. 206

SOCIAL SECURITY

**The Income Support (General) (Jobseeker's Allowance
Consequential Amendments) Regulations 1996**

Made - - - - *1st February 1996*
Coming into force - - *7th October 1996*

Whereas a draft of this instrument was laid before Parliament in accordance with section 37(2) of the Jobseekers Act 1995(1) and approved by resolution of each House of Parliament:

Now, therefore, the Secretary of State for Social Security, in exercise of the powers conferred on him by section 40 of the Jobseekers Act 1995 and sections 124(1)(e), 137(1) and 175 (1) to (4) of the Social Security Contributions and Benefits Act 1992(2) and of all other powers enabling him in that behalf, by this instrument which is made before the end of the period of 6 months beginning with the coming into force of the enactments under which it is made(3), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Income Support (General) (Jobseeker's Allowance Consequential Amendments) Regulations 1996 and shall come into force on 7th October 1996.

(2) Regulations 2 to 32 of these Regulations shall have effect in relation to any particular claimant at the beginning of the first benefit week to commence for that claimant on or after 7th October 1996 which applies in his case.

(3) In these Regulations—

the expressions “benefit week” and “claimant” have the same meanings as in the principal Regulations;

“the principal Regulations” means the Income Support (General) Regulations 1987(4).

Amendment of regulation 2 of the principal Regulations

2. In regulation 2 of the principal Regulations (interpretation)—

(1) 1995 c. 18.

(2) 1992 c. 4; subsection (1)(e) was added by the Jobseekers Act 1995, section 41(4) and Schedule 2, paragraph 30(5); section 137(1) is an interpretation provision and is cited because of the meaning assigned to the word “prescribed”.

(3) See section 173(5)(a) of the Social Security Administration Act 1992 (c. 5).

(4) S.I.1987/1967.

- (a) after the definition of “attendance allowance” there shall be inserted the following definition—
- ““the benefit Acts” means the Contributions and Benefits Act and the Jobseekers Act 1995;(5);”
- (b) the definition of “registered person” shall be omitted.

Amendment of regulation 3A of the principal Regulations

3. In regulation 3A of the principal Regulations (permitted period)(6)—
- (a) in paragraph (1)(a) the words “subject to paragraph (2),” shall be omitted; and
- (b) paragraphs (2) and (3) shall be omitted.

Insertion of regulation 4ZA in the principal Regulations

4. In Part II of the principal Regulations (conditions of entitlement) there shall be inserted at the beginning the following regulation—

“Prescribed categories of person

4ZA.—(1) Subject to the following provisions of this regulation, a person to whom any paragraph of Schedule 1B applies falls within a prescribed category of person for the purposes of section 124(1)(e) of the Contributions and Benefits Act (entitlement to income support).

(2) Paragraph (1) does not apply to a student during the period of study.

(3) A student during the period of study falls within a prescribed category of person for the purposes of section 124(1)(e) of the Contributions and Benefits Act only if—

- (a) regulation 70(3)(a) applies to him; or
- (b) paragraph 1, 2, 10, 11, 12, or 18 of Schedule 1B applies to him; or
- (c) any other paragraph of Schedule 1B applies to him and he has a partner who is also a student, and either he or his partner is treated as responsible for a child or young person, but this provision shall apply only for the period of the summer vacation appropriate to his course.”.

Amendment of regulation 4 of the principal Regulations

5.—(1) Regulation 4(2) of the principal Regulations (temporary absence from Great Britain) shall be amended in accordance with the following provisions of this regulation.

(2) For heads (i) and (ii) of sub-paragraph (c) there shall be substituted the following heads—

- “(i) the claimant falls within one or more of the prescribed categories of person listed in Schedule 1B other than paragraphs 7, 15, 20, 21, 24, 25, 26 or 27 of that Schedule; or
- (ii) the claimant falls within paragraph 7 of Schedule 1B (persons incapable of work) and his absence from Great Britain is for the sole purpose of receiving treatment from an appropriately qualified person for the incapacity by reason of which he satisfies the conditions of that paragraph; or.”

(3) In head (v)(7) for the words “paragraph 5 of Schedule 1” there shall be substituted the words “paragraph 7 of Schedule 1B”.

(5) 1995 c. 18.

(6) Regulation 3A was inserted by S.I. 1989/1678.

(7) Head (v) was added by S.I. 1988/663 and substituted by S.I. 1995/482.

Amendment of regulation 6 of the principal Regulations

6. In regulation 6 of the principal Regulations (persons not treated as engaged in remunerative work) for paragraph (f) there shall be substituted the following paragraph—

“(f) he is a person to whom paragraph 4 of Schedule 1B applies;”.

Amendment of regulation 13 of the principal Regulations

7. In regulation 13(2) of the principal Regulations (circumstances in which persons in relevant education are to be entitled to income support)—

(a) sub-paragraphs (f) and (g) shall be omitted; and

(b) for sub-paragraph (h) there shall be substituted the following sub-paragraph—

“(h) is a person to whom paragraph 18 of Schedule 1B (refugees) applies.”.

Amendment of regulation 16 of the principal Regulations

8.—(1) Regulation 16 of the principal Regulations (circumstances in which a person is to be treated as being or not being a member of the household)(8) shall be amended in accordance with the following provisions of this regulation.

(2) In sub-paragraphs (a)(i), (aa)(i) and (b)(i) of paragraph (5) there shall be added at the beginning the words “subject to paragraph (5A),”.

(3) After paragraph (5) there shall be inserted the following paragraph—

“(5A) Sub-paragraphs (a)(i), (aa)(i) and (b)(i) of paragraph (5) shall not apply in a case where immediately before the date of claim for income support the claimant was entitled to an income-based jobseeker’s allowance.”.

Amendment of regulation 17 of the principal Regulations

9. In regulation 17(1) of the principal Regulations (applicable amounts) for the words “18 to 22” there shall be substituted the words “18 to 22A”.

Amendment of regulation 18 of the principal Regulations

10.—(1) Regulation 18 of the principal Regulations (polygamous marriages)(9) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (1)—

(a) for the words “19 to 22” there shall be substituted the words “19 to 22A”; and

(b) in sub-paragraph (b) for the words “sub-paragraphs (3)(c)” there shall be substituted the words “sub-paragraphs (3)(d)”.

(3) In paragraph (2) for sub-paragraph (b) there shall be substituted the following sub-paragraph—

“(b) that partner is a person who—

(i) had he not been a member of a polygamous marriage would have qualified for income support under regulation 4ZA; or

(ii) satisfies the requirements of section 3(1)(f)(iii) of the Jobseekers Act 1995 (prescribed circumstances for persons aged 16 but less than 18); or

(8) Relevant amending instruments are S.I. 1988/663, 1989/534 and 1990/547.

(9) Relevant amending instrument is S.I. 1988/1228.

(iii) is the subject of a direction under section 16 of the Jobseekers Act 1995 (persons under 18: severe hardship).”.

Amendment of regulation 19 of the principal Regulations

11. In regulation 19(1) of the principal Regulations (applicable amounts for persons in residential care and nursing homes)(10) for the words “regulation 22” there shall be substituted the words “regulation 22A”.

Amendment of regulation 21 of the principal Regulations

12. In regulation 21(1)(11) of the principal Regulations (special cases) for the words “regulations 21A and 22” there shall be substituted the words “regulation 22A”.

Addition of regulation 22A of the principal Regulations

13. In Part IV of the principal Regulations (applicable amounts) at the end there shall be added the following regulation—

“Reduction in applicable amount where the claimant is appealing against a decision that he is not incapable of work

22A.—(1) Subject to paragraph (3), where a claimant falls within paragraph 25 of Schedule 1B (persons appealing against a decision that they are not incapable of work under the all work test), and none of the other paragraphs of that Schedule applies to him, his applicable amount shall be reduced by a sum equivalent to 20 per cent. of the following amount—

- (a) in the case of a person to whom regulation 17 or 18 or paragraphs 6, 9 to 12, 16, 17(c)(i) or (d)(i) of Schedule 7 applies—
 - (i) where he is a single claimant aged less than 18 or a member of a couple or a polygamous marriage where all the members, in either case, are less than 18, the amount specified in paragraph 1(1)(a), (b) or (c), as the case may be, of Schedule 2 (applicable amounts);
 - (ii) where he is a single claimant aged not less than 18 but less than 25 or a member of a couple or a polygamous marriage where one member is aged not less than 18 but less than 25 and the other member, or in the case of a polygamous marriage each other member, is a person under 18 who—
 - (aa) does not qualify for income support under regulation 4ZA, or who would not so qualify if he were to make a claim; and
 - (bb) does not satisfy the requirements of section 3(1)(f)(iii) of the Jobseekers Act 1995 (prescribed circumstances for persons aged 16 but less than 18); and
 - (cc) is not the subject of a direction under section 16 of the Jobseekers Act 1995 (persons under 18: severe hardship),
 the amount specified in paragraph 1(1)(d) of that Schedule;
 - (iii) where he is a single claimant aged not less than 25 or a member of a couple or a polygamous marriage (other than a member of a couple or a polygamous marriage to whom head (ii) of this sub-paragraph applies) at least one of

(10) Relevant amending instruments are S.I. 1988/663 and 1992/3147.

(11) Relevant amending instruments are S.I. 1990/2324 and 1994/527.

whom is aged not less than 18, the amount specified in paragraph 1(1)(e) of that Schedule;

(b) in the case of a person to whom regulation 19 applies (applicable amounts for people in residential care and nursing homes), the amount allowed for personal expenses for him specified in paragraph 13 of Schedule 4.

(2) A reduction under paragraph (1) shall, if it is not a multiple of 5p, be rounded to the nearest such multiple or, if it is a multiple of 2.5p but not of 5p, to the next lower multiple of 5p.

(3) Paragraph (1) shall not apply to a claimant who is appealing against a decision that he is not incapable of work under the all work test where that decision was made on the first application of the test to the claimant, and the claimant was, immediately prior to 13th April 1995, either—

(a) in receipt of invalidity pension under Part II of the Contributions and Benefits Act as then in force, or severe disablement allowance; or

(b) incapable of work in accordance with paragraph 5 of Schedule 1 as in force on 12th April 1995 and had been so for a continuous period of 28 weeks.”.

Amendment of regulation 23 of the principal Regulations

14.—(1) Regulation 23(4) of the principal Regulations (calculation of income and capital of members of claimant’s family and of a polygamous marriage)(12) shall be amended in accordance with the following provisions of this regulation.

(2) For the words “paragraph 1(3)(b), (e) or (f)” there shall be substituted the words “paragraphs 1(3)(b), (c), (f) or (g)”.

(3) In sub-paragraph (a) for the words “paragraph 1(3)(b)” there shall be substituted the words “paragraph 1(3)(c)”.

(4) In sub-paragraph (b) for the words “paragraph 1(3)(e) or (f)” there shall be substituted the words “paragraph 1(3)(f) or (g)”.

Amendment of regulation 31 of the principal Regulations

15. In regulation 31(2) of the principal Regulations (date on which income is treated as paid)(13) for the words “unemployment benefit” there shall be substituted the words “jobseeker’s allowance”.

Amendment of regulation 32 of the principal Regulations

16. In regulation 32(4) of the principal Regulations (calculation of weekly amount of income)(13)—

(a) in sub-paragraph (a) the words “unemployment benefit” shall be omitted; and

(b) in sub-paragraph (b) after the words “income support” there shall be inserted the words “or jobseeker’s allowance”.

Amendment of regulation 42 of the principal Regulations

17. In regulation 42(2) of the principal Regulations (notional income)(14) for sub-paragraph (c) there shall be substituted the following sub-paragraph—

(12) Paragraph (4) was added by S.I. 1988/1228.

(13) Relevant amending instruments are S.I. 1988/663 and 1445 and 1995/482.

(13) Relevant amending instruments are S.I. 1988/663 and 1445 and 1995/482.

(14) Relevant amending instruments are S.I. 1988/663, 1992/468 and 1995/2303.

“(c) jobseeker’s allowance;”

Amendment of regulation 71 of the principal Regulations

18.—(1) Regulation 71 of the principal Regulations (applicable amounts in urgent cases)(**15**) shall be amended in accordance with the following provisions of this regulation.

(2) In head (i) of paragraph (1)(a), for the words following“(polygamous marriages);” to the end of the head there shall be substituted the words “and where regulation 22A (reduction in applicable amount where the claimant is appealing against a decision that he is not incapable of work) 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 20 per cent;”.

(3) In head (i) of paragraph (1)(b), for the words following“all of them;” to the end of the head there shall be substituted the words “and where regulation 22A (reduction in applicable amount where the claimant is appealing against a decision that he is not incapable of work) applies, the reference in this head to 90 per cent. of the amount shall be construed as a reference to 90 per cent. of the relevant amount under that regulation reduced by 20 per cent;”.

Amendment of regulation 73 of the principal Regulations

19. In regulation 73(3) of the principal Regulations (amount of income support payable for part weeks)(**16**) for the words “unemployment benefit” there shall be substituted the words “jobseeker’s allowance”.

Amendment of regulation 75 of the principal Regulations

20. In paragraphs (b), (e) and (f) of regulation 75 of the principal Regulations (modifications in the calculation of income) for the words “unemployment benefit” in each place where they occur there shall be substituted the words “jobseeker’s allowance”.

Amendment of regulation 76 of the principal Regulations

21. In regulation 76(a) of the principal Regulations (reduction in certain cases) for the words from the beginning of the paragraph to “applies” there shall be substituted the words “in the case of a claimant to whom regulation 22A (reduction in applicable amount where the claimant is appealing against a decision that he is not incapable of work) applies”.

Insertion of Schedule 1B in the principal Regulations

22. Immediately before Schedule 2 to the principal Regulations (applicable amounts) there shall be inserted as Schedule 1B the Schedule set out in Schedule 1 to these Regulations.

Amendment of Schedule 2 to the principal Regulations

23. Schedule 2 to the principal Regulations (applicable amounts)(**17**) shall be amended in accordance with the provisions of Schedule 2 to these Regulations.

(15) Relevant amending instruments are S.I. [1988/663](#) and [1445](#), [1989/534](#) and [1993/2119](#).

(16) Regulations 73 to 77 were inserted by S.I. [1988/663](#); relevant amending instruments are S.I. [1988/1445](#) and [1995/482](#).

(17) Relevant amending instrument is S.I. [1995/559](#).

Amendment of Schedule 3 to the principal Regulations

24.—(1) Schedule 3 to the principal Regulations (housing costs)(**18**) shall be amended in accordance with the following provisions of this regulation.

(2) For head (a) of paragraph 8(2) (new housing costs) there shall be substituted the following head—

“(a) is a person to whom paragraph 4 or 5 of Schedule 1B (persons caring for another person) applies;”.

(3) In paragraph 14 (linking rule)—

(a) in sub-paragraph (5)(a) after the words “unemployment benefit,” there shall be inserted the words “a contribution-based jobseeker’s allowance;”;

(b) in sub-paragraph (5A)(**19**) for the words “paragraph 4 of Schedule 1 applies (persons with caring responsibilities not required to be available for employment)” there shall be substituted the words “paragraph 4 or 5 of Schedule 1B (persons caring for another person) applies;” and

(c) in sub-paragraph (5B) for head (b) there shall be substituted the following head—

“(b) is a student, other than one who would qualify for income support under regulation 4ZA(3) (prescribed categories of person);”.

Amendment of Schedules 3A and 3B to the principal Regulations

25. In Schedules 3A and 3B to the principal Regulations (protected sum)(**20**) in the definition of “protected sum” in paragraph 1(1) of each Schedule after the words “under this Schedule” there shall be inserted the words “or by virtue of regulation 87(2) of the Jobseeker’s Allowance Regulations 1996(**21**).”.

Amendment of Schedule 10 to the principal Regulations

26. In paragraph 7 of Schedule 10 to the principal Regulations (capital to be disregarded) in sub-paragraph (b) after the words “an income-related benefit or” there shall be inserted the words “an income-based jobseeker’s allowance;”.

Transitional provisions

27.—(1) Where on 6th October 1996 or at any time during the eight weeks immediately preceding that date paragraph 4(1) of Schedule 1 to the principal Regulations (persons caring for another person) as in force on that date applied to a claimant, or would have applied to him if he had made a claim for income support, the claimant shall be treated for the purposes of paragraphs 5 and 6 of Schedule 1B to the principal Regulations as if, throughout the period that paragraph 4(1) of Schedule 1 applied or would have applied to him, paragraph 4 of Schedule 1B had applied or would have applied to him.

(2) Where on 6th October 1996 paragraph 5 of Schedule 1 to the principal Regulations (persons incapable of work) as in force on that date applied to a claimant, the claimant shall be treated for the purposes of regulation 4(2)(c)(v) of and paragraph 10 of Schedule 1B to the principal Regulations as if, throughout the period that paragraph 5 of Schedule 1 applied to him, paragraph 7 of Schedule 1B had applied to him.

(18) Schedule 3 was substituted by S.I. [1995/1613](#).

(19) Sub-paragraphs (5A) and (5B) were inserted by S.I. [1995/2927](#).

(20) Schedule 3A was inserted by S.I. [1988/1445](#); relevant amending instrument is S.I. [1989/534](#). Schedule 3B was inserted by S.I. [1989/534](#).

(21) S.I. [1996/207](#)

(3) Where—

- (a) a determination of the amount of a person's benefit has been made in a case to which regulation 19(5) of The Disability Working Allowance and Income Support (General) Amendment Regulations 1995⁽²²⁾ as originally made had effect (amendments consequential on the coming into force of the Social Security (Incapacity for Work) Act 1994: transitional provisions); and
- (b) an appeal to which regulations 8(2A) or 11(2A) of the principal Regulations as in force on 2nd October 1995 referred (persons not required to be available or registered for employment), has still to be determined,

regulation 22A(1) of the principal Regulations (reduction in applicable amount where the claimant is appealing against a decision that he is not incapable of work) shall not apply to that person.

Revocations

28. The regulations listed in Column 2 of Schedule 3 to these Regulations are hereby revoked to the extent specified in Column 3 of Schedule 3 to these Regulations.

Amendment of the Income Support (Transitional) Regulations

29.—(1) The Income Support (Transitional) Regulations 1987⁽²³⁾ shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2 (interpretation) at the end there shall be added the following paragraph—

“(3) In these Regulations the expressions “transitional addition” and “special transitional addition” include any amount payable by virtue of regulation 87(1) of the Jobseeker's Allowance Regulations 1996⁽²⁴⁾.”.

(3) In regulation 2A (permitted period)⁽²⁵⁾—

- (a) in paragraph (1)(a) the words “subject to paragraph (2),” shall be omitted; and
- (b) paragraphs (2) and (3) shall be omitted.

Amendment of the Income Support (General) Amendment No. 4 Regulations 1991

30. In regulation 24 of the Income Support (General) Amendment No. 4 Regulations 1991⁽²⁶⁾ (permitted period)—

- (a) in paragraph (1)(a) the words “subject to paragraph (2) of this regulation,” shall be omitted; and
- (b) paragraphs (2) and (3) shall be omitted.

Amendment of the Income Support (General) Amendment No. 6 Regulations 1991

31. In regulation 6 of the Income Support (General) Amendment No. 6 Regulations 1991⁽²⁷⁾ (definition of “permitted period”)—

- (a) in paragraph (1) the words “subject to paragraph (2) below,” shall be omitted; and
- (b) paragraphs (2) and (3) shall be omitted.

(22) S.I. 1995/482; relevant amending instrument is S.I. 1995/2303.

(23) S.I. 1987/1969.

(24) S.I. 1996/207

(25) Regulation 2A was inserted by S.I. 1989/1626.

(26) S.I. 1991/1559.

(27) S.I. 1991/2334.

Continuity with jobseeker's allowance

32. In determining whether a person is entitled to income support, or whether any amount is applicable or payable, entitlement to an income-based jobseeker's allowance shall be treated as entitlement to income support for the purposes of any requirement that a person is or has been entitled to income support for any period of time.

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

1st February 1996

Roger Evans
Parliamentary Under-Secretary of State,
Department of Social Security

SCHEDULE 1

Regulation 22

To be inserted before Schedule 2 to the principal Regulations

“SCHEDULE 1B

Regulation 4ZA

PRESCRIBED CATEGORIES OF PERSON

Lone parents

1. A person who is a lone parent and responsible for a child who is a member of his household.

Single persons looking after foster children

2. A single claimant or a lone parent with whom a child is placed by a local authority or voluntary organisation within the meaning of the Children Act 1989⁽²⁸⁾ or, in Scotland, the Social Work (Scotland) Act 1968.⁽²⁹⁾

Persons temporarily looking after another person

3. A person who is—
 - (a) looking after a child because the parent of that child or the person who usually looks after him is ill or is temporarily absent from his home; or
 - (b) looking after a member of his family who is temporarily ill.

Persons caring for another person

4. A person (the carer)—
 - (a) who is regularly and substantially engaged in caring for another person if—
 - (i) the person being cared for is in receipt of attendance allowance under section 64 of the Contributions and Benefits Act or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Contributions and Benefits Act; or
 - (ii) the person being cared for has claimed attendance allowance under that section but only for the period up to the date of determination of that claim, or the period of 26 weeks from the date of that claim, whichever date is the earlier; or
 - (iii) the person being cared for has claimed entitlement to a disability living allowance but only for the period up to the date of determination of that claim, or the period of 26 weeks from the date of that claim, whichever date is the earlier; or
 - (b) who is engaged in caring for another person and who is in receipt of an invalid care allowance.
5. A person to whom paragraph 4 applied, but only for a period of 8 weeks from the date on which that paragraph ceased to apply to him.
6. A person who, had he previously made a claim for income support, would have fulfilled the conditions of paragraph 4, but only for a period of 8 weeks from the date on which he ceased to fulfil those conditions.

⁽²⁸⁾ 1989 c. 41.

⁽²⁹⁾ 1968 c. 49.

Persons incapable of work

7. A person who—
- (a) is incapable of work in accordance with the provisions of Part XIIIA of the Contributions and Benefits Act and the regulations made thereunder (incapacity for work)**(30)**; or
 - (b) is treated as incapable of work by virtue of regulations made under section 171D**(31)** of that Act (persons to be treated as incapable or capable of work); or
 - (c) is treated as capable of work by virtue of regulations made under section 171E(1) of that Act (disqualification etc.); or
 - (d) is entitled to statutory sick pay.

Disabled workers

8. A person to whom regulation 6(a) (persons not treated as engaged in remunerative work) applies.

Persons in employment living in residential care homes, nursing homes or residential accommodation

9. A person to whom regulation 6(g) applies.

Disabled students

10. A person who is a student and—
- (a) whose applicable amount includes the disability premium or severe disability premium; or
 - (b) who has satisfied the provisions of paragraph 7 for a continuous period of not less than 196 days, and for this purpose any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period.
11. A person who is a student and who—
- (a) immediately before 1st September 1990 was in receipt of income support by virtue of paragraph 7 of Schedule 1 as then in force; or
 - (b) on or after that date makes a claim for income support and at a time during the period of 18 months immediately preceding the date of that claim was in receipt of income support either by virtue of that paragraph or regulation 13(2)(b),

but this paragraph shall not apply where for a continuous period of 18 months or more the person has not been in receipt of income support.

Deaf students

12. A person who is a student in respect of whom—
- (a) a supplementary requirement has been determined under paragraph 10 of Schedule 2 to the Education (Mandatory Awards) Regulations 1995**(32)**; or
 - (b) an allowance or, as the case may be, bursary has been granted which includes a sum under paragraph (1)(d) of regulation 6 of the Students' Allowances (Scotland) Regulations

(30) Part XIIIA was inserted by sections 5 and 6(1) of the Social Security (Incapacity for Work) Act 1994 (c. 18).

(31) Sections 171D and 171E were inserted by section 6 of the Social Security (Incapacity for Work) Act 1994.

(32) S.I. 1995/3321.

Status: This is the original version (as it was originally made).

1991(33) or, as the case may be, the Education Authority Bursaries (Scotland) Regulations 1995(34) in respect of expenses incurred; or

- (c) a payment has been made under section 2 of the Education Act 1962(35); or
- (d) a supplementary requirement has been determined under paragraph 10 of Schedule 7 to the Students Awards Regulations (Northern Ireland) 1995(36) or a payment has been made under article 50(3) of the Education and Libraries (Northern Ireland) Order 1986(37),

on account of his disability by reason of deafness.

Blind persons

13. A person who is registered as blind in a register compiled by a local authority under section 29 of the National Assistance Act 1948(38) (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered as blind in a register maintained by or on behalf of a regional or islands council, but a person who has ceased to be registered as blind on regaining his eyesight shall nevertheless be treated as so registered for a period of 28 weeks following the date on which he ceased to be so registered.

Pregnancy

14. A woman who—

- (a) is incapable of work by reason of pregnancy; or
- (b) is or has been pregnant but only for the period commencing 11 weeks before her expected week of confinement and ending seven weeks after the date on which her pregnancy ends.

Persons in education

15. A person to whom any provision of regulation 13(2)(a) to (e) (persons receiving relevant education who are parents, severely handicapped persons, orphans and persons estranged from their parents or guardian) applies.

Certain persons aged 50 who have not been in remunerative work for 10 years

16.—(1) Subject to sub-paragraph (2), a person who on 6th October 1996 or at any time during the eight weeks immediately preceding that date satisfied the conditions of paragraph 13 of Schedule 1 as in force on that date (persons aged not less than 50 who had not been in remunerative work during the previous 10 years).

(2) If a person to whom sub-paragraph (1) applies ceases to be entitled to income support, and subsequently makes a further claim for income support, this paragraph shall continue to apply to him only if—

- (a) the further claim for income support is made within 8 weeks of the date he ceased to be so entitled; and

(33) S.I. 1991/1522.

(34) S.I. 1995/1739.

(35) 1962 c. 12.

(36) S.I. 1995/1.

(37) S.I. 1986/594.

(38) 1948 c. 29; section 29 was amended by the National Assistance (Amendment) Act 1959 (c. 30), section 1(2); the Mental Health (Scotland) Act 1960 (c. 61), sections 113(1) and 114 and Schedule 4; the Social Work (Scotland) Act 1968 (c. 49), section 95(2) and Schedule 9 Part I; the Local Government Act 1972 (c. 70), sections 195(6), 272(1), Schedule 23 paragraph 2 and Schedule 30; the Employment and Training Act 1973 (c. 50), section 14(1) and Schedule 3 paragraph 3; the National Health Service Act 1977 (c. 49), section 129 and Schedule 15 paragraph 6; the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), section 30 and Schedule 10 Part I; the Children Act 1989 (c. 41) section 108(5) and Schedule 13 paragraph 11(2); and the National Health Service and Community Care Act 1990 (c. 19), section 44(7).

(b) he has not been in remunerative work since he ceased to be so entitled.

Persons aged 60 or over

17. A person aged not less than 60.

Refugees

18. A person who is a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951⁽³⁹⁾ as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967⁽⁴⁰⁾ and who—

(a) is attending for more than 15 hours a week a course for the purpose of learning English so that he may obtain employment; and

(b) on the date on which that course commenced, had been in Great Britain for not more than 12 months,

but only for a period not exceeding nine months.

Persons required to attend court

19. A person who is required to attend court as a justice of the peace, a party to any proceedings, a witness or a juror.

Persons affected by a trade dispute

20. A person to whom section 126 of the Contributions and Benefits Act⁽⁴¹⁾ (trade disputes) applies or in respect of whom section 124(1) of that Act (conditions of entitlement to income support) has effect as modified by section 127(b) of that Act (effect of return to work).

Persons from abroad

21. A person to whom regulation 70(3) (applicable amount of certain persons from abroad) applies.

Persons in custody

22. A person remanded in, or committed in, custody for trial or for sentencing.

Member of couple looking after children while other member temporarily abroad

23. A person who is a member of a couple and who is treated as responsible for a child who is a member of his household where the other member of that couple is temporarily not present in the United Kingdom.

Persons appealing against a decision that they are not incapable of work

24. A person—

⁽³⁹⁾ Cmnd. 9171.

⁽⁴⁰⁾ Cmnd. 3906.

⁽⁴¹⁾ Sections 126 and 127 are amended by the Jobseekers Act 1995, Schedule 2 paragraph 31.

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- (a) in respect of whom it has been determined for the purposes of section 171B of the Contributions and Benefits Act(42) (the own occupation test) that he is not incapable of work; and
- (b) whose medical practitioner continues to supply evidence of his incapacity for work in accordance with regulation 2 of the Social Security (Medical Evidence) Regulations 1976(43) (evidence of incapacity for work); and
- (c) who has made and is pursuing an appeal against the determination that he is not so incapable,

but only for the period prior to the determination of his appeal.

25. A person—

- (a) in respect of whom it has been determined for the purposes of section 171C of the Contributions and Benefits Act (the all work test) that he is not incapable of work; and
- (b) who has made and is pursuing an appeal against the determination that he is not so incapable,

but only for the period prior to the determination of his appeal.

26. A person who on 6th October 1996 was not required to be available for employment by virtue of regulation 8(2) (persons appealing against decisions that they are not incapable of work) as modified by the savings provision in regulation 20(1) or (3) of the Disability Working Allowance and Income Support (General) Amendment Regulations 1995(44), but only for the period prior to the determination of his appeal.

27. A person who on 6th October 1996 was not required to register for employment by virtue of regulation 11(2) (persons appealing against decisions that they are not incapable of work) as modified by the savings provision in regulation 20(2) or (3) of the Disability Working Allowance and Income Support (General) Amendment Regulations 1995(44), but only for the period prior to the determination of his appeal.

28. A person who is engaged in training, and for this purpose “training” means training for which persons aged under 18 are eligible and for which persons aged 18 to 24 may be eligible provided in England and Wales, directly or indirectly by a Training and Enterprise Council pursuant to its arrangement with the Secretary of State (whether that arrangement is known as an Operating Agreement or by any other name) and, in Scotland, directly or indirectly by a Local Enterprise Company pursuant to its arrangement with, as the case may be, Scottish Enterprise or Highlands and Islands Enterprise (whether that arrangement is known as an Operating Contract or by any other name).”

SCHEDULE 2

Regulation 23

Amendment of Schedule 2 to the principal Regulations

1. Schedule 2 to the principal Regulations shall be amended in accordance with the following provisions of this Schedule.

2. In column (1) of paragraph 1 in sub-paragraphs (1) and (2) for head (b) there shall be substituted the following head—

(42) Sections 171A to 171C were inserted by section 5 of the Social Security (Incapacity for Work) Act 1994 (c. 18).

(43) S.I. 1976/615; relevant amending instruments are S.I. 1982/699, 1987/409, 1992/247, 1994/2975 and 1995/987.

(44) S.I. 1995/482.

(44) S.I. 1995/482.

“(b) less than 18 who falls within any of the circumstances specified in paragraph 1A;”.

3. In paragraph 1 for sub-paragraph (3) there shall be substituted the following sub-paragraph—

“(3) Couple—	(a)	(3)	£57.20
(a) where both members are aged less than 18 and—			
(i) at least one of them is treated as responsible for a child; or			
(ii) had they not been members of a couple,, each would have qualified for income support under regulation 4ZA; or			
(iii) the claimant’s partner satisfies the requirements of section 3(1)(f)(iii) of the Jobseekers Act 1995 (prescribed circumstances for persons aged 16 but less than 18); or			
(iv) there is in force in respect of the claimant’s partner a direction under section 16 of the Jobseekers Act 1995 (persons under 18: severe hardship);			
(b) where both members are aged less than 18 and head (a) does not apply but one member of the couple falls within any of the circumstances specified in paragraph 1A;	(b)		£37.90
(c) where both members are aged less than 18 and heads (a) and (b) do not apply;	(c)		£28.85
(d) where both members are aged not less than 18;	(d)		£75.20
(e) where one member is aged not less than 18 and the other member is a person under 18 who—	(e)		£75.20
(i) qualifies for income support under regulation 4ZA,, or who would so qualify if he were not a member of a couple; or			
(ii) satisfies the requirements of section 3(1)(f)(iii) of the Jobseekers Act 1995 (prescribed circumstances for persons aged 16 but less than 18); or			

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- (iii) is the subject of a direction under section 16 of the Jobseekers Act 1995 (persons under 18: severe hardship);
- (f) where the claimant is aged not less than 18 but less than 25 and his partner is a person under 18 who—
 - (i) would not qualify for income support under regulation 4ZA if he were not a member of a couple; and
 - (ii) does not satisfy the requirements of section 3(1)(f)(iii) of the Jobseekers Act 1995 (prescribed circumstances for persons aged 16 but less than 18); and
 - (iii) is not the subject of a direction under section 16 of the Jobseekers Act 1995 (persons under 18: severe hardship);
- (g) where the claimant is aged not less than 25 and his partner is a person under 18 who—
 - (i) would not qualify for income support under regulation 4ZA if he were not a member of a couple; and
 - (ii) does not satisfy the requirements of section 3(1)(f)(ii) of the Jobseekers Act 1995 (prescribed circumstances for persons aged 16 but less than 18); and
 - (iii) is not the subject of a direction under section 16 of the Jobseekers Act 1995 (persons under 18: severe hardship)..

4. After paragraph 1 of Schedule 2 to the principal Regulations there shall be inserted the following paragraph—

- “1A.—(1) The circumstances referred to in paragraph 1 are that—
- (a) the person has no parents nor any person acting in the place of his parents;
 - (b) the person—
 - (i) is not living with his parents nor any person acting in the place of his parents;
 - and

- (ii) in England and Wales, was being looked after by a local authority pursuant to a relevant enactment who placed him with some person other than a close relative of his; or in Scotland, was in the care of a local authority under a relevant enactment and whilst in that care was not living with his parents or any close relative, or was in custody in any institution to which the Prison Act 1952⁽⁴⁵⁾ or the Prisons (Scotland) Act 1989⁽⁴⁶⁾ applied immediately before he attained the age of 16;
 - (c) the person is in accommodation which is other than his parental home, and which is other than the home of a person acting in the place of his parents, who entered that accommodation—
 - (i) as part of a programme of rehabilitation or resettlement, that programme being under the supervision of the probation service or a local authority; or
 - (ii) in order to avoid physical or sexual abuse; or
 - (iii) because of a mental or physical handicap or illness and needs such accommodation because of his handicap or illness;
 - (d) the person is living away from his parents and any person who is acting in the place of his parents in a case where his parents are or, as the case may be, that person is, unable financially to support him and his parents are, or that person is—
 - (i) chronically sick or mentally or physically disabled; or
 - (ii) detained in custody pending trial or sentence upon conviction or under sentence imposed by a court; or
 - (iii) prohibited from entering or re-entering Great Britain; or
 - (e) the person of necessity has to live away from his parents and any person acting in the place of his parents because—
 - (i) he is estranged from his parents and that person; or
 - (ii) he is in physical or moral danger; or
 - (iii) there is a serious risk to his physical or mental health.
- (2) In this paragraph—
- (a) “chronically sick or mentally or physically disabled” has the same meaning it has in regulation 13(3)(b) (circumstances in which persons in relevant education are to be entitled to income support);
 - (b) in England and Wales, any reference to a person acting in place of a person’s parents includes a reference to—
 - (i) where the person is being looked after by a local authority or voluntary organisation who place him with a family, a relative of his, or some other suitable person, the person with whom the person is placed, whether or not any payment is made to him in connection with the placement; or
 - (ii) in any other case, any person with parental responsibility for the child, and for this purpose “parental responsibility” has the meaning it has in the Children Act 1989⁽⁴⁷⁾ by virtue of section 3 of that Act;
 - (c) in Scotland, any reference to a person acting in place of a person’s parents includes a reference to a local authority or voluntary organisation where the person is in their care under a relevant enactment, or to a person with whom the person is

⁽⁴⁵⁾ 1952 c. 52.

⁽⁴⁶⁾ 1989 c. 45.

⁽⁴⁷⁾ 1989 c. 41.

Status: This is the original version (as it was originally made).

boarded out by a local authority or voluntary organisation whether or not any payment is made by them.”.

SCHEDULE 3

Regulation 28

REVOCATIONS

Column (1) Statutory Instrument Number	Column (2) Statutory Instrument	Column (3) Provision revoked
1987/1967	The Income Support (General) Regulations 1987	Regulations 7,, 8,, 9,, 10,, 10A,, 11,, 13A,, 21A and 22,, and Schedules 1 and 1A.
1988/663	The Income Support (General) Amendment Regulations 1988	Regulations 6,, 7,, 11 and 28.
1988/1228	The Income Support (General) Amendment No.3 Regulations 1988	Regulations 2(a),, 4,, 7,, 8 and the Schedule.
1988/1445	The Income Support (General) Amendment No.4 Regulations 1988	Regulation 18.
1988/2022	The Income Support (General) Amendment No.5 Regulations 1988	Regulation 16.
1989/534	The Income Support (General) Amendment Regulations 1989	Paragraph 6 of Schedule 1.
1989/1034	The Family Credit and Income Support (General) Amendment Regulations 1989	Regulations 6 and 10.
1989/1323	The Income Support (General) Amendment No.2 Regulations 1989	Regulations 4,, 5,, 6 and 7.
1990/547	The Income Support (General) Amendment Regulations 1990	Regulations 9,, 15 and 16.
1990/1549	The Social Security Benefits (Student Loans and Miscellaneous Amendments) Regulations 1990	Regulation 5(3) and (8).
1990/1657	The Income-Related Benefits Amendment Regulations 1990	Regulation 5(2) and (3).
1990/2324	The Income Support (General and Transitional) Amendment Regulations 1990	Regulation 3.
1991/236	The Income Support (General) Amendment Regulations 1991	Regulation 2(1)(b),(c) and (d),, (3),, and (4) in so far

Column (1) Statutory Instrument Number	Column (2) Statutory Instrument	Column (3) Provision revoked
		as it relates to regulations 9 and 13A of the principal Regulations; regulations 3,, 4,, 6,, 8,, 10 and 11.
1991/387	The Enterprise (Scotland) Consequential Amendments Order 1991	Article 9(b),, and in the Schedule,, entry (a) in column (3) opposite the entry relating to the principal Regulations in column (1).
1991/1559	The Income Support (General) Amendment No.4 Regulations 1991	Regulations 13 and 14.
1991/2742	The Disability Living Allowance and Disability Working Allowance (Consequential Provisions) Regulations 1991	Regulation 11(3).
1992/468	The Income Support (General) Amendment Regulations 1992	Regulation 3(2) and paragraphs 6 and 7 of the Schedule.
1992/2804	The Income Support (General) Amendment (No.3) Regulations 1992	The whole Regulations.
1993/315	The Income-related Benefits Schemes (Miscellaneous Amendments) Regulations 1993	Regulation 5.
1994/527	The Income-related Benefits Schemes (Miscellaneous Amendments) Regulations 1994	Regulation 7.
1995/482	The Disability Working Allowance and Income Support (General) Amendment Regulations 1995	Regulations 6,, 7,, 8,, 9,, 14 and 15.
1995/2303	The Income-related Benefits Schemes and Social Security Claims and Payments (Miscellaneous Amendments) Regulations 1995	Regulation 6(7).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Income Support (General) Regulations 1987 ([S.I.1987/1967](#)) (“the income support regulations”). The amendments are consequential on the coming into force of the Jobseekers Act 1995, which replaces income support for the unemployed and unemployment benefit with jobseeker’s allowance.

Jobseeker’s allowance is the new social security benefit for people who are required to be available for and actively seek employment. It is no longer a condition of entitlement to income support that a claimant is available for and actively seeking employment; instead there is a list of the categories of person who are eligible to claim income support (regulations 4 and 22 and Schedule 1, which insert the new regulation 4ZA and Schedule 1B into the income support regulations).

All the regulations relating to availability for and actively seeking employment are revoked (regulation 28 and Schedule 3), including regulation 22 of the income support regulations which reduces applicable amounts for claimants who have been disqualified for unemployment benefit or who are appealing against decisions that they are not incapable of work. The latter reduction is however continued in a new regulation (regulation 13, which adds regulation 22A to the income support regulations).

The special entitlement and registration rules for claimants aged 16 or 17 are also revoked; however special applicable amounts for this age group continue (regulation 23 and Schedule 2).

There is special provision for claimants who may be entitled alternately to income support or jobseeker’s allowance, so that entitlement to an income-based jobseeker’s allowance may count towards satisfaction of any condition where a claimant is required to have been entitled to income support for a certain period of time (regulation 32).

The remainder of these regulations contain various minor consequential amendments and transitional provisions.

These Regulations are made pursuant to section 40 of the Jobseekers Act 1995 and section 124(1) (e) of the Social Security Contributions and Benefits Act 1992 and are made before the end of the period of six months beginning with the date those provisions came into force. Accordingly they are exempted by section 173(5)(a) of the Social Security Administration Act 1992 from reference to the Social Security Advisory Committee and have not been so referred.

These Regulations do not impose a charge on businesses.