

SCHEDULE 1

Regulation 2

AMENDMENTS TO THE INCOME SUPPORT REGULATIONS

1. In regulation 2A ^{M1} (disapplication of section 1(1A) of the Administration Act) paragraph (a) shall be omitted.

Commencement Information

I1 [Sch. 1 para. 1](#) coming into force and having effect in accordance with {reg. 1(1)-(4)}

Marginal Citations

M1 The relevant amending instrument is [S.I. 1997/2676](#).

2. In regulation 17(1) ^{M2} (applicable amounts)–

- (a) paragraphs (b) (amount in respect of children or young persons) and (c) (family premium) shall be omitted; and
- (b) in paragraph (bb) for the words “or where the claimant is a member of a family, an amount in respect of any member of the family aged 16 or over” there shall be substituted the words “ or, if he is a member of a couple, an amount in respect of both of them ”.

Commencement Information

I2 [Sch. 1 para. 2](#) coming into force and having effect in accordance with {reg. 1(1)-(4)}

Marginal Citations

M2 The relevant amending instruments are [S.I. 1992/3147](#), 1993/2119 and 1996/206.

3. In regulation 18 ^{M3} (polygamous marriages)–

- (a) paragraphs (1)(c) (amount in respect of children or young persons) and (1)(d) (family premiums) shall be omitted; and
- (b) in paragraph (1)(cc) for the words “any member of his household aged 16 or over” there shall be substituted the words “ any partner of the polygamous marriage ”.

Commencement Information

I3 [Sch. 1 para. 3](#) coming into force and having effect in accordance with {reg. 1(1)-(4)}

Marginal Citations

M3 The relevant amending instruments are [S.I. 1988/1228](#), 1992/3147, 1993/2119, 1996/206 and 2001/3767.

4. In regulation 21(1) ^{M4} (special cases)–

- (a) in paragraph (1) the words from “but no amount shall” to the end of that paragraph shall be omitted, and
- (b) in paragraph (2) omit “,3”.

Commencement Information

I4 [Sch. 1 para. 4](#) coming into force and having effect in accordance with {reg. 1(1)-(4)}

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Changes to legislation: There are currently no known outstanding effects for the The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003, SCHEDULE 1. (See end of Document for details)

Marginal Citations

M4 The relevant amending instruments are [S.I. 1994/527](#), 1996/206, 1996/2431, 2000/636 and 2001/3767.

5. In regulation 21ZB(3) ^{M5} (treatment of refugees) for the word “dependants” there shall be substituted the word “partner”.

Commencement Information

I5 [Sch. 1 para. 5](#) coming into force and having effect in accordance with {reg. 1(1)-(4)}

Marginal Citations

M5 The relevant amending instrument is [S.I. 2000/636](#).

6. In regulation 23 ^{M6} (calculation of income and capital of members of claimant’s family and of a polygamous marriage)–

- (a) in paragraph (1)–
 - (i) for the words from “Subject” to “of the Act” there shall be substituted the words “Subject to paragraph (4), the income and capital of a claimant’s partner which by virtue of section 136(1) of the Contributions and Benefits Act”, and
 - (ii) the words “or that child or young person” shall be omitted;
- (b) for paragraph (2) there shall be substituted the following paragraph–

“(2) Subject to the following provisions of this Part, the income paid to, or in respect of, and capital of, a child or young person who is a member of the claimant’s family shall not be treated as the income or capital of the claimant.”;
- (c) in paragraph (3)(a) the words “and the income of any child or young person who is one of that member’s family” shall be omitted;
- (d) in paragraph (3)(b) the words “or, as the case may be, the income of that child or young person” and words after “for the claimant” to the end of that paragraph shall be omitted.

Commencement Information

I6 [Sch. 1 para. 6](#) coming into force and having effect in accordance with {reg. 1(1)-(4)}

Marginal Citations

M6 The relevant amending instrument is [S.I. 1988/1228](#).

7. In regulation 25 (liable relative payments) for “44” there shall be substituted “42”.

Commencement Information

I7 [Sch. 1 para. 7](#) coming into force and having effect in accordance with {reg. 1(1)-(4)}

8. In regulation 40 ^{M7} (calculation of income other than earnings)–

- (a) in paragraph (1) for the words after “income under” to the end of that paragraph there shall be substituted the words “regulation 41 (capital treated as income)”;
- (b) in paragraph (4)(b) for the word “dependants” there shall be substituted the word “partner”.

Commencement Information

I8 Sch. 1 para. 8 coming into force and having effect in accordance with {reg. 1(1)-(4)}

Marginal Citations

M7 The relevant amending instruments are [S.I. 1988/2022](#), 1998/563 and 2000/636.

9. Regulation 41(3) ^{M8} (capital treated as income) shall be omitted.

Commencement Information

I9 Sch. 1 para. 9 coming into force and having effect in accordance with {reg. 1(1)-(4)}

Marginal Citations

M8 The relevant amending instruments are [S.I. 1988/663](#), 1989/1034 and 2001/3070.

10. In regulation 42 ^{M9} (notional income)–

- (a) paragraph (2)(d) shall be omitted;
- (b) in paragraph (2) (e) for the words “working families’ tax credit” there shall be substituted the words “ working tax credit ”;
- (c) in paragraph (2)(f) for the words “disabled person’s tax credit” there shall be substituted the words “ child tax credit ”;
- (d) paragraph (2D) shall be omitted;
- (e) in paragraph (4)(a)–
 - (i) for the words “in respect of a member of the family” there shall be substituted the words “ his partner ”;
 - (ii) in head (i) for the words “or by that member, if it is paid to any member of that family” there shall be substituted the words “ or by his partner, if it is paid to his partner ”;
 - (iii) in head (ia) for the words “that member” there shall be substituted the words “ the claimant’s partner ”;
 - (iv) in head (ii) for the words “or by that member” there shall be substituted the words “ or his partner ”, for the words “of any member of that family” there shall be substituted the words “ of his partner ” and for the words “member is liable” there shall be substituted the words “ partner is liable ”;
- (f) for paragraph (4)(b) there shall be substituted the following–
 - “(b) to a single claimant or his partner in respect of a third party (but not in respect of another member of his family) shall be treated as possessed by that single claimant or, as the case may be, his partner, to the extent that it is kept or used by him or used by or on behalf of his partner;”;
- (g) in paragraph (4ZA)(d)(iii) for the words “any member of his family” there shall be substituted “ his partner (if any) ”;
- (h) in paragraph (4A) for the words after “the cost of maintaining the claimant” to the end of that paragraph there shall be substituted the words “ or his partner in that home shall be treated as possessed by the claimant or his partner ”.

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Changes to legislation: There are currently no known outstanding effects for the *The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003, SCHEDULE 1.* (See end of Document for details)

Commencement Information

I10 Sch. 1 para. 10 coming into force and having effect in accordance with {reg. 1(1)-(5)(a)}

Marginal Citations

M9 The relevant amending instruments are [S.I. 1988/1445](#), 1991/1559, 1992/468, 1993/315, 1994/527, 1995/2792, 1995/3282, 1996/1803, 1998/2117, 1999/2566, 1999/2640 and 2002/841.

11. Regulation 44^{M10} (modifications in respect of children and young persons) and regulation 47 (disregard of capital of child or young person) shall be omitted.

Commencement Information

I11 Sch. 1 para. 11 coming into force and having effect in accordance with {reg. 1(1)-(4)}

Marginal Citations

M10 The relevant amending instruments are [S.I. 1988/663](#), 1993/2119, 1999/3178 and 2000/2629.

12. In regulation 48^{M11} (income treated as capital)–

- (a) paragraphs (8), (8A) and (10)(b) shall be omitted, and
- (b) in paragraph (10)(a) for the words “or to a member of the family” there shall be substituted the words “or to the partner”.

Commencement Information

I12 Sch. 1 para. 12 coming into force and having effect in accordance with {reg. 1(1)-(4)}

Marginal Citations

M11 The relevant amending instruments are [S.I. 1988/2022](#) and 1998/563.

13. In regulation 51^{M12} (notional capital)–

- (a) in paragraph (3)(a)–
 - (i) for the words “in respect of a member of the family” there shall be substituted the words “his partner”;
 - (ii) in head (i) for the words “or by that member if it is paid to any member of the family” there shall be substituted the words “or by his partner, if it is paid to his partner”;
 - (iii) in head (ia) for the words “that member” there shall be substituted the words “the claimant’s partner”;
 - (iv) in head (ii) for the words “or by that member” there shall be substituted the words “or his partner”, for the words “of any member of that family” there shall be substituted the words “of his partner” and for the words “member is liable” there shall be substituted the words “partner is liable”;
- (b) for paragraph (3)(b) there shall be substituted the following–
 - “(b) to a single claimant or his partner in respect of a third party (but not in respect of another member of his family) shall be treated as possessed by that single claimant or, as the case may be, his partner, to the extent that it is kept or used by him or used by or on behalf of his partner.”;

- (c) in paragraph (3A)(c)(iii) for the words “any member of his family” there shall be substituted “his partner (if any)”.

Commencement Information

I13 [Sch. 1 para. 13](#) coming into force and having effect in accordance with {reg. 1(1)-(4)}

Marginal Citations

M12 The relevant amending instruments are [S.I. 1988/1445](#), 1989/534, 1991/1559, 1993/315, 1997/65, 1998/2117, 1999/1640, 1999/2640, 2001/3767 and 2002/841.

14. In regulation 54 ^{M13} (liable relatives interpretation) in the definition of “payment” paragraph (d) shall be omitted.

Commencement Information

I14 [Sch. 1 para. 14](#) coming into force and having effect in accordance with {reg. 1(1)-(4)}

Marginal Citations

M13 The relevant amending instrument is [S.I. 1988/663](#).

15. In regulation 57 ^{M14} (period over which payments other than periodical payments are to be taken into account)–

- (a) in paragraph (1) for “by–
(a) where the payment is in respect of the claimant or the claimant and any child or young person who is a member of the family, the aggregate”
there shall be substituted the words “by the aggregate”;
- (b) in paragraph (2) the words “(a) in a case where the periodical payment is in respect of the claimant or the claimant and any child or young person who is a member of the family,” shall be omitted and for the words “referred to in sub-paragraph (a) or (b), as the case may be,” there shall be substituted the words “as calculated under this paragraph”;
- (c) paragraph (1)(b) and (2)(b) and the word “or;” after paragraph (2)(a) shall be omitted, and
- (d) in paragraph (3)(a) and (b) the words “sub-paragraph (a) or (b) of” and in paragraph (3) (a) the words “as the case may be” shall be omitted.

Commencement Information

I15 [Sch. 1 para. 15](#) coming into force and having effect in accordance with {reg. 1(1)-(4)}

Marginal Citations

M14 The relevant amending instruments are [S.I. 1990/1776](#), 1996/1803, 2000/2629, 2002/2497 and 2002/2207.

16. In regulation 62 ^{M15} (calculation of grant income)–

- (a) after paragraph (2)(h) there shall be added the following sub-paragraph–
“(i) intended for the maintenance or child care costs of a child dependant.”;
- (b) for paragraph (2B) there shall be substituted the following paragraph–

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“(2B) There shall also be excluded from a student’s grant income any grant of £510 in respect of expenditure on travel, books and equipment which is payable under regulation 15(8) of the Education (Student Support) Regulations 2002.”;

- (c) in paragraph (3) before the word “dependants” there shall be inserted the word “ adult ” and the words “or intended for an older student under Part IV of that Schedule” shall be omitted;
- (d) in paragraph (3A) for the word “dependants” in both places where it occurs there shall be substituted the words “ an adult dependant ”^{F1}and the words “or for an older student” shall be omitted], and
- (e) in paragraph (3B) for the word “dependants” there shall be substituted the words “ an adult dependant ”.

Textual Amendments

F1 Words in [Sch. 1 para. 16\(d\)](#) added (8.8.2003) by [Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) \(No.3\) Regulations 2003 \(S.I. 2003/1731\)](#), regs. 1(1), **6(4)(a)**

Commencement Information

I16 [Sch. 1 para. 16](#) coming into force and having effect in accordance with {reg. 1(1)-(4)}

Marginal Citations

M15 The relevant amending instruments are [S.I. 1988/663](#), 2000/1922, 2001/2319 and 2002/1589.

17. In regulation 66B(3)^{M16} (treatment of payments from access funds) and in regulation 68(3) (income treated as capital)–

- (a) for the words “any other member of his family” there shall be substituted the words “ his partner ”, and
- (b) for the words “member is liable” there shall be substituted the words “ partner is liable ”.

Commencement Information

I17 [Sch. 1 para. 17](#) coming into force and having effect in accordance with {reg. 1(1)-(4)}

Marginal Citations

M16 The relevant amending instruments are [S.I. 2000/1922](#) and 2001/3767.

18. In regulation 71(1)^{M17} (applicable amounts in urgent cases)–

- (a) sub-paragraphs (a)(ii), (c)(ii) and (d)(i) shall be omitted, and
- (b) in sub-paragraphs (a)(iii) and (d)(ii) “II or” shall be omitted.

Commencement Information

I18 [Sch. 1 para. 18](#) coming into force and having effect in accordance with {reg. 1(1)-(4)}

Marginal Citations

M17 The relevant amending instruments are [S.I. 1988/663](#), 1989/1034, 1994/527, 2000/636 and 2001/3767.

19. In Schedule 1B^{M18} (prescribed categories of person)–

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Changes to legislation: There are currently no known outstanding effects for the The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003, SCHEDULE 1. (See end of Document for details)

- (a) in paragraphs 14A(1)(c) (parental leave) and 14B(2)(b) (paternity leave) after the words “working families’ tax credit, disabled person’s tax credit” there shall be inserted the words “ working tax credit, child tax credit payable at a rate higher than the family element, ”, and
- (b) in paragraph 14A(2) and 14B(3) at the end there shall be added the words “and “family element” means in a case where any child in respect of whom child tax credit is payable is under the age of one year, the amount specified in regulation 7(3)(a) of the Child Tax Credit Regulations 2002 ^{M19} or in any other case, the amount specified in regulation 7(3) (b) of those Regulations”.

Marginal Citations

M18 The relevant amending instruments are [S.I. 1996/206](#), 1999/3329 and 2002/2689.

M19 [S.I. 2002/2007](#).

20. In Schedule 2 ^{M20} (applicable amounts)–

- (a) paragraphs 2 (amounts for child or young person), 3 (family premium), 6(1)(c) (premiums) and 14 (disabled child premium) shall be omitted;
- (b) in paragraph 12(1)(a)(i) (additional condition for the higher pensioner and disability premium) for the words “disabled person’s tax credit” there shall be substituted the words “ the disability element or the severe disability element of working tax credit as specified in regulation 20(1)(b) and (f) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 ^{M21} ”
- (c) in paragraph 13A (enhanced disability premium)–
 - (i) in sub-paragraph (1)(b) for the words “a member of the claimant’s family” there shall be substituted the words “ the claimant’s partner (if any) ”; and
 - (ii) sub-paragraph (2)(a) shall be omitted, and
- (d) in paragraph 15 (weekly amounts of premiums specified in Part III) sub-paragraphs (6) (disabled child premium) in Columns (1) and (2) and (8)(a) (enhanced disability premium) in Column (2) shall be omitted.

Commencement Information

I19 [Sch. 1 para. 20](#) coming into force and having effect in accordance with {reg. 1(1)-(5)(a)}

Marginal Citations

M20 The relevant amending instruments are [S.I. 1988/663](#), 1988/1445, 1991/2742, 1993/2119, 1994/2139, 1995/482, 1995/516, 1996/2545, 1997/1790, 1998/766, 1999/2555, 1999/2566, 2000/2629 and 2002/668.

M21 [S.I. 2002/2005](#).

21. In Schedule 7 ^{M22} (applicable amounts in special cases)–

- F2(a)
- F2(b)
- F2(c)
- F3(d)
- F4(e)

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F4(f)

F4(g)

F4(h)

(i) for paragraph 16A(a) and (b) in Column (2) there shall be substituted—

“16A.

- (a) The amount applicable in respect of the claimant only under regulation 17(1)(a), any amount which may be applicable to him under regulation 17(1)(d) plus the amount applicable to him under regulation 17(1)(e), (f) and (g) or, as the case may be, regulation 21.
- (b) The amount determined in accordance with that regulation or regulation 21 in respect of the claimant and any partners of his who are not subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act and to whom section 115 of that Act does not apply for the purposes of exclusion from entitlement to income support.”

Textual Amendments

- F2** Sch. 1 para. 21(a)(c) revoked (10.4.2006 for certain purposes) by [Social Security \(Hospital In-Patients\) Regulations 2005 \(S.I. 2005/3360\)](#), reg. 1(e), [Sch.](#)
- F3** Sch. 1 para. 21(d) omitted (8.4.2007) by virtue of [Social Security \(Miscellaneous Amendments\) Regulations 2007 \(S.I. 2007/719\)](#), regs. 1(3), [5\(2\)](#)
- F4** Sch. 1 para. 21(e)(f) (g) (h) repealed (8.8.2003) by virtue of [Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) \(No.3\) Regulations 2003 \(S.I. 2003/1731\)](#), regs. 1(1), [6\(4\)\(b\)](#)

Commencement Information

I20 Sch. 1 para. 21 coming into force and having effect in accordance with {reg. 1(1)-(4)}

Marginal Citations

M22 The relevant amending instruments are [S.I. 1988/2022](#), 1989/1678, 1995/516, 1996/1803, 2000/636, 2001/3767 and 2002/668.

22. In Schedule 8 ^{M23} (sums to be disregarded in the calculation of earnings)—

- (a) in paragraph 14 the words “except earnings to which paragraph 15 applies” shall be omitted, and
- (b) paragraph 15 shall be omitted.

Commencement Information

I21 [Sch. 1 para. 22](#) coming into force and having effect in accordance with {reg. 1(1)-(4)}

Marginal Citations

M23 The relevant amending instruments are [S.I. 1992/468](#), 2000/2545 and 2001/3767.

23. In Schedule 9 ^{M24} (sums to be disregarded in the calculation of income other than earnings)—

- (a) after paragraph 5 there shall be inserted the following paragraph—

“5A. Any guardian’s allowance.”;

(b) after paragraph 5A there shall be inserted the following paragraph–

“**5B.** –

(1) Any child tax credit.

(2) Any child benefit.”;

(c) in sub-paragraph (1) of paragraph 25 the words “to the extent specified in sub-paragraph (2)” shall be omitted and sub-paragraph (2) of that paragraph shall be omitted,

(d) after paragraph 25, there shall be inserted the following paragraph–

“**25A.** In the case of a claimant who has a child or young person–

(a) who is a member of his family, and

(b) who is residing at an educational establishment at which he is receiving relevant education,

any payment made to that educational establishment, in respect of that child or young person’s maintenance by or on behalf of a person who is not a member of the family or by a member of the family out of funds contributed for that purpose by a person who is not a member of the family.”, and

(e) in paragraph 70, for the words “any working families’ tax credit or disabled person’s tax credit to which section 128 or as the case may be 129 of the Contributions and Benefits Act refers” there shall be substituted the words “ any working tax credit ”.

Commencement Information

I22 [Sch. 1 para. 23](#) coming into force and having effect in accordance with {reg. 1(1)-(5)(a)}

Marginal Citations

M24 The relevant amending instrument is [S.I. 2002/2402](#).

24. In Schedule 10 ^{M25} (capital to be disregarded)–

(a) in paragraph 7(b) after the words “family income supplement under the Family Income Supplements Act 1970” there shall be inserted the words “ ,working families’ tax credit under section 128 of the Contributions and Benefits Act, disabled person’s tax credit under section 129 of that Act, child tax credit, working tax credit, ”, and

(b) in paragraph 20, the words “, 44(1)” and the words “, modifications in respect of children and young persons” shall be omitted.

Commencement Information

I23 [Sch. 1 para. 24](#) coming into force and having effect in accordance with {reg. 1(1)-(5)(a)}

Marginal Citations

M25 the relevant amending instruments are [S.I. 1990/1549](#), [1996/206](#) and [2002/2380](#).

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