

SCHEDULE 1

Regulation 2

AMENDMENTS TO THE INCOME SUPPORT REGULATIONS

1. In regulation 2A(1) (disapplication of section 1(1A) of the Administration Act) paragraph (a) shall be omitted.
2. In regulation 17(1)(2) (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”.
3. In regulation 18(3) (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”.
4. In regulation 21(1)(4) (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”.
5. In regulation 21ZB(3)(5) (treatment of refugees) for the word “dependants” there shall be substituted the word “partner”.
6. In regulation 23(6) (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.
7. In regulation 25 (liable relative payments) for “44” there shall be substituted “42”.

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

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

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

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

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

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

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8. In regulation 40(7) (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”.
9. Regulation 41(3)(8) (capital treated as income) shall be omitted.
10. In regulation 42(9) (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”.
11. Regulation 44(10) (modifications in respect of children and young persons) and regulation 47 (disregard of capital of child or young person) shall be omitted.
12. In regulation 48(11) (income treated as capital)–
 - (a) paragraphs (8), (8A) and (10)(b) shall be omitted, and

(7) The relevant amending instruments are S.I. 1988/2022, 1998/563 and 2000/636.

(8) The relevant amending instruments are S.I. 1988/663, 1989/1034 and 2001/3070.

(9) 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.

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

(11) The relevant amending instruments are S.I. 1988/2022 and 1998/563.

- (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”.

13. In regulation 51(12) (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)”.

14. In regulation 54(13) (liable relatives interpretation) in the definition of “payment” paragraph (d) shall be omitted.

15. In regulation 57(14) (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.

16. In regulation 62(15) (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.”;

(12) 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.

(13) The relevant amending instrument is S.I. 1988/663.

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

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

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- (b) for paragraph (2B) there shall be substituted the following paragraph—
- “(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”, and
- (e) in paragraph (3B) for the word “dependants” there shall be substituted the words “an adult dependant”.
- 17.** In regulation 66B(3)(**16**) (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”.
- 18.** In regulation 71(1)(**17**) (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.
- 19.** In Schedule 1B(**18**) (prescribed categories of person)—
- (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(**19**) or in any other case, the amount specified in regulation 7(3)(b) of those Regulations”.
- 20.** In Schedule 2(**20**) (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(**21**)”
- (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

(16) The relevant amending instruments are S.I. 2000/1922 and 2001/3767.

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

(18) The relevant amending instruments are S.I. 1996/206, 1999/3329 and 2002/2689.

(19) S.I. 2002/2007.

(20) 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.

(21) S.I. 2002/2005.

- (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.

21. In Schedule 7(22) (applicable amounts in special cases)–

- (a) in paragraph 1(b) in Column (2) for the words after “any amounts applicable to him under” until the end of that sub-paragraph there shall be substituted the words “regulation 17(1)(e), (f) or (g);”;
- (b) in paragraph 1(c)(ii) in Column (2) for the words after “any amounts which may be applicable under” until the end of that sub-paragraph there shall be substituted the words “regulation 17(1)(e), (f) or (g);”;
- (c) in paragraph 1(d)(ii) in Column (2) for the words from “regulation 18(1)(c)” to “Schedule 2” there shall be substituted the words “regulation 18(1)(f), (g) or (h);”;
- (d) paragraph 3 in Columns (1) and (2) shall be omitted;
- (e) paragraph 10C(a) and the word “and” which follows that sub-paragraph in Column (2) shall be omitted;
- (f) in paragraph 10C(b) in Column (2) for the words from “under regulation” to the end of that sub-paragraph there shall be substituted the words “under regulation 17(1)(e), (f) or (g);”;
- (g) in paragraph 13, sub-paragraph (1)(d) in Columns (1) and (2) shall be omitted;
- (h) in paragraph 13A in Column (2)–
 - (i) in sub-paragraph (1)(a) for the words “or if he is a member of a family, for him and his family” there shall be substituted the words “or if he has a partner, for him and his partner”;
 - (ii) in sub-paragraph (1)(b) for the words “or, if he is a member of a family, for him and for each member of his family” there shall be substituted the words “or, if he has a partner, for him and his partner”;
 - (iii) in sub-paragraph (2)(b) for the words “who is a member of a family” there shall be substituted the words “who has a partner”;
 - (iv) for sub-paragraph (2)(b)(ii) there shall be substituted the following–
 - “(ii) in respect of his partner who lives in the accommodation £390.00”, and
 - (v) sub-paragraphs (2)(b)(iii) and (iv), (3)(e) and (f) and (4) shall be omitted, and
- (i) for paragraph 16A(a) and (b) in Column (2) there shall be substituted–
 - (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.”.

22. In Schedule 8(23) (sums to be disregarded in the calculation of earnings)–

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

(23) The relevant amending instruments are S.I. 1992/468, 2000/2545 and 2001/3767.

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- (a) in paragraph 14 the words “except earnings to which paragraph 15 applies” shall be omitted, and
 - (b) paragraph 15 shall be omitted.
- 23.** In Schedule 9(**24**) (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”.
- 24.** In Schedule 10(**25**) (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.

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

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