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SCHEDULE

PART II

CALCULATION OF REQUIREMENTS

4. The provisions of the Income Support (General) Regulations 1987 specified in column (1) of Table B in this Schedule shall be applied—

- (a) in accordance with the modifications specified in the corresponding entries in column (2); and
- (b) as if the Social Security (Income Support and Claims and Payments) Amendment Regulations 1995(1) and the Income Support (General) Amendment and Transitional Regulations 1995(2) had not been made.

TABLE B

MODIFICATIONS OF THE INCOME SUPPORT (GENERAL) REGULATIONS 1987 FOR THE PURPOSES OF PART II OF THIS SCHEDULE

<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
Regulation 3	<p>In paragraph (1)(3) omit the words “or with whom a claimant normally resides”.</p> <p>In paragraph (2B)(4) omit the words “subject to paragraph (2C)”.</p> <p>Omit paragraph (2C).</p>
Regulation 17	<p>In paragraph (1)(5) for the words from “18 to 22A” to “urgent cases” substitute “18, 19A and 21”.</p> <p>Omit paragraphs (1)(bb) and (g).</p> <p>In paragraph (1)(e) omit “mortgage interest payments or” and “other”.</p>
Regulation 18	<p>In paragraph (1)(6) for the words from “regulations 21 to 22A” to “urgent cases” substitute “regulations 19A and 21 (special cases)”.</p> <p>Omit paragraph (1)(cc) and (h).</p>

(1) S.I.1995/1613.

(2) S.I. 1995/2287.

(3) Amended by S.I. 1991/2334, regulation 2 and 1994/3061, regulation 2(2).

(4) Inserted by S.I. 1991/2334, regulation 2.

(5) Amended by S.I. 1988/910, regulation 2, 1988/445, Schedule 1, paragraph 11, 1989/534, Schedule 1, paragraph 17, 1992/3147, regulation 2(1), 1996/206, regulation 9 and 2003/455, Schedule 1, paragraph 2.

(6) Amended by S.I. 1988/1228, regulation 5, 1988/1445, regulation 6 and Schedule 1, paragraph 12, 1989/1034, regulation 5, 1989/534, Schedule 1, paragraph 17, 1992/3147, regulation 2(1), 1993/2119, regulation 8, 1996/206, regulation 10 and 2001/3767, regulation 2 and Schedule, Part I, paragraph 4.

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<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
	After Regulation 18 insert–
	“Care Homes
	19A. Where the claimant lives permanently in–
	(a) accommodation provided by a care home service provider or by a local authority under the Social Work (Scotland) Act 1968(7); or
	(b) in accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act 1948(8),
	and he is a resident of such accommodation due to his personal circumstances and not as a carer, then his weekly applicable amount shall be calculated in accordance with Part 1 of Schedule 4A.”.
Regulation 21	In paragraph (1)(9) omit from “Subject to” to “amounts”.
	In paragraph (3)(10) omit “partner of a person subject to immigration control”.
	In paragraph (3) omit the definition of “person from abroad”.
	Omit paragraphs (1B), (2), (3A), (3B), (3C), (3D), (3E), (3F), (4), (4A), (4B) and (5).
Regulations 21ZB and 22A	Omit these regulations
Schedule 2	In column (1) of the Table(11) for subparagraphs (1) to (3) substitute–

(7) 1968 c. 49.

(8) 1948 c. 29.

(9) Amended by S.I. 1991/1033, regulation 2, 1994/527, regulation 3, 1996/206, regulation 12, 1996/2431, regulation 2, 2000/636, regulation 3(4)(a), 2001/3767, regulation 2 and Schedule, Part 1, paragraph 6 and 2003/455, Schedule 1, paragraph 3.

(10) Amended by S.I. 1992/3147, Schedule 1, paragraph 3, 1994/1087, regulation 4(1), 1994/2139, regulation 25, 1995/516, regulation 21, 1996/1944, regulation 6(6), 1996/2006, regulation 4, 1998/563, regulation 8(1) and (2)(c)(i), 1998/563, regulation 18(3) and (4)(c), 2000/636, regulation 3(4)(a) and 2000/979, regulation 2.

(11) Amended by S.I. 1996/206, regulation 23 and Schedule 2 and 2002/668, article 16(4).

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<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
	<p>“(1) Single Person aged not less than 25; (2) Lone Parent; (3) Single Person aged less than 25; (4) Couple”.</p> <p>In column (2) of the Table (amounts) insert—</p> <p>(a) against sub-paragraph (1) of column (1), the amount prescribed in paragraph 1(e) of column (2) in the unmodified Regulations;</p> <p>(b) against sub-paragraph (2) of column (1), the amount prescribed in paragraph 1(e) of column (2) in the unmodified Regulations;</p> <p>(c) against sub-paragraph (3) of column (1), the amount prescribed in paragraph 1(b) of column (2) in the unmodified Regulations; and</p> <p>(d) against sub-paragraph (4) of column (1), the amount prescribed in paragraph 3(d) of column (2) in the unmodified Regulations.</p> <p>Omit paragraphs 1A, 2A, 9, 9A, 10(3), 10(4), 12(1)(c), 12(4), 15(2) and 15(2A).</p> <p>In paragraph 2(1)(12) omit “for the relevant period specified in column (1)”.</p> <p>In paragraph 3(1)(a)(13) omit the words from “to whom” to “(3) apply” and omit paragraphs (2) to (7).</p> <p>For paragraph 10 substitute—</p> <p>“10.—(1) Where the claimant is a single claimant or a lone parent, the condition is that he is aged not less than 60;</p> <p>(2) Where the claimant has a partner, the condition is that he or his partner is aged not less than 60.”.</p> <p>For paragraph 11(b) substitute—</p>

(12) Amended by S.I. 1996/2545, regulation 2, 1999/264, article 18(3) and Schedule 4, 1999/2555, regulation 2(1)(b) and (2) and 2002/668, article 16(3) and Schedule 2.

(13) Amended by 1988/1445, regulation 19, 1996/1803, regulation 39, 1997/2197, regulation 7(5) and (6)(a) and 2002/668, article 16(4).

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<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
Schedule 3	<p>“(b) where the claimant has a partner and both are aged less than 60 and the additional condition specified in paragraph 12 is satisfied by at least one of them.”.</p> <p>In cross heading to paragraph 12, omit “Higher Pensioner”.</p> <p>In paragraph 12(1)(a)(i)(14) for the words “long term incapacity benefit” substitute “incapacity benefit, where the claimant or partner has been in receipt of that benefit for at least 28 weeks,” and omit the words from “but, in the case” to “in respect of him”.</p> <p>In paragraph 12(1)(b)(15) after “the claimant” insert “or, as the case may be, his partner” and for sub-head (ii) substitute–</p> <p style="padding-left: 40px;">“(ii) has been so entitled or so incapable for a continuous period of at least 28 weeks.”.</p> <p>In paragraph 12(6)(16) after “sub-paragraph (1)(a)(i)” delete “or (c) (i)” and for “long-term incapacity benefit” substitute “incapacity benefit, notwithstanding the requirement that the claimant or his partner has been in receipt of that benefit for at least 28 weeks.”.</p> <p>In paragraph 13(2)(a)(ii)(17) and 13(2)(b) (iii)(18) for “normally residing” substitute “residing with him” and delete “or with whom he is normally residing”.</p> <p>In paragraph 1(1)(b) for “paragraphs 15 to 17” substitute “paragraph 17”.</p> <p>For paragraph 1(2) substitute–</p>

(14) Amended by 1991/2742, regulation 11(4), 1994/2139, regulation 30, 1995/482, regulation 16, 1999/2566, regulation 2(2) and Schedule 2, Part II and 2003/455, Schedule 1, paragraph 20.

(15) Amended by S.I. 1995/482, regulation 17 and 1995/2303, regulation 6(8).

(16) Amended by S.I. 1995/482, regulation 16.

(17) Amended by S.I. 1994/3061, regulation 2(3).

(18) Amended by S.I. 1994/3061, regulation 2(3) and 2000/681, regulation 4.

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<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
	<p>“(2) In this Schedule “period of study” has the meaning specified in regulation 61 (Interpretation).”</p> <p>For paragraph 1(3) substitute–</p> <p>“(3) For the purposes of this Schedule a disabled person is a person–</p> <ul style="list-style-type: none">(a) who satisfies a condition specified in paragraph 12(1) (a) or (b) of Schedule 2 and whose capital does not exceed the capital limit; or(b) who is aged 75 or over and whose capital does not exceed the capital limit; or(c) in respect of whom a disabled child premium is included in his applicable amount or the applicable amount of a person living with him.”.<p>For paragraph 2(1)(c) substitute–</p><p>“(c) he in practice shares the housing costs with other members of the household, where no member of that household who is liable to meet those costs is a close relative of the claimant or his partner and it is reasonable in the circumstances that the claimant should be treated as sharing responsibility for those costs.”.</p><p>Omit paragraphs 1A, 2(2), 3(7)-(10) 6-16 and 18(7)(e).</p><p>In paragraph 3(12) for “not exceeding” substitute “is not likely to exceed”.</p><p>For paragraph 4 substitute–</p><p>“4. No amount may be met under the provisions of this Schedule where the claimant is in accommodation which is a care home or accommodation provided by a local authority under sections 21 to 24 and 26 of the National</p>

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<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
	<p>Assistance Act(19) except where he is in such accommodation during a temporary absence from the dwelling he occupies as his home and, in so far as they relate to temporary absences, the provisions of paragraphs 3(11) and (12) apply to him for those absences.”.</p> <p>In paragraph 17–</p> <p>(a) in the cross heading for “Other” substitute “Qualifying”;</p> <p>(b) in sub-paragraph (1) omit head (f) and immediately before head (a) insert–</p> <p style="padding-left: 40px;">“(za) any periodical payment which a person is liable to make by way of rent in respect of a dwelling he occupies as his home;</p> <p style="padding-left: 40px;">(zb) payments of interest and capital–</p> <p style="padding-left: 80px;">(i) of a mortgage or loan secured on the dwelling occupied as the home;</p> <p style="padding-left: 80px;">(ii) under a hire purchase agreement or other loan to buy the dwelling occupied as the home; or</p> <p style="padding-left: 80px;">(iii) in respect of a loan taken out to adapt the dwelling occupied as the home for the special needs of a disabled person;</p> <p style="padding-left: 40px;">(zc) payments in respect of an endowment policy in connection with the purchase of the dwelling occupied as the home;”.</p> <p>(c) In sub-paragraph (2) omit head (c) and for “Subject to” to “amounts”</p>

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	<p>substitute “Subject to sub-paragraphs (3), (3A) and (3B), the deductions to be made from the weekly amounts in respect of the housing costs specified in heads (za) and (a) to (e) of sub-paragraph (1)” and in head (a) omit the words from “unless the claimant” to the end of the head; and</p> <p>(d) After sub-paragraph (3) insert—</p> <p>“(3A) Subject to sub-paragraph (3B), where arrangements are made for the housing costs mentioned in heads (za) and (a) to (e) of sub-paragraph (1) payable in respect of a period of study, to be paid irregularly or so that—</p> <p>(a) no such costs are payable for or collected in the Christmas or Easter vacation within a period of study; or</p> <p>(b) the costs in respect of the Christmas or Easter vacations within a period of study vary from those in the rest of that period of study,</p> <p>the weekly amount shall be the amount payable in respect of a period of study divided by the number of weeks in that period of study.</p> <p>(3B) Where the housing costs, to be calculated in accordance with sub-paragraph (3A), are subject to a deduction in accordance with sub-paragraph (2)(a) or (b), as the case may be, the weekly amount of the deduction shall be the proportion of the deduction calculated in accordance with sub-paragraph (2)(a) or (b), as the number of weeks in the period of study, excluding Christmas and Easter vacations, bears to the number of weeks in the period of study.”.</p>

For paragraph 18(7)(f) substitute—

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<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
Schedule 3B	<p>“(f) to whom paragraph (2B) of regulation 3 (definition of non-dependant) would apply;”.</p> <p>After Schedule 3B insert–</p> <p style="text-align: center;">“Schedule 4A</p> <p style="text-align: center;">Applicable amounts of a person in accommodation within the meaning of Regulation 19A.</p> <p>1.—(1) The applicable amount of a claimant to whom regulation 19A applies shall be the aggregate of–</p> <ul style="list-style-type: none"> (a) subject to paragraphs (2) and Schedule 2, the weekly charge for the accommodation, including all meals and services provided for him or, if he is a member of a family, for him and his family increased, where appropriate, in accordance with paragraph (2); and (b) a weekly amount for personal expenses for him and, if he is a member of a family, for each member of his family determined in accordance with paragraph (2). <p>(2) Except where otherwise provided, no amount shall be included in respect of a child or young person who is a member of the claimant’s family if the capital of that child or young person calculated in accordance with Part V in like manner as for the Claimant would exceed £3,000.</p> <p>2.—(1) The allowance for personal expenses for the claimant and his partner (where appropriate) shall be that set out in Schedule 9 to the Social Security (Claims and</p>

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	Payments) Regulations 1987 (20) at paragraph 4(2)(c). (2) Where the claimant has a dependent child or children residing with him, the personal expenses allowed for each dependant shall be that set out in Schedule 9 to the Social Security (Claims and Payments) Regulations 1987 at paragraph 4(2)(c).”.
Schedule 7	Omit the references in paragraph 1 (21) to sub-paragraph (g) of regulation 17 (1) and sub-paragraph (h) of regulation 18(1). Omit both columns of paragraphs 6, 7, 10A, 10B, 10C, 16A, 17 and 19A. In the first column of paragraph 9(a) for sub-paragraphs (i) and (ii) substitute— “(i) accommodation provided by a care home service provider or by a local authority under the Social Work (Scotland) Act 1968 (22) ; (ii) is in accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act 1948 (23) In the first column of paragraph 9(b) for sub-paragraphs (iii) and (iv) substitute— “(iii) accommodation provided by a care home service provider or by a local authority under the Social Work (Scotland) Act 1968; (iv) is in accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act 1948”. After paragraph 10 insert— “ 10ZA. A claimant who is a lone parent who is temporarily in accommodation provided by a care

(20) S.I. 1987/1968.

(21) Amended by S.I. 1997/2197, regulation 5(7), 2002/668, article 16(7) and Schedule 4 and 2003/455, Schedule 1, paragraph 21.

(22) 1968 c. 49.

(23) 1948 c. 29.

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	<p>home service provider or by a local authority under sections 21 to 24 and 26 of the National Assistance Act 1948.</p> <p>10ZB. Any amount applicable to the claimant under paragraph 1(1) of Schedule 4A, determined as if he were a single claimant plus—</p> <ul style="list-style-type: none"><li data-bbox="986 696 1343 949">(a) in respect of each child who is a member of his family, the appropriate amount in respect of him prescribed in paragraph 2 of Schedule 2 or under this Schedule as appropriate; and<li data-bbox="986 965 1343 1283">(b) any amount which would be applicable to the claimant, if he were not living away from home, under regulation 17(1) (c) or (d) in so far as it relates to the lone parent premium and family premium under paragraph 8 of Schedule 2.”.