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STATUTORY INSTRUMENTS

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**1987 No. 1967**

**SOCIAL SECURITY**

**The Income Support (General) Regulations 1987**

Made - - - - 20th November 1987

Coming into Force - - 11th April 1988

Whereas a draft of this instrument was laid before Parliament in accordance with section 83(3) of the Social Security Act 1986 and approved by resolution of each House of Parliament:

Now, therefore, the Secretary of State for Social Services, in exercise of the powers conferred by sections 20(1), (3)(d), (4), (9), (11) and (12), 22(1), (2), (4) and (5) to (9), 23(1), (3) and (5), 51(1)(n) and 84(1) of the Social Security Act 1986 <sup>F1</sup> and sections 114, 166(1) to (3A) of the Social Security Act 1975 <sup>F2</sup> and of all other powers enabling him in that behalf by this instrument, which is made before the end of a period of 12 months from the commencement of the enactments under which it is made, hereby makes the following Regulations:

**Textual Amendments**

- F1** 1986 c. 50; section 84(1) is an interpretation provision and is cited because of the meanings assigned to the words “prescribed” and “regulations”.
- F2** 1975 c. 14; section 114 is applied by section 52(3)(b) of the [Social Security Act 1986 \(c. 50\)](#); section 166(3A) is inserted by section 62 of that Act and section 166(1) to (3A) is applied by section 83(1) of that Act.

**PART I**  
**GENERAL**

**Citation and commencement**

1. These Regulations may be cited as the Income Support (General) Regulations 1987 and shall come into force on 11th April 1988.

**Commencement Information**

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

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## Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the Social Security Act 1986;

“attendance allowance” means—

- (a) an attendance allowance under section 35 of the Social Security Act <sup>F3</sup>;
- (b) an increase of disablement pension under section 61 or 63 of that Act <sup>F4</sup>;
- (c) a payment under regulations made in exercise of the power conferred by section 159(3) (b) of that Act;
- (d) an increase of an allowance which is payable in respect of constant attendance under section 5 of the Industrial Injuries and Diseases (Old Cases) Act 1975 <sup>F5</sup>;
- (e) a payment by virtue of article 14, 15, 16, 43 or 44 of the Personal Injuries (Civilians) Scheme 1983 <sup>F6</sup> or any analogous payment; or
- (f) any payment based on need for attendance which is paid as part of a war disablement pension;

“benefit week” has the meaning prescribed in paragraph 4 of Schedule 7 to the Social Security (Claims and Payments) Regulations 1987 <sup>F7</sup>;

“claimant” means a person claiming income support;

“close relative” means a parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-daughter, brother, sister, or the spouse of any of the preceding persons or, if that person is one of an unmarried couple, the other member of that couple;

“concessionary payment” means a payment made under arrangements made by the Secretary of State with the consent of the Treasury which is charged either to the National Insurance Fund or to a Departmental Expenditure Vote to which payments of benefit under the Act, the Social Security Act or the Child Benefit Act 1975 <sup>F8</sup> are charged;

“co-ownership scheme” means a scheme under which a dwelling is let by a housing association and the tenant, or his personal representative, will, under the terms of the tenancy agreement or of the agreement under which he became a member of the association, be entitled, on his ceasing to be a member and subject to any condition stated in either agreement, to a sum calculated by reference directly or indirectly to the value of the dwelling;

“couple” means a married or an unmarried couple;

“course of study” means any full-time course of study or sandwich course whether or not a grant is made for attending it;

“Crown tenant” means a person who occupies a dwelling under a tenancy or licence where the interest of the landlord belongs to Her Majesty in right of the Crown or to a government department or is held in trust for Her Majesty for the purposes of a government department, except (in the case of an interest belonging to Her Majesty in right of the Crown) where the interest is under the management of the Crown Estate Commissioners;

“dwelling occupied as the home” means the dwelling together with any garage, garden and outbuildings, normally occupied by the claimant as his home including any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, in Scotland, any croft land on which the dwelling is situated.

“earnings” has the meaning prescribed in regulation 35 or, as the case may be, 37;

“employed earner” shall be construed in accordance with section 2(1)(a) of the Social Security Act;

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“housing association” has the meaning assigned to it by section 1(1) of the Housing Associations Act 1985 <sup>F9</sup>;

“housing benefit expenditure” means expenditure of a kind for which housing benefit may be granted;

“invalid carriage or other vehicle” means a vehicle propelled by petrol engine or by electric power supplied for use on the road and to be controlled by the occupant;

“liable relative” has the meaning prescribed in regulation 54;

“lone parent” means a person who has no partner and who is responsible for, and a member of the same household as, a child or young person;

“long tenancy” means a tenancy granted for a term of years certain exceeding twenty one years, whether or not the tenancy is, or may become, terminable before the end of that term by notice given by or to the tenant or by re-entry, forfeiture (or, in Scotland, irritancy) or otherwise and includes a lease for a term fixed by law under a grant with a covenant or obligation for perpetual renewal unless it is a lease by sub-demise from one which is not a long tenancy;

“mobility allowance” means an allowance under section 37A of the Social Security Act <sup>F10</sup>;

“mobility supplement” means any supplement under article 26A of the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 1983 <sup>F11</sup> including such a supplement by virtue of any other scheme or order or under Article 25A of the Personal Injuries (Civilians) Scheme 1983 <sup>F12</sup>;

“net earnings” means such earnings as are calculated in accordance with regulation 36;

“net profit” means such profit as is calculated in accordance with regulation 38;

“non-dependant” has the meaning prescribed in regulation 3;

“non-dependant deduction” means a deduction that is to be made under regulation 17(e) and paragraph 11 of Schedule 3;

“nursing home” has the meaning prescribed in regulation 19(3);

“occupational pension” means any pension or other periodical payment under an occupational pension scheme but does not include any discretionary payment out of a fund established for relieving hardship in particular cases;

“partner” means where a claimant—

- (a) is a member of a married or an unmarried couple, the other member of that couple;
- (b) is married polygamously to two or more members of his household, any such member;

“payment” includes a part of a payment;

“period of study” means—

- (a) in the case of a course of study for one year or less, the period beginning with the start of the course to the end;
- (b) in the case of a course of study for more than one year, in the first or, as the case may be, any subsequent year of the course, the period beginning with the start of the course or, as the case may be, that year's start and ending with either—
  - (i) the day before the start of the next year of the course in a case where the student's grant is assessed at a rate appropriate to his studying throughout the year, or, if he does not have a grant, where it would have been assessed at such a rate had he had one; or
  - (ii) in any other case the day before the start of the normal summer vacation appropriate to his course,

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and, for the purposes of this definition, any period of attendance at the educational establishment which is outside the period of the course shall be treated as part of the period of study;

“policy of life insurance” means any instrument by which the payment of money is assured on death (except death by accident only) or the happening of any contingency dependent on human life, or any instrument evidencing a contract which is subject to payment of premiums for a term dependent on human life;

“polygamous marriage” means any marriage where there is more than one spouse and the ceremony of marriage as between the spouses took place under the law of a country which permits polygamy;

“relative” means close relative, grand-parent, grand-child, uncle, aunt, nephew or niece;

“relevant enactment” has the meaning prescribed in regulation 16(8)(a);

“remunerative work” has the meaning prescribed in regulation 5;

“residential accommodation” has the meaning prescribed in regulation 21(3);

“residential care home” has the meaning prescribed in regulation 19(3);

“self-employed earner” shall be construed in accordance with section 2(1)(b) of the Social Security Act;

“single claimant” means a claimant who neither has a partner nor is a lone parent;

“Social Security Act” means the Social Security Act 1975 <sup>F13</sup>;

“student” has the meaning prescribed in regulation 61;

“supplementary benefit” means a supplementary pension or allowance under section 1 or 4 of the Supplementary Benefits Act 1976 <sup>F14</sup>;

“terminal date” in respect of a claimant means the terminal date in his case for the purposes of regulation 7 of the Child Benefit (General) Regulations 1976 <sup>F15</sup>;

[<sup>F16</sup>“the Macfarlane Trust” means the charitable trust, established partly out of funds provided by the Secretary of State to the Haemophilia Society, for the relief of poverty or distress among those suffering from haemophilia;]

“training allowance” means an allowance (whether by way of periodical grants or otherwise) payable—

- (a) out of public funds by a Government department or by or on behalf of the [<sup>F17</sup>Training Commission];
- (b) to a person for his maintenance or in respect of a member of his family; and
- (c) for the period, or part of the period, during which he is following a course of training or instruction provided by, or in pursuance of arrangements made with, that department or approved by that department in relation to him or so provided or approved by or on behalf of that Commission,

but it does not include an allowance paid by any Government department to or in respect of a person by reason of the fact that he is following a course of full-time education or is training as a teacher;

“year of assessment” has the meaning prescribed in section 526(5) of the Income and Corporation Taxes Act 1970 <sup>F18</sup>;

“young person” has the meaning prescribed in regulation 14.

(2) In these Regulations, unless the context otherwise requires, a reference—

- (a) to a numbered Part is to the Part of these Regulations bearing that number;

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- (b) to a numbered regulation or Schedule is to the regulation in or Schedule to these Regulations bearing that number;
- (c) in a regulation or Schedule to a numbered paragraph is to the paragraph in that regulation or Schedule bearing that number;
- (d) in a paragraph to a lettered or numbered sub-paragraph is to the sub-paragraph in that paragraph bearing that letter or number.

(3) Unless the context requires otherwise, any reference to the claimant's family or, as the case may be, to a member of his family, shall be construed for the purposes of these Regulations as if it included in relation to a polygamous marriage a reference to any partner and to any child or young person who is treated as the responsibility of the claimant or his partner, where that child or young person is a member of the claimant's household.

#### Textual Amendments

- F3** Section 35 was amended by the [National Health Service Act 1977 \(c. 49\)](#), [Schedule 15](#), paragraph 63, by the [Social Security Act 1979 \(c. 18\)](#) section 2 and by the [Social Security Act 1980 \(c. 30\)](#), [Schedule 1](#), Part II, paragraph 8.
- F4** Subsections (3) and (4) of section 61 were added by the [Social Security Act 1986 \(c. 50\)](#), [section 39](#) and Schedule 3, paragraph 6.
- F5** [1975 c. 16](#).
- F6** [S.I. 1983/686](#); the relevant amending instruments are [S.I. 1983/1164](#) and [1984/1675](#).
- F7** [S.I. 1987/1968](#).
- F8** [1975 c. 61](#).
- F9** [1985c.69](#).
- F10** Section 37A was inserted by section 22(1) of the [Social Security Pensions Act 1975 \(c. 60\)](#) and amended by the [National Health Service Act 1977 \(c. 49\)](#), [Schedule 15](#), paragraph 64, the [Social Security Act 1979 \(c. 18\)](#), [section 3](#) and by Sections 71 and 86 and Schedule 11 of the [Social Security Act 1986 \(c. 50\)](#).
- F11** [S.I. 1983/883](#); article 26A was added by [S.I. 1983/1116](#) and amended by [S.I. 1983/1521](#) and [1986/592](#).
- F12** [S.I. 1983/686](#), amended by [S.I. 1983/1164](#), [1540](#) and [1986/628](#).
- F13** [1975 c. 14](#).
- F14** [1976 c. 71](#), as amended by section 6(1) of, and Part I of Schedules 2 to, the [Social Security Act 1980 \(c. 30\)](#).
- F15** [S.I. 1976/965](#); the relevant amending instruments are [S.I. 1980/1054](#), [1982/470](#) and [1987/357](#).
- F16** Words in reg. 2(1) inserted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), [regs. 1\(1\), 2](#)
- F17** Words in reg. 2(1) substituted (28.5.1988) by [Employment Act 1988 \(1988 c. 19\)](#), s. 24(3), 34
- F18** [1970 c. 10](#).

#### Commencement Information

- I2** Reg. 2 in force at 11.4.1988, see reg. 1

#### Definition of non-dependant

3.—(1) In these Regulations, “non-dependant” means any person, except someone to whom paragraph (2) applies, who normally resides with a claimant.

- (2) This paragraph applies to—
  - (a) any member of the claimant's family;
  - (b) a child or young person who is living with the claimant but who is not a member of his household by virtue of regulation 16 (membership of the same household);

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- (c) a person who jointly occupies the claimant's dwelling;
  - (d) subject to paragraph (3), any person who is liable to make payments in respect of his occupation of the dwelling to the claimant or the claimant's partner;
  - (e) a person who lives with the claimant in order to care for him or a partner of his and who is engaged by a charitable or voluntary body (other than a public or local authority) which makes a charge to the claimant or his partner for the services provided by that person.
- (3) A person, other than one to whom sub-paragraph (a) to (c) or (e) of paragraph (2) applies, who lives in board and lodging accommodation or a hostel within the meaning of regulation 20(2) (applicable amounts for persons in board and lodging accommodation and hostels) shall be a non-dependant.
- (4) For the purposes of this regulation a person resides with another only if they share any accommodation except a bathroom, a lavatory or a communal area.
- (5) In this regulation “communal area” means any area (other than rooms) of common access (including halls and passageways) and rooms of common use in sheltered accommodation.

#### Commencement Information

**I3** Reg. 3 in force at 11.4.1988, see [reg. 1](#)

## PART II

### CONDITIONS OF ENTITLEMENT

#### Temporary absence from Great Britain

4.—(1) Where a claimant is entitled to income support for a period immediately preceding a period of temporary absence from Great Britain, his entitlement to income support shall continue during the first four weeks of that period of temporary absence only in the circumstances specified in paragraph (2).

(2) The circumstances in which a claimant's entitlement to income support is to continue during the first four weeks of a temporary absence from Great Britain are that—

- (a) the period of absence is unlikely to exceed 52 weeks; and
- (b) while absent from Great Britain, the claimant continues to satisfy the other conditions of entitlement to income support; and
- (c) any one of the following conditions applies—
  - (i) the claimant is not required to be available for employment under regulation 8(1) and Schedule 1 other than paragraph 5, 10, 18 to 20 of that Schedule (persons not required to be available for employment); or
  - (ii) he is not required to be available for employment under regulation 8(1) and paragraph 5 of Schedule 1 (incapacity for 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 is not required to be so available; or
  - (iii) he is in Northern Ireland; or
  - (iv) he is a member of a couple and he and his partner are both absent from Great Britain, and a premium referred to in paragraph 9, 10, 11 or 13 of Schedule 2 (applicable amounts) is applicable in respect of his partner <sup>F19</sup> or

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(v) on the day on which the absence began he was, and had for the previous 28 weeks at least been, continuously incapable of work.]

#### Textual Amendments

**F19** Reg. 4(2)(c)(v) and word added (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **3**

#### Commencement Information

**I4** Reg. 4 in force at 11.4.1988, see reg. 1

### Persons treated as engaged in remunerative work

5.—(1) Subject to the following provisions of this regulation, for the purposes of section 20(3)(c) of the Act (conditions of entitlement to income support), remunerative work is work in which a person is engaged, or, where his hours of work fluctuate, he is engaged on average, for not less than 24 hours a week being work for which payment is made or which is done in expectation of payment.

(2) The number of hours for which a person is engaged in work shall be determined—

(a) where no recognisable cycle has been established in respect of a person's work, by reference to the number of hours or, where those hours are likely to fluctuate, the average of the hours, which he is expected to work in a week;

(b) where the number of hours for which he is engaged fluctuate, by reference to the average of hours worked over—

(i) if there is a recognisable cycle of work, the period of one complete cycle (including, where the cycle involves periods in which the person does no work, those periods but disregarding any other absences);

(ii) in any other case, the period of five weeks immediately before the date of claim or the date of review, or such other length of time as may, in the particular case, enable the person's average hours of work to be determined more accurately.

(3) A person shall be treated as engaged in remunerative work during any period for which he is absent from work referred to in paragraph (1) if the absence is either without good cause or by reason of a recognised, customary or other holiday.

(4) A person who makes a claim and to whom or whose partner section 23 of the Act (trade disputes) applies [<sup>F20</sup>or applied] shall, for the period of seven days following the date on which the stoppage of work due to a trade dispute at his or his partner's place of work commenced or, if there is no stoppage, the date on which he or his partner first withdrew his labour in furtherance of a trade dispute, be treated as engaged in remunerative work.

(5) A person who was, or was treated as being, engaged in remunerative work and in respect of that work earnings to which regulation 35(1)(b) to (d) (earnings of employed earners) applies are payable shall be treated as being engaged in remunerative work for the period for which those earnings are taken into account in accordance with Part V.

#### Textual Amendments

**F20** Words in reg. 5(4) inserted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **4**

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#### Commencement Information

**I5** Reg. 5 in force at 11.4.1988, see [reg. 1](#)

#### Persons not treated as engaged in remunerative work

6. A person shall not be treated as engaged in remunerative work if—
- (a) he is mentally or physically disabled and his earning capacity is, by reason of that disability, reduced to 75 per cent or less of what he would, but for that disability, be reasonably expected to earn;
  - (b) he is engaged in child minding in his home;
  - (c) he is engaged by a charity or voluntary body or is a volunteer where the only payment received by him or due to be paid to him, is a payment which is to be disregarded under regulation 40(2) and paragraph 2 of Schedule 9 (sums to be disregarded in the calculation of income other than earnings);
  - (d) he is engaged on a scheme for which a training allowance is being paid; or
  - (e) subject to regulation 5(4) (persons treated as engaged in remunerative work) he is a person to whom section 23 of the Act (trade disputes) applies [<sup>F21</sup>or in respect of whom section 20(3) of the Act (conditions of entitlement to income support) has effect as modified by section 23A(b) of the Act (effect of return to work)]; or
  - (f) he is a person who is not required to be available for employment because regulation 8 and paragraph 4 of Schedule 1 (person caring for another) applies to him.

#### Textual Amendments

**F21** Words in reg. 6(e) inserted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), [regs. 1\(1\), 5](#)

#### Commencement Information

**I6** Reg. 6 in force at 11.4.1988, see [reg. 1](#)

#### Meaning of employment

7. For the purposes of section 20(3)(d) of the Act (conditions of entitlement to income support) only work in employed earner's employment within the meaning of the Social Security Act—

- (a) which the claimant can reasonably be expected to do;
- (b) for which payment is made or which is done in expectation of payment; and
- (c) for which he would normally be engaged for not less than 24 hours a week or, if he is mentally or physically disabled, such lesser number of hours as, having regard to his disability, he is usually capable of working,

shall be treated as employment.

#### Commencement Information

**I7** Reg. 7 in force at 11.4.1988, see [reg. 1](#)



## Persons not required to be available for employment

8.—(1) A person, other than one to whom regulation 10(1)(h) applies (circumstances in which a person is to be treated as available for employment), to whom any paragraph of Schedule 1 (persons not required to be available for employment) applies in any week shall not be required to be available for employment in that week.

(2) A person, other than one to whom regulation 10(1)(h) applies, to whom none of the provisions of Schedule 1 other than paragraph 5 applies, shall, where—

- (a) a medical practitioner to whom the question of that person's incapacity for work by reason of some disease or bodily or mental disablement has been referred under regulation 8 of the Social Security (Adjudication) Regulations 1986 <sup>F22</sup> (medical references) is of the opinion that the person is not so incapable; and
- (b) that person's medical practitioner continues to supply evidence of his incapacity for work in accordance with regulation 2 of the Social Security (Medical Evidence) Regulations 1976 <sup>F23</sup> (evidence of incapacity for work); and
- (c) that person has made and is pursuing an appeal against the determination of an adjudication officer that he is not so incapable; and
- (d) that person, were he required to be available for employment, would not be treated as so available under regulation 9(1) (persons treated as available for employment),

not be required to be available for employment pending the determination of his appeal.

<sup>F24</sup>(3) A person, other than one to whom regulation 10(1)(h) applies, to whom none of the provisions of Schedule 1 applies, shall, for any period when—

- (a) he would, were he required to be available for employment, not be treated as so available under regulation 9(1); and
- (b) the adjudication officer is satisfied that, unless income Support is paid, the claimant or a member of his family (if any) will suffer hardship,

not be required to be available for employment.]

### Textual Amendments

**F22** S.I. 1986/2218, to which there are no relevant amending instruments.

**F23** S.I. 1976/615; the relevant amending instruments are S.I. 1982/699 and 1987/409.

**F24** Reg. 8(3) added (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), 6

### Commencement Information

**I8** Reg. 8 in force at 11.4.1988, see reg. 1

## Persons treated as available for employment

9.—(1) Except in a case to which regulation 10 (circumstances in which claimants are not to be treated as available for employment) applies, a claimant shall be treated as available for employment if, and only if—

- (a) he is available to be employed within the meaning of section 17(1)(a)(i) of the Social Security Act <sup>F25</sup> or Regulations made under it (requirement to be available to be employed for the purposes of unemployment benefit) in employment to which regulation 7 applies (meaning of employment); or

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- (b) he is normally engaged for less than the number of hours prescribed in paragraph (c) of regulation 7 in respect of him in employment to which that regulation applies, and he is available, within the meaning of section 17(1)(a)(i) or Regulations made under it, for such further number of hours which would, in aggregate with the number of hours for which he is normally engaged, be not less than the number of hours prescribed in paragraph (c) of regulation 7 for his case; or
- (c) he satisfies the conditions in paragraph (2) and is attending—
- (i) a course of education at an establishment recognised by the Secretary of State as being, or as comparable to, a school or college; or
  - (ii) a course of training or instruction analogous to a course for which a training allowance would be payable,
- and, in either case, he is prepared to terminate the course immediately a suitable vacancy becomes available to him.
- (2) the conditions referred to in paragraph (1)(c) are that either—
- (a) the claimant was, for a continuous period of not less than three months falling immediately before the commencement date,—
    - (i) in receipt of a qualifying benefit; or
    - (ii) on a course of training or instruction organised by or on behalf of the [<sup>F26</sup>Training Commission] as part of the Youth Training Scheme; or
  - (b) during the period of six months falling immediately before the commencement date the claimant was—
    - (i) for a period, or periods in aggregate, of not less than three months in receipt of a qualifying benefit or on a course of training or instruction organised by or on behalf of the [<sup>F27</sup>Training Commission] as part of the Youth Training Scheme; and
    - (ii) after the period referred to in head (i) of this sub-paragraph or, in the case of periods in aggregate, after the first such period and throughout the remainder of the six months for which that head did not apply to him, engaged in appropriate work;

and that the period of three months referred to in sub-paragraph (a) or, as the case may be, the period of six months referred to in sub-paragraph (b) fell wholly after the terminal date.
- (3) In this regulation—
- “appropriate work” means remunerative work for the purpose of section 20(3)(c) of the Act (conditions of entitlement to income support) or other work the emoluments from which are such as to disentitle the person engaged in it from a qualifying benefit;
- “commencement date” means the date on which the claimant first attended the course of education or course of training or instruction;
- “course” means a course in the pursuit of which the time spent receiving instruction or tuition, undertaking supervised study, examination or practical work or taking part in any exercise, experiment or project for which provision is made in the curriculum of the course does not, subject to paragraph (4), exceed 21 hours a week;
- “qualifying benefit” means unemployment benefit or sickness benefit under the Social Security Act <sup>F28</sup> or, in the case of a claimant who is required to be available for employment under section 20(3)(d) of the Act (conditions of entitlement to income support) or who is not so required under paragraph 5 of Schedule 1 (persons not required to be available by reason of sickness or incapacity), income support.

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(4) In calculating the time spent in pursuit of a course for the purpose of this regulation, no account shall be taken of time occupied by meal breaks or spent on unsupervised study, whether undertaken on or off the premises of the educational establishment or place of instruction or training.

#### Textual Amendments

- F25** 1975 c. 14; section 17(1) was amended by the [Social Security \(No. 2\) Act 1980 \(c. 39\)](#), [sections 3\(1\)](#), [7\(6\)](#) and the Schedule.
- F26** Words in reg. 9(2)(a)(ii) substituted (28.5.1988) by Employment Act 1988 (1988 c. 19), s. 24(3), 34
- F27** Words in reg. 9(2)(b)(i) substituted (28.5.1988) by Employment Act 1988 (1988 c. 19), s. 24(3), 34
- F28** See sections 12(1)(a) and (b) and 14 of the [Social Security Act 1975 \(c. 14\)](#); section 12(1)(a) and (b) was amended by the [Social Security \(No. 2\) Act 1980 \(c. 39\)](#), [section 7\(6\)](#) and the [Health and Social Security Act 1984 \(c. 48\)](#), [Schedule 5](#), paragraph 2; section 14 was amended by the [Social Security Pensions Act 1975 \(c. 60\)](#), [sections 18\(1\)](#) and 65, Schedule 4, paragraph 39, the [Social Security Act 1979 \(c. 18\)](#) and section 21(4), Schedule 3, paragraph 6, the [Social Security and Housing Benefits Act 1982 \(c. 24\)](#), [sections 39\(3\)](#) and 48, Schedule 4, paragraph 9; the [Social Security \(No. 2\) Act 1980 \(c. 39\)](#), [section 7](#) and the [Schedule](#) and the [Social Security Act 1986 \(c. 50\)](#), section 86, [Schedule 10](#), paragraph 83.

#### Commencement Information

- I9** Reg. 9 in force at 11.4.1988, see reg. 1

### Circumstances in which claimants are not to be treated as available for employment

**10.**—(1) A claimant shall not be treated as available for employment if he is a person to whom any one of the following sub-paragraphs applies—

- (a) after a situation in any suitable employment has been properly notified to him as vacant or about to become vacant he has without good cause refused or failed to apply for that situation or refused to accept that situation when offered to him, and that situation is still vacant or open to application;
- (b) he has neglected to avail himself of a reasonable opportunity of suitable employment and that opportunity is still available to him;
- (c) he has failed to avail himself of a reasonable opportunity of short-term work which is available in the area in which he lives, and—
  - (i) he is aged 18 or over but under 45;
  - (ii) his partner, if any, is aged under 45;
  - (iii) there is no child or young person who is a member of his family;
  - (iv) his partner or, as the case may be, the claimant herself is not pregnant; and
  - (v) neither he nor his partner, if any, is mentally or physically disabled;
- (d) he has placed restrictions on the nature, hours, rate of remuneration or locality or other conditions of employment which he is prepared to accept and as a consequence of those restrictions he has no reasonable prospects of securing employment; but this sub-paragraph shall not apply where—
  - (i) he is prevented from having reasonable prospects of securing employment consistent with those restrictions only as a result of adverse industrial conditions in the locality or localities concerned which may reasonably be regarded as temporary, and, having regard to all the circumstances, personal and other, the restrictions which he imposes are reasonable; or

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- (ii) the restrictions are nevertheless reasonable in view of his physical condition; or
  - (iii) the restrictions are nevertheless reasonable having regard both to the nature of his usual occupation and also to the time which has elapsed since he became unemployed;
- (e) having failed to comply with a written notice given or sent to him by or on behalf of the Secretary of State or the [<sup>F29</sup>Training Commission] requesting him to report at a specified time, place and date to an officer of the Department of Health and Social Security, the Department of Employment, the [<sup>F29</sup>Training Commission] or a local education authority for an interview in connection with his prospects of employment, he fails without good cause to comply with the requirements of a further notice given or sent to him within 14 days of the date specified in the first notice by or on behalf of the Secretary of State or, as the case may be, the [<sup>F29</sup>Training Commission] and requesting him to report as aforesaid at a time, place and date specified in the further notice for the purpose of such an interview;
- (f) he has been disallowed unemployment benefit on the ground that he failed to claim in the manner prescribed by regulation 4 of the Social Security (Claims and Payments) Regulations 1987 <sup>F30</sup> (making a claim for benefit) by virtue of the fact that the form approved by the Secretary of State for the purpose of claiming was not duly completed so far as it related to his availability for employment; or
- (g) he is a share fisherman within the meaning of the Social Security (Mariners' Benefits) Regulations 1975 <sup>F31</sup> who is not entitled to unemployment benefit under the Social Security Act because he has failed to satisfy the additional condition for receipt of that benefit in paragraph (5) or (8) of regulation 8 of those Regulations (that he performed no work as a sea-going or on-shore share fisherman and that he has not neglected to avail himself of a reasonable opportunity of employment as a fisherman);
- (h) he is a student during the period of study other than one to whom paragraph 1, 2, 7 or 20 of Schedule 1 applies (persons not required to be available for employment) but in the case of paragraph 20 only where the student is a person to whom regulation 70(3)(a) applies (certain persons from abroad).
- (2) A determination that a claimant is not to be treated as available for employment—
- (a) under paragraph (1)(a), shall apply for a period not exceeding—
    - (i) the period during which the situation in question remains vacant; or
    - (ii) [<sup>F32</sup>26] weeks,
 whichever is the shorter;
  - (b) under paragraph (1)(b), shall apply for a period not exceeding—
    - (i) the period during which the opportunity is still available to him; or
    - (ii) [<sup>F32</sup>26] weeks,
 whichever is the shorter;
  - (c) under paragraph (1)(c)—
    - (i) shall not apply until the claimant has been given 14 days' notice in writing and that period has expired, and then
    - (ii) shall apply for a period not exceeding the period during which the opportunity is still available to him or, if shorter, the period of [<sup>F32</sup>26] weeks;
  - (d) under paragraph (1)(d), shall apply for so long as the claimant has no reasonable prospect of employment as a consequence of the restrictions referred to in that paragraph;

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- (e) under paragraph (1)(e), shall apply on the day specified in the further notice and any subsequent day falling before the day on which the claimant reports to an officer of the Department of Health and Social Security, the Department of Employment, the [<sup>F33</sup>Training Commission] or a local education authority at the place specified in the notice and there attends an interview in connection with his prospects of employment or before the day on which the Secretary of State or, as the case may be, the [<sup>F33</sup>Training Commission] rescinds the further notice, whichever event first occurs;
  - (f) under paragraph (1)(f), shall apply for so long as the claimant fails to claim in the manner referred to in that paragraph;
  - (g) under paragraph (1)(g) or (h), shall apply for so long as that paragraph continues to apply to him.
- (3) In this regulation—
- (a) employment shall not be deemed to be employment suitable in the case of any claimant if it is employment to which subsection (4) of section 20 of the Social Security Act (employment not to be deemed suitable for purposes of that section) applies;
  - (b) “properly notified” means notified by an officer acting on behalf of the Secretary of State, or by the [<sup>F34</sup>Training Commission], a local education authority or some other recognised agency, or by or on behalf of an employer.

#### Textual Amendments

- F29** Words in reg. 10(1)(e) substituted (28.5.1988) by [Employment Act 1988 \(1988 c. 19\), s. 24\(3\)](#), 34
- F30** [S.I. 1987/1968](#).
- F31** [S.I. 1975/529](#).
- F32** Word in reg. 10(2) substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\), regs. 1\(1\), 7](#)
- F33** Words in reg. 10(2)(e) substituted (28.5.1988) by [Employment Act 1988 \(1988 c. 19\), s. 24\(3\)](#), 34
- F34** Words in reg. 10(3)(b) substituted (28.5.1988) by [Employment Act 1988 \(1988 c. 19\), s. 24\(3\)](#), 34

#### Commencement Information

- I10** Reg. 10 in force at 11.4.1988, see reg. 1

### Registration for employment

- 11.—(1) Subject to paragraph (2), a claimant who—
- (a) is aged less than 18; and
  - (b) is required to be available for employment for the purposes of section 20(3)(d)(i) of the Act (conditions of entitlement to income support);

must also be registered for employment in accordance with paragraph (3).

(2) A claimant other than one to whom regulation 10(1)(h) (circumstances in which claimants are not to be treated as available for employment) applies and who would, but for this paragraph, be required to be registered for employment in accordance with paragraph (3), shall not be required so to register for employment if—

- (a) a medical practitioner to whom the question of the claimant's incapacity for work by reason of some disease or bodily or mental disablement has been referred under regulation 8 of the Social Security (Adjudication) Regulations 1986 <sup>F35</sup> (medical references) is of the opinion that he is not so incapable; and

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- (b) the claimant's medical practitioner continues to supply evidence of his incapacity for work in accordance with regulation 2 of the Social Security (Medical Evidence) Regulations 1976 <sup>F36</sup> (evidence of incapacity); and
  - (c) the claimant has made and is pursuing an appeal against the determination of an adjudication officer that he is not so incapable.
- (3) A claimant to whom paragraph (1) applies shall, except where the Secretary of State decides otherwise, be registered for employment by registering with the [<sup>F37</sup>Training Commission] or a local education authority.

#### Textual Amendments

**F35** [S.I. 1986/2218](#), to which there are no relevant amending instruments.

**F36** [S.I. 1976/615](#), the relevant amending instruments are [S.I. 1982/699](#) and [S.I. 1987/409](#).

**F37** Words in reg. 11(3) substituted (28.5.1988) by [Employment Act 1988 \(1988 c. 19\)](#), s. 24(3), 34

#### Commencement Information

**I11** Reg. 11 in force at 11.4.1988, see reg. 1

### Relevant Education

**12.** For the purposes of these Regulations a child or young person is to be treated as receiving relevant education if, and only if—

- (a) he is receiving full-time education not being advanced education for the purposes of section 2 of the Child Benefit Act 1975 <sup>F38</sup> (meaning of child); or
- (b) although he is not receiving such full-time education he is treated as a child for the purposes of that section of that Act,

except that, in a case to which paragraph (b) applies, he shall not be treated as receiving relevant education beyond the terminal date in his case.

#### Textual Amendments

**F38** [1975 c. 61](#) as amended by sections 4, 8 and 21 of, and Schedule 5, Part I to, the [Social Security Act 1980 \(c. 30\)](#) and by section 70 of the [Social Security Act 1986 \(c. 50\)](#).

#### Commencement Information

**I12** [Reg. 12](#) in force at 11.4.1988, see [reg. 1](#)

### Circumstances in which persons in relevant education are to be entitled to income support

**13.—(1)** Notwithstanding that a person is to be treated as receiving relevant education under regulation 12 (relevant education) he shall, if paragraph (2) applies to him and he satisfies the other conditions of entitlement to income support, be entitled to income support.

(2) This paragraph applies to a young person who—

- (a) is the parent of a child for whom he is treated as responsible under regulation 15 (circumstances in which a person is to be treated as responsible or not responsible for another) and who is treated as a member of his household under regulation 16 (circumstances in which a person is to be treated as being or not being a member of the household); or

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- (b) is severely mentally or physically handicapped and because of that he would be unlikely, even if he were available for employment, to obtain employment within the next 12 months; or
  - (c) has no parent nor any person acting in the place of his parents; or
  - (d) is living away from and is estranged from his parents or any person acting in place of his parents; or
  - (e) is living away from his parents and any person 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—
    - (i) chronically sick or mentally or physically disabled; or
    - (ii) detained in custody pending trial or sentence upon conviction or under a sentence imposed by a court; or
    - (iii) prohibited from entering or re-entering Great Britain; or
  - (f) is attending a course of education to which regulation 9 (persons treated as available for employment) applies and satisfies the other conditions of that regulation; or
  - (g) has completed or terminated such a course and while attending that course satisfied the other conditions of that regulation; or
  - (h) he is a person to whom paragraph 16 of Schedule 1 (refugees not required to be available for employment) applies.
- (3) In this regulation—
- (a) any reference to a person acting in the place of a young person's parents includes—
    - (i) for the purposes of paragraph (2)(c) and (d), a reference to a local authority or voluntary organisation where the young person is in their care under a relevant enactment, or to a person with whom the young person is boarded out by a local authority or voluntary organisation whether or not any payment is made by them; and
    - (ii) for the purposes of paragraph (2)(e), any person with whom the young person is so boarded out;
  - (b) “chronically sick or mentally or physically disabled” means, in relation to a person to whom that expression refers, a person—
    - (i) in respect of whom the condition specified in paragraph 12(1) of Schedule 2 (additional condition for the higher pensioner and disability premiums) is satisfied; or
    - (ii) in respect of whom an amount under article 26 of the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 1983 <sup>F39</sup> (provision of expenses in respect of appropriate aids for disabled living) is payable in respect of the cost of providing a vehicle, or maintaining a vehicle to a disabled person; or
    - (iii) who is substantially and permanently disabled.

**Textual Amendments**

**F39** S.I. 1983/883.

**Commencement Information**

**I13** Reg. 13 in force at 11.4.1988, see [reg. 1](#)

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## PART III

### MEMBERSHIP OF THE FAMILY

#### Persons of a prescribed description

14.—(1) Subject to paragraph (2), a person of a prescribed description for the purposes of section 20(11) of the Act as it applies to income support (definition of the family) and section 23(1) and 3 of the Act (trade disputes) is a person aged 16 or over but under 19 who is treated as a child for the purposes of section 2 of the Child Benefit Act 1975 (meaning of child), and in these Regulations such a person is referred to as a “young person”.

(2) Paragraph (1) shall not apply to a person who is entitled to income support or would, but for section 20(9) of the Act (provision against dual entitlement of members of family), be so entitled.

#### Commencement Information

I14 [Reg. 14](#) in force at 11.4.1988, see [reg. 1](#)

#### Circumstances in which a person is to be treated as responsible or not responsible for another

15.—(1) Subject to the following provisions of this regulation a person shall be treated as responsible for a child or young person for whom he has primary responsibility.

(2) Where a child or young person spends equal amounts of time in different households, or where there is a question as to who has primary responsibility for him, the child or young person shall be treated for the purposes of paragraph (1) as being the primary responsibility of—

- (a) the person who is receiving child benefit in respect of him; or
- (b) if there is no such person—
  - (i) where only one claim for child benefit has been made in respect of him, the person who made that claim; or
  - (ii) in any other case the person who has the primary responsibility for him.

(3) Where regulation 16(6) (circumstances in which a person is to be treated as being or not being a member of the household) applies in respect of a child or young person, that child or young person shall be treated as the responsibility of the claimant for that part of the week for which he is under that regulation treated as being a member of the claimant's household.

(4) Except where paragraph (3) applies, for the purposes of these Regulations a child or young person shall be treated as the responsibility of only one person in any benefit week and any person other than the one treated as responsible for the child or young person under this regulation shall be treated as not so responsible.

#### Commencement Information

I15 [Reg. 15](#) in force at 11.4.1988, see [reg. 1](#)

#### Circumstances in which a person is to be treated as being or not being a member of the household

16.—(1) Subject to paragraphs (2) to (5), the claimant and any partner and, where the claimant or his partner is treated as responsible under regulation 15 (circumstances in which a person is to



be treated as responsible or not responsible for another) for a child or young person, that child or young person and any child of that child or young person shall be treated as members of the same household [<sup>F40</sup>notwithstanding that any of them] is absent from the dwelling occupied as his home.

(2) Paragraph (1) shall not apply in respect of any person referred to therein who is not treated as occupying a dwelling as his home because he fails to satisfy the conditions in sub-paragraph (8) of paragraph 4 of Schedule 3 (housing costs) [<sup>F41</sup>unless that person has been a patient within the meaning of regulation 21(3) for a period in excess of 52 weeks and is not a member of a couple or of a polygamous marriage].

(3) Paragraph (1) shall not apply in respect of any member of a couple or of a polygamous marriage where—

- (a) one, both or all of them are patients detained in a hospital provided under section 4 of the National Health Service Act 1977 <sup>F42</sup> (special hospitals) or section 90(1) of the Mental Health (Scotland) Act 1984 <sup>F43</sup> (provision of hospitals for patients requiring special security); or
- (b) one, both or all of them are detained in custody pending trial or sentence upon conviction or whilst serving a sentence imposed by a court; or
- (c) one of them is in accommodation and, if the accommodation is accommodation provided under the provisions referred to in [<sup>F44</sup>in any of sub-paragraphs (a) to (d)] of the definition of residential accommodation in regulation 21(3) (special cases), the couple, or as the case may be, the members of the polygamous marriage are not entitled to income support and they have insufficient income to meet the minimum charge for that accommodation; or
- (d) the claimant is abroad and does not satisfy the conditions of regulation 4 (temporary absence from Britain); or
- (e) one of them is permanently in residential accommodation or a residential care home or a residential nursing home.

(4) A child or young person shall not be treated as a member of the claimant's household where he is—

- (a) boarded out with the claimant or his partner under a relevant enactment; or
- (b) boarded out with the claimant or his partner prior to adoption; or
- (c) placed for adoption with the claimant or his partner pursuant to a decision under the Adoption Agencies Regulations 1983 <sup>F45</sup> or the Adoption Agencies (Scotland) Regulations 1984 <sup>F46</sup>.

(5) Subject to paragraph (6), paragraph (1) shall not apply to a child or young person who is not living with the claimant [<sup>F47</sup>and who]—

- (a) has been continuously absent from Great Britain for a period of more than four weeks commencing—
  - (i) where he went abroad before the date of claim for income support, with that date;
  - (ii) in any other case, with the date on which he went abroad; or
- (b) has been an in-patient or in [<sup>F48</sup>accommodation provided under any of the provisions referred to in any of sub-paragraphs (a) to (d) of the definition of residential accommodation in regulation 21(3)] for a continuous period of more than 12 weeks commencing—
  - (i) where he became an in-patient or, as the case may be, entered that accommodation before the date of the claim for income support, with that date; or
  - (ii) in any other case, with the date on which he became an in-patient or entered that accommodation,

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and, in either case, has not been in regular contact with either the claimant or any member of the claimant's household; or

- (c) is in the care of a local authority under a relevant enactment; or
- (d) has been boarded out with a person other than the claimant prior to adoption; or
- (e) has been placed for adoption pursuant to a decision under the Adoption Agencies Regulations 1983 or the Adoption Agencies (Scotland) Regulations 1984; or
- (f) is detained in custody pending trial or sentence upon conviction or under a sentence imposed by a court.

(6) A child or young person to whom any of the circumstances mentioned in sub-paragraphs (c) or (f) of paragraph (5) applies shall be treated as being a member of the claimant's household only for that part of any benefit week where that child or young person lives with the claimant.

(7) Where a child or young person for the purposes of attending the educational establishment at which he is receiving relevant education is living with the claimant or his partner and neither one is treated as responsible for that child or young person that child or young person shall be treated as being a member of the household of the person treated as responsible for him and shall not be treated as a member of the claimant's household.

(8) In this regulation—

- (a) “relevant enactment” means the Army Act 1955<sup>F49</sup>, the Air Force Act 1955<sup>F50</sup>, the Naval Discipline Act 1957<sup>F51</sup>, the Adoption Act 1958<sup>F52</sup>, the Matrimonial Proceedings Children Act 1958<sup>F53</sup>, the Children Act 1958<sup>F54</sup>, the Social Work (Scotland) Act 1968<sup>F55</sup>, the Family Law Reform Act 1969<sup>F56</sup>, the Children and Young Persons Act 1969<sup>F57</sup>, the Matrimonial Causes Act 1973<sup>F58</sup>, the Guardianship Act 1973<sup>F59</sup>, the Children Act 1975<sup>F60</sup>, the Domestic Proceedings and Magistrates' Courts Act 1978<sup>F61</sup>, the Adoption (Scotland) Act 1978<sup>F62</sup>, the Child Care Act 1980<sup>F63</sup>, and the Foster Children Act 1980<sup>F64</sup>;
- (b) “voluntary organisation” has the meaning assigned to it in the Child Care Act 1980 or, in Scotland, the Social Work (Scotland) Act 1968.

#### Textual Amendments

- F40** Words in reg. 16(1) substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\), regs. 1\(1\), 8\(a\)](#)
- F41** Words in reg. 16(2) added (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\), regs. 1\(1\), 8\(b\)](#)
- F42** 1977 c. 49; section 4 was amended by section 148, Schedule 4, paragraph 47 of the [Mental Health Act 1983 \(c. 20\)](#).
- F43** 1984 c. 36.
- F44** Words in reg. 16(3)(c) substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\), regs. 1\(1\), 8\(c\)](#)
- F45** S.I. 1983/1964.
- F46** S.I. 1984/988.
- F47** Words in reg. 16(5) substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\), regs. 1\(1\), 8\(d\)\(i\)](#)
- F48** Words in reg. 16(5)(b) substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\), regs. 1\(1\), 8\(d\)\(ii\)](#)
- F49** 1955 c. 18.
- F50** 1955 c. 19.
- F51** 1957 c. 53.
- F52** 1958 c. 5.

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<b>F53</b>	1958 c. 40.
<b>F54</b>	1958 c. 65.
<b>F55</b>	1968 c. 49.
<b>F56</b>	1969 c. 46.
<b>F57</b>	1969 c. 54.
<b>F58</b>	1973 c. 18.
<b>F59</b>	1973 c. 29.
<b>F60</b>	1975 c. 72.
<b>F61</b>	1978 c. 22.
<b>F62</b>	1978 c. 28.
<b>F63</b>	1980 c. 5.
<b>F64</b>	1980 c. 6.

#### Commencement Information

**I16** Reg. 16 in force at 11.4.1988, see [reg. 1](#)

## PART IV

### APPLICABLE AMOUNTS

#### Applicable amounts

17. Subject to regulations 18 to 22 and 70 (applicable amounts in other cases and reductions in applicable amounts and urgent cases), a claimant's weekly applicable amount shall be the aggregate of such of the following amounts as may apply in his case:

- (a) an amount in respect of himself or, if he is a member of a couple, an amount in respect of both of them, determined in accordance with paragraph 1 (1), (2) or (3), as the case may be, of Schedule 2;
- (b) an amount determined in accordance with paragraph 2 of Schedule 2 in respect of any child or young person who is a member of his family, except a child or young person whose capital, if calculated in accordance with Part V in like manner as for the claimant, except where otherwise provided, would exceed £3,000;
- (c) if he is a member of a family of which at least one member is a child or young person, an amount determined in accordance with Part II of Schedule 2 (family premium);
- (d) the amount of any premiums which may be applicable to him, determined in accordance with Parts III and IV of Schedule 2 (premiums);
- (e) any amounts determined in accordance with Schedule 3 (housing costs) which may be applicable to him in respect of mortgage interest payments or such other housing costs as are prescribed in that Schedule.

#### Commencement Information

**I17** [Reg. 17](#) in force at 11.4.1988, see [reg. 1](#)

#### Polygamous marriages

18. Subject to regulations 19 to 22 and 70 (applicable amounts in other cases and reductions in applicable amounts and urgent cases), where a claimant is a member of a polygamous marriage his

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weekly applicable amount shall be the aggregate of such of the following amounts as may apply in his case:

- (a) the highest amount applicable to him and one of his partners determined in accordance with sub-paragraph (3) of paragraph 1 of Schedule 2 as if he and that partner were a couple;
- (b) an amount equal to the difference between the amounts specified in sub-paragraphs (3) (b) and (1) (c) of paragraph 1 of Schedule 2 in respect of each of his other partners;
- (c) an amount determined in accordance with paragraph 2 of Schedule 2 (applicable amounts) in respect of any child or young person for whom he or a partner of his is responsible and who is a member of the same household except a child or young person whose capital, if calculated in accordance with Part V in like manner as for the claimant, except where otherwise provided, would exceed £3,000;
- (d) if he or another partner of the polygamous marriage is responsible for a child or young person who is a member of the same household, the amount specified in Part II of Schedule 2 (family premiums);
- (e) the amount of any premiums which may be applicable to him determined in accordance with Parts III and IV of Schedule 2 (premiums);
- (f) any amounts determined in accordance with Schedule 3 (housing costs) which may be applicable to him in respect of mortgage interest payments or such other housing costs as are prescribed in that Schedule.

#### Commencement Information

**I18** Reg. 18 in force at 11.4.1988, see reg. 1

#### Applicable amounts for persons in residential care and nursing homes

19.—<sup>F65</sup>(1) Subject to regulation 22 (reduction of applicable amounts) where—

- (a) the claimant lives in a residential care home or nursing home; or
- (b) if the claimant is a member of a family, he and the members of his family live in such a home,

his weekly applicable amount shall, except in a case to which regulation 21 (applicable amounts in special cases) or Part II of Schedule 4 (persons to whom regulation 19 does not apply) applies, be calculated in accordance with Part I of that Schedule.

(1A) For the purposes of paragraph (1)(b) a claimant and the members of his family are to be taken as living in a residential care home or nursing home even during periods when one or more members of the family are temporarily absent from the home but only if the claimant or his partner is living in the home during any such period.]

(2) Where—

- (a) a claimant immediately before 27th July 1987 was in receipt of supplementary benefit as a boarder in a residential care home which was not required to register under Part I of the Registered Homes Act 1984 because section 1(4) of that Act (registration) applied to it; and
- (b) immediately before 11th April 1988 his appropriate amount fell to be determined, by virtue of regulation 3 of the Supplementary Benefit (Requirements and Resources) Amendment Regulations 1987 <sup>F66</sup> (transitional provisions), in accordance with paragraph 1 of Schedule 1A to the Supplementary Benefit Requirements Regulations 1983 <sup>F67</sup>

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(maximum amounts for residential care homes) or would have been so determined but for his temporary absence from the home,

his weekly applicable amount shall be calculated in accordance with Part I of Schedule 4 (applicable amounts of persons in residential care homes or nursing homes) as if the home was a residential care home within the meaning of this regulation if, and for so long as, the claimant remains resident in the same home apart from any temporary absence, and the home continues to provide accommodation with board and personal care for the claimant by reason of his old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder.

(3) In this regulation and Schedule 4—

“nursing home” means—

- (a) premises which are a nursing home or mental nursing home within the meaning of the Registered Homes Act 1984 <sup>F68</sup> and which are either registered under Part II of that Act or exempt from registration under section 37 thereof (power to exempt Christian Science Homes); or
- (b) any premises used or intended to be used for the reception of such persons or the provision of such nursing or services as is mentioned in any paragraph of subsection (1) of section 21 or section 22 (1) of the Registered Homes Act 1984 (meaning of nursing home or mental nursing home) or, in Scotland, as are mentioned in section 10 (2) of the Nursing Homes Registration (Scotland) Act 1938 <sup>F69</sup> (interpretation) and which are maintained or controlled by a body instituted by special Act of Parliament or incorporated by Royal Charter;
- (c) in Scotland,
  - (i) premises which are a nursing home within the meaning of section 10 of the Nursing Homes Registration (Scotland) Act 1938 which are either registered under that Act or exempt from registration under section 6 or 7 thereof (general power to exempt homes and power to exempt Christian Science Homes); or
  - (ii) premises which are a private hospital within the meaning of section 12 of the Mental Health (Scotland) Act 1984 <sup>F70</sup> (private hospitals), and which are registered under that Act;

“residential care home” means an establishment—

- (a) [<sup>F71</sup>which is required to be registered under Part I of the Registered Homes Act 1984 and is so registered; or]
- (b) [<sup>F71</sup> in England or Wales,] which provides residential accommodation with both board and personal care for persons in need of personal care by reason of old age, disablement, past or present dependence on alcohol or drugs, or past or present mental disorder for fewer than four persons, excluding persons carrying on or intending to carry on the home or employed or intended to be employed there and their relatives, but only if—
  - (i) at least two employed or self-employed persons (referred to in this paragraph as responsible persons) are each engaged in providing personal care to residents of the establishment for a minimum of 35 hours a week and those persons are not engaged in any other remunerative work; and
  - (ii) each of those responsible persons has at least one year's relevant experience in caring for persons in need of the category of personal care for which the establishment provides such care; and
  - (iii) at least one responsible person is available throughout the day to care for residents of the establishment; and

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- (iv) at least one responsible person is on call throughout the night to care for residents of the establishment; and
- (v) all residents have free access to the premises at all times; or
- (c) run by the Abbeyfield Society including all bodies corporate or incorporate which are affiliated to that Society; or
- (d) managed or provided by a body incorporated by Royal Charter or constituted by Act of Parliament other than a local social services authority; or
- (e) in Scotland, which is a home registered under section 61 of the Social Work (Scotland) Act 1968 <sup>F72</sup> or is an establishment provided by a housing association registered with the Housing Corporation established by the Housing Act 1964 <sup>F73</sup> which provides care equivalent to that given in residential accommodation provided under Part IV of the Social Work (Scotland) Act 1968;

“temporary absence” means—

- (a) [<sup>F74</sup>in paragraph (2) or] in the case of a person who is over pensionable age, 52 weeks;
- (b) in any other case, 13 weeks.

(4) In Schedule 4 the expressions “old age”, “mental disorder”, “mental handicap”, “drug or alcohol dependence” and “disablement” have the same meanings as those expressions have for the purposes of the Registered Homes Act 1984 and Regulations made thereunder.

#### Textual Amendments

- F65** Reg. 19(1)(1A) substituted for reg. 19(1) (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **9(a)**
- F66** [S.I. 1987/1325](#).
- F67** [S.I. 1983/1399](#); the relevant amending instruments are [S.I. 1985/1835](#) and [1986/1292](#).
- F68** [1984 c. 23](#).
- F69** [1938 c. 73](#), **section 10** was amended by section 15 of the [Mental Health \(Scotland\) Act 1960 \(c. 61\)](#), and that amendment is preserved notwithstanding the repeal of that 1960 Act by section 126(1)(a) of the [Mental Health \(Scotland\) Act 1984 \(c. 36\)](#). Section 10 was also amended by Schedule 7 of the [National Health Service \(Scotland\) Act 1972 \(c. 58\)](#), **Schedules 7** and 8 of the [Nurses, Midwives and Health Visitors Act 1979 \(c. 36\)](#) and by Schedule 7 of the [Health Services Act 1980 \(c. 53\)](#) and subsection (2) of that section 10 was added by section 26 of, and paragraph 14 of Schedule 4 to the [Health Services Act 1980 \(c. 53\)](#).
- F70** [1984 c. 36](#).
- F71** Words in reg. 19(3) substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **9(b)(i)**
- F72** [1968 c. 49](#), **section 61** was amended by the [Criminal Proceedings \(Scotland Act\) 1975 \(c. 21\)](#), **section 289C** and G and Schedule 7C.
- F73** [1964 c. 56](#).
- F74** Words in reg. 19(3) inserted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **9(b)(ii)**

#### Commencement Information

- I19** Reg. 19 in force at 11.4.1988, see reg. 1

#### Applicable amounts for persons in board and lodging accommodation and hostels

**20.**—[<sup>F75</sup>(1) Subject to regulation 22 (reduction of applicable amounts) where—

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- (a) the claimant lives in board and lodging accommodation or a hostel; or
- (b) if the claimant is a member of a family, he and the members of his family live in such accommodation,

his weekly applicable amount shall, except in a case to which regulation 21 (special cases) or Part II of Schedule 5 (persons to whom regulation 20 does not apply) applies, be calculated in accordance with Part I of that Schedule.

(1A) For the purposes of paragraph (1)(b) claimant and the members of his family are to be taken as living in board and lodging accommodation or a hostel even during periods when one or more members of the family are temporarily absent from the accommodation but only if the claimant or his partner is living in the accommodation during any such period.]

(2) In this regulation and Schedule 5— “board and lodging accommodation” means—

- (a) accommodation provided to the claimant or, if he is a member of a family, to him or any other members of his family, for a charge which is inclusive of the provision of that accommodation and at least some cooked or prepared meals which are both prepared and consumed in that accommodation or associated premises; or
- (b) accommodation provided in a hotel, guest-house, lodging-house or some similar establishment;

“board and lodging area” means the area numbered in column (1) of Schedule 6 (board and lodging areas) and described in column (2) thereof and for the purposes of this regulation and Schedule 5 any place not included in the description of a board and lodging area in Schedule 6 shall be treated as forming part of the board and lodging area nearest to it;

“hostel” means a building not being a residential care home or nursing home—

- (a) in which there is provided for persons generally or for a class of persons, residential accommodation, otherwise than in separate and self-contained premises, and either board or facilities for the preparation of food adequate to the needs of those persons, or both and—
- (b) which is
  - (i) managed by a housing association registered with the Housing Corporation established by the Housing Act 1964; or
  - (ii) operated other than on a commercial basis and in respect of which funds are provided wholly or in part by a government department or agency or a local authority; or
  - (iii) managed by a voluntary body or charity and provides care, support or supervision with a view to assisting those persons to be rehabilitated or resettled within the community; or
  - (iv) for the purposes of any particular case, such other establishment of like nature as the Secretary of State may, in his discretion determine.

#### **Textual Amendments**

**F75** Reg. 20(1)(1A) substituted for reg. 20(1) (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **10**

#### **Commencement Information**

**I20** Reg. 20 in force at 11.4.1988, see reg. 1

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## Special cases

21.—(1) Subject to regulation 22 (reductions in applicable amounts) in the case of a person to whom any paragraph in column (1) of Schedule 7 applies (applicable amounts in special cases), the amount included in the claimant's weekly amount in respect of him shall be the amount prescribed in the corresponding paragraph in column (2) of that Schedule; but no amount shall be included in respect of a child or young person if the capital of that child or young person calculated in accordance with Part V in like manner as for the claimant, except where otherwise provided, would exceed £3,000.

(2) In Schedule 7, for the purposes of paragraph 1, 2, 3 or 18 (patients), where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he shall be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods.

(3) In Schedule 7—

“person from abroad” means a person, who—

- (a) has a limited leave as defined in section 33(1) of the Immigration Act 1971<sup>F76</sup> (hereinafter referred to as “the 1971 Act”) to enter or remain in the United Kingdom which was given in accordance with any provision of the immigration rules (as defined in that section) which refers to there being, or to there needing to be, no recourse to public funds or to there being no charge on public funds during that limited leave; but this sub-paragraph shall not apply to a person who is a national of a Member State, a state which is a signatory to the European Convention on Social and Medical Assistance (done in Paris on 11th December 1953)<sup>F77</sup>, the Channel Islands or the Isle of Man; or
- (b) having a limited leave (as defined in section 33(1) of the 1971 Act) to enter or remain in the United Kingdom, has remained without further leave under that Act beyond the time limited by the leave; or
- (c) is the subject of a deportation order being an order under section 5(1) of the 1971 Act (deportation) requiring him to leave and prohibiting him from entering the United Kingdom; or
- (d) is adjudged by the immigration authorities to be an illegal entrant (as defined in section 33(1) of the 1971 Act) who has not subsequently been given leave under that Act to enter or remain in the United Kingdom; or
- (e) has been allowed temporary admission to the United Kingdom by virtue of paragraph 21 of Schedule 2 to the 1971 Act; or
- (f) has been allowed temporary admission to the United Kingdom by the Secretary of State outside any provision of the 1971 Act; or
- (g) has not had his immigration status determined by the Secretary of State;

“patient” means a person (other than a prisoner) who is regarded as receiving free in-patient treatment within the meaning of the Social Security (Hospital In-Patients) Regulations 1975<sup>F78</sup>.

“prisoner” means a person who is detained in custody pending trial or sentence upon conviction or under a sentence imposed by a court other than a person whose detention is under the provisions of the Mental Health Act 1983<sup>F79</sup> or Mental Health (Scotland) Act 1984;

“residential accommodation” means, subject to paragraph (4), accommodation for a person whose stay in the accommodation has become other than temporary which is accommodation provided under—

- (a) sections 21 to 24 and 26 of the National Assistance Act 1948<sup>F80</sup> (provision of accommodation); or



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- (b) in Scotland, for the purposes of section 27 of the National Health Service (Scotland) Act 1947 <sup>F81</sup> (prevention of illness and after-care) or under section 59 of the Social Work (Scotland) Act 1968 <sup>F82</sup> (provision of residential and other establishments) other than in premises which are registered under section 61 of that Act (registration) and which are used for the rehabilitation of alcoholics or drug addicts; or
  - (c) under section 7 of the Mental Health (Scotland) Act 1984 (functions of local authorities); or
  - (d) under section 21 of, and paragraph 1 or 2 of Schedule 8 to, the National Health Service Act 1977 <sup>F83</sup> (care of mothers and young children, prevention, care and aftercare) by a local social services authority other than—
    - (i) such accommodation where full board is not available to the person; or
    - (ii) accommodation provided under the said section 21 and paragraph 2 which is registered under the provisions of Part I of the Registered Homes Act 1984 where the premises are used for the rehabilitation of alcoholics or drug users; or
    - (iii) a hostel within the meaning of regulation 20(2) (applicable amounts for persons in board and lodging accommodation or hostels).
- (4) A person who would, but for this paragraph, be in residential accommodation within the meaning of paragraph (3) shall not be treated as being in residential accommodation if he is a person—
- (a) who is under the age of 18 and in the care of a local authority under Part II or III of the Social Work (Scotland) Act 1968 (promotion of social welfare of children in need of care), or
  - (b) who is staying in a residential care home as defined in regulation 19(3) (applicable amounts for persons in residential care and nursing homes) under the provisions referred to in subparagraph (b) to (d) of paragraph (3) where—
    - (i) the weekly cost of such accommodation exceeds the maximum amount provided for under regulation 19 and paragraphs 6, 8, 9, 10 and 11 of Schedule 4 (applicable amounts of persons in residential care and nursing homes) in respect of such accommodation; and
    - (ii) the local authority accepts responsibility for the making of arrangements for the provision of such accommodation for that person in the light of that person being entitled to such maximum amount as a person in a residential care home under and by virtue of that regulation, provided that in the case of a person over pensionable age the local authority had accepted such responsibility for a period of not less than 2 years immediately before that person attained pensionable age.
- (5) A claimant to whom paragraph 19 of Schedule 7 (disability premium) applies shall be entitled to income support for the period in respect of which that paragraph applies to him notwithstanding that his partner was also entitled to income support for that same period.

#### Textual Amendments

- F76** 1971 c. 77, as amended by the [British Nationality Act 1981 \(c. 61\)](#), [section 39](#) and Schedule 4.
- F77** Cmnd 9512.
- F78** [S.I. 1975/555](#), the relevant amending instruments are 1977/1693 and 1987/1683.
- F79** 1983 c. 72.
- F80** 1948 c. 29; [section 21](#) was amended by the [Local Government Act 1972 \(c. 70\)](#), [Schedule 23](#), [paragraphs 1 and 2](#) and Schedule 30; the [National Health Service Reorganisation Act 1973 \(c. 32\)](#), [Schedule 4](#), [paragraph 44](#) and Schedule 5; the [Housing \(Homeless Persons\) Act 1977 \(c. 48\)](#),

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Schedule; the National Health Service Act 1977 (c. 49), **Schedule 15**, paragraph 5; the Health Services Act 1980 (c. 53), **Schedule 1**, Part I, paragraph 5. Section 22 was amended by the Social Work (Scotland) Act 1968 (c. 49), **section 87(4)** and Schedule 9, Part I; the Supplementary Benefits Act 1976 (c. 71), **Schedule 7**, paragraph 3; the Housing (Homeless Persons) Act 1977 (c. 48), **Schedule**; the Social Security Act 1980 (c. 30), section 20, **Schedule 4**, paragraph 2(1) and Schedule 5, Part II and the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), **section 20(1)(a)**. Section 24 was amended by the National Assistance (Amendment) Act 1959 (c. 30), **section 1(1)**; the National Health Service (Scotland) Act 1972 (c. 58), **Schedule 6**, paragraph 82; the Local Government Act 1972 (c. 70), **Schedule 23**, paragraph 2; the National Health Service Reorganisation Act 1972 (c. 32), **Schedule 4**, paragraph 45 and the Housing (Homeless Persons) Act 1977 (c. 48), **Schedule**. Section 26 was amended by the Health Services and Public Health Act 1968 (c. 46), **section 44** and Schedule 4 and the Social Work (Scotland) Act 1968 (c. 49) Schedule 9, Part I and applied by section 87(3); the Local Government Act 1972 (c. 70), **Schedule 23**, paragraph 2; the Housing (Homeless Persons) Act 1977 (c. 48), **Schedule** and the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), **section 20(1)(b)**.

**F81** 1947 c. 27, as applied by section 1(4)(c) of the Social Work (Scotland) Act 1968 (c. 49), **section 27** for the purposes of section 1(4)(c) of the 1968 Act is continued in force by paragraph 15 of Schedule 15 to the National Health Service (Scotland) Act 1978 (c. 29).

**F82** 1968 c. 49.

**F83** 1977 c. 49, **paragraph 1(2)** and 2(5) of Schedule 8 were repealed by section 30 of, and Schedule 10 to, the Health and Social Services and Social Security Adjudications Act 1983, and paragraph 2(1) and (3) of Schedule 8 were amended by section 148 of, and Schedule 4 to, the **Mental Health Act 1983** (c. 20).

#### Commencement Information

**I21** **Reg. 21** in force at 11.4.1988, see **reg. 1**

### Reductions in applicable amounts in certain cases of actual or notional unemployment benefit disqualification

**22.**—(1) The weekly applicable amount of a claimant to whom paragraph (4) or (5) applies shall, subject to paragraph (2), be reduced by a sum equal to 40 per cent of the following amount (hereinafter referred to as the “relevant amount”)—

- (a) in the case of a person to whom regulation 17 or 18 or paragraph 4 to 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) of Schedule 2 (applicable amounts);
  - (ii) where he is a single claimant aged not less than 18 but less than 25, the amount specified in paragraph 1(1)(b) 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 at least one of whom is aged not less than 18, the amount specified in paragraph 1(1)(c) of that Schedule;
- (b) in the case of a person to whom regulation 19 or 20 (applicable amounts for persons in residential care or nursing homes or board and lodging accommodation or hostels) or paragraph 14 or 15 of Schedule 7 (applicable amounts in special cases) applies, the amount allowed for personal expenses for him specified in paragraph 13 of Schedule 4 or, as the case may be, paragraph 11(b) of Schedule 5.

(2) Where—

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- (a) the claimant's capital calculated in accordance with Part V (including any capital treated as his) does not exceed £200; and
- (b) he or any member of his family is either pregnant or seriously ill,
- his weekly applicable amount shall be reduced by a sum equal to 20 per cent of the relevant amount in his case.
- (3) A reduction under paragraph (1) or (2) 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.
- (4) This paragraph applies to a claimant—
- (a) whose weekly applicable amount is calculated otherwise than in accordance with regulation 21 and paragraph 1 to 3, 8(b), 13, 16 and 18 of Schedule 7; and
- (b) whose right to income support is, under section 20(3)(d)(i) of the Act (conditions of entitlement to income support), subject to the condition of availability for employment; and
- (c) who—
- (i) is disqualified for receiving unemployment benefit under section 20(1) of the Social Security Act <sup>F84</sup> (disqualifications etc); or
- (ii) has made a claim for unemployment benefit which has not been determined by an adjudication officer and in respect of which, in the opinion of an adjudication officer, a question as to disqualification under that section arises; or
- (iii) has not made a claim for unemployment benefit or has had such a claim disallowed other than by reason of section 20(1) and, in either case, would be so disqualified if he were to make such a claim or it had not been so disallowed.
- (5) This paragraph applies to a claimant who is not required to be available for employment by virtue of regulation 8(2) [<sup>F85</sup> or 8(3)] (persons not required to be available for employment) or a person to whom regulation 11(2) applies (exemption from requirement to register for employment).
- (6) This regulation shall apply—
- (a) in a case to which head (i) of paragraph (4)(c) applies, for the period of the disqualification;
- (b) in a case to which head (ii) of paragraph (4)(c) applies, for a period of [<sup>F86</sup>13][<sup>F86</sup>26] weeks except that where, on subsequent determination of the claim for unemployment benefit—
- (i) disqualification is not imposed, any reduction imposed under paragraph (1) or (2), as the case may be, shall be withdrawn,
- (ii) disqualification is imposed but for a period of less than [<sup>F86</sup>13][<sup>F86</sup>26] weeks, the period of such reduction shall be adjusted to correspond with the period of disqualification;
- (c) in a case to which head (iii) of paragraph (4)(c) applies, for the period for which the claimant would be disqualified if he were to make a claim for unemployment benefit or if such a claim had not been disallowed for other reasons.
- (d) in a case to which paragraph (5) applies, for so long as that paragraph continues so to apply.

#### Textual Amendments

**F84** 1975 c. 14; subsection (1) was amended and subsection (1A) was added by the [Social Security Act 1986 \(c. 5\)](#), section 43.

**F85** Words in reg. 22(5) inserted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **11(a)**

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**F86** Word in reg. 22 substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **11(b)**

**Commencement Information**

**I22** Reg. 22 in force at 11.4.1988, see reg. 1

## PART V

### INCOME AND CAPITAL

#### CHAPTER I

##### general

#### Calculation of income and capital of members of claimant's family and of a polygamous marriage

**23.**—(1) The income and capital of a claimant's partner and, subject to paragraph (2) and to regulation 44 (modifications in respect of children and young persons), the income of a child or young person which by virtue of section 22(5) of the Act is to be treated as income and capital of the claimant, shall be calculated in accordance with the following provisions of this Part in like manner as for the claimant; and any reference to the “claimant” shall, except where the context otherwise requires, be construed, for the purposes of this Part, as if it were a reference to his partner or that child or young person.

(2) Regulations 36(2) and 38(2), so far as they relate to paragraphs 1 to 10 of Schedule 8 (earnings to be disregarded) and regulation 41(1) (capital treated as income) shall not apply to a child or young person.

(3) Where a claimant or the partner of a claimant is married polygamously to two or more members of his household—

- (a) the claimant shall be treated as possessing capital and income belonging to each such member and the income of any child or young person who is one of that member's family; and
- (b) the income and capital of that member or, as the case may be, the income of that child or young person shall be calculated in accordance with the following provisions of this Part in like manner as for the claimant or, as the case may be, as for any child or young person who is a member of his family.

**Commencement Information**

**I23** [Reg. 23](#) in force at 11.4.1988, see [reg. 1](#)

#### Treatment of charitable or voluntary payments

**24.**—(1) Subject to paragraph (5), any charitable or voluntary payment<sup>F87</sup> ... made to the claimant on or after the date of claim shall be calculated in accordance with the following provisions of this regulation; and for the purposes of this regulation any such payment made to a member of the claimant's family or to a person whose income and capital he is treated as possessing under regulation 23(3) (calculation of income and capital of members of claimant's family and of a polygamous marriage) shall be treated as a payment made to the claimant and shall be disregarded in calculating the income or capital of that member or that person.

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(2) The first £250, whether in aggregate or otherwise, of any such payments made in the period of 52 weeks beginning with the first day of the benefit week in which the first payment is made shall be taken into account under Chapter VI of this Part as capital and to the extent that it is not a payment of capital shall be treated as capital.

(3) Any such payments in the period of 52 weeks in excess of £250 shall be taken into account under Chapter V of this Part as income and to the extent that it is not a payment of income shall be treated as income.

(4) In the case of a claimant who continues to be in receipt of income support at the end of the period of 52 weeks, the foregoing provisions of this regulation shall continue to apply thereafter with the modification that any subsequent period of 52 weeks shall begin with the first day of the benefit week in which the first payment is made after the end of the previous period of 52 weeks.

[<sup>F88</sup>(5) This regulation shall not apply—

- (a) to a person to whom section 23 of the Act (trade disputes) applies or in respect of whom section 20(3) of the Act (conditions of entitlement to income support) has effect as modified by section 23A(b) of the Act (effect of return to work) or to a member of his family;
- (b) to a payment—
  - (i) which is or is due to be made at regular intervals;
  - (ii) to which regulation 44(2) (modifications in respect of children and young persons) applies; or
  - (iii) made under the Macfarlane Trust.]

#### Textual Amendments

**F87** Words in [reg. 24\(1\)](#) omitted (11.4.1988) by virtue of [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), [regs. 1\(1\)](#), [12\(a\)](#)

**F88** [Reg. 24\(5\)](#) substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), [regs. 1\(1\)](#), [12\(b\)](#)

#### Commencement Information

**I24** [Reg. 24](#) in force at 11.4.1988, see [reg. 1](#)

### Liable relative payments

**25.** Regulations 29 to 44, 46 to 52 and Chapter VIII of this Part shall not apply to any payment which is to be calculated in accordance with Chapter VII thereof (liable relatives).

#### Commencement Information

**I25** [Reg. 25](#) in force at 11.4.1988, see [reg. 1](#)

### Calculation of income and capital of students

**26.** The provisions of Chapters II to VI of this Part (income and capital) shall have effect in relation to students and their partners subject to the modifications set out in Chapter VIII thereof (students).

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#### Commencement Information

**I26** [Reg. 26](#) in force at 11.4.1988, see [reg. 1](#)

#### [<sup>F89</sup>Rounding of fractions

**27.** Where any calculation under this Part results in a fraction of a penny that fraction shall, if it would be to the claimant's advantage, be treated as a penny, otherwise it shall be disregarded.]

#### Textual Amendments

**F89** [Reg. 27](#) substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), [regs. 1\(1\)](#), **13**

#### Commencement Information

**I27** [Reg. 27](#) in force at 11.4.1988, see [reg. 1](#)

## CHAPTER II

### income

#### Calculation of income

**28.—(1)** For the purposes of section 20(3) of the Act (conditions of entitlement to income support) the income of a claimant shall be calculated on a weekly basis—

- (a) by determining in accordance with this Part, other than Chapter VI, the weekly amount of his income; and
- (b) by adding to that amount the weekly income calculated under regulation 53 (calculation of tariff income from capital).

(2) For the purposes of paragraph (1) “income” includes income derived under regulations 24 and 41 to 43 (treatment of charitable or voluntary payments, capital treated as income, notional income and notional earnings of seasonal workers).

#### Commencement Information

**I28** [Reg. 28](#) in force at 11.4.1988, see [reg. 1](#)

#### Calculation of earnings derived from employed earner's employment and income other than earnings

**29.—(1)** Except where regulation 33 applies (weekly amount of charitable or voluntary payment) earnings derived from employment as an employed earner and income which does not consist of earnings shall be taken into account over a period determined in accordance with the following paragraphs and at a weekly amount determined in accordance with regulation 32 (calculation of weekly amount of income).

(2) Subject to paragraph (3), the period over which a payment is to be taken into account shall be—

- (a) in a case where it is payable in respect of a period, a period equal to the length of that period;

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- (b) in any other case, a period equal to such number of weeks as is equal to the number obtained (and any fraction shall be treated as a corresponding fraction of a week) by dividing the net earnings, or in the case of income which does not consist of earnings, the amount of that income by the amount of income support which would be payable had the payment not been made plus an amount equal to the total of the sums which would fall to be disregarded from that payment under Schedule 8 or, as the case may be, 9 (earnings and other income to be disregarded) as is appropriate in the claimant's case,

and that period shall begin on the date on which the payment is treated as paid under regulation 31 (date on which income is treated as paid).

(3) Where earnings not of the same kind are derived from the same source and the periods in respect of which those earnings would, but for this paragraph, fall to be taken into account—

- (a) overlap, wholly or partly, those earnings shall be taken into account over a period equal to the aggregate length of those periods;
- (b) and that period shall begin with the earliest date on which any part of those earnings would otherwise be treated as paid under regulation 31 (date on which income is treated as paid).

(4) In a case to which paragraph (3) applies, any payment to which regulation 35(1)(b) or (c) (earnings of employed earners) applies shall be taken into account before a payment to which regulation 35(1)(d) applies but after any earnings normally derived from the employment.

(5) For the purposes of this regulation the claimant's earnings and income which does not consist of earnings shall be calculated in accordance with Chapters III and V respectively of this Part.

**Commencement Information**

**I29** [Reg. 29](#) in force at 11.4.1988, see [reg. 1](#)

**Calculation of earnings of self-employed earners**

**30.**—(1) Except where paragraph (2) applies, where a claimant's income consists of earnings from employment as a self-employed earner the weekly amount of his earnings shall be determined by reference to his average weekly earnings from that employment—

- (a) over a period of 52 weeks; or
- (b) where the claimant has recently become engaged in that employment or there has been a change which is likely to affect the normal pattern of business, over such other period of weeks as may, in any particular case, enable the weekly amount of his earnings to be determined more accurately.

(2) Where the claimant's earnings consist of royalties or sums paid periodically for or in respect of any copyright those earnings shall be taken into account over a period equal to such number of weeks as is equal to the number obtained (and any fraction shall be treated as a corresponding fraction of a week) by dividing the earnings by the amount of income support which would be payable had the payment not been made plus an amount equal to the total of the sums which would fall to be disregarded from the payment under Schedule 8 (earnings to be disregarded) as is appropriate in the claimant's case.

(3) For the purposes of this regulation the claimant's earnings shall be calculated in accordance with Chapter IV of this Part.

**Commencement Information**

**I30** [Reg. 30](#) in force at 11.4.1988, see [reg. 1](#)

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## Date on which income is treated as paid

**31.**—(1) Except where paragraph (2) applies, a payment of income to which regulation 29 (calculation of earnings derived from employed earner's employment and income other than earnings) applies shall be treated as paid—

- (a) in the case of a payment which is due to be paid before the first benefit week pursuant to the claim, on the date on which it is due to be paid;
- (b) in any other case, on the first day of the benefit week in which it is due to be paid or the first succeeding benefit week in which it is practicable to take it into account.

(2) Income support, unemployment benefit, sickness or invalidity benefit, or severe disablement allowance under the Social Security Act <sup>F90</sup> shall be treated as paid on the day of the benefit week in respect of which [<sup>F91</sup>it is payable].

### Textual Amendments

**F90** See sections 12(1)(a) to (c), 14 to 16 and 36 of the [Social Security Act 1975 \(c. 14\)](#); section 12(1) (a) and (b) was amended by the [Social Security \(No. 2\) Act 1980 \(c. 39\)](#), [section 7\(6\)](#) and the [Health and Social Security Act 1984 \(c. 48\)](#), [Schedule 5](#), paragraph 2; section 14 was amended by the [Social Security Pensions Act 1975 \(c. 60\)](#), [section 18\(1\)](#) and 65, Schedule 4, paragraph 39, the [Social Security Act 1979 \(c. 18\)](#) section 21(4), Schedule 3, paragraph 6, the [Social Security and Housing Benefits Act 1982 \(c. 24\)](#) sections 39(3) and 48, Schedule 4, paragraph 9; the [Social Security \(No. 2\) Act 1980 \(c. 39\)](#) section 7 and the [Schedule and the Social Security Act 1986 \(c. 50\)](#) section 86 Schedule 10 paragraph 83; section 15 was amended by the [Social Security Pensions Act 1975](#) section 65, Schedule 4, paragraph 40, the [Social Security Act 1979](#) section 21, Schedule 1, paragraph 1, Schedule 3, paragraph 7, the [Social Security and Housing Benefits Act 1982](#) section 48, Schedule 4 paragraph 10; and the [Social Security Act 1986 \(c. 50\)](#) section 86 Schedule 10 Part V paragraph 83; section 15A was inserted by section 18(3) of the [Social Security Act 1985 \(c. 53\)](#); section 16 was amended by the [Social Security Act 1979](#), Schedule 1, paragraph 10 and the [Social Security Act 1985](#) section 9(1) and modified for certain purposes by the [Social Security Act 1986 \(c. 50\)](#) section 4; section 36 was substituted by the [Health and Social Security Act 1984](#), section 11 and subsection 4A was added by the [Social Security Act 1985](#) Schedule 4, paragraph 3.

**F91** Words in [reg. 31\(2\)](#) substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), [regs. 1\(1\), 14](#)

### Commencement Information

**I31** Reg. 31 in force at 11.4.1988, see [reg. 1](#)

## Calculation of weekly amount of income

**32.**—(1) For the purposes of regulation 29 (calculation of earnings derived from employed earner's employment and income other than earnings), subject to paragraphs (2) to (5) <sup>F92</sup> ..., where the period in respect of which a payment is made—

- (a) does not exceed a week, the weekly amount shall be the amount of that payment;
- (b) exceeds a week, the weekly amount shall be determined—
  - (i) in a case where that period is a month, by multiplying the amount of the payment by 12 and dividing the product by 52;
  - (ii) in a case where that period is three months, by multiplying the amount of the payment by 4 and dividing the product by 52;
  - (iii) in a case where that period is a year by dividing the amount of the payment by 52;



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(iv) in any other case by multiplying the amount of the payment by 7 and dividing the product by the number equal to the number of days in the period in respect of which it is made.

(2) Where a payment for a period not exceeding a week is treated under regulation 31(1)(a) (date on which income is treated as paid) as paid before the first benefit week and a part is to be taken into account for some days only in that week (the relevant days), the amount to be taken into account for the relevant days shall be calculated by multiplying the amount of the payment by the number equal to the number of relevant days and dividing the product by the number of days in the period in respect of which it is made.

(3) Where a payment is in respect of a period equal to or in excess of a week and a part thereof is to be taken into account for some days only in a benefit week (the relevant days), the amount to be taken into account for the relevant days shall, except where paragraph (4) applies, be calculated by multiplying the amount of the payment by the number equal to the number of relevant days and dividing the product by the number of days in the period in respect of which it is made.

(4) In the case of a payment of—

- (a) unemployment benefit, sickness or invalidity benefit, or severe disablement allowance under the Social Security Act, the amount to be taken into account for the relevant days shall be the amount of benefit [<sup>F93</sup>payable] in respect of those days;
- (b) income support, the amount to be taken into account for the relevant days shall be calculated by multiplying the weekly amount of the benefit by the number of relevant days and dividing the product by seven.

(5) Except in the case of a payment which it has not been practicable to treat under regulation 31(1)(b) as paid on the first day of the benefit week in which it is due to be paid, where a payment of income from a particular source is or has been paid regularly and that payment falls to be taken into account in the same benefit week as a payment of the same kind and from the same source, the amount of that income to be taken into account in any one benefit week shall not exceed the weekly amount determined under paragraph (1)(a) or (b), as the case may be, of the payment which under regulation 31(1)(b) (date on which income is treated as paid) is treated as paid first.

(6) Where the amount of the claimant's income fluctuates and has changed more than once, or a claimant's regular pattern of work is such that he does not work every week, the foregoing paragraphs may be modified so that the weekly amount of his income is determined by reference to his average weekly income—

- (a) if there is a recognisable cycle of work, over the period of one complete cycle (including, where the cycle involves periods in which the claimant does no work, those periods but disregarding any other absences);
- (b) in any other case, over a period of five weeks or such other period as may, in the particular case, enable the claimant's average weekly income to be determined more accurately.

#### Textual Amendments

- F92** Words in [reg. 32\(1\)](#) omitted (11.4.1988) by virtue of [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), [regs. 1\(1\)](#), **15(a)**
- F93** Word in [reg. 32\(4\)\(a\)](#) substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), [regs. 1\(1\)](#), **15(b)**

#### Commencement Information

- I32** Reg. 32 in force at 11.4.1988, see [reg. 1](#)

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**Weekly amount of charitable or voluntary payment**

33.—(1) Subject to paragraph (2), the weekly amount of any charitable or voluntary payment which is to be treated as income under regulation 24(3) (treatment of charitable or voluntary payments) shall be determined as follows—

- (a) in a case where the first such payment exceeds the annual limit of £250, the excess shall be divided by 52; and the resulting amount treated as weekly income for a period of 52 weeks beginning on the date on which that payment was made;
- (b) in a case where any subsequent payment in aggregate with earlier payments first exceeds that limit, the excess shall be divided by the number equal to the number of weeks (including any part of a week) in the interval beginning with the date of that payment to the end of the period of 52 weeks; and the resulting amount treated as weekly income for each week in that interval; and
- (c) any payment made after that in either sub-paragraph (a) or (b) shall be divided by the number equal to the number of weeks (including any part of a week) in the interval beginning with the date of that payment to the end of the period of 52 weeks; and the resulting amount treated as weekly income for each week in that interval.

(2) Where the date on which the payment is made is not the first day of the benefit week in which it is made it shall be treated as paid on the first day of that benefit week or the first succeeding benefit week in which it is practicable to take the weekly amount of the payment into account.

**Commencement Information**

I33 Reg. 33 in force at 11.4.1988, see reg. 1

**Incomplete weeks of benefit**

<sup>F94</sup>34. ....

**Textual Amendments**

F94 Reg. 34 omitted (11.4.1988) by virtue of The Income Support (General) Amendment Regulations 1988 (S.I. 1988/663), regs. 1(1), 16

**Commencement Information**

I34 Reg. 34 in force at 11.4.1988, see reg. 1

CHAPTER III  
employed earners

**Earnings of employed earners**

35.—(1) Subject to paragraph (2) “earnings” means in the case of employment as an employed earner, any remuneration or profit derived from that employment and includes—

- (a) any bonus or commission;
- (b) any payment in lieu of remuneration except any periodic sum paid to a claimant on account of the termination of his employment by reason of redundancy;
- (c) any payment in lieu of notice or any lump sum payment intended as compensation for the loss of employment but only in so far as it represents loss of income;

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- (d) any holiday pay except any payable more than four weeks after the termination or interruption of employment but this exception shall not apply to a claimant to whom [<sup>F95</sup>section 23 of the Act (trade disputes) applies or in respect of whom section 20(3) of the Act (conditions of entitlement to income support) has effect as modified by section 23A(b) of the Act (effect of return to work).]
  - (e) any payment by way of a retainer;
  - (f) any payment made by the claimant's employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the claimant's employer in respect of—
    - (i) travelling expenses incurred by the claimant between his home and place of employment;
    - (ii) expenses incurred by the claimant under arrangements made for the care of a member of his family owing to the claimant's absence from home;
  - (g) any award of compensation made under section 68(2) or 71(2)(a) of the Employment Protection (Consolidation) Act 1978 <sup>F96</sup> (remedies for unfair dismissal and compensation);
  - (h) any such sum as is referred to in section 18(2) of the Social Security (Miscellaneous Provisions) Act 1977 <sup>F97</sup> (certain sums to be earnings for social security purposes).
- (2) “Earnings” shall not include—
- (a) any payment in kind;
  - (b) any remuneration paid by or on behalf of an employer to the claimant who for the time being is unable to work due to illness or maternity;
  - (c) any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment;
  - (d) any occupational pension.

#### Textual Amendments

- F95** Words in [reg. 35\(1\)\(d\)](#) substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), [regs. 1\(1\), 17](#)
- F96** [1978 c. 44](#); section 68(2) was amended by the [Employment Act 1982 \(c. 46\)](#) section 21 Schedule 3 paragraph 21; section 71(2) was amended by the [Employment Act 1982 \(c. 46\)](#) sections 5 and 21 Schedule 3 paragraph 22 and Schedule 4.
- F97** [1977 c. 5](#); section 18(2) was amended by section 159 Schedule 16 paragraph 29 of the [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#) and by section 86(2) of, and Schedule 10 Part IV paragraph 75 and Schedule 11 to, the [Social Security Act 1986 \(c. 50\)](#).

#### Commencement Information

- I35** Reg. 35 in force at 11.4.1988, see [reg. 1](#)

### Calculation of net earnings of employed earners

**36.**—(1) For the purposes of regulation 29 (calculation of earnings of employed earners) the earnings of a claimant derived from employment as an employed earner to be taken into account shall, subject to paragraph (2), be his net earnings.

(2) There shall be disregarded from a claimant's net earnings, any sum, where applicable, specified in paragraphs 1 to 13 of Schedule 8.

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(3) For the purposes of paragraph (1) net earnings shall be calculated by taking into account the gross earnings of the claimant from that employment less—

- (a) any amount deducted from those earnings by way of—
  - (i) income tax;
  - (ii) primary Class 1 contributions under the Social Security Act <sup>F98</sup>; and
- (b) one-half of any sum paid by the claimant by way of a contribution towards an occupational or personal pension scheme.

#### Textual Amendments

**F98** See sections 1(2) and 4 of the [Social Security Act 1975 \(c. 14\)](#); [section 1](#) was amended by the [Employment Protection Act 1975 \(c. 71\)](#), [section 40](#), the [Social Security \(Miscellaneous Provisions\) Act 1977 \(c. 5\)](#), [section 24](#) and Schedule 2, the [Social Security \(Contributions\) Act 1982 \(c. 2\)](#) section 2, the [Social Security Act 1985 \(c. 53\)](#) section 29 and Schedule 5, paragraph 5, the [Social Security Act 1986 \(c. 50\)](#), [section 86](#) and Schedule 11 and S.I. 1987/48; [section 4](#) was amended by the [Social Security Pensions Act 1975 \(c. 60\)](#), [Schedule 4](#), paragraph 36, the [Education \(School-Leaving Dates\) Act 1976 \(c. 5\)](#), [section 2\(4\)](#), the [Social Security Act 1979 \(c. 18\)](#), [section 14\(1\)](#), the [Social Security and Housing Benefits Act 1982 \(c. 24\)](#), [Schedule 5](#), the [Social Security Act 1985 \(c. 53\)](#) sections 7(1) and (2) and 8(1) the [Social Security Act 1986 \(c. 50\)](#) sections 74(1)(a) and (2) and 86 and Schedule 10, paragraph 104, article 2 of S.I. 1986/25 and article 2 of S.I. 1987/46.

#### Commencement Information

**I36** [Reg. 36](#) in force at 11.4.1988, see [reg. 1](#)

## CHAPTER IV

### self-employed earners

#### Earnings of self-employed earners

**37.**—(1) Subject to paragraph (2), “earnings”, in the case of employment as a self-employed earner, means the gross receipts of the employment and shall include any allowance paid under section 2 of the Employment and Training Act 1973 <sup>F99</sup> to the claimant for the purpose of assisting him in carrying on his business.

(2) “Earnings” shall not include, where a claimant is employed in providing board and lodging accommodation for which a charge is payable, any payment by way of such a charge except where the claimant is a seasonal worker to whom regulation 43 (notional earnings of seasonal workers) applies and the payment is due during the period of his normal employment.

#### Textual Amendments

**F99** [1973 c. 50](#); [section 2](#) was amended by sections 9 and 11 and Schedule 2 Part II paragraph 9 and Schedule 3 of the [Employment and Training Act 1981 \(c. 57\)](#).

#### Commencement Information

**I37** [Reg. 37](#) in force at 11.4.1988, see [reg. 1](#)

## Calculation of net profit of self-employed earners

**38.**—(1) For the purposes of regulation 30 (calculation of earnings of self-employed earners), the earnings of a claimant to be taken into account shall be—

- (a) in the case of a self-employed earner who is engaged in employment on his own account, the net profit derived from that employment;
- (b) in the case of a self-employed earner whose employment is carried on in partnership or is that of a share fisherman within the meaning of the Social Security (Mariners' Benefits) Regulations 1975 <sup>F100</sup>, his share of the net profit derived from that employment less—
  - (i) an amount in respect of income tax and of social security contributions payable under the Social Security Act calculated in accordance with regulation 39 (deduction of tax and contributions for self-employed earners); and
  - (ii) one-half of any qualifying premium payable.

(2) There shall be disregarded from a claimant's net profit any sum, where applicable, specified in paragraphs 1 to 13 of Schedule 8.

(3) For the purposes of paragraph (1) (a) the net profit of the employment shall, except where paragraph (9) applies, be calculated by taking into account the earnings of the employment over the period determined under regulation 30 (calculation of earnings of self-employed earners) less—

- (a) subject to paragraphs (5) to (7), any expenses wholly and exclusively defrayed in that period for the purposes of that employment;
- (b) an amount in respect of—
  - (i) income tax; and
  - (ii) social security contributions payable under the Social Security Act, calculated in accordance with regulation 39 (deduction of tax and contributions for self-employed earners); and
- (c) one-half of any qualifying premium payable.

(4) For the purposes of paragraph (1) (b), the net profit of the employment shall be calculated by taking into account the earnings of the employment over the period determined under regulation 30 less, subject to paragraphs (5) to (7), any expenses wholly and exclusively defrayed in that period for the purposes of that employment.

(5) Subject to paragraph (6), no deduction shall be made under paragraph (3) (a) or (4) in respect of—

- (a) any capital expenditure;
- (b) the depreciation of any capital asset;
- (c) any sum employed or intended to be employed in the setting up or expansion of the employment;
- (d) any loss incurred before the beginning of the period determined under regulation 30 (calculation of earnings of self-employed earners);
- (e) the repayment of capital on any loan taken out for the purposes of the employment;
- (f) any expenses incurred in providing business entertainment.

(6) A deduction shall be made under paragraph (3) (a) or (4) in respect of the repayment of capital on any loan used for—

- (a) the replacement in the course of business of equipment or machinery; and
- (b) the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair.

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(7) An adjudication officer shall refuse to make a deduction in respect of any expenses under paragraph (3) (a) or (4) where he is not satisfied that the expense has been defrayed or, having regard to the nature of the expense and its amount, that it has been reasonably incurred.

(8) For the avoidance of doubt—

(a) a deduction shall not be made under paragraph (3) (a) or (4) in respect of any sum unless it has been expended for the purposes of the business;

(b) a deduction shall be made thereunder in respect of—

(i) the excess of any VAT paid over VAT received in the period determined under regulation 30 (calculation of earnings of self-employed earners);

(ii) any income expended in the repair of an existing asset except to the extent that any sum is payable under an insurance policy for its repair;

(iii) any payment of interest on a loan taken out for the purposes of the employment.

(9) Where a claimant is engaged in employment as a child minder the net profit of the employment shall be one-third of the earnings of that employment, less—

(a) an amount in respect of—

(i) income tax; and

(ii) social security contributions payable under the Social Security Act, calculated in accordance with regulation 39 (deduction of tax and contributions for self-employed earners); and

(b) one-half of any qualifying premium payable.

(10) Notwithstanding regulation 30 (calculation of earnings of self-employed earners) and the foregoing paragraphs, an adjudication officer may assess any item of a claimant's income or expenditure over a period other than that determined under regulation 30 as may, in the particular case, enable the weekly amount of that item of income or expenditure to be determined more accurately.

(11) For the avoidance of doubt where a claimant is engaged in employment as a self-employed earner and he is also engaged in one or more other employments as a self-employed or employed earner any loss incurred in any one of his employments shall not be offset against his earnings in any other of his employments.

(12) In this regulation “qualifying premium” means any premium or other consideration payable under an annuity contract for the time being approved by the Board of Inland Revenue as having for its main object the provision for the claimant of a life annuity in old age or the provision of an annuity for his partner or for any one or more of his dependants and in respect of which relief from income tax may be given.

#### Textual Amendments

**F100** [S.I. 1975/529](#).

#### Commencement Information

**I38** [Reg. 38](#) in force at 11.4.1988, see [reg. 1](#)

### Deduction of tax and contributions for self-employed earners

**39.**—(1) The amount to be deducted in respect of income tax under regulation 38 (1) (b) (i), (3) (b) (i) or (9) (a) (i) (calculation of net profit of self-employed earners) shall be calculated on the basis of the amount of chargeable income and as if that income were assessable to income tax at the

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basic rate of tax less only the personal relief to which the claimant is entitled under sections 8 (1) and (2) and 14 (1) (a) and (2) of the Income and Corporation Taxes Act 1970 (personal relief)<sup>F101</sup> as is appropriate to his circumstances; but, if the period determined under regulation 30 (calculation of earnings of self-employed earners) is less than a year, the amount of the personal relief deductible under this paragraph shall be calculated on a pro rata basis.

(2) The amount to be deducted in respect of social security contributions under regulation 38(1) (b)(i), (3)(b)(ii) or (9)(a)(ii) shall be the total of—

- (a) the amount of Class 2 contributions payable under section 7 (1) or, as the case may be, (4) of the Social Security Act<sup>F102</sup> except where the claimant's chargeable income is less than the amount for the time being specified in section 7 (5) of that Act<sup>F103</sup> (small earnings exception); and
- (b) the amount of Class 4 contributions (if any) which would be payable under section 9 of that Act<sup>F104</sup> (contributions recoverable under Taxes Acts) in respect of profits or gains equal to the amount of that income.

(3) In this regulation “chargeable income” means—

- (a) except where sub-paragraph (b) applies, the earnings derived from the employment less any expenses deducted under paragraph (3) (a) or, as the case may be, (4) of regulation 38;
- (b) in the case of employment as a child minder, one-third of the earnings of that employment.

#### Textual Amendments

**F101** 1970 c. 10; section 8 (1) was amended by the Finance Act 1971 (c. 68) section 37 Schedule 6 paragraphs 1 and 5, and the Finance Act 1985 (c. 54) section 36, subsection (1A) was added by the Finance (No.2) Act 1975 (c. 45) section 31 and amended by the Finance Act 1977 (c. 36) section 22. Subsection (1B) was added by the Finance (No.2) Act 1975 section 31. Section 8 (2) was amended by the Finance Act 1971 section 37 Schedule 6 paragraphs 1 and 5 and article 2 of S.I. 1985/430; sub-paragraph (b) was substituted by the Finance (No.2) Act 1979 (c. 47) section 12 Schedule 2 paragraph 1; sub-paragraph (b) (i) and (ii) were amended by the Finance Act 1981 (c. 35) section 139 Schedule 19 Part VI and the Finance Act 1982 (c. 39) section 157 Schedule 22 Part IV; sub-paragraph (b) (iii) was added by the Finance Act 1981 (c. 35) section 27 and sub-paragraph (b) (iv) by the Finance Act 1987 (c. 16) section 27. Section 14 (1) was amended by the Finance Act 1970 (c. 24) section 14 Schedule 8 Part VI; section 14 (2) was amended by the Finance Act 1976 (c. 40) section 36, the Finance (No.2) Act 1979 (c. 47) section 11 Schedule 1 paragraph 2 and the Finance Act 1980 (c. 48) section 24.

**F102** Section 7 (1) was amended by section 2 (4) of the Education (School-Leaving Dates) Act 1976 (c. 5), section 17 (1) of the Health and Social Security Act 1984 (c. 48) article 3 of S.I. 1986/25 and article 3 of S.I. 1987/46.

**F103** Section 9 was amended by sections 4 and 65 of, and Schedule 5 to, the Social Security Pensions Act 1975 (c. 60), the Social Security (Contributions) Act 1982 (c. 2) section 1 and by S.I. 1986/25.

**F104** Section 7 (5) was amended by article 3 of S.I. 1986/25 and S.I. 1987/46.

#### Commencement Information

**I39** Reg. 39 in force at 11.4.1988, see reg. 1

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## CHAPTER V

### other income

#### Calculation of income other than earnings

**40.**—(1) For the purposes of regulation 29 (calculation of income other than earnings) the income of a claimant which does not consist of earnings to be taken into account shall, subject to paragraphs (2) and (3), be his gross income and any capital treated as income under regulations 24(3), 41 and 44 (treatment of charitable and voluntary payments, capital treated as income and modifications in respect of children and young persons).

(2) There shall be disregarded from the calculation of a claimant's gross income under paragraph (1), any sum, where applicable, specified in Schedule 9.

(3) Where the payment of any benefit under the benefit Acts <sup>F105</sup> is subject to any deduction by way of recovery the amount to be taken into account under paragraph (1) shall be the gross amount payable.

(4) For the avoidance of doubt there shall be included as income to be taken into account under paragraph (1) any payment to which regulation 35(2) or 37(2) (payments not earnings) applies.

#### Textual Amendments

**F105** The benefit Acts are specified in section 84(1) of the [Social Security Act 1986 \(c. 50\)](#).

#### Commencement Information

**I40** [Reg. 40](#) in force at 11.4.1988, see [reg. 1](#)

#### Capital treated as income

**41.**—(1) Any capital payable by instalments which are outstanding on the first day in respect of which income support is payable or the date of the determination of the claim, whichever is earlier, or, in the case of a review, the date of any subsequent review shall, if the aggregate of the instalments outstanding and the amount of the claimant's capital otherwise calculated in accordance with Chapter VI of this Part exceeds £6,000, be treated as income.

(2) Any payment received under an annuity shall be treated as income.

(3) In the case of a person to whom section 23 of the Act (trade disputes) applies [<sup>F106</sup>or in respect of whom section 20(3) of the Act (conditions of entitlement to income support) has effect as modified by section 23A(b) of the Act (effect of return to work)], any payment under section 1 of the Child Care Act 1980 <sup>F107</sup> (duty of local authorities to promote welfare of children) or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 <sup>F108</sup> (general social welfare) shall be treated as income.

#### Textual Amendments

**F106** Words in reg. 41(3) substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **18**

**F107** 1980 c. 5.

**F108** 1968 c. 49.



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### Commencement Information

**I41** Reg. 41 in force at 11.4.1988, see [reg. 1](#)

### Notional income

**42.**—(1) A claimant shall be treated as possessing income of which he has deprived himself for the purpose of securing entitlement to income support or increasing the amount of that benefit.

(2) Except in the case of—

- (a) a discretionary trust;
- (b) a trust derived from a payment made in consequence of a personal injury;
- (c) unemployment benefit under the Social Security Act which may be payable to a claimant who is not required to be available for employment; or
- (d) an increase of child benefit payable to a claimant under regulation 2(2) of the Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations 1976 <sup>F109</sup> (rates of child benefit),

income which would become available to the claimant upon application being made but which has not been acquired by him shall be treated as possessed by him but only from the date on which <sup>F110</sup>it could be expected to be acquired were an application made].

(3) Except in the case of a discretionary trust, or a trust derived from a payment made in consequence of a personal injury, any income which is due to be paid to the claimant but—

- (a) has not been paid to him;
- (b) is not a payment prescribed in regulation 9 or 10 of the Social Security (Payments on Account, Overpayment and Recovery) Regulations 1987 <sup>F111</sup> (duplication and prescribed payments or maintenance payments) and not made on or before the date prescribed in relation to it,

shall be treated as possessed by the claimant.

(4) <sup>F112</sup>Any payment of income, other than a payment of income made under the Macfarlane Trust,] made—

- (a) to a third party in respect of a member of the family (but not a member of the third party's family) shall be treated—
  - (i) in a case where that payment is derived from a payment of any benefit under the benefit Acts, a war disablement pension or war widow's pension, as possessed by that member if it is paid to any member of that family;
  - (ii) in any other case, as possessed by that member to the extent that it is used for the food, clothing, footwear, fuel, rent or rates for which housing benefit is payable, or any housing costs to the extent that they are met under regulations 17(e) or 18(f) (housing costs) <sup>F113</sup>or accommodation charge to the extent that it is met under regulation 19 or 20 (persons in residential care or nursing homes or in board and lodging accommodation or hostels)], of any member of that family;
- (b) to a member of the family in respect of a third party (but not in respect of another member of that family) shall be treated as possessed by that member to the extent that it is kept by him or used by or on behalf of any member of the family;

but, except where sub-paragraph (a)(i) applies and in the case of a person to whom section 23 of the Act (trade disputes) applies, this paragraph shall not apply to any payment in kind.

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(5) Where a claimant's earnings are not ascertainable at the time of the determination of the claim or of any subsequent review the adjudication officer shall treat the claimant as possessing such earnings as is reasonable in the circumstances of the case having regard to the number of hours worked and the earnings paid for comparable employment in the area.

(6) Where—

- (a) a claimant performs a service for another person; and
- (b) that person makes no payment of earnings or pays less than that paid for a comparable employment in the area,

the adjudication officer shall treat the claimant as possessing such earnings (if any) as is reasonable for that employment unless the claimant satisfies him that the means of that person are insufficient for him to pay or to pay more for the service; but this paragraph shall not apply to a claimant who is engaged by a charitable or voluntary body or is a volunteer if the adjudication officer is satisfied that it is reasonable for him to provide his services free of charge.

(7) Where a claimant is treated as possessing any income under any of paragraphs (1) to (4) the foregoing provisions of this Part shall apply for the purposes of calculating the amount of that income as if a payment had actually been made and as if it were actual income which he does possess.

(8) Where a claimant is treated as possessing any earnings under paragraph (5) or (6) the foregoing provisions of this Part shall apply for the purposes of calculating the amount of those earnings as if a payment had actually been made and as if they were actual earnings which he does possess except that paragraph (3) of regulation 36 (calculation of net earnings of employed earners) shall not apply and his net earnings shall be calculated by taking into account the earnings which he is treated as possessing, less—

- (a) an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate of tax in the year of assessment less only the personal relief to which the claimant is entitled under sections 8(1) and (2) and 14(1)(a) and (2) of the Income and Corporation Taxes Act 1970 (personal relief) as is appropriate to his circumstances; but, if the period over which those earnings are to be taken into account is less than a year, the amount of the personal relief deductible under this paragraph shall be calculated on a pro rata basis;
- (b) an amount in respect of primary Class 1 contributions payable under the Social Security Act in respect of those earnings; and
- (c) one-half of any sum payable by the claimant by way of a contribution towards an occupational or personal pension scheme.

#### Textual Amendments

**F109** S.I. 1976/1267; relevant amending instruments are S.I. 1980/110, 1986/1172 and 1987/45.

**F110** Words in reg. 42(2) substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **19(a)**

**F111** S.I. 1987/491.

**F112** Words in Reg 21(4) substituted (1.4.1993) by [The Social Security Benefits \(Amendments Consequential Upon the Introduction of Community Care\) Regulations 1992 \(S.I. 1990/3147\)](#), reg. 1(1), **Sch. 1 para. 3(b)**

**F113** Words in reg. 42(4)(a)(ii) inserted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **19(b)(ii)**

#### Commencement Information

**I42** Reg. 42 in force at 11.4.1988, see reg. 1

## **Notional earnings of seasonal workers**

**43.**—(1) Where the claimant is a seasonal worker or, if he is one of a couple, he or his partner is a seasonal worker (but not both), and—

- (a) a claim for income support is made in respect of any day in the claimant's off-season or, as the case may be, in his partner's off-season; and
- (b) his or, as the case may be, his partner's net earnings in his last period of normal employment less any earnings for any week in that period which have been taken into account in calculating entitlement to income support, exceeded three times the total of the amounts for that period specified in head (i) or, as the case may be, (ii) of sub-paragraph (a) and, where applicable, sub-paragraph (b) of paragraph (2),

the amount by which those earnings exceeded that total shall be divided by the number equal to the number of weeks (including any part of a week) in his or, as the case may be, his partner's off-season and the amount so obtained shall be treated as earnings possessed by the claimant or his partner in each of those weeks.

(2) The amounts specified for the purposes of paragraph (1)(b) are—

- (a) either—
  - (i) in a case where the claimant is one of a couple, the personal allowance for a couple; or
  - (ii) in a case where he is not one of a couple, the personal allowance for a single claimant not less than age 25; and
- (b) in respect of each child or young person who is a member of the claimant's family, the amount which is equal to the applicable amount for a child under age 11.

(3) Where the claimant and his partner are seasonal workers and both have started their, or only one has started his, off-season paragraph (1) shall apply to the claimant or, where his partner is the only one whose off-season has started, to his partner as if he were the only seasonal worker until the end of his off-season and thereafter to the other member subject to the modifications in paragraphs (4) to (6).

(4) The other member's last period of normal employment shall be—

- (a) in a case where that member's normal employment has ceased, the period beginning with the start of the employment of that member and ending with the last day of that employment;
- (b) in a case where that member's normal employment has not ceased, the period beginning with the start of the employment of that member and ending with—
  - (i) the day before the start of the off-season of his partner; or
  - (ii) the date of claim for income support,whichever is the later.

(5) The period of the other member's off-season shall be—

- (a) in a case where that member's normal employment has ceased, the period beginning with the start of his off-season and ending with the day before he is to resume normal employment; or
- (b) in a case where that member's normal employment has not ceased, the period beginning with the date on which the off-season of either member first starts or, as the case may be, the date of claim for income support whichever is later and ending with the day before that on which either member is first to resume normal employment.

(6) The other member's net earnings in his last period of normal employment as determined under paragraph (4), less—

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- (a) any earnings for any week in that period which have been taken into account in calculating entitlement to income support; and
- (b) in so far as any week in that period—
  - (i) does not coincide with a week in his partner's period of normal employment, 3 times the total of the amounts for that week specified for the purposes of paragraph (1)(b);
  - (ii) does coincide with a week in his partner's period of normal employment, the extent (if any) by which the amount so specified has not been taken into account in the calculation of his partner's notional earnings,

shall be divided by the number equal to the number of weeks (including any part of a week) in that member's off-season as determined under paragraph (5) and the amount so obtained shall be treated as earnings possessed by that member in each of those weeks.

(7) In this regulation, the expressions “normal employment”, “off-season” and “seasonal worker” have the meanings assigned to those expressions in regulation 21 of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983<sup>F114</sup> (additional condition with respect to receipt of unemployment benefit) except that the expression “employment” in that regulation shall be construed as if it included a reference to employment as a self-employed earner.

(8) Where a claimant or his partner is treated as possessing any earnings under this regulation the foregoing provisions of this Part, except regulation 38(2) in so far as it applies to paragraph 3 of Schedule 8 (earnings to be disregarded), shall apply for the purposes of calculating those earnings as if a payment had actually been made and as if they were actual earnings which he does possess.

#### Textual Amendments

F114 S.I. 1983/1598.

#### Commencement Information

I43 Reg. 43 in force at 11.4.1988, see reg. 1

### Modifications in respect of children and young persons

44.—(1) Any capital of a child or young person payable by instalments which are outstanding on the first day in respect of which income support is payable or at the date of the determination of the claim, whichever is earlier, or, in the case of a review, the date of any subsequent review shall, if the aggregate of the instalments outstanding and the amount of that child's or young person's other capital calculated in accordance with Chapter VI of this Part in like manner as for the claimant, except where otherwise provided, would exceed £3,000, be treated as income.

(2) In the case of a child or young person who is residing at an educational establishment at which he is receiving relevant education—

- (a) any payment made to the educational establishment, in respect of that child's 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, shall be treated as income of that child or young person but it shall only be taken into account over periods during which that child or young person is present at that educational establishment; and
- (b) if a payment has been so made, for any period in a benefit week in term-time during which that child or young person returns home, he shall be treated as possessing an amount of income in that week calculated by multiplying the amount of personal allowance and disabled child premium, if any, applicable in respect of that child or young person by the number equal to the number of days in that week in which he was present at his educational

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establishment and dividing the product by seven; but this sub-paragraph shall not apply where the educational establishment is provided under section 8 of the Education Act 1944 <sup>F115</sup> (duty of local authority to secure primary and secondary schools) by a local education authority or where the payment is made under section 49 or 50 of the Education (Scotland) Act 1980 <sup>F116</sup> (power of education authority to assist persons).

(3) Where a child or young person—

- (a) is resident at an educational establishment and he is wholly or partly maintained at that establishment by a local education authority under section 8 of the Education Act 1944; or
- (b) is maintained at an educational establishment under section 49 or 50 of the Education (Scotland) Act 1980,

he shall for each day he is present at that establishment be treated as possessing an amount of income equal to the sum obtained by dividing the amount of personal allowance and disabled child premium, if any, applicable in respect of him by seven.

(4) Where the income of a child or young person who is a member of the claimant's family calculated in accordance with the foregoing provisions of this Part exceeds the amount of the personal allowance and disabled child premium, if any, applicable in respect of that child or young person, the excess shall not be treated as income of the claimant.

(5) Where the capital of a child or young person if calculated in accordance with Chapter VI of this Part in like manner as for the claimant, except where otherwise provided, would exceed £3,000, any income of that child or young person shall not be treated as income of the claimant.

(6) In calculating the net earnings or net profit of a child or young person there shall be disregarded, (in addition to any sum which falls to be disregarded under paragraphs 11 to 13), any sum specified in paragraphs 14 and 15 of Schedule 8 (earnings to be disregarded).

(7) Any income of a child or young person which is to be disregarded under Schedule 9 (income other than earnings to be disregarded) shall be disregarded in such manner as to produce the result most favourable to the claimant.

(8) Where a child or young person is treated as possessing any income under paragraphs (2) and (3) the foregoing provisions of this Part shall apply for the purposes of calculating that income as if a payment had actually been made and as if it were actual income which he does possess.

[<sup>F117</sup>(9) For the purposes of this regulation, a child or young person shall not be treated as present at his educational establishment on any day if on that day he spends the night with the claimant or a member of his household.]

#### Textual Amendments

**F115** 1944 c. 31 section 8 was amended by the [Education \(Miscellaneous Provisions\) Act 1948 \(c. 40\)](#) section 3, the [Education Act 1980 \(c. 20\)](#) section 38 and Schedule 7 and by the [Education Act 1981 \(c. 60\)](#) section 2.

**F116** 1980 c. 44 section 50 was amended by the [Education \(Scotland\) Act 1981 \(c. 58\)](#) section 2.

**F117** [Reg. 44\(9\)](#) added (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **20**

#### Commencement Information

**I44** [Reg. 44](#) in force at 11.4.1988, see reg. 1

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## CHAPTER VI

### capital

#### Capital limit

**45.** For the purposes of section 22 (6) of the Act as it applies to income support (no entitlement to benefit if capital exceeds prescribed amount), the prescribed amount is £6,000.

#### Commencement Information

**I45** [Reg. 45](#) in force at 11.4.1988, see [reg. 1](#)

#### Calculation of capital

**46.**—(1) For the purposes of Part II of the Act as it applies to income support, the capital of a claimant to be taken into account shall, subject to paragraph (2), be the whole of his capital calculated in accordance with this Part and any income treated as capital under regulations 24 (2) and 48 (treatment of charitable or voluntary payments and income treated as capital).

(2) There shall be disregarded from the calculation of a claimant's capital under paragraph (1) any capital, where applicable, specified in Schedule 10.

#### Commencement Information

**I46** [Reg. 46](#) in force at 11.4.1988, see [reg. 1](#)

#### Disregard of capital of child or young person

**47.** The capital of a child or young person who is a member of the claimant's family shall not be treated as capital of the claimant.

#### Commencement Information

**I47** [Reg. 47](#) in force at 11.4.1988, see [reg. 1](#)

#### Income treated as capital

**48.**—(1) Any annual bounty derived from employment to which paragraph 7 of Schedule 8 applies shall be treated as capital.

(2) Except in the case of an amount to which section 23(5) (a) (ii) of the Act (refund of tax in trade disputes cases) applies, any amount by way of a refund of income tax deducted from profits or emoluments chargeable to income tax under Schedule D or E shall be treated as capital.

(3) Any holiday pay which is not earnings under regulation 35(1) (d) (earnings of employed earners) shall be treated as capital.

(4) Except any income derived from capital disregarded under paragraph 1, 2, 4, 6, or 12 of Schedule 10, any income derived from capital shall be treated as capital but only from the date it is normally due to be credited to the claimant's account.

(5) Subject to paragraph (6), in the case of employment as an employed earner, any advance of earnings or any loan made by the claimant's employer shall be treated as capital.

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[<sup>F118</sup>(6) Paragraph (5) shall not apply to a person to whom section 23 of the Act (trade disputes) applies or in respect of whom section 20(3) of the Act (conditions of entitlement to income support) has effect as modified by section 23A(b) (effect of return to work).]

(7) Any payment under section 30 of the Prison Act 1952 <sup>F119</sup> (payments for discharged prisoners) or allowance under section 17 of the Prisons (Scotland) Act 1952 <sup>F120</sup> (allowances to prisoners on discharge) shall be treated as capital.

(8) Any payment made by a local authority which represents arrears of payments under section 34 (6) or, as the case may be, section 50 of the Children Act 1975 <sup>F121</sup> (contributions to a custodian towards the cost of accommodation and maintenance of a child) shall be treated as capital.

#### Textual Amendments

**F118** Reg. 48(6) substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), 21

**F119** 1952 c. 52; section 30 was substituted by section 66 (3) of the [Criminal Justice Act 1967 \(c. 80\)](#).

**F120** 1952 c. 61.

**F121** 1975 c. 72; as amended by section 64 of the [Domestic Proceedings and Magistrates Courts Act 1978 \(c. 22\)](#).

#### Commencement Information

**I48** Reg. 48 in force at 11.4.1988, see [reg. 1](#)

### Calculation of capital in the United Kingdom

**49.** Capital which a claimant possesses in the United Kingdom shall be calculated—

- (a) except in a case to which sub-paragraph (b) applies, at its current market or surrender value, less—
  - (i) where there would be expenses attributable to sale, 10 per cent; and
  - (ii) the amount of any incumbrance secured on it;
- (b) in the case of a National Savings Certificate—
  - (i) if purchased from an issue the sale of which ceased before 1st July last preceding the first day on which income support is payable or the date of the determination of the claim, whichever is the earlier, or in the case of a review, the date of any subsequent review, at the price which it would have realised on that 1st July had it been purchased on the last day of that issue;
  - (ii) in any other case, at its purchase price.

#### Commencement Information

**I49** [Reg. 49](#) in force at 11.4.1988, see [reg. 1](#)

### Calculation of capital outside the United Kingdom

**50.** Capital which a claimant possesses in a country outside the United Kingdom shall be calculated—

- (a) in a case in which there is no prohibition in that country against the transfer to the United Kingdom of an amount equal to its current market or surrender value in that country, at that value;

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- (b) in a case where there is such a prohibition, at the price which it would realise if sold in the United Kingdom to a willing buyer,

less, where there would be expenses attributable to sale, 10 per cent and the amount of any incumbrance secured on it.

#### Commencement Information

**I50** Reg. 50 in force at 11.4.1988, see [reg. 1](#)

#### Notional capital

**51.**—(1) A claimant shall be treated as possessing capital of which he has deprived himself for the purpose of securing entitlement to income support or increasing the amount of that benefit.

(2) Except in the case of—

- (a) a discretionary trust;
- (b) a trust derived from a payment made in consequence of a personal injury; or
- (c) any loan which would be obtainable only if secured against capital disregarded under Schedule 10,

any capital which would become available to the claimant upon application being made but which has not been acquired by him shall be treated as possessed by him but only from the date on which <sup>F122</sup>it could be expected to be acquired were an application made].

(3) <sup>F123</sup>Any payment of capital, other than a payment of capital made under the Macfarlane Trust,] made

- (a) to a third party in respect of a member of the family (but not a member of the third party's family) shall be treated—
  - (i) in a case where that payment is derived from a payment of any benefit under the benefit Acts, a war disablement pension or a war widow's pension, as possessed by that member if it is paid to any member of the family;
  - (ii) in any other case, as possessed by that member to the extent that it is used for the food, clothing, footwear, fuel, rent or rates for which housing benefit is payable, or any housing costs to the extent that they are met under regulation 17 (e) and 18 (f) (housing costs) <sup>F124</sup>or accommodation charge to the extent that it is met under regulation 19 or 20 (persons in residential care or nursing homes or in board and lodging accommodation or hostels)], of any member of that family;
- (b) to a member of the family in respect of a third party (but not in respect of another member of the family) shall be treated as possessed by that member to the extent that it is kept by him or used on behalf of any member of the family.

(4) Where a claimant stands in relation to a company in a position analogous to that of a sole owner or partner in the business of that company, he shall be treated as if he were such sole owner or partner and in such a case—

- (a) the value of his holding in that company shall, notwithstanding regulation 46 (calculation of capital), be disregarded; and
- (b) he shall, subject to paragraph (5), be treated as possessing an amount of capital equal to the value or, as the case may be, his share of the value of the capital of that company and the foregoing provisions of this Chapter shall apply for the purposes of calculating that amount as if it were actual capital which he does possess.



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(5) For so long as the claimant undertakes activities in the course of the business of the company, the amount which he is treated as possessing under paragraph (4) shall be disregarded.

(6) Where a claimant is treated as possessing capital under any of paragraphs (1) to (4), the foregoing provisions of this Chapter shall apply for the purposes of calculating its amount as if it were actual capital which he does possess.

[<sup>F125</sup>(7) For the avoidance of doubt a claimant is to be treated as possessing capital under paragraph (1) only if the capital of which he has deprived himself is actual capital.]

#### Textual Amendments

**F122** Words in reg. 51(2) substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **22(a)**

**F123** Words in reg. 51(3) substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **22(b)(i)**

**F124** Words in reg. 51(3)(a)(ii) inserted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **22(b)(ii)**

**F125** Reg. 51(7) added (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **22(c)**

#### Commencement Information

**I51** Reg. 51 in force at 11.4.1988, see reg. 1

### Capital jointly held

**52.** Except where a claimant possesses capital which is disregarded under regulation 51 (4) (notional capital), where a claimant and one or more persons are beneficially entitled in possession to any capital asset they shall be treated as if each of them were entitled in possession to the whole beneficial interest therein in an equal share.

#### Commencement Information

**I52** [Reg. 52](#) in force at 11.4.1988, see [reg. 1](#)

### Calculation of tariff income from capital

**53.**—(1) Where the claimant's capital calculated in accordance with this Part exceeds £3,000 it shall be treated as equivalent to a weekly income of £1 for each complete £250 in excess of £3,000 but not exceeding £6,000.

(2) Notwithstanding paragraph (1), where any part of the excess is not a complete £250 that part shall be treated as equivalent to a weekly income of £1.

(3) For the purposes of paragraph (1), capital includes any income treated as capital under regulations 24 (2), 48 and 60 (charitable or voluntary payments, income treated as capital and liable relative payments treated as capital).

#### Commencement Information

**I53** [Reg. 53](#) in force at 11.4.1988, see [reg. 1](#)

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## CHAPTER VII

### liable relatives

#### Interpretation

**54.** In this Chapter, unless the context otherwise requires—

“claimant” includes a young claimant;

“liable relative” means—

- (a) a spouse or former spouse of a claimant or of a member of the claimant's family;
- (b) a parent of a child or young person who is a member of the claimant's family or of a young claimant;
- (c) a person who has not been adjudged to be the father of a child or young person who is a member of the claimant's family or of a young claimant where that person is contributing towards the maintenance of that child, young person or young claimant and by reason of that contribution he may reasonably be treated as the father of that child, young person or young claimant;
- (d) a person liable to maintain another person by virtue of section 26(3)(c) of the Act (liability to maintain) where the latter is the claimant or a member of the claimant's family,

and, in this definition, a reference to a child's, young person's or young claimant's parent includes any person in relation to whom the child, young person or young claimant was treated as a child or a member of the family;

“payment” means a periodical payment or any other payment made by or derived from a liable relative including, except in the case of a discretionary trust, any payment which would be so made or derived upon application being made by the claimant but which has not been acquired by him but only from the date on which [<sup>F126</sup>it could be expected to be acquired were an application made]; but it does not include any payment—

- (a) arising from a disposition of property made in contemplation of, or as a consequence of—
  - (i) an agreement to separate; or
  - (ii) any proceedings for judicial separation, divorce or nullity of marriage;
- (b) made after the death of the liable relative;
- (c) made by way of a gift but not in aggregate or otherwise exceeding £250 in the period of 52 weeks beginning with the date on which the payment, or if there is more than one such payment the first payment, is made; and, in the case of a claimant who continues to be in receipt of income support at the end of the period of 52 weeks, this provision shall continue to apply thereafter with the modification that any subsequent period of 52 weeks shall begin with the first day of the benefit week in which the first payment is made after the end of the previous period of 52 weeks;
- (d) to which regulation 44(2) applies (modifications in respect of children and young persons);
- (e) made—
  - (i) to a third party in respect of the claimant or a member of the claimant's family; or
  - (ii) to the claimant or to a member of the claimant's family in respect of a third party, where having regard to the purpose of the payment, the terms under which it is made and its amount it is unreasonable to take it into account;
- (f) in kind;

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- (g) to, or in respect of, a child or young person who is to be treated as not being a member of the claimant's household under regulation 16 (circumstances in which a person is to be treated as being or not being a member of the same household);
- (h) which is not a periodical payment, to the extent that any amount of that payment—
  - (i) has already been taken into account under this Part by virtue of a previous claim or determination; or
  - (ii) has been recovered under section 27(1) of the Act (prevention of duplication of payments) or is currently being recovered; or
  - (iii) at the time the determination is made, has been used by the claimant except where he has deprived himself of that amount for the purpose of securing entitlement to income support or increasing the amount of that benefit;

“periodical payment” means—

- (a) a payment which is made or is due to be made at regular intervals in pursuance of a court order or agreement for maintenance;
- (b) in a case where the liable relative has established a pattern of making payments at regular intervals, any such payment;
- (c) any payment not exceeding the amount of income support payable had that payment not been made;
- (d) any payment representing a commutation of payments to which sub-paragraphs (a) or (b) of this definition applies whether made in arrears or in advance,

but does not include a payment due to be made before the first benefit week pursuant to the claim which is not so made;

“young claimant ” means a person aged 16 or over but under 19 who makes a claim for income support.

#### **Textual Amendments**

**F126** Words in [reg. 54](#) substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), [regs. 1\(1\), 23](#)

#### **Commencement Information**

**I54** [Reg. 54](#) in force at 11.4.1988, see [reg. 1](#)

### **Treatment of liable relative payments**

**55.** Except where regulation 60(1) (liable relative payments to be treated as capital) applies a payment shall—

- (a) to the extent that it is not a payment of income, be treated as income;
- (b) be taken into account in accordance with the following provisions of this Chapter.

#### **Commencement Information**

**I55** [Reg. 55](#) in force at 11.4.1988, see [reg. 1](#)

### **Period over which periodical payments are to be taken into account**

**56.—(1)** The period over which a periodical payment is to be taken into account shall be—

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- (a) in a case where the payment is made at regular intervals, a period equal to the length of that interval;
  - (b) in a case where the payment is due to be made at regular intervals but is not so made, such number of weeks as is equal to the number (and any fraction shall be treated as a corresponding fraction of a week) obtained by dividing the amount of that payment by the weekly amount of that periodical payment as calculated in accordance with regulation 58(4) (calculation of the weekly amount of a liable relative payment);
  - (c) in any other case, a period equal to a week.
- (2) The period under paragraph (1) shall begin on the date on which the payment is treated as paid under regulation 59 (date on which a liable relative payment is to be treated as paid).

#### Commencement Information

**I56** Reg. 56 in force at 11.4.1988, see [reg. 1](#)

#### Period over which payments other than periodical payments are to be taken into account

**57.**—(1) Subject to paragraph (2), the number of weeks over which a payment other than a periodical payment is to be taken into account shall be equal to the number (and any fraction shall be treated as a corresponding fraction of a week) obtained by dividing that payment 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 of £2 and the amount of income support which would be payable had the payment not been made;
- (b) where the payment is in respect of one or more than one child or young person who is a member of the family the amount prescribed in Schedule 2 (applicable amount) in respect of each child or young person and any family and lone parent premium;

(2) Where a liable relative makes a periodical payment and any other payment concurrently and the weekly amount of that periodical payment, as calculated in accordance with regulation 58 (calculation of the weekly amount of a liable relative payment), is less than—

- (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, the aggregate of £2 and the amount of income support which would be payable had the payments not been made; or
- (b) in a case where the periodical payment is in respect of one or more than one child or young person who is a member of the family, the aggregate of the amount prescribed in Schedule 2 in respect of each such child or young person and any family and lone parent premium,

that other payment shall, subject to paragraph (3), be taken into account over a period of such number of weeks as is equal to the number obtained (and any fraction shall be treated as a corresponding fraction of a week) by dividing that payment by an amount equal to the extent of the difference between the amount referred to in sub-paragraph (a) or (b), as the case may be, and the weekly amount of the periodical payment.

(3) If—

- (a) the liable relative ceases to make periodical payments, the balance (if any) of the other payment shall be taken into account over the number of weeks equal to the number (and any fraction shall be treated as a corresponding fraction of a week) obtained by dividing that balance by the amount referred to in sub-paragraph (a) or (b) of paragraph (1), as the case may be;

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- (b) the amount of any subsequent periodical payment varies, the balance (if any) of the other payment shall be taken into account over a period of such number of weeks as is equal to the number obtained (and any fraction shall be treated as a corresponding fraction of a week) by dividing that balance by an amount equal to the extent of the difference between the amount referred to in sub-paragraph (a) or (b) of paragraph (2) and the weekly amount of the subsequent periodical payment.

(4) The period under paragraph (1) or (2) shall begin on the date on which the payment is treated as paid under regulation 59 (date on which a liable relative payment is treated as paid) and under paragraph (3) shall begin on the first day of the benefit week in which the cessation or variation of the periodical payment occurred.

**Commencement Information**

**I57** [Reg. 57](#) in force at 11.4.1988, see [reg. 1](#)

**Calculation of the weekly amount of a liable relative payment**

**58.**—(1) Where a periodical payment is made or is due to be made at intervals of one week, the weekly amount shall be the amount of that payment.

(2) Where a periodical payment is made or is due to be made at intervals greater than one week and those intervals are monthly, the weekly amount shall be determined by multiplying the amount of the payment by 12 and dividing the product by 52.

(3) Where a periodical payment is made or is due to be made at intervals and those intervals are neither weekly nor monthly, the weekly amount shall be determined by dividing that payment by the number equal to the number of weeks (including any part of a week) in that interval.

(4) Where a payment is made and that payment represents a commutation of periodical payments whether in arrears or in advance, the weekly amount shall be the weekly amount of the individual periodical payments so commuted as calculated under paragraphs (1) to (3) as is appropriate.

(5) The weekly amount of a payment to which regulation 57 applies (period over which payments other than periodical payments are to be taken into account) shall be equal to the amount of the divisor used in calculating the period over which the payment or, as the case may be, the balance is to be taken into account.

**Commencement Information**

**I58** [Reg. 58](#) in force at 11.4.1988, see [reg. 1](#)

**Date on which a liable relative payment is to be treated as paid**

**59.**—(1) A periodical payment is to be treated as paid—

- (a) in the case of a payment which is due to be made before the first benefit week pursuant to the claim, on the day in the week in which it is due to be paid which corresponds to the first day of the benefit week;
- (b) in any other case, on the first day of the benefit week in which it is due to be paid unless, having regard to the manner in which income support is due to be paid in the particular case, it would be more practicable to treat it as paid on the first day of a subsequent benefit week.

(2) Subject to paragraph (3), any other payment shall be treated as paid—

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- (a) in the case of a payment which is made before the first benefit week pursuant to the claim, on the day in the week in which it is paid which corresponds to the first day of the benefit week;
  - (b) in any other case, on the first day of the benefit week in which it is paid unless, having regard to the manner in which income support is due to be paid in the particular case, it would be more practicable to treat it as paid on the first day of a subsequent benefit week.
- (3) Any other payment paid on a date which falls within the period in respect of which a previous payment is taken into account, not being a periodical payment, is to be treated as paid on the first day following the end of that period.

#### Commencement Information

**I59** [Reg. 59](#) in force at 11.4.1988, see [reg. 1](#)

### Liable relative payments to be treated as capital

**60.**—(1) Subject to paragraph (2), where a liable relative makes a periodical payment concurrently with any other payment, and the weekly amount of the periodical payment as calculated in accordance with regulation 58(1) to (4) (calculation of the weekly amount of a liable relative payment), is equal to or greater than the amount referred to in sub-paragraph (a) of regulation 57(2) (period over which payments other than periodical payments are to be taken into account) less the £2 referred to therein, or sub-paragraph (b) of that regulation, as the case may be, the other payment shall be treated as capital.

(2) If, in any case, the liable relative ceases to make periodical payments, the other payment to which paragraph (1) applies shall be taken into account under paragraph (1) of regulation 57 but, notwithstanding paragraph (4) thereof, the period over which the payment is to be taken into account shall begin on the first day of the benefit week following the last one in which a periodical payment was taken into account.

#### Commencement Information

**I60** [Reg. 60](#) in force at 11.4.1988, see [reg. 1](#)

## CHAPTER VIII

### students

### Interpretation

**61.** In this Chapter, unless the context otherwise requires—

“a course of advanced education” means—

- (a) a full-time course leading to a postgraduate degree or comparable qualification, a first degree or comparable qualification, a diploma of higher education, a higher national diploma, a higher national diploma of the Business & Technician Education Council or the Scottish Vocational Education Council or a teaching qualification; or
- (b) any other full-time course which is a course of a standard above ordinary national diploma, a national diploma of the Business & Technician Education Council or the Scottish Vocational Education Council, a general certificate of education (advanced level) a Scottish certificate of education (higher grade) or a Scottish certificate of sixth year studies;

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“contribution” means any contribution in respect of the income of any other person which a Minister of the Crown or an education authority takes into account in assessing the amount of the student's grant and by which that amount is, as a consequence, reduced;

“covenant income” means the income net of tax at the basic rate payable to a student under a Deed of Covenant by a person whose income is, or is likely to be, taken into account in assessing the student's grant or award;

“education authority” means a government department, a local education authority as defined in section 114(1) of the Education Act 1944 <sup>F127</sup> (interpretation), an education authority as defined in section 135(1) of the Education (Scotland) Act <sup>F128</sup> (interpretation), an education and library board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986 <sup>F129</sup>, any body which is a research council for the purposes of the Science and Technology Act 1965 <sup>F130</sup> or any analogous government department, authority, board or body, of the Channel Islands, Isle of Man or any other country outside Great Britain.

“grant” means any kind of educational grant or award and includes any scholarship, studentship, exhibition, allowance or bursary;

“grant income” means—

- (a) any income by way of a grant;
  - (b) in the case of a student other than one to whom sub-paragraph (c) refers, any contribution which has been assessed whether or not it has been paid;
  - (c) in the case of a student to whom paragraph 1, 2 or 7 of Schedule 1 applies (lone parent or disabled student), any contribution which has been assessed and which has been paid;
- and any such contribution which is paid by way of a covenant shall be treated as part of the student's grant income.

“period of study” means—

- (a) in the case of a course of study for one year or less, the period beginning with the start of the course to the end;
- (b) in the case of a course of study for more than one year, in the first or, as the case may be, any subsequent year of the course, the period beginning with the start of the course or, as the case may be, that year's start and ending with either—
  - (i) the day before the start of the next year of the course in a case where the student's grant is assessed at a rate appropriate to his studying throughout the year, or, if he does not have a grant, where it would have been assessed at such a rate had he had one; or
  - (ii) in any other case the day before the start of the normal summer vacation appropriate to his course;

“periods of experience” has the meaning prescribed in paragraph 1(1) of Schedule 5 to the Education (Mandatory Awards) Regulations 1987 <sup>F131</sup>;

“sandwich course” has the meaning prescribed in paragraph 1(1) of Schedule 5 to the Education (Mandatory Awards) Regulations 1987;

“standard maintenance grant” means—

- (a) except where paragraph (b) applies, in the case of a student attending a course of study at the University of London or an establishment within the area comprising the City of London and the Metropolitan Police District, the amount specified for the time being in paragraph 2(2)(a) of Schedule 2 to the Education (Mandatory Awards) Regulations 1987 for such a student;

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- (b) in the case of a student residing at his parents' home the amount specified in paragraph 3(2) thereof;
- (c) in any other case, the amount specified in paragraph 2(2) other than in sub-paragraph (a) or (b) thereof;

“student” means a person aged less than 19 who is attending a full-time course of advanced education or, as the case may be, a person aged 19 or over but under pensionable age who is attending a full-time course of study at an educational establishment; and for the purposes of this definition—

- (a) a person who has started on such a course shall be treated as attending it throughout any period of term or vacation within it, until the end of the course or such earlier date as he abandons it or is dismissed from it;
- (b) a person on a sandwich course shall be treated as attending a full-time course of advanced education or, as the case may be, of study;

“year” in relation to a course, means the period of 12 months beginning on 1st January, 1st April or 1st September according to whether the academic year of the course in question begins in the spring, the summer or the autumn respectively.

#### Textual Amendments

**F127** 1944 c. 31 as amended by S.I. 1974/595 article 3(22) Schedule 1 Part I and by S.I. 1977/293, **article 4(1)**.

**F128** 1980 c. 44.

**F129** S.I. 1986/594 (NI 3).

**F130** 1965 c. 4.

**F131** S.I. 1987/1261.

#### Commencement Information

**I61** Reg. 61 in force at 11.4.1988, see **reg. 1**

### Calculation of grant income

**62.**—(1) The amount of a student's grant income to be taken into account shall, subject to paragraph (2), be the whole of his grant income.

- (2) There shall be disregarded from the amount of a student's grant income any payment—
  - (a) intended to meet tuition fees or examination fees;
  - (b) intended to meet the cost of special equipment for a student on a course which began before 1st September 1986 in architecture, art and design, home economics, landscape architecture, medicine, music, ophthalmic optics, orthoptics, physical education, physiotherapy, radiography, occupational therapy, dental hygiene, dental therapy, remedial gymnastics, town and country planning and veterinary science or medicine;
  - (c) intended to meet additional expenditure incurred by a disabled student in respect of his attendance on a course;
  - (d) intended to meet additional expenditure connected with term time residential study away from the student's educational establishment;
  - (e) on account of the student maintaining a home at a place other than that at which he resides while attending his course but only to the extent that his rent or rates is not met by housing benefit;



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- (f) on account of any other person but only if that person is residing outside of the United Kingdom and there is no applicable amount in respect of him;
- (g) intended to meet the cost of books and equipment (other than special equipment) or if not so intended an amount equal to £210 towards such costs;
- (h) intended to meet travel expenses incurred as a result of his attendance on the course.

(3) A student's grant income<sup>[F132]</sup>, except any amount intended for the maintenance of dependants under Part 3 of Schedule 2 to the Education (Mandatory Awards) Regulations 1987 or intended for an older student under Part 4 of that Schedule,] shall be apportioned—

- (a) subject to paragraph (4), in a case where it is attributable to the period of study, equally between the weeks in that period;
- (b) in any other case, equally between the weeks in the period in respect of which it is payable.

<sup>[F133]</sup>(3A) Any amount intended for the maintenance of dependants or for an older student under the provisions referred to in paragraph (3) shall be apportioned equally over a period of 52 weeks or, if there are 53 benefit weeks (including part-weeks) in the year, 53.]

(4) In the case of a student on a sandwich course, any periods of experience within the period of study shall be excluded and the student's grant income shall be apportioned equally between the remaining weeks in that period.

#### Textual Amendments

**F132** Words in [reg. 62\(3\)](#) inserted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), [regs. 1\(1\), 24\(a\)](#)

**F133** [Reg. 62\(3A\)](#) inserted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), [regs. 1\(1\), 24\(b\)](#)

#### Commencement Information

**I62** [Reg. 62](#) in force at 11.4.1988, see [reg. 1](#)

### Calculation of covenant income where a contribution is assessed

**63.**—(1) Where a student is in receipt of income by way of a grant during a period of study and a contribution has been assessed, the amount of his covenant income to be taken into account for that period and any summer vacation immediately following shall be the whole amount of his covenant income less, subject to paragraph (3), the amount of the contribution.

- (2) The weekly amount of the student's covenant income shall be determined—
  - (a) by dividing the amount of income which falls to be taken into account under paragraph (1) by 52 or, if there are 53 benefit weeks (including part weeks) in the year, 53; and
  - (b) by disregarding from the resulting amount, £5.

(3) For the purposes of paragraph (1), the contribution shall be treated as increased by the amount, if any, by which the amount excluded under regulation 62(2)(h) (calculation of grant income) falls short of the amount included in the standard maintenance grant to meet travel expenses.

#### Commencement Information

**I63** [Reg. 63](#) in force at 11.4.1988, see [reg. 1](#)

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## **Covenant income where no grant income or no contribution is assessed**

**64.**—(1) Where a student is not in receipt of income by way of a grant the amount of his covenant income shall be calculated as follows—

- (a) any sums intended for any expenditure specified in regulation 62(2)(a) to (f), (calculation of grant income) necessary as a result of his attendance on the course, shall be disregarded;
- (b) any covenant income, up to the amount of the standard maintenance grant, which is not so disregarded, shall be apportioned equally between the weeks of the period of study and there shall be disregarded from the covenant income to be so apportioned the amount which would have been disregarded under regulation 62(2)(g) and (h) (calculation of grant income) had the student been in receipt of the standard maintenance grant;
- (c) the balance, if any, shall be divided by 52 or, if there are 53 benefit weeks (including part weeks) in the year, 53 and treated as weekly income of which £5 shall be disregarded.

(2) Where a student is in receipt of income by way of a grant and no contribution has been assessed, the amount of his covenant income shall be calculated in accordance with sub-paragraphs (a) to (c) of paragraph (1), except that—

- (a) the value of the standard maintenance grant shall be abated by the amount of his grant income less an amount equal to the amount of any sums disregarded under regulation 62(2) (a) to (f); and
- (b) the amount to be disregarded under paragraph (1)(b) shall be abated by an amount equal to the amount of any sums disregarded under regulation 62(2)(g) and (h).

### **Commencement Information**

**I64** Reg. 64 in force at 11.4.1988, see [reg. 1](#)

## **Relationship with amounts to be disregarded under Schedule 9**

**65.** No part of a student's covenant income or grant income shall be disregarded under paragraph 15 of Schedule 9 (charitable and voluntary payments) and any other income shall only be disregarded thereunder if, and to the extent that, the amount disregarded under regulation 63(2)(b) (calculation of covenant income where a contribution is assessed) or, as the case may be, 64(1)(c) (covenant income where no grant income or no contribution is assessed) is less than £5.

### **Commencement Information**

**I65** Reg. 65 in force at 11.4.1988, see [reg. 1](#)

## **Other amounts to be disregarded**

**66.**—(1) For the purposes of ascertaining income other than grant income and covenant income, any amounts intended for any expenditure specified in regulation 62(2) (calculation of grant income) necessary as a result of his attendance on the course shall be disregarded but only if, and to the extent that, the necessary expenditure exceeds or is likely to exceed the amount of the sums disregarded under regulation 62(2), 63(3) and 64(1)(a) or (b) (calculation of grant income and covenant income) on like expenditure.

(2) Where a claim is made in respect of any period in the normal summer vacation and any income is payable under a Deed of Covenant which commences or takes effect after the first day of that vacation, that income shall be disregarded.

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**Commencement Information**

**I66** [Reg. 66](#) in force at 11.4.1988, see [reg. 1](#)

**Disregard of contribution**

**67.** Where the claimant or his partner is a student and the income of one has been taken into account for the purpose of assessing a contribution to the student's grant, an amount equal to the contribution shall be disregarded for the purpose of calculating the income of the one liable to make that contribution.

**Commencement Information**

**I67** [Reg. 67](#) in force at 11.4.1988, see [reg. 1](#)

**Income treated as capital**

**68.** Any amount by way of a refund of tax deducted from a student's income shall be treated as capital.

**Commencement Information**

**I68** [Reg. 68](#) in force at 11.4.1988, see [reg. 1](#)

**Disregard of changes occurring during summer vacation**

**69.** In calculating a student's income an adjudication officer shall disregard any change in the standard maintenance grant occurring in the recognised summer vacation appropriate to the student's course, if that vacation does not form part of his period of study, from the date on which the change occurred up to the end of that vacation.

**Commencement Information**

**I69** [Reg. 69](#) in force at 11.4.1988, see [reg. 1](#)

## PART VI

### URGENT CASES

**Urgent cases**

**70.—**(1) In a case to which this regulation applies, a claimant's weekly applicable amount and his income and capital shall be calculated in accordance with the following provisions of this Part.

(2) Subject to paragraph (4), this regulation applies to—

- (a) a claimant to whom paragraph (3) (certain persons from abroad) applies;
- (b) a claimant who is treated as possessing income under regulation 42 (3) (notional income);

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- (c) a claimant who or whose partner is a seasonal worker treated as possessing earnings under regulation 43 (seasonal workers).
- (3) This paragraph applies to a person from abroad within the meaning of regulation 21 (3) (special cases) who—
- (a) having, during any one period of limited leave of a kind referred to in sub-paragraph (a) of that definition (including any period as extended), supported himself without recourse to public funds other than any such recourse by reason of the previous application of this sub-paragraph, is temporarily without funds during that period of leave because remittances to him from abroad have been disrupted provided that there is a reasonable expectation that his supply of funds will be resumed;
  - (b) is awaiting the determination of an application made under section 3 of the 1971 Act <sup>F134</sup> (general provisions for regulation and control) for his leave to remain in the United Kingdom to be varied so as to be leave under any provision in the immigration rules which does not refer to there being, or to there needing to be, no recourse to public funds or to there being no charge on public funds during that limited leave;
  - (c) is awaiting the outcome of an appeal made under Part II of the 1971 Act (including any period for which the appeal is treated as pending under section 33 (4) of that Act);
  - (d) is a person to whom sub-paragraph (b) of that definition applies who has applied for leave within the meaning of the 1971 Act to remain in the United Kingdom, being leave under any provision in the immigration rules which does not refer to there being, or to there needing to be, no recourse to public funds or to there being no charge on public funds during that leave and is awaiting the determination of that application;
  - (e) is a person to whom sub-paragraph (c) of that definition applies but whose removal from the United Kingdom has been deferred in writing by the Secretary of State;
  - (f) is a person, other than someone to whom sub-paragraph (c) of that definition applies, who has been granted permission to remain in the United Kingdom pending the removal of a person to whom sub-paragraph (e) applies;
  - (g) is a person who has no or no further right of appeal under the 1971 Act but has been allowed to remain in the United Kingdom while an application so to remain is, or representations on his behalf are, being considered by the Secretary of State;
  - (h) is a person to whom sub-paragraph (d) of that definition applies and who has been allowed to remain in the United Kingdom with the consent in writing of the Secretary of State;
  - (i) is a person to whom sub-paragraph (e), (f) or (g) of that definition applies and whose applicable amount, but for this sub-paragraph, would if calculated in accordance with regulation 21 (special cases) be nil;
  - (j) he is a person other than one to whom sub-paragraph (e) applies who is subject to a direction for his removal from the United Kingdom, but whose removal has been deferred in writing by the Secretary of State.
- (4) This regulation shall only apply to a person to whom paragraph (2) (b) or (c) applies, where the income or earnings he is treated as possessing by virtue of regulation 42(3) (notional income) or regulation 43 (notional earnings of seasonal workers) is not readily available to him; and
- (a) the amount of income support which would be payable but for this Part is less than the amount of income support payable by virtue of the provisions of this Part; and
  - (b) the adjudication officer is satisfied that, unless the provisions of this Part are applied to the claimant, the claimant or his family will suffer hardship.

### Textual Amendments

**F134** 1971 c. 77 as amended by the [British Nationality Act 1981 \(c. 61\)](#), [section 39](#) and Schedule 4.

### Commencement Information

**I70** Reg. 70 in force at 11.4.1988, see reg. 1

## Applicable amounts in urgent cases

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

- (a) except in a case to which [<sup>F135</sup>sub-paragraph (b), (c) or (d),] applies, a claimant' weekly applicable amount shall be the aggregate of—
- (i) 90 per cent of the amount applicable in respect of himself or, if he is a member of a couple or of a polygamous marriage, of the amount applicable in respect of both of them under paragraph 1 (1), (2) or (3) of Schedule 2 or, as the case may be, the amount applicable in respect of them under regulation 18 (polygamous marriages); and where regulation 22 (reduction in applicable amounts in certain cases of actual or notional unemployment benefit disqualification) applies, the reference in this head to 90 per cent of the amount applicable shall be construed as a reference to 90 per cent of the relevant amount under that regulation reduced by the percentage specified in paragraph (1) or (2), as the case may be, of that regulation;
  - (ii) the amount applicable under paragraph 2 of Schedule 2 in respect of any child or young person who is a member of his family except a child or young person whose capital, if calculated in accordance with Part V in like manner as for the claimant, except where otherwise provided, would exceed £3,000;
  - (iii) the amount, if applicable, specified in paragraph 15 (2) or (3) of Schedule 2 (pensioner premiums); and
  - (iv) any amounts applicable under regulation 17 (e) or 18 (f) (housing costs);
- (b) where the claimant is a resident in board and lodging accommodation, a hostel, a residential care home or a nursing home, his weekly applicable amount shall be the aggregate of—
- (i) 90 per cent of the amount of the allowance for personal expenses prescribed in paragraph 13 (a) of Schedule 4 (applicable amounts of persons in residential care and nursing homes) or paragraph 11 (b) of Schedule 5 (applicable amounts of persons in board and lodging accommodation or hostels) whichever is appropriate in respect of him or, if he is a member of a couple or of a polygamous marriage, of the amount applicable in respect of both or all of them; and where regulation 22 (reduction in applicable amounts in certain cases of actual or notional unemployment benefit disqualification) applies, the reference in this head to 90 per cent of the amount so reduced shall be construed as a reference to 90 per cent of the relevant amount under that regulation reduced by the percentage specified in paragraph (1) or (2), as the case may be, of that regulation;
  - (ii) the amount applicable under paragraph 13 (b) to (e) of Schedule 4 or paragraph 11 (c) to (f) of Schedule 5, whichever is appropriate, in respect of any child or young person who is a member of his family except a child or young person whose capital, if calculated in accordance with Part V in like manner as for the claimant, except where otherwise provided, would exceed £3,000;
  - (iii) the amount in respect of the weekly charge for his accommodation calculated in accordance with regulation 19 and Schedule 4 or regulation 20 and Schedule 5

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- whichever is appropriate except any amount in respect of a child or young person who is a member of the family and whose capital, if calculated in accordance with Part V in like manner as for the claimant, except where otherwise provided, would exceed £3,000.
- (c) where the claimant is resident in residential accommodation, his weekly applicable amount shall be the aggregate of—
- (i) 90 per cent of the amount in respect of personal expenses as is referred to in column (2) of paragraph 13 (a) to (c) and (e) of Schedule 7 (applicable amounts in special cases) applicable to him;
  - (ii) the amount applicable under column (2) of paragraph 13 (d) of Schedule 7, in respect of any child or young person who is a member of his family except a child or young person whose capital, if calculated in accordance with Part V in like manner as for the claimant, except where otherwise provided, would exceed £3,000;
  - (iii) the amount, being 80 per cent of the sum referred to in column (2) of paragraph 13 (a) to (c) and (e) of Schedule 7 (applicable amounts in special cases), in respect of the cost of the residential accommodation.
- [<sup>F136</sup>(d) except where sub-paragraph (b) or (c) applies, in the case of a person to whom any paragraph, other than paragraph 17, in column (1) of Schedule 7 (special cases) applies, the amount shall be 90% of the amount applicable in column 2 of that Schedule in respect of the claimant and partner (if any), plus, if applicable—
- (i) any amount in respect of a child or young person who is a member of the family except a child or young person whose capital, if calculated in accordance with Part V in like manner as for the claimant, except where otherwise provided, would exceed £3,000;
  - (ii) any premium under paragraph 9 or 10 of Schedule 2; and
  - (iii) any housing costs under regulation 17(e) or 18(f).]

(2) The period for which a claimant's weekly applicable amount is to be calculated in accordance with paragraph (1) where paragraph (3) of regulation 70 (urgent cases) applies shall be—

    - (a) in a case to which sub-paragraph (a) of paragraph (3) of that regulation applies, any period, or the aggregate of any periods, not exceeding 42 days during any one period of leave to which that regulation applies;
    - (b) in a case to which sub-paragraph (b) of paragraph (3) of that regulation applies—
      - (i) the period ending not later than the date on which that determination is sent to the claimant; or
      - (ii) if he has a right to appeal against the determination under Part II of the 1971 Act, the period ending not later than 28 days after the date on which that determination is sent to him;
    - (c) in a case to which sub-paragraph (c) of paragraph (3) of that regulation applies, the period ending not later than the end of the period for which that appeal is treated as pending under section 33 (4) of the 1971 Act;
    - (d) in a case to which sub-paragraph (d) of paragraph (3) of that regulation applies, the period ending not later than—
      - (i) where the application referred to in that regulation is successful, the date on which that determination is sent to the claimant; or
      - (ii) where that application is refused, the date on which he is removed from the United Kingdom;

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

[<sup>F137</sup>(3) Where the calculation of a claimant's applicable amount under this regulation results in a fraction of a penny that fraction shall be treated as a penny.]

#### Textual Amendments

**F135** Words in reg. 71(1)(a) substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **25(a)**

**F136** Reg. 71(1)(d) added (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **25(b)**

**F137** Reg. 71(3) added (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **25(c)**

#### Commencement Information

**I71** Reg. 71 in force at 11.4.1988, see reg. 1

### Assessment of income and capital in urgent cases

**72.**—(1) The claimant's income shall be calculated in accordance with Part V subject to the following modifications—

- (a) any income [<sup>F138</sup>, other than income-disregarded under paragraph 39 of Schedule 9 (income to be disregarded),] possessed or treated as possessed by him shall be taken into account in full notwithstanding any provision in that Part disregarding the whole or any part of that income;
- (b) any income to which regulation 53 (calculation of tariff income from capital) applies shall be disregarded;
- (c) income treated as capital by virtue of regulations 24 (1) and (2) (treatment of charitable or voluntary payments) and 48 (1), (2) and (3) (income treated as capital) shall be taken into account as income;
- (d) in a case to which paragraph (2) (b) of regulation 70 (urgent cases) applies, any income to which regulation 42 (3) (notional income) applies shall be disregarded;
- (e) in a case to which paragraph (2) (c) of regulation 70 applies, any income to which regulation 43 (seasonal workers) applies shall be disregarded.

(2) The claimant's capital calculated in accordance with Part V, but including any capital referred to in paragraphs 3 and, to the extent that such assets as are referred to in paragraph 6 consist of liquid assets, 6 and 7 and 9 (b) of Schedule 10 (capital to be disregarded) shall be taken into account in

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full and the amount of income support which would, but for this paragraph be payable under this regulation, shall be payable only to the extent that it exceeds the amount of that capital.

#### Textual Amendments

**F138** Words in reg. 72(1)(a) inserted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **26**

#### Commencement Information

**I72** Reg. 72 in force at 11.4.1988, see reg. 1

## [<sup>F139</sup>PART VII

### CALCULATION OF INCOME SUPPORT FOR PART-WEEKS

#### Textual Amendments

**F139** Pt. 7 inserted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **27**

#### Amount of income support payable

**73.**—(1) Subject to regulations 75 (modifications in income) and 76 (reduction in certain cases), where a claimant is entitled to income support for a period (referred to in this Part as a part-week) to which subsection (1A) of section 21 of the Act (amount etc. of income-related benefit) applies, the amount of income support payable shall, except where paragraph (2) applies, be calculated in accordance with the following formulae—

- (a) if the claimant has no income,

$$N \times A7;$$

- (b) if the claimant has income,

$$(N \times (AI)7)B.$$

(2) Subject to regulations 75 and 76, in the case of a claimant to whom regulation 19 or, as the case may be, 20 (persons in residential care or nursing homes or board and lodging accommodation or hostels) applies, where the weekly charge for the accommodation is due to be paid during a part-week to which regulation 74(1)(a) or (b) applies, the amount of income Support payable shall be calculated in accordance with the following formulae—

- (a) if the claimant has no income, A;

- (b) if the claimant has income,  $(A - I) - B$ .

- (3) In this Regulation—

“A”, Subject to paragraph (4), means the claimant’s weekly applicable amount in the relevant week;

“B” means the amount of any income support, unemployment benefit, sickness or invalidity benefit, or severe disablement allowance payable in respect of any day in the part-week;

“I” means his weekly income in the relevant week less B;

“N” means the number of days in the part-week;



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“relevant week” means the period of 7 days determined in accordance with regulation 74.

- (4) In a case to which paragraph (2) applies, a claimant’s weekly applicable amount shall be—
- (a) where the weekly charge for the accommodation includes all meals, the aggregate of the following amounts—
- (i) the weekly charge for the accommodation determined in accordance with paragraph 1(1)(a) of Schedule 4 or, as the case may be, Schedule 5; and
- (ii) the amount calculated in accordance with the formula—

$$(N \times P)7 + (N \times H)7;$$

- (b) where the weekly charge for the accommodation does not include all meals, the aggregate of the following amounts’:

- (i) the weekly charge for the accommodation determined in accordance with paragraph 1(1)(a) of Schedule 4 or, as the case may be, Schedule 5 less M; and
- (ii) the amount calculated in accordance with the formula—

$$(N \times M)7 + (N \times P)7 + (N \times H)7$$

- (5) In paragraph (4)—

“H” means the weekly amount determined in accordance with paragraph 1(1)(c) of Schedule 4 or, as the case may be, Schedule 5;

“M” means the amount of the increase for meals calculated on a weekly basis in accordance with paragraph 2 of Schedule 4 or, as the case may be, Schedule 5;

“P” means the weekly amount for personal expenses determined in accordance with paragraph 13 of Schedule 4 or, as the case may be, paragraph 11 of Schedule 5.

### **Relevant week**

**74.—(1)** Where the part-week—

- (a) is the whole period for which income support is payable or occurs at the beginning of the claim, the relevant week is the period of 7 days ending on the last day of that part-week; or
- (b) occurs at the end of the claim, the relevant week is the period of 7 days beginning on the first day of that part-week.

(2) Where during the currency of a claim the claimant makes a claim for a relevant social security benefit within the meaning of paragraph 4 of Schedule 7 to the Social Security (Claims and Payments) Regulations 1987 and as a result his benefit week changes, for the purpose of calculating the amount of income support payable—

- (a) for the part-week beginning on the day after his last complete benefit week before the date from which he makes a claim for the relevant social security benefit and ending immediately before that date, the relevant week is the period of 7 days beginning on the day after his last complete benefit week (the first relevant week);
- (b) for the part-week beginning on the date from which he makes a claim for the relevant social security benefit and ending immediately before the start of his next benefit week after the date of that claim, the relevant week is the period of 7 days ending immediately before the start of his next benefit week (the second relevant week).

(3) Where during the currency of a claim the claimant’s benefit week changes at the direction of the Secretary of State under paragraph 3 of Schedule 7 to the Social Security (Claims and Payments) Regulations 1987, for the purpose of calculating the amount of income Support payable for the part-week beginning on the day after his last complete benefit week before the change and ending

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immediately before the change, the relevant week is the period of 7 days beginning On the day after the last complete benefit week.

### **Modifications in the calculation of income**

**75.** For the purposes of regulation 73 (amount of income support payable for part-weeks), a claimant's income and the income of any person which the claimant is treated as possessing under section 22(5) of the Act or regulation 23(3) shall be calculated in accordance with Part V and, where applicable, VI subject to the following modifications—

- (a) any income which is due to be paid in the relevant week shall be treated as paid on the first day of that week;
- (b) any income Support, unemployment benefit, Sickness or invalidity benefit, or severe disablement allowance under the Social Security Act payable in the relevant week but not in respect of any day in the part-week shall be disregarded;
- (c) where the part-week occurs at the end of the claim, any income or any change in the amount of income of the same kind which is first payable within the relevant week but not on any day in the part-week shall be disregarded;
- (d) where the part-week occurs immediately after a period in which a person was treated as engaged in remunerative work under regulation 5(5) (persons treated as engaged in remunerative work) any earnings which are taken into account for the purposes of determining that period shall be disregarded;
- (e) where regulation 74(2) (relevant week) applies, any payment of income which—
  - (i) is the final payment in a series of payments of the same kind or, if there has been an interruption in such payments, the last one before the interruption;
  - (ii) is payable in respect of a period not exceeding a week; and
  - (iii) is due to be paid on a day which falls within both the first and second relevant weeks, shall be taken into account in either the first relevant week or, if it is impracticable to take it into account in that week, in the second relevant week; but this paragraph shall not apply to a payment of income support, unemployment benefit, sickness or invalidity benefit or severe disablement allowance under the Social Security Act;
- (f) where regulation 74(2) applies, any payment of income which—
  - (i) is the final payment in a series of payments of the same kind or, if there has been an interruption in such payments, the last one before the interruption;
  - (ii) is payable in respect of a period exceeding a week but not exceeding 2 weeks; and
  - (iii) is due to be paid on a day which falls within both the first and second relevant weeks, shall be disregarded; but this sub-paragraph shall not apply to a payment of income support, unemployment benefit, sickness or invalidity benefit, or severe disablement allowance under the Social Security Act;
- (g) where regulation 74(2) applies, if the weekly amount of any income which is due to be paid on a day which falls within both the first and second relevant weeks is more than the weekly amount of income of the same kind due to be paid in the last complete benefit week, the excess shall be disregarded;
- (h) where only part of the weekly amount of income is taken into account in the relevant week, the balance shall be disregarded.

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### **Reduction in certain cases**

76. There shall be deducted from the amount of income support which would, but for this regulation, be payable for a part-week—

- (a) in the case of a claimant to whom regulation 22(1) or (2) (reductions in weekly applicable amounts in certain cases of unemployment benefit disqualification) applies, the proportion of the relevant amount specified therein appropriate to the number of days in the part-week;
- (b) where regulation 75(f) (modifications in the calculation of income) applies, one-half of the amount disregarded under regulation 75(f) less the weekly amount of any disregard under Schedule 8 or 9 appropriate to that payment.

### **Modification of section 23(5) of the Act**

77. Where income support is payable for a part-week, section 23(5) of the Act (trade disputes) shall have effect as if the following paragraph were substituted for paragraph (b)—

- “(b) any payment by way of income support for a part-week which apart from this paragraph would be made to him, or to a person whose applicable amount is aggregated with his—
  - (i) shall not be made if the payment for that part-week is equal to or less than the proportion of the relevant sum appropriate to the number of days in the part-week; or
  - (ii) if it is more than that proportion, shall be made at a rate equal to the difference.”]

Secretary of State for Social Services

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## SCHEDULE 1

Regulation 8

### PERSONS NOT REQUIRED TO BE AVAILABLE FOR EMPLOYMENT

#### Lone parents

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

#### Commencement Information

**I73** Sch. 1 para. 1 in force at 11.4.1988, see [reg. 1](#)

#### Single persons looking after foster children

2. A single claimant or a lone parent with whom a child is boarded out by a local authority or voluntary organisation within the meaning of the Child Care Act 1980<sup>F140</sup> or, in Scotland, the Social Work (Scotland) Act 1968<sup>F141</sup>.

#### Textual Amendments

**F140** 1980 c. 5.

**F141** 1968 c. 49.

#### Commencement Information

**I74** Sch. 1 para. 2 in force at 11.4.1988, see [reg. 1](#)

#### 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 the family who is temporarily ill.

#### Commencement Information

**I75** Sch. 1 para. 3 in force at 11.4.1988, see [reg. 1](#)

#### Persons caring for another person

4. A person who is regularly and substantially engaged in caring for another person if—
  - (a) the person doing the caring is in receipt of an invalid care allowance under section 37 of the Social Security Act<sup>F142</sup>, or
  - (b) the person being cared for is in receipt of attendance allowance under section 35 of that Act; or
  - (c) 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.

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#### Textual Amendments

**F142** 1975 c. 14; subsection (3) of section 37 amended by sections 37, 86 and Schedule 11 of the [Social Security Act 1986 \(c. 50\)](#).

#### Commencement Information

**I76** [Sch. 1 para. 4](#) in force at 11.4.1988, see [reg. 1](#)

### Persons incapable of work

5. A person who, by reason of some disease or bodily or mental disablement, is incapable of work.

#### Commencement Information

**I77** [Sch. 1 para. 5](#) in force at 11.4.1988, see [reg. 1](#)

### Disabled workers

6. A person who is mentally or physically disabled and whose earning capacity is, by reason of that disability, reduced to 75 per cent or less of what he would, but for that disability, be reasonably expected to earn.

#### Commencement Information

**I78** [Sch. 1 para. 6](#) in force at 11.4.1988, see [reg. 1](#)

### Disabled students

7. A person who is a student and who, by reason of any mental or physical disability, would, in comparison with other students, be unlikely to obtain employment within a reasonable period of time.

#### Commencement Information

**I79** [Sch. 1 para. 7](#) in force at 11.4.1988, see [reg. 1](#)

### Blind persons

8. A person who is a blind person registered in a register compiled by a local authority under section 29 of the National Assistance Act 1948<sup>F143</sup> (welfare services) or, in Scotland, who has been certified as blind in a register maintained by or on behalf of a regional or islands council, but a person who has ceased to be so registered 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.

#### Textual Amendments

**F143** 1948 c. 29; section 29 was amended by section 1(2) of the [National Assistance \(Amendment\) Act 1959 \(c. 30\)](#); the [Mental Health \(Scotland\) Act 1960 \(c. 61\)](#), [sections 113](#) and 114 and Schedule 4; the [Local Government Act 1972 \(c. 70\)](#), [Schedule 23](#), paragraph 2; the [Employment and Training Act 1973 \(c. 50\)](#),

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[Schedule 3](#), paragraph 3; the National Health Service Act 1977 (c. 49), [Schedule 15](#), paragraph 6; and the Health and Social Services and Social Security Adjudication Act 1983 (c. 41), [Schedule 10](#), Part I.

**Commencement Information**

**I80** [Sch. 1 para. 8](#) in force at 11.4.1988, see [reg. 1](#)

**Pregnancy**

9. 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.

**Commencement Information**

**I81** [Sch. 1 para. 9](#) in force at 11.4.1988, see [reg. 1](#)

**Persons in education**

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

**Commencement Information**

**I82** [Sch. 1 para. 10](#) in force at 11.4.1988, see [reg. 1](#)

**Training allowances**

11. A person who is in receipt of a training allowance.

**Commencement Information**

**I83** [Sch. 1 para. 11](#) in force at 11.4.1988, see [reg. 1](#)

**Open University students**

12. A person who is following an Open University course and is attending, as a requirement of that course, a residential course.

**Commencement Information**

**I84** [Sch. 1 para. 12](#) in force at 11.4.1988, see [reg. 1](#)

**Persons within 10 years of pensionable age**

13. A person who is within 10 years of attaining pensionable age and—

- (a) has not been in remunerative work during the previous 10 years; and

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- (b) has no prospect of future employment in remunerative work; and
- (c) during that period has not been required to be available for employment in accordance with section 20(3)(d)(i) of the Act (conditions of entitlement to income support), or would not have been so required had a claim to income support been made by or in respect of him.

**Commencement Information**

**I85** Sch. 1 para. 13 in force at 11.4.1988, see [reg. 1](#)

**Persons aged 60**

- 14. A person aged not less than 60.

**Commencement Information**

**I86** Sch. 1 para. 14 in force at 11.4.1988, see [reg. 1](#)

**Allowances under the Job Release Act 1977**

- 15. A person who is in receipt of an allowance under the Job Release Act 1977 <sup>F144</sup>.

**Textual Amendments**

**F144** 1977 c. 8.

**Commencement Information**

**I87** Sch. 1 para. 15 in force at 11.4.1988, see [reg. 1](#)

**Refugees**

16. Notwithstanding that he would otherwise be a student, 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 <sup>F145</sup> as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967 <sup>F146</sup> 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.

**Textual Amendments**

**F145** Cmnd. 9171.

**F146** Cmnd. 3906.

**Commencement Information**

**I88** Sch. 1 para. 16 in force at 11.4.1988, see [reg. 1](#)

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### Persons required to attend court

17. A person who is required to attend court for any period exceeding two days as a justice of the peace, a party to any proceedings, a witness or a juror.

#### Commencement Information

**I89** Sch. 1 para. 17 in force at 11.4.1988, see [reg. 1](#)

### Discharged prisoners

18. A person who has been discharged from detention in a prison, remand centre or youth custody institution but only for the period of seven days commencing with the date of his discharge.

#### Commencement Information

**I90** Sch. 1 para. 18 in force at 11.4.1988, see [reg. 1](#)

### Persons affected by a trade dispute

19. A person to whom section 23 of the Act (trade disputes) applies or in respect of whom section 20(3) of the Act (conditions of entitlement to income support) has effect as modified by <sup>F147</sup>section 23A(b) of the Act (effect of return to work).]

#### Textual Amendments

**F147** Words in Sch. 1 para. 19 substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **28**

#### Commencement Information

**I91** Sch. 1 para. 19 in force at 11.4.1988, see [reg. 1](#)

### Persons from abroad

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

#### Commencement Information

**I92** Sch. 1 para. 20 in force at 11.4.1988, see [reg. 1](#)

### Persons in custody

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

#### Commencement Information

**I93** Sch. 1 para. 21 in force at 11.4.1988, see [reg. 1](#)



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SCHEDULE 2

Regulations 17 and 18

APPLICABLE AMOUNTS

Regulations 17(a) and (b) and 18(a) (b) and (c)

**PART I**

personal allowances

1. The weekly amounts specified in column (2) below in respect of each person or couple specified in column (1) shall be the weekly amounts specified for the purposes of regulations 17(a) and 18(a) and (b) (applicable amounts and polygamous marriages).

<b>Column (1)</b> <b>Person or Couple</b>	<b>Column (2)</b> <b>Amount</b>
<b>1) Single claimant aged—</b>	
(a) (a) less than 18;	(a) (a) £19.40;
(b) (b) not less than 18 but less than 25;	(b) (b) £26.05;
(c) (c) not less than 25.	(c) (c) £33.40.
<b>(2) Lone parent aged—</b>	
(a) (a) less than 18;	(a) (a) £19.40;
(b) (b) not less than 18.	(b) (b) £33.40.
<b>(3) Couple—</b>	
(a) (a) where both members are aged less than 18;	(a) (a) £38.80;
(b) (b) where at least one member is aged not less than 18.	(b) (b) £51.45.

**Commencement Information**

**I94** Sch. 2 para. 1 in force at 11.4.1988, see reg. 1

2. The weekly amounts specified in column (2) below in respect of each person specified in column (1) shall be the weekly amounts specified for the purposes of regulations 17(b) and 18(c).

**Column (1)**

**Column (2)**

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<b>Child or Young Person</b>	<b>Amount</b>
Person aged—	
(a) (a) less than 11;	(a) (a) £10.75;
(b) (b) not less than 11 but less than 16;	(b) (b) £16.10;
(c) (c) not less than 16 but less than 18;	(c) (c) £19.40;
(d) (d) not less than 18.	(d) (d) £26.05.

**Commencement Information**

**I95** Sch. 2 para. 2 in force at 11.4.1988, see reg. 1

Regulations 17(c) and 18(d)

## PART II

### family premium

**3.** The weekly amount for the purposes of regulations 17(c) and 18(d) in respect of a family of which at least one member is a child or young person shall be £6.15.

**Commencement Information**

**I96** Sch. 2 para. 3 in force at 11.4.1988, see reg. 1

Regulations 17(d) and 18(e)

## PART III

### premiums

**4.** Except as provided in paragraph 5, the weekly premiums specified in Part IV of this Schedule shall, for the purposes of regulations 17(d) and 18(e), be applicable to a claimant who satisfies the condition specified in paragraphs 8 to 14 in respect of that premium.

**Commencement Information**

**I97** Sch. 2 para. 4 in force at 11.4.1988, see reg. 1

**5.** Subject to paragraph 6, where a claimant satisfies the conditions in respect of more than one premium in this Part of this Schedule, only one premium shall be applicable to him and, if they are different amounts, the higher or highest amount shall apply.

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#### Commencement Information

**I98** Sch. 2 para. 5 in force at 11.4.1988, see reg. 1

6.—(1) The severe disability premium to which paragraph 13 applies may be applicable in addition to either the higher pensioner premium to which paragraph 10 applies or the disability premium to which paragraph 11 applies.

(2) The disabled child premium to which paragraph 14 applies may be applicable in addition to any other premium which may apply under this Schedule.

#### Commencement Information

**I99** Sch. 2 para. 6 in force at 11.4.1988, see reg. 1

7. For the purposes of this Part of this Schedule, once a premium is applicable to claimant under this Part, a person shall be treated as being in receipt of any benefit—

- (a) in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979 <sup>F148</sup> applies, for any period during which, apart from the provisions of those Regulations, he would be in receipt of that benefit; and
- (b) for any period spent by a person in undertaking a course of training or instruction provided or approved by the [<sup>F149</sup>Training Commission] under section 2 of the Employment and Training Act 1973 <sup>F150</sup>.

#### Textual Amendments

**F148** S.I. 1979/597.

**F149** Words in Sch. 2 para. 7(b) substituted (28.5.1988) by [Employment Act 1988 \(1988 c. 19\)](#), s. 24(3), 34

**F150** 1973 c. 50 as amended by sections 9 and 11 and Schedule 2 Part II paragraph 9 and Schedule 3 of the [Employment and Training Act 1981 \(c. 57\)](#).

#### Commencement Information

**I100** Sch. 2 para. 7 in force at 11.4.1988, see reg. 1

### Lone Parent Premium

8. The condition is that the claimant is a member of a family but has no partner.

#### Commencement Information

**I101** Sch. 2 para. 8 in force at 11.4.1988, see reg. 1

### Pensioner Premium

9. The condition is that the claimant—

- (a) is a single claimant or lone parent aged not less than 60 but less than 80; or
- (b) has a partner and is, or his partner is, aged not less than 60 but less than 80.

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### Commencement Information

**I102** Sch. 2 para. 9 in force at 11.4.1988, see reg. 1

## Higher Pensioner Premium

- 10.**—(1) Where the claimant is a single claimant or a lone parent, the condition is that—
- (a) he is aged not less than 80; or
  - (b) he is aged less than 80 but not less than 60, and
    - (i) the additional condition specified in paragraph 12(1)(a) [<sup>F151</sup>or (c)] is satisfied; or
    - (ii) he was entitled to income support and the disability premium was applicable to him in respect of a benefit week within eight weeks of his 60th birthday and he has, subject to sub-paragraph (3), remained continuously entitled to income support since attaining that age.
- (2) Where the claimant has a partner, the condition is that—
- (a) he or his partner is aged not less than 80; or
  - (b) he or his partner is aged less than 80 but not less than 60 and either—
    - (i) the additional condition specified in paragraph 12(1)(a) [<sup>F151</sup>or (c)] is satisfied by whichever of them is aged not less than 60; or
    - (ii) he was entitled to income support and the disability premium was applicable to him in respect of a benefit week within eight weeks of his 60th birthday and he has, subject to sub-paragraph (3), remained continuously entitled to income support since attaining that age.
- (3) For the purposes of this paragraph and paragraph 12—
- (a) once the higher pensioner premium is applicable to a claimant, if he then ceases, for a period of eight weeks or less, to be entitled to income support, he shall, on becoming re-entitled to income support, thereafter be treated as having been continuously entitled thereto;
  - (b) in so far as sub-paragraphs (1)(b)(ii) and (2)(b)(ii) are concerned, if a claimant ceases to be entitled to income support for a period not exceeding eight weeks which includes his 60th birthday, he shall, on becoming re-entitled to income support, thereafter be treated as having been continuously entitled thereto.

### Textual Amendments

**F151** Words in Sch. 2 para. 10 inserted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **29(a)**

### Commencement Information

**I103** Sch. 2 para. 10 in force at 11.4.1988, see reg. 1

## Disability Premium

- 11.** The condition is that—
- (a) where the claimant is a single claimant or a lone parent, he is aged less than 60 and the additional condition specified in paragraph 12 is satisfied; or

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- (b) where the claimant has a partner, either—
- (i) the claimant is aged less than 60 and the additional condition specified in paragraph <sup>F152</sup>12(1)(a), (b) or (c) is satisfied by him; or
  - (ii) his partner is aged less than 60 and the additional condition specified in paragraph 12(1)(a) [<sup>F153</sup> or (c)] is satisfied by his partner.

#### Textual Amendments

**F152** Words in Sch. 2 para. 11(b)(i) substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **29(b)(i)**

**F153** Words in Sch. 2 para. 11(b)(ii) inserted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **29(b)(ii)**

#### Commencement Information

**I104** Sch. 2 para. 11 in force at 11.4.1988, see reg. 1

### Additional condition for the Higher Pensioner and Disability Premiums

**12.**—(1) Subject to sub-paragraph (2) and paragraph 7 the additional condition referred to in paragraphs 10 and 11 is that either—

- (a) the claimant or, as the case may be, his partner—
- (i) is in receipt of one or more of the following benefits: attendance allowance, mobility allowance, mobility supplement, invalidity pension under section 15 of the Social Security Act <sup>F154</sup>, or severe disablement allowance under section 36 of that Act <sup>F155</sup> [<sup>F156</sup> but, in the case of invalidity pension or severe disablement allowance only where it is paid in respect of him]; or
  - (ii) is provided by the Secretary of State with an invalid carriage or other vehicle under section 5(2) of the National Health Service Act 1977 <sup>F157</sup> (other services) or, in Scotland, under section 46 of the National Health Service (Scotland) Act 1978 <sup>F158</sup> (provision of vehicles) or receives payments by way of grant from the Secretary of State under paragraph 2 of Schedule 2 to that 1977 Act (additional provisions as to vehicles) or, in Scotland, under that section 46; or
  - (iii) is registered as blind in a register compiled by a local authority under section 29 of the National Assistance Act 1948 <sup>F159</sup> (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; or
- (b) the claimant is and has, in respect of [<sup>F160</sup> a continuous period] of not less than 28 weeks, been treated as having been incapable of work for the purposes of one or more of the provisions of the Social Security Act or Part I of the Social Security and Housing Benefits Act 1982 <sup>F161</sup> or, if he was in Northern Ireland for the whole or part of that period, was treated as having been incapable of work for the purposes of one or more of the comparable Northern Irish provisions; or
- (c) the claimant or, as the case may be, his partner was in receipt of either—
- (i) mobility allowance or invalidity pension under section 15 of the Social Security Act when entitlement to that benefit ceased solely on account of the maximum age for its payment being reached and the claimant has since remained continuously entitled to income support and, if the mobility allowance or invalidity pension was payable to his partner, the partner is still alive; or

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(ii) except where paragraph 1(a), (b), (c)(ii) or (d)(ii) of Schedule 7 (patients) applies, attendance allowance which is no longer in payment solely on account of the claimant or, as the case may be, his partner having undergone or having been treated as undergoing treatment for a period of more than four weeks by virtue of regulation 5 of the Social Security (Attendance Allowance) (No. 2) Regulations 1975  
F162

and, in either case, the higher pensioner premium or disability premium has been applicable to the claimant or his partner.

(2) For the purposes of sub-paragraph (1)(a)(iii), a person who has ceased to be registered as blind on regaining his eyesight shall nevertheless be treated as blind and as satisfying the additional condition set out in that sub-paragraph for a period of 28 weeks following the date on which he ceased to be so registered.

(3) For the purposes of sub-paragraph (1)(b), once the disability premium is applicable to a claimant by virtue of his satisfying the condition specified in that provision, if he then ceases, for a period of eight weeks or less, to be treated as incapable of work for the purposes of the provisions specified in that provision he shall, on again becoming so incapable of work, immediately thereafter be treated as satisfying the condition in sub-paragraph (1)(b).

(4) For the purpose of sub-paragraph (1)(c), once the higher pensioner premium is applicable to the claimant by virtue of his satisfying the condition specified in that provision, if he then ceases, for a period of eight weeks or less, to be entitled to income support, he shall on again becoming so entitled to income support, immediately thereafter be treated as satisfying the condition in sub-paragraph (1)(c).

#### Textual Amendments

**F154** Section 15 was amended by the [Social Security Pensions Act 1975 \(c. 60\)](#), [Schedule 4 paragraph 40](#), the [Social Security Act 1979 \(c. 18\)](#) section 21, Schedule 1, paragraph 1 and Schedule 3 paragraph 7, the [Social Security and Housing Benefits Act 1982 \(c. 24\)](#), [Schedule 4](#), Part I, paragraph 10 and the [Social Security Act 1986 \(c. 50\)](#), [Schedule 10](#), Part V, paragraph 83.

**F155** Section 36 was substituted by the [Health and Social Security Act 1984 \(c. 48\)](#), [section 11](#); and subsection (4A) of that section inserted by the [Social Security Act 1985 \(c. 53\)](#), [Schedule 4](#), paragraph 3.

**F156** Words in Sch. 2 para. 12(1)(a)(i) inserted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), [29\(c\)\(i\)](#)

**F157** [1977 c. 49](#); section 5(2) amended and subsection (2A) added by section 1 of the [Public Health Laboratory Service Act 1979 \(c. 23\)](#) and subsection (2B) added by section 9 of the [Health and Social Security Act 1984 \(c. 48\)](#).

**F158** [1978 c. 29](#).

**F159** [1948 c. 29](#); section 29 was amended by section 1(2) of the [National Assistance \(Amendment\) Act 1959 \(c. 30\)](#); the [Mental Health \(Scotland\) Act 1960 \(c. 61\)](#) sections 113 and 114 and Schedule 4; the [Local Government Act 1972 \(c. 70\)](#) Schedule 23 paragraph 2; the [Employment and Training Act 1973 \(c. 50\)](#) Schedule 3 paragraph 3; the [National Health Service Act 1977 \(c. 49\)](#) Schedule 15 paragraph 6; and the [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41\)](#) Schedule 10 Part I.

**F160** Words in Sch. 2 para. 12(1)(b) substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), [29\(c\)\(ii\)](#)

**F161** [1982 c. 24](#).

**F162** [S.I. 1975/548](#); the relevant amending instrument is [S.I.1983/1015](#).

#### Commencement Information

**I105** Sch. 2 para. 12 in force at 11.4.1988, see reg. 1

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## Severe Disability Premium

13.—(1) The condition is that the claimant is a severely disabled person.

(2) For the purposes of sub-paragraph (1), a claimant shall be treated as being a severely disabled person if, and only if—

- (a) in the case of a single claimant or a lone parent—
  - (i) he is in receipt of attendance allowance, and
  - (ii) subject to sub-paragraph (3), he has no non-dependants aged 18 or over residing with him, and
  - (iii) no-one is in receipt of an invalid care allowance under section 37 of the Social Security Act <sup>F163</sup> in respect of caring for him;
- (b) if he has a partner—
  - (i) he is in receipt of attendance allowance; and
  - (ii) his partner is also in receipt of such an allowance or, if he is a member of a polygamous marriage, all the partners of that marriage are in receipt thereof; and
  - (iii) subject to sub-paragraph (3), he has no non-dependants aged 18 or over residing with him,

and, either there is someone in receipt of an invalid care allowance in respect of caring for only one of the couple or, in the case of a polygamous marriage, for one or more but not all the partners of the marriage, or, as the case maybe, there is no one in receipt of such an allowance in respect of caring for either member of the couple or any partner of the polygamous marriage.

(3) For the purposes of sub-paragraph (2)(a)(ii) and (2)(b)(iii) no account shall be taken of—

- (a) a person receiving attendance allowance; or
- (b) a person to whom regulation 3(3) (non-dependants) applies; or
- (c) subject to sub-paragraph (4), a person who joins the claimant's household for the first time in order to care for the claimant or his partner and immediately before so joining the claimant or his partner was treated as a severely disabled person.

<sup>F164</sup>(3A) For the purposes of sub-paragraph (2)(b) a person shall be treated as being in receipt of—

- (a) attendance allowance if he would, but for his being a patient for a period exceeding 28 days, be so in receipt;
- (b) invalid care allowance if he would, but for the person for whom he was caring being a patient in hospital for a period exceeding 28 days, be so in receipt.]

(4) Sub-paragraph (3)(c) shall apply only for the first 12 weeks following the date on which the person to whom that provision applies first joins the claimant's household.

### Textual Amendments

**F163** Section 37 was amended by the [Social Security \(Miscellaneous Provisions\) Act 1977 \(c. 5\), section 22\(2\)](#).

**F164** Sch. 2 para. 13(3A) inserted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\), regs. 1\(1\), 29\(d\)](#)

### Commencement Information

**I106** Sch. 2 para. 13 in force at 11.4.1988, see reg. 1

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## Disabled Child Premium

14. The condition is that a child or young person for whom the claimant or a partner of his is responsible and who is a member of the claimant's household—

- (a) has no capital or capital which, if calculated in accordance with Part V in like manner as for the claimant, except where otherwise provided, would not exceed £3,000; and
- (b) is in receipt of attendance allowance or mobility allowance or both or is no longer in receipt of that allowance because he is a patient provided that the child or young person continues to be a member of the family; or
- (c) is blind or treated as blind within the meaning of paragraph 12(1)(a)(iii) and (2).

### Commencement Information

**I107** Sch. 2 para. 14 in force at 11.4.1988, see reg. 1

## PART IV

### weekly amounts of premiums specified in part iii

### Commencement Information

**I108** Sch. 2 Pt. IV in force at 11.4.1988, see [reg. 1](#)

Premium	Amount
<b>15.</b> —(1) Lone parent premium.	(1) £3.70.
(2) Pensioner premium—	
(a) (a) where the claimant satisfies the condition in paragraph 9(a);	(a) (2) (a) £10.65;
(b) (b) where the claimant satisfies the condition in paragraph 9(b).	(b) (b) £16.25.
(3) Higher Pensioner Premium—	
(a) (a) where the claimant satisfies the condition in paragraph 10(1)(a) or (b);	(a) (3) (a) £13.05;
(b) (b) where the claimant satisfies the condition in paragraph 10(2)(a) or (b);	(b) (b) £18.60.
(4) Disability Premium—	



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- |   |   |
|---|---|
| (a) (a) where the claimant satisfies the condition in paragraph 11(a);  | (a) (4) (a) £13.05;   |
| (b) (b) where the claimant satisfies the condition in paragraph 11(b).  | (b) (b) £18.60.   |
| (5) Severe Disability Premium—  |   |
| (a) (a) where the claimant satisfies the condition in paragraph 13(2)(a);   | (a) (5) (a) £24.75;   |
| (b) (b) where the claimant satisfies the condition in paragraph 13(2)(b)—   |   |
| (i) if there is someone in receipt of an invalid care allowance [ <sup>F165</sup> or if he or any partner satisfies that condition only by virtue of paragraph 13(3A)]; | (b) (i) £24.75.   |
| (ii) if no-one is in receipt of such an allowance.  | (ii) £49.50.  |
| (6) Disabled Child Premium.   | (6) £6.15 in respect of each child or young person in respect of whom the condition specified in paragraph 14 is satisfied. |

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#### Textual Amendments

**F165** Words in Sch. 2 para. 15(5)(b)(i) added (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **29(e)**

## PART V

### rounding of fractions

**16.** Where income support is awarded for a period which is not a complete benefit week and the applicable amount in respect of that period results in an amount which includes a fraction of a penny that fraction shall be treated as a penny.

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#### Commencement Information

**I109** Sch. 2 para. 16 in force at 11.4.1988, see reg. 1

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## SCHEDULE 3

Regulations 17(e) and 18(f)

### HOUSING COSTS

#### Eligible Housing Costs

1. Subject to the following provisions of this Schedule, the amounts which may be applicable to a person in respect of mortgage interest payments or other prescribed housing costs under regulation 17(e) or 18(f) (applicable amounts) are—

- (a) mortgage interest payments;
- (b) interest on loans for repairs and improvements to the dwelling occupied as the home;
- [<sup>F166</sup>(c) payments by way of rent or ground rent relating to a long tenancy and, in Scotland, payments by way of feu duty,]
- (d) payments under a co-ownership scheme;
- (e) payments under or relating to a tenancy or licence of a Crown tenant;
- (f) service charges;
- (g) where the dwelling occupied as the home is a tent, payments in respect of the tent and the site on which it stands;
- (h) payments analogous to those mentioned in this paragraph.

#### Textual Amendments

**F166** Sch. 3 para. 1(c) substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **30(a)**

#### Commencement Information

**I110** Sch. 3 para. 1 in force at 11.4.1988, see reg. 1

#### Basic condition of entitlement to housing costs

2. Subject to the following provisions of this Schedule, the housing costs referred to in paragraph 1 shall be met where the claimant, or if he is one of a family, he or any member of his family is treated as responsible for the expenditure to which that cost relates in respect of the dwelling occupied as the home which he or any member of his family is treated as occupying.

#### Commencement Information

**I111** Sch. 3 para. 2 in force at 11.4.1988, see reg. 1

#### Circumstances in which a person is treated as responsible for housing costs

3.—(1) A person is to be treated as responsible for the expenditure which relates to housing costs where—

- (a) he or his partner is liable to meet those costs other than to a member of the same household;
- (b) because the person liable to meet those costs is not doing so, he has to meet those costs in order to continue to live in the dwelling occupied as the home and either he was formerly the partner of the person liable, or he is some other person whom it is reasonable to treat as liable to meet the cost;

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- (c) he in practice shares those costs with other members of his household, other than close relatives of his or his partner, at least one of whom either is responsible under the preceding provisions of this paragraph or has an equivalent responsibility for housing benefit expenditure and for which it is reasonable in the circumstances to treat him as sharing responsibility.
- (2) Where any one or more, but not all, members of the claimant's family are affected by a trade dispute, the housing costs shall be treated as those of those members of the family not so affected.

**Commencement Information**

**II12** Sch. 3 para. 3 in force at 11.4.1988, see reg. 1

**Circumstances in which a person is or is not to be treated as occupying a dwelling as his home**

4.—(1) Subject to the following provisions of this paragraph, a person shall be treated as occupying as his home the dwelling normally occupied as his home by himself or, if he is a member of a family, by himself and his family and he shall not be treated as occupying any other dwelling as his home.

(2) In determining whether a dwelling is the dwelling normally occupied as the claimant's home for the purposes of sub-paragraph (1) regard shall be had to any other dwelling occupied by the claimant or by him and his family whether or not that dwelling is in Great Britain.

(3) Subject to sub-paragraph (4) where a single claimant or a lone parent is a student or is on a training course and is liable to make payments (including payments of mortgage interest or, in Scotland, payments under heritable securities or, in either case, analogous payments) in respect of either (but not both) the dwelling which he occupies for the purpose of attending his course of study or his training course or, as the case may be, the dwelling which he occupies when not attending his course, he shall be treated as occupying as his home the dwelling in respect of which he is liable to make payments.

(4) A full-time student shall not be treated as occupying a dwelling as his home for any week of absence from it, other than an absence occasioned by the need to enter hospital for treatment, outside the period of study, if the main purpose of his occupation during the period of study would be to facilitate attendance on his course.

(5) Where a claimant has been required to move into temporary accommodation by reason of essential repairs being carried out to the dwelling normally occupied as his home and he is liable to make payments (including payments of mortgage interest or, in Scotland, payments under heritable securities or, in either case analogous payments) in respect of either (but not both) the dwelling normally occupied or the temporary accommodation, he shall be treated as occupying as his home the dwelling in respect of which he is liable to make payments.

(6) Where a person is liable to make payments in respect of two (but not more than two) dwellings, he shall be treated as occupying both dwellings as his home only—

- (a) where he has left and remains absent from the former dwelling occupied as the home through fear of violence in that dwelling or by a former member of his family and it is reasonable that housing costs should be met in respect of both his former dwelling and his present dwelling occupied as the home; or
- (b) in the case of a couple or a member of a polygamous marriage where a partner is a student or is on a training course and it is unavoidable that he or they should occupy two separate dwellings and reasonable that housing costs should be met in respect of both dwellings;

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- (c) in the case where a person has moved into a new dwelling occupied as the home, except where sub-paragraph (5) applies, for a period not exceeding four benefit weeks if his liability to make payments in respect of two dwellings is unavoidable.
- (7) Where a person—
- (a) has moved into a dwelling and was liable to make payments in respect of that dwelling before moving in; and
  - (b) had claimed income support before moving in and either that claim has not yet been determined or it has been determined but an amount has not been included under this Schedule and if the claim has been refused a further claim has been made within four weeks of the date on which the claimant moved into the new dwelling occupied as the home; and
  - (c) the delay in moving into the dwelling in respect of which there was liability to make payments before moving in was reasonable and—
    - (i) that delay was necessary in order to adapt the dwelling to meet the disablement needs of the claimant or any member of his family; or
    - (ii) the move was delayed pending the outcome of an application under Part III of the Act for a social fund payment to meet a need arising out of the move or in connection with setting up the home in the dwelling and either a member of the claimant's family is aged five or under or the claimant's applicable amount includes a premium under paragraph 9, 10, 11, 13 or 14 of Schedule 2; or
    - (iii) the person became liable to make payments in respect of the dwelling while he was a patient or in residential accommodation, he shall be treated as occupying the dwelling as his home for any period not exceeding four weeks immediately prior to the date on which he moved into the dwelling and in respect of which he was liable to make payments.
- (8) A person shall be treated as occupying a dwelling as his home for a period not exceeding 52 weeks while he is temporarily absent therefrom only if—
- (a) he intends to return to occupy the dwelling as his home; and
  - (b) the part of the dwelling normally occupied by him has not been let or, as the case may be, sub-let; and
  - (c) the period of absence is unlikely to exceed 52 weeks, or, in exceptional circumstances, (for example where the person is in hospital or otherwise has no control over the length of his absence) is unlikely substantially to exceed that period.
- (9) In this paragraph—
- (a) “patient” means a person who is undergoing medical or other treatment as an in-patient in any hospital or similar institution;
  - (b) “residential accommodation” means accommodation—
    - (i) provided under sections 21 to 24 and 26 of the National Assistance Act 1948 <sup>F167</sup> (provision of accommodation); or
    - (ii) section 21(1) of, and paragraph 1 or 2 of Schedule 8 to, the National Health Service Act 1977 <sup>F168</sup> (prevention, care and after-care); or
    - (iii) provided under section 59 of the Social Work (Scotland) Act 1968 <sup>F169</sup> (provision of residential and other establishments) where board is available to the claimant; or
    - (iv) which is a residential care home within the meaning of that expression in regulation 19(3) (persons in residential care or nursing homes) other than sub-paragraph (b) of that definition; or
    - (v) which is a nursing home;

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- (c) “training course” means such a course as is referred to in sub-paragraph (c) of the definition of training allowance in regulation 2(1) (interpretation).

#### Textual Amendments

**F167** 1948, c. 29; section 21 was amended by the [Local Government Act 1972 \(c. 70\)](#), [Schedule 23 paragraphs 1](#) and 2 and [Schedule 30](#); the [National Health Service Reorganisation Act 1973 \(c. 32\)](#), [Schedule 4 paragraph 44](#) and [Schedule 5](#); the [Housing \(Homeless Persons\) Act 1977 \(c. 48\)](#), [Schedule](#); the [National Health Service Act 1977 \(c. 49\)](#), [Schedule 15 paragraph 5](#); the [Health Services Act 1980 \(c. 53\)](#), [Schedule 1 Part I paragraph 5](#). Section 22 was amended by the [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), [section 87\(4\)](#) and [Schedule 9 Part I](#); the [Supplementary Benefits Act 1976 \(c. 71\)](#) [Schedule 7 paragraph 3](#); the [Housing \(Homeless Persons\) Act 1977 \(c. 48\)](#), [Schedule](#); the [Social Security Act 1980 \(c. 30\)](#), section 20, [Schedule 4 paragraph 2\(1\)](#) and [Schedule 5 Part II](#) and the [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41\)](#), [section 20\(1\)](#) (a). Section 24 was amended by the [National Assistance \(Amendment\) Act 1959 \(c. 30\)](#), [section 1\(1\)](#); the [National Health Service \(Scotland\) Act 1972 \(c. 58\)](#), [Schedule 6 paragraph 82](#); the [Local Government Act 1972 \(c. 70\)](#), [Schedule 23 paragraph 2](#); the [National Health Service Reorganisation Act 1972 \(c.32\)](#), [Schedule 4 paragraph 45](#) and the [Housing \(Homeless Persons\) Act 1977 \(c. 48\)](#), [Schedule](#). Section 26 was amended by the [Health Services and Public Health Act 1968 \(c. 46\)](#), [section 44](#) and [Schedule 4](#) and the [Social Work \(Scotland\) Act 1968 \(c. 49\)](#) [Schedule 9 Part I](#) and applied by [section 87\(3\)](#); the [Local Government Act 1972 \(c. 70\)](#), [Schedule 23 paragraph 2](#); the [Housing \(Homeless Persons\) Act 1977 \(c. 48\)](#), [Schedule](#) and the [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41\)](#), [section 20](#) (1) (b).

**F168** 1977 c. 49.

**F169** 1968 c. 49.

#### Commencement Information

**I113** Sch. 3 para. 4 in force at 11.4.1988, see reg. 1

#### Circumstances in which no amount of housing costs may be met

5. No amount may be met under the provisions of this Schedule—
- in respect of housing benefit expenditure; or
  - where the claimant is in accommodation to which either regulation 19 (applicable amounts for persons in residential care or nursing homes) or 20 (applicable amounts for persons in board and lodging accommodation or hostels) applies, unless his absence from the dwelling occupied as his home in such accommodation is only temporary within the meaning of paragraph 4(8).

#### Commencement Information

**I114** Sch. 3 para. 5 in force at 11.4.1988, see reg. 1

#### Apportionment of housing costs

- 6.—(1) Where—
- for the purposes of section 48(5) of the General Rate Act 1967 <sup>F170</sup> (reduction of rates on dwellings), it appears to a rating authority or it is determined in pursuance of sub-section (6) of that section 48 that the hereditament including the dwelling occupied as the home is a mixed hereditament and that only a proportion of the rateable value of the hereditament is attributable to use for the purpose of a private dwelling; or

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- (b) in Scotland, an assessor acting pursuant to section 45(1) of the Water (Scotland) Act 1980<sup>F171</sup> (provision as to valuation roll) has apportioned the net annual value of the premises including the dwelling occupied as the home between the part occupied as a dwelling and the remainder,

the amounts applicable under this Schedule shall be such proportion of the amounts applicable in respect of the hereditament or premises as a whole as is equal to the proportion of the rateable value of the hereditament attributable to the part of the hereditament used for the purposes of a private tenancy or, in Scotland, the proportion of the net annual value of the premises apportioned to the part occupied as a dwelling house.

(2) Where responsibility for expenditure which relates to housing costs met under this Schedule is shared, the amounts applicable shall be calculated by reference to the appropriate proportion of that expenditure for which the claimant is responsible.

#### Textual Amendments

**F170** 1967 c. 9; sections 48(5) and (6) were amended by the [Local Government Planning and Land Act 1980 \(c. 65\)](#) section 33; section 48(6) was also amended by the [Rates Act 1984 \(c. 33\)](#) section 16 Schedule 1 paragraph 10.

**F171** 1980 c. 45.

#### Commencement Information

**I115** Sch. 3 para. 6 in force at 11.4.1988, see reg. 1

### Interest on loans to acquire an interest in the dwelling occupied as the home

7.—(1) Subject to sub-paragraphs (2) to (9), the following amounts shall be met under this paragraph—

- (a) if the claimant or, if he is a member of a couple, or if a member of a polygamous marriage, he or any partner of his is aged 60 or over, 100 per cent of the eligible interest in his case;
- (b) [<sup>F172</sup>except where sub-paragraph (1)(a) applies,] if the claimant or, if he is a member of a couple, or if a member of a polygamous marriage, he and any partner of his are aged under 60—
- (i) where the claimant has been in receipt of income support in respect of a continuous period of not less than 16 weeks, 100 per cent of the eligible interest in his case;
- (ii) in any other case, 50 per cent of the eligible interest in that case.

(2) Where in a case to which sub-paragraph (1)(b)(ii) applies—

- (a) either—
- (i) the claim for income support is refused; or
- (ii) an award of income support is terminated on appeal or review, solely because the claimant's income exceeds his applicable amount by virtue of the fact that only 50 per cent of the eligible interest in his case is to be met under sub-paragraph (1)(b)(ii); and
- (b) the claimant or any partner of his makes a further claim no later than 20 weeks after—
- (i) where the original claim for income support was refused, the date of that claim; or
- (ii) where an award of income support was terminated on appeal or review, the date of the claim in respect of which that award was made,

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the amount to be met under this paragraph commencing on a date not before the expiry of 16 weeks from the date specified in (i) or (ii) above, as the case may be, shall be 100 per cent of the eligible interest in that case and until that date shall be the amount specified in sub-paragraph (1)(b)(ii).

(3) Subject to sub-paragraphs (4) to (6), in this paragraph “eligible interest” means the amount of interest on a loan, whether or not secured by way of a mortgage or, in Scotland, under a heritable security, taken out to defray money applied for the purpose of—

- (a) acquiring an interest in the dwelling occupied as the home; or
- (b) paying off another loan but only to the extent that interest on that other loan would have been eligible interest had the loan not been paid off.

(4) Subject to sub-paragraphs (5) and (6) and paragraph 6, the amount of eligible interest in any case shall be the amount, calculated on weekly basis, of—

- (a) where, or in so far as, section 26 of the Finance Act 1982 <sup>F173</sup> (deduction of tax from certain loan interest) applies to the payments of interest on the loan, the interest which is payable after deduction of a sum equal to income tax thereon at the basic rate for the year of assessment in which the payment of interest becomes due;
- (b) in any other case the interest which is payable on the loan without deduction of such a sum.

(5) Where a loan is applied only in part for the purpose specified in sub-paragraph (3), only such proportion of the interest thereon as is equal to the proportion of the loan applied for that purpose shall qualify as eligible interest.

(6) Where, under the terms of a loan taken out for a purpose specified in sub-paragraph (3), interest is payable on accumulated arrears of interest (whether or not those arrears have been consolidated with the outstanding capital), the amount of such interest shall be met under this paragraph as if it were eligible interest but only in so far as it represents interest on arrears incurred during any period—

- (a) when sub-paragraph (1)(b)(ii) applied in that case; or
- (b) when the claimant was not entitled to income support which fell within the period of 20 weeks specified in sub-paragraph (2)(b),

and, in either case, only to the extent that arrears do not exceed 50 per cent of the eligible interest that otherwise would have been payable during the period in question.

(7) Where a person who was formerly one of a couple or a polygamous marriage—

- (a) has taken out, either solely or jointly with his former partner, a loan secured on the dwelling occupied as the home for a purpose other than one specified in sub-paragraph (3); and
- (b) has left the dwelling occupied as the home and either cannot or will not pay the interest on the loan,

and, if that person's former partner has to pay the interest on the loan in order to continue to live in the dwelling occupied as the home, there shall be met in respect of the former partner under this paragraph the amount of interest on the loan calculated as if it were a loan taken out for a purpose specified in sub-paragraph (3).

(8) Where an amount is met under this paragraph, if, notwithstanding that the amount of interest payable is reduced by virtue of—

- (a) a reduction in interest rates; or
- (b) a reduction in the amount of loan capital outstanding,

the amount of instalments which the borrower is liable to pay remains constant, the amount met shall not be adjusted to take account of the new amount of interest payable except where a determination is subsequently reviewed under section 104(1)(b) of the Social Security Act <sup>F174</sup> (review of decisions).

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- (9) For the purpose of sub-paragraph (1)—
- (a) a person shall be treated as being in receipt of income support during the following periods—
    - (i) any period in respect of which it was subsequently held, on appeal or review, that he was so entitled; and
    - (ii) any period of eight weeks or less in respect of which he was not in receipt of income support and which fell immediately between periods in respect of which he was in receipt thereof or to which (i) above applies;
  - (b) a person shall be treated as not being in receipt of income support during any period other than a period to which (a)(ii) above applies in respect of which it is subsequently held on appeal or review that he was not so entitled;
  - (c) where the claimant—
    - (i) was a member of a couple or a polygamous marriage; and
    - (ii) his partner was, in respect of a past period, in receipt of income support for himself and the claimant; and
    - (iii) the claimant is no longer a member of that couple or polygamous marriage; and
    - (iv) the claimant made his claim for income support within eight weeks of ceasing to be a member of that couple or polygamous marriage,
 he shall be treated as having been in receipt of income support for the same period as his former partner had been or had been treated, for the purposes of sub-paragraph (1), as having been;
  - (d) where the claimant's partner's applicable amount was determined in accordance with paragraph 1(1) (single claimants) or paragraph 1(2) (lone parent) of Schedule 2 (applicable amounts) in respect of a past period, provided that the claim was made within eight weeks of the claimant and his partner becoming one of a couple or polygamous marriage, the claimant shall be treated as having been in receipt of income support for the same period as his partner had been or had been treated, for the purposes of sub-paragraph (1), as having been;
  - (e) where the claimant is a member of a couple or a polygamous marriage and his partner was, in respect of a past period in receipt of income support for himself and the claimant, and the claimant has become in receipt as a result of an election by the members of the couple or polygamous marriage, he shall be treated as having been in receipt of income support for the same period as his partner had been or had been treated, for the purposes of sub-paragraph (1), as having been.

#### Textual Amendments

**F172** Words in Sch. 3 para. 7(1)(b) inserted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **30(b)**

**F173** 1982 c. 39.

**F174** Section 104 is applied by section 52(3) of the [Social Security Act 1986 \(c. 50\)](#); sub-section (1) was substituted by section 52 of, and paragraph 10 of Schedule 5 to, the Social Security Act 1986.

#### Commencement Information

**I116** Sch. 3 para. 7 in force at 11.4.1988, see reg. 1



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### **Interest on loans for repairs and improvements to the dwelling occupied as the home**

8.—(1) Subject to sub-paragraph (2), there shall be met under this paragraph an amount in respect of interest payable on a loan which is taken out, with or without security, for the purpose of—

- (a) carrying out repairs or improvements to the dwelling occupied as the home; or
- (b) paying off another loan but only to the extent that interest on that other loan would have been met under this paragraph had the loan not been paid off,

and which is used for that purpose or is to be so used within six months of the date of receipt or such further period as is reasonable, and the amount to be met under this paragraph shall be calculated as if the loan were a loan to which paragraph 7 applied.

(2) Subject to sub-paragraph (4), where the claimant has capital in excess of £500, the excess shall be set against the amount or the aggregate of the amounts borrowed and interest allowed only by reference to any balance.

(3) In this paragraph “repairs and improvements” means major repairs necessary to maintain the fabric of the dwelling occupied as the home and any of the following measures undertaken with a view to improving its fitness for occupation—

- (a) installation of a fixed bath, shower, wash basin, sink or lavatory and necessary associated plumbing;
- (b) damp proofing measures;
- (c) provision or improvement of ventilation and natural lighting;
- (d) provision of electric lighting and sockets;
- (e) provision or improvement of drainage facilities;
- (f) improvement in the structural condition of the dwelling occupied as the home;
- (g) improvements to the facilities for storing, preparing and cooking food;
- (h) provision of heating, including central heating;
- (i) provision of storage facilities for fuel and refuse;
- (j) improvements to the insulation of the dwelling occupied as the home;
- (k) other improvements which are reasonable in the circumstances.

(4) For the purposes of sub-paragraph (2) no account shall be taken of capital which is disregarded by virtue of paragraph 1, 2, 4 to 6, 8(b), 9(a), 10 to 18 or 20 of Schedule 10 (capital to be disregarded).

#### **Commencement Information**

I117 Sch. 3 para. 8 in force at 11.4.1988, see reg. 1

### **Other housing costs**

9.—(1) Subject to sub-paragraph (5), there shall be met under this paragraph the amounts, calculated on a weekly basis, in respect of the housing costs specified in paragraph 1(c) to (h) subject to the deductions specified in sub-paragraph (2).

(2) Subject to sub-paragraph (3), the deductions to be made from the weekly amounts to be met under this paragraph are—

- (a) where the costs are inclusive of any of the items mentioned in paragraph 5(2) to Schedule 1 of the Housing Benefit (General) Regulations 1987<sup>F175</sup> (payment in respect of fuel charges), the deductions prescribed in that paragraph unless the claimant provides

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evidence on which the actual or approximate amount of the service charge for fuel may be estimated, in which case the estimated amount;

- (b) where the costs are inclusive of ineligible service charges within the meaning of paragraph 1 to Schedule 1 of the Housing Benefit (General) Regulations 1987 (ineligible service charges) the amounts attributable to those ineligible service charges or where that amount is not separated from or separately identified within the housing costs to be met under this paragraph, such part of the payments made in respect of those housing costs which are fairly attributable to the provision of those ineligible services having regard to the costs of comparable services.

(3) Where arrangements are made for the housing costs mentioned in paragraph 1(c) to (g), payable for a year, to be paid for 53 weeks, or irregularly, or so that no such costs are payable for or collected in certain periods, or so that the costs for different periods in the year are of different amounts, the weekly amount shall be the amount payable for the year divided by 52.

(4) Where as compensation for work carried out by way of reasonable repairs or redecoration which are not normally the responsibility of the claimant or other member of his family, payment of the costs mentioned in paragraph 1(c) to (g) are waived, they shall, for a period not exceeding eight weeks, be treated as payable.

(5) Where an amount calculated on a weekly basis in respect of housing costs specified in paragraph 1(e) (Crown tenants) includes amounts in respect of water charges or eligible rates (or both) within the meaning of regulation 9 of the Housing Benefit (General) Regulations 1987 <sup>F176</sup>, that amount shall be reduced by—

- (a) where the amount payable is known—
- (i) in respect of water charges, that amount;
  - (ii) in respect of eligible rates, 20 per cent of that amount calculated on a weekly basis;
- (b) in any other case—
- (i) in respect of water charges, the amount which would be the likely charge had the property not been occupied by a Crown tenant;
  - (ii) in respect of eligible rates, 20 per cent of the amount which would be the likely eligible rates had the property not been occupied by a Crown tenant,
- calculated on a weekly basis.

(6) For the purposes of paragraph (5) “water charges” means charges or rates in respect of water and, except in Scotland, of sewerage and allied environmental services.

#### Textual Amendments

**F175** S.I. 1987/ .

**F176** S.I. 1987/ .

#### Commencement Information

**I118** Sch. 3 para. 9 in force at 11.4.1988, see reg. 1

### Restriction on meeting housing costs under this Schedule

**10.**—(1) Subject to sub-paragraph (2), where—

- (a) the dwelling occupied as the home is occupied with security of tenure, that is to say—
- (i) under a protected or statutory tenancy for the purposes of the Rent Act 1977 <sup>F177</sup> or the Rent (Scotland) Act 1984 <sup>F178</sup>, excluding any case in which the tenant has been

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- given a notice to which any Case in Part II of Schedule 15 to the Act of 1977 or, as the case may be, Part II of Schedule 2 to the Act of 1984 (cases in which Court must order possession where dwelling-house subject to regulated tenancy) applies;
- (ii) under a secure tenancy for the purposes of Chapter II of Part I of the Housing Act 1980 <sup>F179</sup> or Part II of the Tenants' Rights Etc (Scotland) Act 1980 <sup>F180</sup> (security of tenure of public sector tenants);
  - (iii) where the tenant is a protected occupier or statutory tenant for the purposes of the Rent (Agriculture) Act 1976 <sup>F181</sup>; or
  - (iv) under a crofting tenancy for the purposes of the Crofters (Scotland) Acts 1955 and 1961 <sup>F182</sup>;
- (b) the claimant or, if he is a member of a family, any member of the family acquires some other interest in the dwelling occupied as the home; and
  - (c) in consequence of the acquisition the aggregate of any amounts which would, but for this paragraph, be applicable under paragraphs 7, 8 and 9 exceed the amount of the eligible rent for the purposes of regulation 10 of the Housing Benefit (General) Regulations 1987 (rent) immediately before the acquisition,

the aggregate amount so applicable shall initially be restricted to the amount of the eligible rent immediately before the acquisition and shall be increased subsequently only to the extent that this is necessary to take account of any increase, after the date of the acquisition, in expenditure on any housing costs.

(2) Sub-paragraph (1)—

- (a) shall not apply where the claimant or the member of the family became liable to complete the acquisition at a time when income support was not payable in respect of him;
- (b) shall cease to apply if its application becomes inappropriate by reason of any major change in the circumstances of the family affecting their ability to meet expenditure on housing costs;
- (c) shall cease to apply where income support ceases to be payable in respect of the claimant or his family except that it shall reapply wherever income support again becomes payable within a period of eight weeks or less.

(3) Where the amounts to be met under paragraphs 7 to 9 and, subject to any deduction applicable under paragraph 11 are excessive, they shall be subject to restriction in accordance with sub-paragraphs (4) to (6).

(4) Subject to sub-paragraphs (5) and (6), the amounts to be met shall be regarded as excessive and shall be restricted and the excess not allowed, if and to the extent that—

- (a) the dwelling occupied as the home, excluding any part which is let or is normally occupied by persons in board and lodging accommodation, is larger than is required by the claimant and his family and any child or young person to whom regulation 16(4) applies (foster children) and any other non-dependants having regard, in particular, to suitable alternative accommodation occupied by a household of the same size; or
- (b) the immediate area in which the dwelling occupied as the home is located is more expensive than other areas in which suitable alternative accommodation exists; or
- (c) the outgoings of the dwelling occupied as the home in respect of which the amounts to be met under paragraphs 7 to 10 are higher than the outgoings of suitable alternative accommodation in the area.

(5) Where, having regard to the relevant factors, it is not reasonable to expect the claimant and his family to seek alternative cheaper accommodation no restrictions shall be made under this paragraph.

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(6) Where sub-paragraph (5) does not apply and the claimant (or other member of the family) was able to meet the financial commitments for the dwelling occupied as the home when these were entered into, no restriction shall be made under this paragraph during the first six months of any period of entitlement to income support nor during the next six months if and so long as the claimant uses his best endeavours to obtain cheaper accommodation.

(7) In this paragraph “the relevant factors” are—

- (a) the availability of suitable accommodation and the level of housing costs in the area; and
- (b) the circumstances of the family including in particular the age and state of health of its members, the employment prospects of the claimant and, where a change in accommodation is likely to result in a change of school, the effect on the education of any child or young person who is a member of his family, or any child or young person who is not treated as part of his family by virtue of regulation 16(4) (foster children).

#### Textual Amendments

**F177** 1977 c. 42; Part II of Schedule 15 was amended by the [Housing Act 1980 \(c. 51\)](#) sections 55, 66, 67 and by the [Rent \(Amendment\) Act 1955 \(c. 24\)](#) section 2.

**F178** 1984 c. 58.

**F179** 1980 c. 51.

**F180** 1980 c. 52.

**F181** 1976 c. 80.

**F182** 1955 (c. 21), 1961 (c. 58).

#### Commencement Information

**I119** Sch. 3 para. 10 in force at 11.4.1988, see reg. 1

### Non-dependant deductions

**11.—(1)** Subject to the following provisions of this paragraph, the following deductions from the amount to be met under the preceding paragraphs of this Schedule in respect of housing costs shall be made in respect of a non-dependant—

- (a) in respect of a non-dependant aged 18 or more who is in remunerative work or is a person to whom regulation 3(3) applies (non-dependants)—
  - (i) where the claimant or his partner is a Crown tenant and paragraph 9(5)(a)(ii) or (b) (ii) applies, £11.20;
  - (ii) in any other case, £8.20.
- (b) in respect of a non-dependant aged 18 or more to whom (a) does not apply—
  - (i) where the claimant or his partner is a Crown tenant and paragraph 9(5)(a)(ii) or (b) (ii) applies, £6.45;
  - (ii) in any other case, £3.45.

(2) In the case of a non-dependant aged 18 or more to whom sub-paragraph (1)(a) applies because he is in remunerative work, where the claimant satisfies the adjudication officer that the non-dependant's gross weekly income is less than  $\frac{1}{20}$  of £49, the deduction to be made under this paragraph shall be the deduction specified in sub-paragraph (1)(b) appropriate in his case.

(3) Only one deduction shall be made under this paragraph in respect of a couple or, as the case may be, the members of a polygamous marriage, and where a different amount or no amount would, but for this sub-paragraph, fall to be deducted in respect of the members of the couple or polygamous marriage as individuals, the higher deduction shall be made.

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(4) In applying the provisions of sub-paragraph (2) in the case of a couple or, as the case may be, a polygamous marriage, regard shall be had, for the purpose of sub-paragraph (2) to the couple's or, as the case may be, all the members of the polygamous marriage's, joint weekly income.

(5) Where a person is a non-dependant in respect of more than one joint occupier of a dwelling (except where the joint occupiers are a couple or members of a polygamous marriage), the deduction in respect of that non-dependant shall be apportioned between the joint occupiers (the amount so apportioned being rounded to the nearest penny) having regard to the number of joint occupiers and the proportion of the housing costs in respect of the dwelling occupied as the home payable by each of them.

(6) No deduction shall be made in respect of any non-dependants occupying the dwelling occupied as the home of the claimant, if the claimant or any partner of his is—

- (a) blind or treated as blind by virtue of paragraph 12 of Schedule 2 (additional condition for the higher pensioner and disability premiums); or
- (b) receiving an attendance allowance.

(7) No deduction shall be made in respect of a non-dependant—

- (a) if, although he resides with the claimant, it appears to the adjudication officer that the dwelling occupied as his home is normally elsewhere; or
- (b) if he is in receipt of a training allowance paid in connection with a Youth Training Scheme established under section 2 of the Employment and Training Act 1973 <sup>F183</sup> and he is not a person to whom regulation 3(3) applies (persons in board and lodging accommodation or hostels); or
- (c) if he is a full-time student during a period of study and he is not a person to whom regulation 3(3) applies; or
- (d) if he is aged under 25 and in receipt of income support and he is not a person to whom regulation 3(3) applies; or
- (e) in respect of whom a deduction in the calculation of a rent rebate or allowance falls to be made under regulation 63 of the Housing Benefit (General) Regulations 1987 (non-dependant deductions).

#### Textual Amendments

**F183** 1973 c. 50 as amended by sections 9 and 11 and Schedule 2 Part II paragraph 9 and Schedule 3 of the [Employment and Training Act 1971 \(c. 57\)](#).

#### Commencement Information

**I120** Sch. 3 para. 11 in force at 11.4.1988, see reg. 1

### Rounding of fractions

**12.** Where any calculation made under this Schedule results in a fraction of a penny, that fraction shall be treated as a penny.

#### Commencement Information

**I121** Sch. 3 para. 12 in force at 11.4.1988, see reg. 1

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## SCHEDULE 4

Regulation 19

### PART I

#### applicable amounts of persons in residential care and nursing homes

1.—(1) Subject to sub-paragraph (2), the weekly applicable amount of a claimant to whom regulation 19 applies shall be the aggregate of—

- (a) subject to paragraph 3, 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 but, except in a case to which paragraph 12 applies, subject to the maximum determined in accordance with paragraph 5; 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 13; and
- (c) where he is only temporarily in such accommodation any amount applicable under regulation 17(e) or 18(f) (housing costs) in respect of the dwelling normally occupied as the home.

(2) No amount shall be included in respect of any 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, except where otherwise provided, would exceed £3,000.

#### Commencement Information

**I122** Sch. 4 para. 1 in force at 11.4.1988, see [reg. 1](#)

2.—(1) Where, in addition to the weekly charge for accommodation, a separate charge is made for the provision of heating, attention in connection with bodily functions, supervision, extra baths, laundry or a special diet needed for a medical reason, the weekly charge for the purpose of paragraph 1(1)(a) shall be increased by the amount of that charge.

(2) Where the weekly charge for accommodation does not include the provision of all meals, it shall, for the purpose of paragraph 1(1)(a), be increased in respect of the claimant or, if he is a member of a family, in respect of each member of his family by the following amount:

- (a) if the meals can be purchased within the residential care or nursing home, the amount equal to the actual cost of the meals, calculated on a weekly basis; or
- (b) if the meals cannot be so purchased, the amount calculated on a weekly basis—
  - (i) for breakfast, at a daily rate of £1.10;
  - (ii) for a midday meal, at a daily rate of £1.55; and
  - (iii) for an evening meal, at a daily rate of £1.55;

except that, if some or all of the meals are normally provided free of charge or at a reduced rate, the amount shall be reduced to take account of the lower charge or reduction.

#### Commencement Information

**I123** Sch. 4 para. 2 in force at 11.4.1988, see [reg. 1](#)

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3. Where any part of the weekly charge for the accommodation is met by housing benefit, an amount equal to the part so met shall be deducted from the amount calculated in accordance with paragraph 1(1)(a).

**Commencement Information**

I124 Sch. 4 para. 3 in force at 11.4.1988, see [reg. 1](#)

<sup>F184</sup>4. ....

**Textual Amendments**

F184 Sch. 4 para. 4 omitted (11.4.1988) by virtue of [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), [regs. 1\(1\), 31\(a\)](#)

**Commencement Information**

I125 Sch. 4 para. 4 in force at 11.4.1988, see [reg. 1](#)

- 5.—(1) Subject to paragraph 12 the maximum referred to in paragraph 1(1)(a) shall be—
- (a) in the case of a single claimant, the appropriate amount in respect of that claimant specified in or determined in accordance with paragraphs 6 to 11;
  - (b) where the claimant is a member of a family, the aggregate of the following amounts—
    - (i) in respect of each member of the family aged under 11, 1½ times the amount specified in paragraph 2(a) of Schedule 2; and
    - (ii) in respect of each other member of the family, the appropriate amount specified in or determined in accordance with paragraphs 6 to 11.
- (2) The maximum amount in respect of a member of the family aged under 11 calculated in the manner referred to in sub-paragraph (1) (b) (i) shall be rounded to the nearest multiple of 5p by treating an odd amount of 2.5p or more as 5p and by disregarding an odd amount of less than 2.5p.

**Commencement Information**

I126 Sch. 4 para. 5 in force at 11.4.1988, see [reg. 1](#)

**Residential care homes**

- 6.—(1) Subject to sub-paragraph (2) and paragraphs 8 to 11, where the accommodation provided for the claimant is a residential care home for persons in need of personal care by virtue of—
- (a) old age, the appropriate amount shall be £130.00 per week;
  - (b) past or present mental disorder but excluding mental handicap, the appropriate amount shall be £130.00 per week;
  - (c) past or present drug or alcohol dependence, the appropriate amount shall be £130.00 per week;
  - (d) mental handicap, the appropriate amount shall be £160.00 per week;
  - (e) physical disablement, the appropriate amount shall be—
    - (i) in the case of a person to whom paragraph 8 applies, £190.00 per week, or
    - (ii) in any other case £130.00 per week; or

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- (f) any condition not falling within sub-paragraphs (a) to (e) above, the appropriate amount shall be £130.00 per week.
- (2) Where the claimant is over pensionable age and—
- (a) he is blind; or
- (b) there is in respect of him a certificate, issued by the Attendance Allowance Board under section 35(2) of the Social Security Act <sup>F185</sup>, which states that he has satisfied or is likely to satisfy both the conditions mentioned in section 35(1) of that Act; or
- (c) he is in receipt of any payment based on need for attendance which is payable—
- (i) under section 61 of the Social Security Act <sup>F186</sup>
- (ii) by virtue of article 14 of the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 1983 <sup>F187</sup> or article 14 of the Personal Injuries (Civilians) Scheme 1983 <sup>F188</sup>
- the appropriate amount shall, except where sub-paragraph (1)(d) or (e)(i) applies, be £155.00 per week.

#### Textual Amendments

**F185** 1975 c. 14; section 35(2) was amended and subsection (2A) was added by the [Social Security Act 1979 \(c. 18\)](#) section 2. Subsections (3) and (4) of section 61 were added by the [Social Security Act 1986 \(c. 50\)](#) section 39, Schedule 3 paragraph 6.

**F186** subsections (3) and (4) of section 61 were added by the [Social Security Act 1986 \(c. 50\)](#) section 39, Schedule 3 paragraph 6.

**F187** [S.I. 1983/883](#).

**F188** [S.I. 1983/686](#).

#### Commencement Information

**I127** Sch. 4 para. 6 in force at 11.4.1988, see [reg. 1](#)

### Nursing homes

7. Subject to paragraphs 8 to 11, where the accommodation provided for the claimant is a nursing home for persons in need of personal care by virtue of—
- (a) past or present mental disorder but excluding mental handicap, the appropriate amount shall be £185.00 per week;
- (b) mental handicap, the appropriate amount shall be £200.00 per week;
- (c) past or present drug or alcohol dependence the appropriate amount shall be £185.00 per week;
- (d) physical disablement, the appropriate amount shall be—
- (i) in the case of a person to whom paragraph 8 applies, £230.00 per week, or
- (ii) in any other case, £185.00 per week;
- (e) terminal illness, the appropriate amount shall be £230.00 per week; or
- (f) any condition not falling within sub-paragraphs (a) to (e) the appropriate amount shall be £185.00 per week.



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**Commencement Information**

**I128** Sch. 4 para. 7 in force at 11.4.1988, see [reg. 1](#)

**8.** For the purposes of paragraphs 6(e) and 7(d) this paragraph applies to a person under pensionable age or a person over pensionable age who, before attaining pensionable age, had become physically disabled.

**Commencement Information**

**I129** Sch. 4 para. 8 in force at 1.4.1988, see [reg. 1](#)

**9.** The appropriate amount applicable to a claimant in a residential care home or nursing home shall, subject to paragraph 10, be determined—

- (a) where the home is a residential care home registered under Part I of the Registered Homes Act 1984 <sup>F189</sup>, by reference to the particulars recorded in the register kept by the relevant registration authority for the purposes of that Act; or
- (b) where the home is a residential care home not so registered or a nursing home, by reference to the type of care which, taking into account the facilities and accommodation provided, the home is providing to the claimant.

**Textual Amendments**

**F189** 1984 c. 23.

**Commencement Information**

**I130** Sch. 4 para. 9 in force at 11.4.1988, see [reg. 1](#)

**10.—(1)** Where more than one amount would otherwise be applicable, in accordance with paragraph 9, to a claimant in a residential care home or a nursing home, the appropriate amount in any case shall be determined in accordance with the following sub-paragraphs.

(2) Where the home is a residential care home registered under Part I of the Registered Homes Act 1984 and where the personal care that the claimant is receiving corresponds to the care received by a category of residents for whom the register indicates that the home provides accommodation, the appropriate amount shall be the amount, in paragraph 6 or 8, as the case may be, as is consistent with that personal care.

(3) Where the home is a residential care home which is so registered but where the personal care that the claimant is receiving does not correspond to the care received by a category of residents for whom the register indicates that the home provides accommodation, the appropriate amount shall be the lesser or least amount, in paragraphs 6 or 8, as the case may be, as is consistent with those categories.

(4) In any case not falling within sub-paragraph (2) or (3), the appropriate amount shall be whichever amount of the amounts applicable in accordance with paragraphs 6 or 7 and 9 is, having regard to the types of personal care that the home provides, most consistent with the personal care being received by the claimant in that accommodation.

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#### Commencement Information

**I131** Sch. 4 para. 10 in force at 11.4.1988, see [reg. 1](#)

**11.—(1)** Where the accommodation provided for the claimant is a residential care home or a nursing home which is, in either case, situated in the Greater London area and the actual charge for that accommodation exceeds the appropriate amount in his case by virtue of the preceding paragraphs of this Schedule, that amount shall be increased by any excess up to £17.50.

(2) In sub-paragraph (1), “the Greater London area” means all those areas specified as being within Area 53 in Schedule 6.

#### Commencement Information

**I132** Sch. 4 para. 11 in force at 11.4.1988, see [reg. 1](#)

#### Circumstances in which the maximum is not to apply

**12.—(1)** Where a claimant who satisfies the conditions in sub-paragraph (2) has been able to meet the charges referred to in paragraphs 1 and 2 without recourse to income support or supplementary benefit, the maximum determined in accordance with paragraph 5 shall not apply for the period of 13 weeks or, if alternative accommodation is found earlier, such lesser period following the date of claim except to the extent that the claimant is able to meet out of income disregarded for the purposes of Part V the balance of the actual charge over the maximum.

(2) The conditions for the purposes of sub-paragraph (1) are that—

- (a) the claimant has lived in the same accommodation for more than 12 months; and
- (b) he was able to afford the charges in respect of that accommodation when he took up residence; and
- (c) having regard to the availability of suitable alternative accommodation and to the circumstances mentioned in paragraph 10(7)(b) of Schedule 3 (housing costs), it is reasonable that the maximum should not apply in order to allow him time to find alternative accommodation; and
- (d) he is not a person who is being accommodated—
  - (i) by a housing authority under Part III of the Housing Act 1985 <sup>F190</sup> (housing the homeless), or
  - (ii) by a local authority under section 1 of the Child Care Act 1980 <sup>F191</sup> (duty of local authorities to promote welfare of children) or, in Scotland, section 12 of the Social Work (Scotland) Act 1968 <sup>F192</sup> (general welfare); and
- (e) he is seeking alternative accommodation and intends to leave his present accommodation once alternative accommodation is found.

(3) Where—

- (a) the claimant was a resident in a residential care home or nursing home immediately before 29 April 1985 and has continued after that date to be resident in the same accommodation, apart from any period of temporary absence; and
- (b) immediately before that date, the actual charge for the claimant's accommodation was being met either wholly or partly out of the claimant's resources, or, wholly or partly out of other resources which can no longer be made available for this purpose; and

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(c) since that date the local authority have not at any time accepted responsibility for the making of arrangements for the provision of such accommodation for the claimant; and  
(d) the Secretary of State, in his discretion, has determined that this sub-paragraph shall have effect in the particular case of the claimant in order to avoid exceptional hardship,  
the maximum amount shall be the rate specified in sub-paragraph (4) if that rate exceeds the maximum which, but for this sub-paragraph, would be determined under paragraph 5.

- (4) For the purposes of sub-paragraph (3) the rate is either—
- (a) the actual weekly charge for the accommodation immediately before 29 April 1985 plus £10; or
  - (b) the aggregate of the following amounts—
    - (i) the amount estimated under regulation 9(6) of the Supplementary Benefit (Requirements) Regulations 1983 <sup>F193</sup> as then in force as the reasonable weekly charge for the area immediately before that date;
    - (ii) £26.15; and
    - (iii) if the claimant was entitled at that date to attendance allowance under section 35 of the Social Security Act at the higher rate £28.60 or, as the case may be, at the lower rate, £19.10,whichever is the lower amount.

#### Textual Amendments

- F190** 1985 c. 68.
- F191** 1980 c. 5.
- F192** 1968 c. 49.
- F193** S.I. 1983/1399.

#### Commencement Information

- I133** Sch. 4 para. 12 in force at 11.4.1988, see [reg. 1](#)

### Personal allowances

**13.** The allowance for personal expenses for the claimant and each member of his family referred to in paragraph 1(1)(b) shall be—

- (a) for the claimant £9.55; and, if he has a partner, for his partner, £9.55;
- (b) for a young person aged 18, £9.55;
- (c) for a young person aged under 18 but over 16, £6.20;
- (d) for a child aged under 16 but over 11, £5.30;
- (e) for a child aged under 11, £3.45.

#### Commencement Information

- I134** Sch. 4 para. 13 in force at 11.4.1988, see [reg. 1](#)

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## PART II

persons to whom regulation 19 does not apply

[<sup>F194</sup>14. A claimant or, if he is a member of a family, the claimant and the members of his family where the accommodation and meals (if any) of the claimant or, as the case may be, the claimant and the members of his family are provided in whole or in part by a close relative of his or of any member of his family, or other than on a commercial basis.]

### Textual Amendments

**F194** Sch. 4 para. 14 substituted (11.4.1988) by The Income Support (General) Amendment Regulations 1988 (S.I. 1988/663), regs. 1(1), **31(b)**

### Commencement Information

**I135** Sch. 4 para. 14 in force at 11.4.1988, see [reg. 1](#)

15. A person who is on holiday and during a period which has not continued for more than 13 weeks is absent from his home or from a hospital or similar institution in which he is normally a patient.

### Commencement Information

**I136** Sch. 4 para. 15 in force at 11.4.1988, see [reg. 1](#)

16. A person who has entered a residential care or nursing home for the purpose of receiving an amount of income support to which he would not otherwise be entitled.

### Commencement Information

**I137** Sch. 4 para. 16 in force at 11.4.1988, see [reg. 1](#)

17. A person aged 16 or over but under 19 who is in the care of a local authority under a relevant enactment except someone who is personally liable to pay the cost of his accommodation and maintenance direct to someone other than a local authority.

### Commencement Information

**I138** Sch. 4 para. 17 in force at 11.4.1988, see [reg. 1](#)

SCHEDULE 5

Regulation 20

## PART I

applicable amounts of persons in board and lodging accommodation or hostels

1.—(1) Subject to sub-paragraph (2), the weekly applicable amount of a claimant to whom regulation 20 applies shall be the aggregate of—

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- (a) subject to paragraph 3, 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 but, except in a case to which paragraph 10 applies, subject to the maximum determined in accordance with paragraph 5; 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 11; and
- (c) where he is only temporarily in such accommodation any amount applicable under regulation 17 (e) or 18 (f) (housing costs) in respect of the dwelling normally occupied as the home.

(2) No amount shall be included in respect of any 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, except where otherwise provided, would exceed £3,000.

**Commencement Information**

**I139** Sch. 5 para. 1 in force at 11.4.1988, see reg. 1

2. Where the weekly charge for accommodation does not include the provision of all meals, it shall, for the purpose of paragraph 1 (1) (a) be increased in respect of the claimant or, if he is a member of a family, in respect of each member of his family by the following amount—

- (a) if the meals can be purchased within the board and lodging accommodation or hostel, the amount equal to the actual cost of the meals, calculated on a weekly basis; or
- (b) if the meals cannot be so purchased, the amount calculated on a weekly basis—
  - (i) for breakfast, at a daily rate of £1.10;
  - (ii) for a midday meal, at a daily rate of £1.55;
  - (iii) for an evening meal, at a daily rate of £1.55; except that, if some or all of the meals are normally provided free of charge or at a reduced rate, the amount shall be reduced to take account of the lower charge or reduction.

**Commencement Information**

**I140** Sch. 5 para. 2 in force at 11.4.1988, see reg. 1

3. Where any part of the weekly charge for the accommodation is met by housing benefit, an amount equal to the part so met shall be deducted from the amount calculated in accordance with paragraph 1 (1) (a).

**Commencement Information**

**I141** Sch. 5 para. 3 in force at 11.4.1988, see reg. 1

<sup>F195</sup>4. ....

**Textual Amendments**

**F195** Sch. 5 para. 4 omitted (11.4.1988) by virtue of [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **32(a)**

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#### Commencement Information

**I142** Sch. 5 para. 4 in force at 11.4.1988, see reg. 1

5. Subject to paragraphs 6 and 7 the maximum referred to in paragraph 1 (1) (a) shall be—
- (a) in the case of a single claimant—
    - (i) in board and lodging accommodation, the appropriate amount in respect of that claimant specified in column (3) of Schedule 6 in respect of the board and lodging area in which his accommodation is situated; or
    - (ii) in a hostel £70.00 per week;
  - (b) where the claimant is a member of a family, in respect of each member of the family aged under 11, 1½ times the amount specified in paragraph 2 (a) of Schedule 2, and either
    - (i) if he is residing in board and lodging accommodation, in respect of each other member of the family, the appropriate amount specified in column (3) of Schedule 6 in respect of the board and lodging area in which the family's accommodation is situated; or
    - (ii) if he is residing in a hostel, in respect of each other member of the family, £70.00 per week.

#### Commencement Information

**I143** Sch. 5 para. 5 in force at 11.4.1988, see reg. 1

6. The maximum amount applicable in respect of a member of the family aged under 11 calculated in the manner referred to in paragraph 5 (b) (i) shall be rounded to the nearest multiple of 5p by treating an odd amount of 2.5p or more as 5p and by disregarding an odd amount of less than 2.5p.

#### Commencement Information

**I144** Sch. 5 para. 6 in force at 11.4.1988, see reg. 1

7. Except as provided by paragraph 9, the maximum amount specified in paragraph 5 shall be increased by any excess of the actual charge made to the claimant or, if he is a member of a family, made in respect of the family up to £17.50 in a case to which paragraph 8 applies or, if the claimant is one of a couple and paragraph 8 (a) or (c) (i) or (ii) applies, up to £35.00.

#### Commencement Information

**I145** Sch. 5 para. 7 in force at 11.4.1988, see reg. 1

8. The increase referred to in paragraph 7 shall apply in the case of—
- (a) a claimant who has attained a pensionable age or, if one of a couple or polygamous marriage either member of that couple or any member of that marriage is aged 65 or over;
  - (b) a claimant or any other member of the family who is infirm by reason of physical or mental disability;
  - (c) a claimant in respect of whom one or more of the following conditions are satisfied:—
    - (i) he or his partner is a person suffering from a mental disorder within the meaning of the Mental Health Act 1983 <sup>F196</sup> or the Mental Health (Scotland) Act 1984

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<sup>F197</sup> in respect of whom a local social services authority has, under section 21 of, and paragraph 2 of Schedule 8 to, the National Health Service Act 1977 <sup>F198</sup> (prevention, care and after-care), made arrangements for the provision of residential accommodation in a private household or in premises which are not required to be registered under the Registered Homes Act 1984 <sup>F199</sup>;

- (ii) he or his partner is a person who is resident in premises which are used for the rehabilitation of alcoholics or drug addicts and is so resident for the purposes of such rehabilitation.

#### Textual Amendments

**F196** 1983 c. 20.

**F197** 1984 c. 36.

**F198** 1977 c. 49, **paragraph 2** of Schedule 8 was amended by section 148 of, and Schedule 4 to, the Mental Health Act 1983 and section 30 of, and Schedule 10 to, the [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41\)](#).

**F199** 1984 c. 23.

#### Commencement Information

**I146** Sch. 5 para. 8 in force at 11.4.1988, see reg. 1

**9.** Only one increase under paragraph 7 shall be applicable in respect of the claimant or any member of his family and the amount payable by virtue of that paragraph in respect of a claimant and his partner shall not exceed £35.00 and, if the claimant or any of his family who are in board and lodging accommodation or in a hostel is in receipt of an attendance allowance the increase shall only be payable to the extent that the excess of the actual charge for board and lodging accommodation or the hostel over the maximum amount is more than the amount of the attendance allowance in payment but only up to the amount specified for the time being as the higher rate of attendance allowance for the purposes of section 35 (3) of the Social Security Act.

#### Commencement Information

**I147** Sch. 5 para. 9 in force at 11.4.1988, see reg. 1

**10.—**(1) Where the claimant satisfies the conditions in sub-paragraph (2), the maximum referred to in paragraph 1 (1) (a) shall not apply for a period of 13 weeks or, if alternative accommodation is found earlier, such lesser period following date of claim except to the extent that the claimant is able to meet out of income disregarded for the purposes of Part V the balance of the actual charge for the board and lodging accommodation over the maximum.

- (2) For the purposes of sub-paragraph (1) the conditions are that—
- (a) the claimant has lived in the same accommodation for more than 12 months; and
  - (b) he was able to afford the charges in respect of that accommodation when he took up residence; and
  - (c) having regard to the availability of board and lodging accommodation or hostels and to the circumstances mentioned in paragraph 10 (7) (b) of Schedule 3 (housing costs), it is reasonable for the maximum referred to in paragraph 5 not to apply for the said period in order to allow the claimant to find alternative accommodation; and
  - (d) he is not a person who is being accommodated—

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- (i) by a housing authority under Part III of the Housing Act 1985 <sup>F200</sup> (housing the homeless), or
- (ii) by a local authority under section 1 of the Child Care Act 1980 <sup>F201</sup> (duty of local authorities to promote welfare of children), or, in Scotland, section 12 of the Social Work (Scotland) Act 1968 <sup>F202</sup> (general welfare); and
- (e) he is seeking alternative accommodation and intends to leave his present accommodation once alternative accommodation is found.

#### Textual Amendments

**F200** 1985 c. 68.

**F201** 1980 c. 5.

**F202** 1968 c. 49.

#### Commencement Information

**I148** Sch. 5 para. 10 in force at 11.4.1988, see reg. 1

**11.** The allowance for personal expenses for the claimant and each member of his family referred to in paragraph 1 (1) (b) shall be—

- (a) for the claimant and for his partner where—
  - (i) at least one member of the family is a child or young person, £11.50;
  - (ii) he or his partner satisfies the conditions specified in Part III of Schedule 2 (applicable amounts) for the applicability of any of the premiums specified in that Part, £11.50;
- (b) in any other case—
  - (i) for the claimant, £10.30, and
  - (ii) for his partner, £10.30;
- (c) for a young person aged 18, £10.30;
- (d) for a young person aged 16 or over but under 18, £6.20;
- (e) for a child aged 11 or over but under 16, £5.30;
- (f) for a child aged under 11, £3.45.

#### Commencement Information

**I149** Sch. 5 para. 11 in force at 11.4.1988, see reg. 1

## PART II

persons to whom regulation 20 and part i of this schedule is not to apply

[<sup>F203</sup>**12.** A claimant or, if he is a member of a family, the claimant and the members of his family where the accommodation and meals (if any) of the claimant or, as the case may be, the claimant and the members of his family are provided in whole or in part by a close relative of his or of any member of his family, or other than on a commercial basis.]



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#### Textual Amendments

**F203** Sch. 5 para. 12 substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **32(b)**

#### Commencement Information

**I150** Sch. 5 para. 12 in force at 11.4.1988, see reg. 1

**13.** A person who is on holiday and during a period which has not continued for more than 13 weeks is absent from the home or from a hospital or similar institution in which he is normally a patient.

#### Commencement Information

**I151** Sch. 5 para. 13 in force at 11.4.1988, see reg. 1

**14.** A person who has entered into arrangements for board and lodging accommodation for the purpose of receiving an amount of income support to which he would not otherwise be entitled.

#### Commencement Information

**I152** Sch. 5 para. 14 in force at 11.4.1988, see reg. 1

**15.** A person aged 16 or over but under 19 who is in the care of a local authority under the provisions of a relevant enactment, except where he is personally liable to pay the cost of his accommodation and maintenance direct to someone other than a local authority.

#### Commencement Information

**I153** Sch. 5 para. 15 in force at 11.4.1988, see reg. 1

**16.—(1)** Subject to sub-paragraphs (2) to (5) below, a person who—

- (a) is aged 16 or over but under 25, and, if one of a couple, whose partner is also 16 or over but under 25; and
- (b) is required to be available for employment.

(2) Sub-paragraph (1) above shall not have effect in respect of such a person before the beginning of, and during, the initial period (including that period as extended under sub-paragraph (5) below) shown as applicable in column (4) of Schedule 6 in respect of the board and lodging area in which that person's accommodation is situated.

(3) Without prejudice to sub-paragraph (4) below, sub-paragraph (1) above shall not have effect in respect of a claimant who was in receipt of supplementary benefit as a boarder on 24th November 1985.

(4) Sub-paragraph (1) above shall not have effect also where such a person—

- (a) is treated as responsible for a child or young person; or
- (b) is in a hostel; or
- (c) is, or has a partner who is, pregnant; or
- (d) is, or has a partner who is, chronically sick, mentally handicapped, physically disabled or suffering from a mental disorder or was, or has a partner who was, suffering from a mental

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disorder and it is unreasonable to expect him or his partner to be in accommodation other than board and lodging accommodation; or

- (e) had, or has a partner who had, prior to the date of claim been in the accommodation for six months whilst either in employment and not in receipt of supplementary allowance under the Supplementary Benefit Act 1976 or income support, or, if not in employment and in receipt of such an allowance or income support, was not required to be available for employment; or
- (f) has, or has a partner who has, entered that accommodation as part of a programme of rehabilitation or resettlement under guidance from a government department, health authority, local authority, voluntary organisation or the probation service; or
- (g) is a student, during his normal summer vacation provided he occupies the same accommodation as he occupied when attending his course of study; or
- (h) has, or has a partner who has, been in the care of a local authority under a relevant enactment and twelve months has not elapsed since he or his partner ceased to be in care; or
- (i) is aged 16 or over but under 19 and—
  - (i) has no parent and there is no person acting in the place of his parent; or
  - (ii) has had to leave his family home because he was in physical or moral danger; or
  - (iii) is in the care of the local authority under the provisions of a relevant enactment, being a person who is personally liable to pay the cost of his accommodation and maintenance direct to someone other than a local authority; or
- (j) is in the same accommodation as that of his or of his partner's parents or step-parents who are in board and lodging accommodation; or
- (k) is in the same accommodation as that of the persons with whom he or his partner has been previously boarded out by a local authority under the provisions of a relevant enactment; or
- (l) is, or has a partner who is, remanded on bail, or is, or has a partner who is, in compliance with a court order, under the supervision of a probation officer, a local social services authority or, in Scotland, a social work department; or
- (m) would, or has a partner who would, suffer exceptional hardship if sub-paragraph (1) above were to apply; and any question as to whether any person comes within this sub-paragraph shall be determined by the Secretary of State in his discretion and his decision of such questions—
  - (i) shall be given in relation to particular cases only;
  - (ii) may be revised from time to time as he considers appropriate;
  - (iii) may be given so as to have effect for a specified period; and
  - (iv) shall be conclusive for the purposes of this Schedule.

(5) Where during an initial period a person becomes employed and is not in receipt of income support or he is no longer required to be available for employment and is in receipt of income support, that initial period shall be extended by the period during which that person is employed or is no longer required to be available for employment provided he is in the same board and lodging area.

#### **Commencement Information**

**I154** Sch. 5 para. 16 in force at 11.4.1988, see reg. 1

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**17.—(1)** A person who was for a period one to whom regulation 20 and Part II of this Schedule applied because of sub-paragraph (2) of paragraph 16 (during an initial period) and in respect of whom the relevant period has not elapsed.

(2) For the purposes of this paragraph “the relevant period” means the period of 26 weeks beginning with the first day of the benefit week following the date of the adjudication officer's decision involving a determination that that person is a person to whom regulation 20 and Part II of this Schedule applies because of paragraph 16 (2).

**Commencement Information**

**I155** Sch. 5 para. 17 in force at 11.4.1988, see reg. 1

**18** In this Schedule “initial period” means that period provided by paragraph 16 (2) consisting of a week or multiple of weeks beginning with the first day of the benefit week following the date of the adjudication officer's decision involving a determination that the person concerned is a person in board and lodging accommodation because of paragraph 16 (2), being a week or multiple of weeks that correspond to benefit weeks during which the person is required to be available for employment.

**Commencement Information**

**I156** Sch. 5 para. 18 in force at 11.4.1988, see reg. 1

SCHEDULE 6

Regulation 20(2) paragraph 5 of Schedule 5

BOARD AND LODGING AREAS

**PART I**

wales and south western region

**Commencement Information**

**I157** Sch. 6 Pt. I in force at 11.4.1988, see [reg. 1](#)

Column (1) Number of Area	Column (2) Description of Area	Column (3) Appropriate Amount (£)	Column (4) Initial Period (number of weeks)
Area 1	In the County of CORNWALL Comprises: The Borough	45	2

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of  
RESTORMEL  
The  
District  
of  
CARRICK  
The  
District  
of  
KERRIER  
The  
District  
of  
PENWITH  
The  
ISLES  
OF  
SCILLY  
Part  
District  
of  
CARADON

Consisting of  
the parishes  
of: Boconnoc,  
Broadoak,  
Duloe,  
Lanreath,  
Lansallos,  
Lanteglos,  
Looe, Morval,  
Pelynt, St  
Keyne, St  
Martin, St  
Pinnock,  
St Veep, St  
Winnow.  
Part District  
of NORTH  
CORNWALL  
Consisting of  
the parishes  
of: Bodmin,  
Egloshayle,  
Lanhydrock,  
Lanivet,  
Padstow, St  
Breock, St  
Ervan, St  
Eval, St Issey,  
St Merryn,  
Wadebridge,  
Withiel.

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Area 2	In the County of CORNWALL Comprises: Part District of CARADON Consisting of the parishes of: Antony, Botusfleming, Callington, Calstock, Landrake with St Erney, Landulph, Linkinhorne, Liskeard, Maker with Rame, Menheniot, Millbrook, Pillaton, Quethiock, St Cleer, St Dominic, St Germans, St Ive, St John, St Mellion, St Neot, Saltash, Sheviock, South Hill, Torpoint, Warleggan. Part District of NORTH CORNWALL Consisting of the parishes of: Advent, Altarnun, Blisland, Boyton, Bude Stratton, Camelford, Cardinham, Davidstow, Egloskerry, Forrabury and Minster, Helland, Jacobstow, Kilkhampton, Laneast,	50	2
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Launcells,  
Launceston,  
Lawhittan  
Rural,  
Lesnewth,  
Lewannick,  
Lezant,  
Marhamchurch,  
Michaelstow,  
Morwenstow,  
Northhill,  
North  
Petherwin,  
North  
Tamerton,  
Otterham,  
Poundstock,  
St Breward,  
St Clether, St  
Endellion, St  
Gennys, St  
Juliot, St Kew,  
St Mabyrn,  
St Minver  
Highlands,  
St Minver  
Lowlands, St  
Stephens by  
Launceston  
Rural, St  
Teath, St  
Thomas the  
Apostle Rural,  
St Tudy South  
Petherwin,  
Stock  
Climsland,  
Tintagel,  
Tremaine, Trenegloss,  
Tresmeer,  
Trevalga,  
Trewen,  
Warbstow,  
Week St Mary,  
Werrington,  
Whitstone.  
In the County  
of DEVON  
Comprises:  
The  
Borough  
of  
PLYMOUTH

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Part  
District  
of  
SOUTH  
HAMS  
Consisting of  
the parishes  
of: Aveton  
Gifford,  
Bigbury,  
Bickleigh,  
Blackawton,  
Brixton,  
Buckland-  
tout-Saints,  
Charleton,  
Chivelstone,  
Churchstow,  
Cornwood,  
East  
Allington,  
East  
Portlemouth,  
Ermington,  
Harford,  
Holbeton,  
Ivybridge,  
Kingsbridge,  
Kingston,  
Loddiswell,  
Malborough,  
Modbury,  
Newton  
and Noss,  
Ringmore,  
Salcombe,  
Shaugh Prior,  
Sherford,  
Slapton,  
South Huish,  
South Milton,  
South Pool,  
Sparkwell,  
Stoke  
Fleming,  
Stokenham,  
Strete,  
Thurlestone,  
Ugborough,  
Wembury,  
West  
Alvington,

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Woodleigh,  
Yealmpton.  
Part District of  
TORRIDGE  
Consisting of  
the parishes  
of: Abbots  
Bickington,  
Ashwater,  
Black  
Torrington,  
Bradford,  
Bradworthy,  
Bridgerule,  
Broadwoodwidge,  
Clawton,  
Cookbury,  
Halwill,  
Hollacombe,  
Holsworthy,  
Holsworthy  
Hamlets,  
Luffincott,  
Milton  
Damerel,  
Northcott,  
Pancrasweek,  
Pyworthy,  
St Giles on  
the Heath,  
Sutcombe,  
Tetcott,  
Thornbury,  
Virginstow,  
West Putford.  
Part District  
of WEST  
DEVON  
Consisting of  
the parishes  
of: Bere  
Ferrers,  
Bradstone,  
Brentor,  
Buckland  
Monachorum,  
Chillaton,  
Coryton,  
Dunterton,  
Horrabridge,  
Kelly,  
Lamerton,  
Lewtrenchard,



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Lifton,  
Lydford,  
Marystow,  
Mary Tavy,  
Meavy,  
Milton Abbot,  
Peter Tavy,  
Sampford  
Spiney,  
Sheepstor,  
Stowford,  
Sydenham  
Damerel,  
Tavistock,  
Tavistock  
Hamlets,  
Thrushelton,  
Walkhampton,  
Whitchurch.

Area 3	In the County	50	2
	of DEVON		
	Comprises:		
	The District		
	of NORTH		
	DEVON		
	Part District of		
	TORRIDGE		
	Consisting		
	of the		
	parishes of:		
	Abbotsham,		
	Alverdiscott,		
	Alwington,		
	Ashreigney,		
	Atherington,		
	Beaford,		
	Bideford,		
	Buckland		
	Brewer,		
	Buckland		
	Filleigh,		
	Bulkworthy,		
	Clovelly,		
	Dolton,		
	Dowland,		
	East Putford,		
	Frithelstock,		
	Great		
	Torrington,		
	Hartland, High		
	Bickington,		
	Huish,		

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Huntsshaw,  
 Landcross,  
 Langtree,  
 Littleham,  
 Little  
 Torrington,  
 Merton,  
 Monkleigh,  
 NewtonSt  
 Petrock,  
 Northam,  
 Parkham,  
 Peters  
 Marland,  
 Petrockstow,  
 Roborough,  
 St Giles in  
 the Wood,  
 Shebbear,  
 Sheepwash,  
 Weare Giffard,  
 Welcombe,  
 Winkleigh,  
 Woolfardisworthy,  
 Yarnscombe.

Area 4                      In the County    50                      2

of DEVON  
 Comprises:

The  
 Borough  
 of  
 TORBAY  
 Part  
 District  
 of  
 SOUTH  
 HAMS

Consisting  
 of the  
 parishes of:  
 Ashprington,  
 Berry  
 Pomeroy,  
 Cornworthy,  
 Dartington,  
 Dartmouth,  
 Dean Prior,  
 Diptford,  
 Dittisham,  
 Halwell,  
 Harberton,  
 Holne,

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Kingswear,  
Littlehempston,  
Marldon,  
Moreleigh,  
North Huish,  
Rattery,  
South Brent,  
Staverton,  
Stoke Gabriel,  
Totnes, West  
Buckfastleigh.  
Part District of  
TEIGNBRIDGE  
Consisting of  
the parishes  
of: Ashburton,  
Bickington,  
Bishopsteignton,  
Bovey Tracey,  
Broadhempston,  
Buckfastleigh,  
Buckland in  
the Moor,  
Chudleigh,  
Coffinswell,  
Dawlish,  
Hacombe  
and Combe,  
Hennock,  
Ideford,  
Ilsington,  
Ipplepen,  
Kerswell,  
Kingsteignton,  
Lustleigh,  
Manaton,  
Moretonhampstead,  
Newton  
Abbot, North  
Bovey,  
Ogwell,  
Teigngrace,  
Teignmouth,  
Torbryan,  
Trusham,  
Widecombe  
in the Moor,  
Woodland.

Area 5	In the County of DEVON Comprises:	55	2	50	2
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**Status:** Point in time view as at 28/05/1988. This version of this Instrument contains provisions that are not valid for this point in time.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Income Support (General) Regulations 1987. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

The  
Borough  
of  
EXETER  
The  
District  
of EAST  
DEVON  
The  
District  
of MID  
DEVON  
Part  
District  
of  
TEIGNBRIDGE  
Consisting  
of the  
parishes  
of:  
Ashcombe,  
Ashton,  
Alphington,  
Bridford,  
Christow,  
Doddiscombsleigh,  
Dunchideock,  
Dunsford,  
Exminster,  
Holcombe  
Burnell,  
Ide,  
Kenn,  
Kenton,  
Mamhead,  
Powderham,  
Shillingford  
St  
George,  
Tedburn  
St Mary,  
Trusham,  
Whitestone.  
Part  
District  
of  
WEST  
DEVON  
Consisting of  
the parishes  
of: Ashbury,  
Beaworthy,  
Belstone,

**Status:** Point in time view as at 28/05/1988. This version of this

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Bondleigh,  
Bratton  
Clovelly,  
Bridestowe,  
Broadwoodkelly,  
Chagford,  
Drewsteignton,  
Exbourne,  
Germansweek,  
Gidleigh,  
Hatherleigh,  
Highampton,  
Iddesleigh,  
Inwardleigh,  
Jacobstowe,  
Meeth,  
Monkokehampton,  
Northlew,  
North Tawton,  
Okehampton,  
Okehampton  
Hamlets,  
Sampford  
Courtney,  
Sourton,  
South Tawton,  
Spreyton,  
Throwleigh.

Area 6                      In the                      55                      2

County of  
SOMERSET  
Comprises:  
The District  
of TAUNTON  
DEANE  
The  
District  
of  
WEST  
SOMERSET  
Part  
District  
of  
SOUTH  
SOMERSET  
Consisting of  
the parishes  
of: Aller,  
Ashill,  
Barrington,  
Beercrocombe,  
Broadway,

**Status:** Point in time view as at 28/05/1988. This version of this

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Buckland  
St Mary,  
Chaffcombe,  
Chard,  
Chillington,  
Combe St  
Nicholas,  
Crewkerne,  
Cricket St  
Thomas,  
Cudworth,  
Curry Mallet,  
Curry Rivel,  
Dawlish  
Wake,  
Dinnington,  
Donyatt,  
Drayton,  
Fivehead,  
Hinton St  
George, High  
Ham, Huish  
Episcopi,  
Ilminster,  
Ilminster  
Without, Ilton,  
Isle Abbots,  
Isle Brewers,  
Kingsbury  
Episcopi,  
Kingstone,  
Knowle  
St Giles,  
Langport,  
Lopen,  
Merriott,  
Misterton,  
Muchelney,  
Pitney,  
Puckington,  
Seavington  
St Mary,  
Seavington  
St Michael,  
Shepton  
Beauchamp,  
Stocklinch,  
Wambrook,  
Wayford, West  
Crewkerne,  
Whitelackington,  
Whitestaunton,  
Winsham.

**Status:** Point in time view as at 28/05/1988. This version of this

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Area 7	In the County 55	2
	of DORSET	
	Comprises:	
	The	
	Borough	
	of	
	WEYMOUTH	
	AND	
	PORTLAND	
	Part	
	District	
	of	
	NORTH	
	DORSET	
	Consisting of	
	the parishes	
	of: Anderson,	
	Blandford	
	Forum,	
	Blandford	
	St Mary,	
	Bryanston,	
	Charlton	
	Marshall,	
	Chettle, Child	
	Okeford,	
	Durwenston,	
	Farnham,	
	Fifehead	
	Magdalen,	
	Fifehead	
	Neville,	
	Glanvilles	
	Wootton,	
	Hammon,	
	Hanford,	
	Hazelbury	
	Bryan, Hilton,	
	Hinton	
	St Mary,	
	Ibberton,	
	Iwerne	
	Courtney	
	or Shroton,	
	Iwerne	
	Stepleton,	
	Langton, Long	
	Blandford,	
	Lydlinch,	
	Manston	
	Mappowder,	
	Marnhull,	
	Milborne	

**Status:** Point in time view as at 28/05/1988. This version of this

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**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Income Support (General) Regulations 1987. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

St Andrew,  
Milton Abbas,  
Okeford  
Fitzpaine,  
Pimperne,  
Pulham,  
Shillingstone,  
Spetisbury,  
Stalbridge,  
Stoke Wake,  
Stourpaine,  
Stourton  
Candle,  
Sturminster  
Newton,  
Tarrant  
Crawford,  
Tarrant  
Gunville,  
Tarrant  
Hinton,  
Tarrant  
Keyneston,  
Tarrant  
Launceston,  
Tarrant  
Monkton,  
Tarrant  
Rawston,  
Tarrant  
Rushton,  
Turnworth,  
Winterborne  
Clewston,  
Winterborne  
Houghton,  
Winterborne  
Kingston,  
Winterborne  
Stickland,  
Winterborne  
Whitchurch,  
Winterborne  
Zelstone,  
Woolland.  
Part District  
of WEST  
DORSET  
Consisting  
of the  
parishes of:  
Abbotsbury,  
Allington,



**Status:** Point in time view as at 28/05/1988. This version of this

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Alton Pancras,  
Askerswell,  
Athelhampton,  
Beaminster,  
Bettiscombe,  
Bincombe,  
Bothenhampton,  
Bradford  
Peverell,  
Bradpole,  
Bridport,  
Broadmayne,  
Broadwindsor,  
Buckland  
Newton,  
Burleston,  
Burstock,  
Burton  
Bradstock,  
Catherston  
Leweston,  
Cattistock,  
Cerne Abbas,  
Charminster,  
Charmouth,  
Chedington,  
Cheselbourne,  
Chickerell,  
Chideock,  
Chilcombe,  
Chilfrome,  
Compton  
Valence,  
Corscombe,  
Dewlish,  
Dorchester,  
East  
Chelborough,  
Evershot,  
Fleet,  
Frampton,  
Frome St.  
Quintin,  
Frome  
Vauchurch,  
Godmanstone,  
Halstock,  
Hooke,  
Kingston  
Russell,  
Langton  
Herring,  
Littlebredy,

**Status:** Point in time view as at 28/05/1988. This version of this

Instrument contains provisions that are not valid for this point in time.

**Changes to legislation:** There are outstanding changes not yet made by the [legislation.gov.uk](https://www.legislation.gov.uk) editorial team to The Income Support (General) Regulations 1987. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Litton Cheney,  
Loders, Long  
Bredy, Lyme  
Regis, Maiden  
Newton,  
Mapperton,  
Marshwood,  
Melbury  
Sampford,  
Melcombe  
Horsey,  
Minterne  
Magna,  
Mosterton,  
Netherbury,  
Nether Cerne,  
North Poorton,  
Osmington,  
Owermoigne,  
Piddlehinton,  
Piddletrenthide,  
Pilsdon,  
Portesham,  
Powerstock,  
Poxwell,  
Puddletown,  
Puncknowle,  
Rampisham,  
Seaborough,  
Shipton  
Gorge, South  
Perrott,  
Stanton St.  
Gabriel,  
Stinsford,  
Stoke Abbot,  
Stratton,  
Swyre,  
Sydling St  
Nicholas,  
Symondsburry,  
Thorncombe,  
Tincleton,  
Toller  
Fratrum,  
Toller  
Procorum,  
Tolpuddle,  
Up Cerne,  
Warmwell,  
Watercombe,  
West  
Chelborough,

**Status:** Point in time view as at 28/05/1988. This version of this Instrument contains provisions that are not valid for this point in time.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Income Support (General) Regulations 1987. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

West  
Compton,  
West  
Knighton,  
West Stafford,  
Whitcombe,  
Whitechurch  
Canonicorum,  
Winterborne  
Came,  
Winterborne  
Herringston,  
Winterborne  
Monkton,  
Winterborne  
St Martin,  
Winterbourne  
Abbas,  
Winterbourne  
Steepleton,  
Woodsford,  
Wooton  
Fitzpaine,  
Wraxall,  
Wynford  
Eagle.

Area 8      In the County    55                    2  
                 of DORSET  
                 Comprises:

                 The  
                 Borough  
                 of  
                 CHRISTCHURCH  
                 The  
                 District  
                 of  
                 BOURNEMOUTH  
                 The  
                 District  
                 of  
                 POOLE  
                 The  
                 District  
                 of  
                 PURBECK  
                 The  
                 District  
                 of  
                 WIMBORNE

Area 9      In the County    50                    2  
                 of AVON  
                 Comprises:

**Status:** Point in time view as at 28/05/1988. This version of this

Instrument contains provisions that are not valid for this point in time.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Income Support (General) Regulations 1987. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

The  
Borough  
of BATH  
Part  
District  
of  
WANSDYKE

Consisting  
of the  
parishes of:  
Bathampton,  
Batheaston,  
Bathford,  
Cameley,  
Camerton,  
Charlcombe,  
Chelwood,  
Chew Magna,  
Chew Stoke,  
Chitton,  
Claverton,  
Combe Hay,  
Compton  
Dando,  
Compton  
Martin,  
Corston,  
Dunkerton,  
East Harptree,  
Englishcombe,  
Farmborough,  
Farrington  
Gurney,  
Freshford,  
High Littleton,  
Hinton  
Blewett,  
Hinton  
Charterhouse,  
Kelston,  
Keynsham,  
Marksbury,  
Monkton  
Combe,  
Nempnett  
Thrubwell,  
Newton St  
Loe, North  
Stoke, Norton  
Malreward,  
Norton  
Radstock,  
Peasedown St

**Status:** Point in time view as at 28/05/1988. This version of this

Instrument contains provisions that are not valid for this point in time.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Income Support (General) Regulations 1987. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

John, Priston,  
Publow, St  
Catherine,  
Shoscombe,  
Southstoke,  
Stanton Drew,  
Stowey-  
Sutton,  
Swainswick,  
Timsbury,  
Ubley,  
Wellow, West  
Harptree.  
Part District of  
WOODSPRING  
Consisting of  
the parishes  
of: Banwell,  
Blagdon,  
Bleadon,  
Burrington,  
Butcombe,  
Churchill,  
Congresbury,  
Hewish,  
Hutton,  
Kewstoke,  
Langford,  
Locking,  
Loxton,  
Puxton,  
Redhill,St.  
Georges,  
Sandford,  
Weston-Super-  
Mare, Wick  
St Lawrence,  
Winscombe,  
Worle,  
Wrington.  
In the  
County of  
SOMERSET  
Comprises:  
The  
District  
of  
SEDGEMOOR  
Part  
District  
of  
MENDIP

**Status:** Point in time view as at 28/05/1988. This version of this

Instrument contains provisions that are not valid for this point in time.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Income Support (General) Regulations 1987. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Consisting of  
the parishes  
of: Ashwick,  
Baltonsborough,  
Batcombe,  
Binegar,  
Butleigh,  
Chewton  
Mendip,  
Chilcompton,  
Cranmore,  
Croscombe,  
Dinder,  
Ditcheat,  
Doulting,  
Downhead,  
East Pennard,  
Emborough,  
Evercreech,  
Glastonbury,  
Godney,  
Holcombe,  
Lamyat,  
Litton,  
Lydford-  
on-Fosse,  
Meare, Milton  
Clevedon,  
North  
Wootton,  
Pilton, Priddy,  
Pylle, Rodney  
Stoke, St  
Cuthbert Out,  
Sharpham,  
Shepton  
Mallet, South  
Easton, Stoke  
St Michael,  
Stratton-on-  
the-Fosse,  
Street, Walton,  
Wells, West  
Bradley,  
Westbury,  
West Pannard,  
Wookey.

Area 10	In the County of DORSET Comprises: Part District	55	4
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**Status:** Point in time view as at 28/05/1988. This version of this

Instrument contains provisions that are not valid for this point in time.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Income Support (General) Regulations 1987. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

of NORTH  
DORSET  
Consisting of  
the parishes  
of: Ashmore,  
Bourton,  
Buckhorn  
Weston, Cann,  
Compton  
Abbas, East  
Orchard,  
East Stour,  
Fontmell  
Magna,  
Gillingham,  
Iwerne  
Minister,  
Kington  
Magna,  
Margaret  
Marsh,  
Melbury  
Abbas,  
Motcombe,  
Shaftesbury,  
Silton, Stour  
Provost,  
Sutton  
Waldron,  
Todber, West  
Orchard, West  
Stour.  
Part District  
of WEST  
DORSET  
Consisting of  
the parishes  
of: Batcombe,  
Beer Hackett,  
Bishops  
Caundle,  
Bradford  
Abbas,  
Castleton,  
Caundle,  
Caundle  
Marsh,  
Chetnole,  
Clifton  
Maybank,  
Folke,  
Goathill,  
Haydon,

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Hermitage,  
Hillfield,  
Holnest,  
Holwell,  
Leigh,  
Leweston,  
Lillington,  
Longburton,  
Melbury  
Bubb,  
Melbury  
Osmond,  
Nether  
Compton,  
North  
Wootton,  
Osborne, Over  
Compton,  
Poyntington,  
Purse  
Caundle,  
Ryme  
Intrinsic,  
Sandford  
Orcas,  
Sherborne,  
Stockwood,  
Thornford,  
Trent,  
Yetminster.  
In the  
County of  
SOMERSET  
Comprises:  
Part District of  
MENDIP  
Consisting  
of the  
parishes of:  
Beckington,  
Berkley,  
Buckland  
Dinham,  
Coleford  
Elm, Frome,  
Hemington,  
Kilmersdon,  
Leigh-on-  
Mendip,  
Lullington,  
Mells, Norton  
St Philip,  
Nunney, Rode,



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Selwood,  
Tellisford,  
Trudoxhill,  
Upton Noble,  
Wanstow,  
Whatley,  
Witham  
Friary.  
Part District  
of SOUTH  
SOMERSET  
Consisting of  
the parishes  
of: Abbas and  
Templecombe,  
Alford,  
Ansford,  
Ash, Babcary,  
Barton  
St David,  
Barwick,  
Bratton  
Seymour,  
Brewham,  
Bruton,  
Brympton,  
Castle Cary,  
Charlton  
Horethorne,  
Charlton  
Mackrell,  
Charlton  
Musgrove,  
Chilthorne  
Domer,  
Chilton  
Cantelo,  
Chiselborough,  
Closworth,  
Compton  
Dundon,  
Compton  
Pauncefoot,  
Corton  
Denham,  
Cucklington,  
East  
Chinnock,  
East Coker,  
Hardington  
Mandeville,  
Haselbury,  
Henstridge,

**Status:** Point in time view as at 28/05/1988. This version of this

Instrument contains provisions that are not valid for this point in time.

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Holton,  
Horsington,  
Ilchester,  
Keinton  
Mandeville,  
Kingsdon,  
Kingweston,  
Limington,  
Longload,  
Long Sutton,  
Lovington,  
Mandeville,  
Maperton,  
Martock,  
Milborne Port,  
Montacute,  
Mudford,  
North  
Barrow, North  
Cadbury,  
North  
Cheriton,  
North Perrott,  
Norton Sub  
Hamdon,  
Odcombe,  
Penselwood,  
Pitcombe,  
Plucknett,  
Queen Camel,  
Shepton  
Montague,  
Somerton,  
South  
Barrow, South  
Cadbury,  
South  
Petherton,  
Sparkford,  
Stoke Sub  
Hamdon,  
Stoke Trister,  
Tintinhull,  
West  
Camel, West  
Chinnock,  
West Coker,  
Wincanton,  
Yarlington,  
Yeovil,  
Yeovilton,  
Yeovil  
Without.

**Status:** Point in time view as at 28/05/1988. This version of this

Instrument contains provisions that are not valid for this point in time.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Income Support (General) Regulations 1987. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

In the  
County of  
WILTSHIRE  
Comprises:  
The  
District  
of  
SALISBURY  
The  
District  
of  
WEST  
WILTSHIRE  
Part  
District  
of  
KENNET

Consisting of  
parishes of:  
Alton Barnes,  
Alton Priors,  
Burbage,  
Charlton,  
Chute, Chute  
Forest,  
Collingbourne  
Ducis,  
Collingbourne  
Kingston,  
Easton,  
Enford,  
Eveleigh,  
Fittleton,  
Huish,  
Ludgershall,  
Manningford,  
Milton  
Lilbourne,  
Netheravon,  
North  
Newnton,  
North  
Tidworth,  
Pewsey,  
Rushall,  
Upavon,  
Wilcot,  
Wilsford,  
Woodborough,  
Wootton  
Rivers.

**Status:** Point in time view as at 28/05/1988. This version of this

Instrument contains provisions that are not valid for this point in time.

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Area 11	In the County of WILTSHIRE Comprises: The Borough of THAMESDOWN The District of NORTH WILTSHIRE Part District of KENNET Consisting of the parishes of: Aldbourne Allcannings, Avebury, Baydon, Beechingstoke, Berwick Bassett, Bishops Cannings, Broad Hinton, Bromham, Buttermere, Cheverell Magna, Cheverell Parva, Chilton Foliat, Chirton, Devizes, Easterton, East Kennet, Erlestock, Etchilhampton, Froxfield, Fyfield, Grafton, Great Bedwyn, Ham, Little Bedwyn, Marden, Market Lavington, Marlborough, Marston,	60	4
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**Status:** Point in time view as at 28/05/1988. This version of this Instrument contains provisions that are not valid for this point in time.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Income Support (General) Regulations 1987. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Mildenhall,  
Ogbourne  
St Andrew,  
Ogbourne  
St George,  
Patney,  
Potterne,  
Poulshot,  
Preshute,  
Ramsbury,  
Roundway,  
Rowde,  
Savernake,  
Seend,  
Shalbourne,  
Stanton St  
Bernard, Stert,  
Tidcombe  
and Fosbury,  
Urchfont,  
West  
Lavington,  
West Overton,  
Winterbourne  
Bassett,  
Winterbourne  
Monkton,  
Worton.

Area 12	In the County	55	4
	of AVON		
	Comprises:		
	The		
	Borough		
	of		
	BRISTOL		
	The		
	District		
	of		
	KINGSWOOD		
	The		
	District		
	of		
	NORTHAVON		
	Part		
	District		
	of		
	WANSDYKE		
	Consisting of		
	the parish of:		
	Whitchurch		

**Status:** Point in time view as at 28/05/1988. This version of this

Instrument contains provisions that are not valid for this point in time.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Income Support (General) Regulations 1987. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Comprises:  
Part District of  
WOODSPRING  
Consisting of  
the parishes  
of: Abbots  
Leigh,  
Backwell,  
Barrow  
Gurney,  
Brockley,  
Clapton-in-  
Gordano,  
Cleve,  
Clevedon,  
Dundry,  
Easton-in-  
Gordano,  
Flax Bourton,  
Kenn,  
Kingston  
Seymour,  
Long Ashton,  
Nailsea,  
North Weston,  
Portbury,  
Portishead,  
Tickenham,  
Walton-in-  
Gordano,  
Weston-in-  
Gordano,  
Winford,  
Wraxall,  
Yatton.

Area 13                      In the                      55                      4

county of  
GLOUCESTERSHIRE

Comprises:  
The  
Borough  
of  
CHELTENHAM  
The  
Borough  
of  
GLOUCESTER  
The  
Borough  
of  
TEWKESBURY

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	The District of COTSWOLD		
	The District of FOREST DEAN		
	The District of STROUD		
Area 14	WALES	55	4
	In the County of GWENT Comprises:		
	The Borough of NEWPORT		
	The Borough of TORFAEN		
	The District of ISLWYN		
	The District of MONMOUTH		
	Part District of BLAENAU GWENT		
	Consisting of the communities of: Abertillery, Nantyglo and Blaina.		
	In the County of MID GLAMORGAN Comprises:		
	The Borough of		

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MERTHYR  
TYDFIL  
The  
Borough  
of  
OGWR  
The  
Borough  
of  
RHONDDA  
The  
Borough  
TAFF-  
ELY  
The  
District  
of  
CYNON  
VALLEY  
The  
District  
of  
RHYMNEY  
VALLEY

In the County  
of POWYS  
Comprises:  
Part District of  
BRECKNOCK  
Consisting  
of the  
community of:  
Ystradfelte.

In the County  
of SOUTH  
GLAMORGAN  
Comprises:

The  
Borough  
of  
CARDIFF  
The  
Borough  
of the  
VALE  
OF  
GLAMORGAN

Area 15	In the County	55	4
	of DYFED		
	Comprises:		
	The District of		
	LLANELLI		



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the County of  
POWYSComprises:  
Part District of  
BRECKNOCK  
Consisting  
of the  
communities  
of: Glyntawe,  
Ystradgynlais  
Lower,  
Ystradgynlais  
Higher.  
In the County  
of WEST  
GLAMORGAN  
Comprises:

The  
Borough  
of AFAN  
The  
Borough  
of LLIW  
VALLEY  
The  
Borough  
of  
NEATH  
The  
Borough  
of  
SWANSEA

Area 16 In the County 55 2  
of DYFED  
Comprises:

The  
District  
of  
CARMARTHEN  
The  
District  
of  
DINEFWR

Area 17 In the County 50 4  
of DYFED  
Comprises:

The  
District  
of  
PRESELI  
The  
District  
of

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SOUTH  
PEMBROKESHIRE

Area 18	In the County 50 of POWYS Comprises: Part District of BRECKNOCK Consisting of the communities of: Aberllynfi, Aberyscir, Battle, Brecon, Bronllys, Cantref, Cathedene, Cray, Crickhowell, Fennifach, Garthbrengy, Glyn, Glynfach, Hay, Hay Rural, Llanbedr Ystradwy, Llanddetty, Llandefaelog Fach, Llandeilo'r Fan, Llandefalle, Llanddew, Llanelieu, Llanfigan, Llanfihangel Cwmdu, Llanfihangel Fechan, Llanfihangel Nant Bran, Llanfilo, Llanfrynach, Llangasty- Talyllyn, Llangattock, Llangenny, Llangorse, Llangynidr, Llanhamlach, Llanigon, Llansantffraed,	4
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Llanspyddid,  
Llanwern,  
Llyswen,  
Maescar,  
Merthyr  
Cynog,  
Modrydd,  
Partrishaw,  
Penpont,  
Pipton,  
St David  
Without,  
Senny,  
Talgarth,  
Talachddu,  
Traianglos,  
Traianmawr,  
Trallong,  
Tregoyd and  
Velindre,  
Ysclydach.  
In the County  
of GWENT  
Comprises:  
Part District  
of BLAENAU  
GWENT  
Consisting  
of the  
communities  
of: Brynmawr,  
Ebbw Vale,  
Lanelly,  
Tredegar.

Area 19	In the County	50	4
	of POWYS		
	Comprises:		
	The		
	District		
	of		
	MONTGOMERY		
	The		
	District		
	of		
	RADNOR		
	Part		
	District		
	of		
	BRECKNOCK		
	Consisting		
	of the		
	communities		

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of: Allemawr,  
 Builth Wells,  
 Crickadarn,  
 Gwarafog,  
 Gwenddwr,  
 Isygarreg,  
 Llanafanfechan,  
 Llanafanfawr,  
 Llanddewi  
 Abergwesyn,  
 Llanddewi'  
 Cwm,  
 Llandulas,  
 Llanfihangel  
 Abergwesyn,  
 Llanfihangel  
 Brynpabuan,  
 Llanganten,  
 Llangynog,  
 Llanlleonfel,  
 Llanwrthwl,  
 Llanwrtyd  
 Wells,  
 Llanwrtyd  
 Without,  
 Llanynis,  
 Llysdinam,  
 Mochynleth,  
 Maesmynis,  
 Penbault,  
 Rhosferig,  
 Treflys.

Area 20	In the County    50                      2 of DYFED Comprises: The District of CEREDIGION
Area 21	In the County    50                      4 of CLWYD Comprises: The Borough of WREXHAM MAELOR The District of ALYN AND DEESIDE

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Part  
District  
of  
DELYN

Consisting  
of the  
communities  
of: Flint (that  
part South of  
Lead Brook),  
Leeswood,  
Mold, Mold  
Rural (that  
part which  
lies South of  
the A5116  
and A494),  
Nercwys,  
Northop (that  
part which  
lies South  
of Northop  
Brook and the  
A5116).

Part District of  
GLYNDWR  
Consisting  
of the  
communities  
of: Bettws-  
Gwerfi-Goch,  
Bryneglwys  
(that part  
which lies  
South of  
the A5104),  
Chirk,  
Corwen,  
Glyntraian,  
Gwyddelwern,  
Llanarmon  
Dyffryn  
Ceiriog,  
Llanarmon  
Mynydd  
Mawr,  
Llanarmon-yn-  
Lal (that part  
which lies to  
the East of  
the A494),  
Llandegla  
(that part

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which lies to the East of the A494 to its intersection with the A525, to the North of the A525 to its intersection with the A5104 to the South of the A5104), Llandrillio, Llanferres (that part which lies to the East of the A494), Llangadwaladr, Llangar, Llangedwyn, Llangollen, Llangollen Ruual, Llanrhaeadr-yn-Mochnant, Llansantffraid-Glynceiriog, Llansantffraid Glyndyfrdwy, Llansilin, Llantysilio.

Area 22	In the County of CLWYD	55	2
	Comprises:		
	The Borough of RHUDDLAN Part District of COLWYN		
	Consisting of the communities of: Abergele, Abergele Rural, Betws-yn-Rhos, Bylchau, Cefn,		

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Cerrigydrudion,  
Gwytherin,  
Llanefydd,  
Llangernyw,  
Llangwm,  
Llanfair  
Talhaiarn,  
Llanfihangel  
Glyn Myfyr,  
Llansannan,  
Pentrefoelas,  
Trefnant.  
Part District of  
DELYN  
Consisting  
of the  
communities  
of: Caerwys  
Brynford,  
Flint (that  
part North of  
Lead Brook),  
Gilcain,  
Gwaenysgor,  
Halkyn,  
Holywell,  
Llanasa, Mold  
Rural (that  
part which  
lies North of  
the A5116  
and A494),  
Nannerch,  
Northop (that  
part which  
lies North  
of Northop  
Brook and  
the A5116),  
Trelawnyd,  
Whitford,  
Ysceifiog.  
Part District of  
GLYNDWR  
Consisting  
of the  
communities  
of:  
Aberwheeler,  
Bryneglwys  
(that part  
which lies  
North of

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the A5104),  
 Glocaenog,  
 Cyfflliog,  
 Denbigh,  
 Derwen,  
 Efenechtyd,  
 Llanarmon-  
 yn-Ila (that  
 part which  
 lies West of  
 the A494),  
 Llanbedr,  
 Llandegla  
 (that part  
 which lies  
 West of the  
 A494 to its  
 intersection  
 with the A525,  
 South of the  
 A525 to its  
 intersection  
 with the  
 A5104, North  
 of the A5104),  
 Llandyrnog,  
 Llanelidan,  
 Llanfair-  
 Dyffyn-  
 Clwyd,  
 Llanferres  
 (that part  
 which lies to  
 the west of  
 the A494),  
 Llanfwrog  
 Rural,  
 Llanrhaedr-  
 yng-  
 Nghinmerch,  
 Llanynys  
 Rural,  
 Nantglyn,  
 Ruthin.

Area 23

In the                    55                    2  
 County of  
 GWYNEDD  
 Comprises:  
     The  
     District  
     of  
     DWYFOR



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	The District of MEIRIONNYDD		
Area 24	In the County of CLWYD Comprises: Part District of COLWYN Consisting of the communities of: Colwyn Bay, Llanellian-yn-Rhos. Comprises: In the County of GWYNEDD Comprises: The District of ABERCONWY	45	2
Area 25	In the County of GWYNEDD Comprises: The District of ARFON	50	2
Area 26	In the County of GWYNEDD Comprises: The District of YNYS MON (ISLE OF ANGLESEY)	55	2

## PART II

london south region

### Commencement Information

**I158** Sch. 6 Pt. II in force at 11.4.1988, see [reg. 1](#)

Column (1) Number of Area	Column (2) Description of Area	Column (3) Appropriate Amount (£)	Column (4) Initial Period (number of weeks)
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Area 27	In the County of ISLE OF WIGHT Comprises: The Borough of MEDINA The District of SOUTH WIGHT	60	2
Area 28	In the County of HAMPSHIRE Comprises: The Borough of EASTLEIGH The Borough of SOUTHAMPTON Part Borough of WINCHESTER Consisting of the parishes of: Abbots Barton, Beauworth, Bighton, Bishops Sutton, Bramdean, Cheriton, Chilcombe, Colden Common, Compton, Crawley, Headbourne Worthy, Hursley, Itchen Stoke and Ovington, Itchen Valley, Kilmiston, Kings Worthy, Littleton, Micheldever, New Alresford, Northington, Old Alresford, Olivers Battery, Otterbourne, Owlesbury, Sparsholt, Tichborne, Twyford, Winchester, Wonston. The District of NEW FOREST The District of TEST VALLEY	60	4
Area 29	In the County of HAMPSHIRE Comprises: The Borough of FAREHAM The Borough of GOSPORT The Borough of HAVANT The Borough of PORTSMOUTH	55	4

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Part Borough of  
WINCHESTER

Consisting of the  
parishes of: Bishops  
Waltham, Boarhunt,  
Colemore and Priors  
Dean, Corhampton  
and Meonstoke,  
Curdridge, Denmead,  
Droxford, Durley,  
Exton, Greatham,  
Hambledon, Sarisbury,  
Shedfield, Soberton,  
Southwick and Widley,  
Swanmore, Upham,  
Warnford, West Meon,  
Wickham.

Part District of EAST  
HAMPSHIRE

Consisting of the  
parishes of: Buriton,  
Clanfield, Colemore  
and Priors Dean, East  
Meon, Froxfield,  
Greatham, Hawkley,  
Horndean, Langrish,  
Liss, Petersfield,  
Rowlands Castle,  
Steep.

Area 30

In the County of  
EAST SUSSEX

55

2

Comprises:

The Borough of  
BRIGHTON

The Borough of  
HOVE

The District of  
LEWES

Part District of  
MID SUSSEX

Consisting of the  
parishes of: Albourne,  
Burgess Hill, Clayton,  
Cuckfield, Fulking,  
Haywards Heath,  
Hurstpierpoint,  
Keymer, Lindfield  
Rural, Newtimber,  
Poynings, Pyecombe,  
Twineham.

In the County of  
WEST SUSSEX

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	Comprises:		
	The Borough of WORTHING		
	The District of ADUR		
	The District of ARUN		
	The District of CHICHESTER		
	Part District of HORSHAM		
	Consisting of the parishes of:		
	Amberley, Ashington, Ashurst, Bramber, Coldwaltham, Henfield, Parham, Pulborough, Shermanbury, Storrington, Steyning, Sullington, Thakeham, Upper Beeding, Washington, West Chiltington, Wiston, Woodmancote.		
Area 31	In the County of EAST SUSSEX	55	2
	Comprises:		
	The Borough of EASTBOURNE		
	The Borough of HASTINGS		
	The District of ROTHER		
	The District of WEALDEN		
Area 32	In the County of KENT	55	2
	Comprises:		
	The District of CANTERBURY		
	The District of DOVER		
	The District of SHEPWAY		
	The District of THANET		
Area 33	In the County of KENT	55	2
	Comprises:		

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	The Borough of ASHFORD The District of SWALE		
Area 34	In the County of KENT Comprises: The Borough of GILLINGHAM The District of DARTFORD The District of GRAVESHAM The District of MAIDSTONE The District of MEDWAY The District of SEVENOAKS The District of TONBRIDGE AND MALLINGThe District of TUNBRIDGE WELLS	55	4
Area 35	In the County of SURREY Comprises: The Borough of EPSOM AND EWELL The Borough of GUILDFORD The Borough of REIGATE AND BANSTEAD The Borough of WAVERLEY The Borough of WOKING The District of MOLE VALLEY The District of RUNNYMEDE The District of TANDRIDGE Part Borough of ELMBRIDGE Consisting of the parishes of: Walton on Thames, Weybridge.	60	4

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Part Borough of  
RUSHMORE  
Consisting of the  
parishes of: Ash,  
Sandy Hill.  
Part Borough of  
SURREY HEATH  
Consisting of the  
parishes of: Bisley,  
Chobham, West End,  
Windlesham.  
In the County of  
WEST SUSSEX  
Comprises:  
    The Borough of  
    CRAWLEY  
    Part District of  
    HORSHAM  
Consisting of  
the parishes of:  
Billingshurst,  
Cowfold, Horsham,  
Horsham Rural,  
Itchingfield, Lower  
Beeding, Nuthurst,  
Rudgwick, Rusper,  
Shipley, Slinfold,  
Warnham, West  
Grinstead.  
Part District of MID  
SUSSEX  
Consisting of the  
parishes of: Ardingly,  
Balcombe, Bolney,  
Cuckfield Rural, East  
Grinstead, Horsted  
Keynes, Slaugham,  
West Hoathly, Worth.

Area 36

In the County of           60                           4  
HAMPSHIRE  
Comprises:  
    The District of  
    BASINGSTOKE  
    The District of  
    HART  
    The District of  
    RUSHMORE  
    Part Borough  
    of SURREY  
    HEATH

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Consisting of the areas of: Camberley, Frimley, Mytchett.  
Part District of EAST HAMPSHIRE  
Consisting of the parishes of: Alton, Bentley, Bentworth, Binstead, Bramshott, Chawton, East Tisted, Faringdon, Four Marks, Froyle, Grayscott, Headley, Kingsley, Lasham, Medstead, Newton Valence, Ropley, Selborne, Shalden, West Tisted, Whitehill, Wield, Worldham.

Area 37

In the County of BERKSHIRE 60 4

Comprises:

The District of NEWBURY

The District of READING

In the County of OXFORDSHIRE

Comprises:

Part District of SOUTH

OXFORDSHIRE

Consisting of the parishes of: Benson, Bix, Blewbury, Brightwell-cum-Sotwell, Checkendon, Childrey, Cholsey, Crowmarsh, Didcot, East Hagbourne, Ewelme, Eye and Dunsden, Goring, Goring Heath, Harpsden, Henley on Thames, Highmoor, Ipsden, Kidmore End, Mapledurham, Moulsoford, Nettlebed, North Moreton, Nuffield, Pishill with Stoner, Rotherfield Grays, Rotherfield

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Peppard, Shiplake,  
 Sonning Common,  
 South Moreton,  
 South Stoke, Stoke  
 Row, Swyncombe,  
 Wallingford,  
 West Hagbourne,  
 Whitchurch,  
 Woodcote.  
 Part District of VALE  
 OF WHITE HORSE  
 Consisting of the  
 parishes of: Ardington,  
 Ashbury, Aston  
 Tirrold, Aston  
 Upthorpe, Bourton,  
 Chilton, Compton,  
 Compton Beauchamp,  
 East Challow, East  
 Hendred, Grove,  
 Harwell, Kingston  
 Lisle, Letcombe  
 Bassett, Letcombe  
 Regis, Lockinge,  
 Sparsholt, Uffington,  
 Upton, Wantage,  
 West Challow, West  
 Hendred, Woolstone.

Area 38

In the County of  
 BERKSHIRE

65

4

Comprises:

The Borough of  
 SLOUGH

The Borough  
 of WINDSOR

AND

MAIDENHEAD

he District of  
 BRACKNELL

The District of  
 WOKINGHAM

---

### PART III

london north region

**Commencement Information**

**1159** Sch. 6 Pt. III in force at 11.4.1988, see [reg. 1](#)



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Column (1) Number of Area	Column (2) Description of Area	Column (3) Appropriate Amount (£)	Column (4) Initial Period (number of weeks)
Area 39	<p>In the County of OXFORDSHIRE Comprises: The Borough of OXFORD The District of CHERWELL The District of WEST OXFORDSHIRE Part District of SOUTH OXFORDSHIRE Consisting of the parishes of: Adwell, Aston Rowant, Beckley and Stowood, Berrick Salome, Brightwell Baldwin, Britwell, Chalgrove, Chinnor, Clifton Hampden, Crowell, Cuddeston and Denton, Culham, Cuxham with Easington, Dorchester, Drayton St Leonard, Elsfield, Forest Hill with Shotover, Garsington, Great Haseley, Great Milton, Holton, Horspath, Little Milton, Littlemore, Little Wittenham, Lewknor, Long Wittenham, Marsh Baldon, Marston, Newington, Nuneham Courtney, Pyrton, Risinghurst and Sandhills, Sandford on Thames, Shirburn, Stadhampton, Stanton St John, Stoke Talmage, Sydenham, Tetsworth, Thame, Thomley, Tiddington-with-</p>	65	4

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Albury, Toot Baldon,  
Towersey, Watlington,  
Warborough,  
Waterperry,  
Waterstock,  
Wheatfield, Wheatley,  
Woodeaton.  
Part District of VALE  
OF WHITE HORSE  
Consisting of the  
parishes of: Abingdon,  
Appleford, Appleton  
with Eaton, Baulking,  
Besselsleigh,  
Buckland, Buscot,  
Charney Basset,  
Coleshill, Cumnor,  
Denchworth, Drayton,  
East Hanney, Eaton  
Hastings, Fernham,  
Frilford, Fyfield and  
Tubney, Garford,  
Goosey, Great  
Coxwell, Great  
Faringdon, Hatford,  
Hinton Waldrist,  
Kennington, Kingston  
Bagpuize with  
Southmoor, Little  
Coxwell, Littleworth,  
Longcot, Longworth,  
Lyford, Marcham,  
Milton Steventon,  
North Hinksey, Pusey,  
Radley, St Helen  
Without, Shellingford,  
Shrivenham, South  
Hinksey, Stanford in  
the Vale, Sunningwell,  
Sutton Courtney,  
Watchfield, West  
Hanney, Wooton,  
Wytham.

Area 40

In the County of 60  
BUCKINGHAMSHIRE  
Comprises:

4

The District of  
BEACONSFIELD  
The District of  
CHILTERN  
The District of  
WYCOMBE

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	The District of AYLESBURY VALE		
Area 41	In the County of HERTFORDSHIRE Comprises: The Borough of WATFORD The District of DACORUM The District of NORTH HERTFORDSHIRE The District of ST ALBANS The District of THREE RIVERS Part District of HERTSMERE Consisting of the parishes of: Bushey and Aldenham. Part District of WELWYN HATFIELD Consisting of the parishes of: Essendon, Hatfield, Northaw, North Mimms.	60	4
Area 42	In the County of ESSEX Comprises: The District of HARLOW Part District of EPPING FOREST Consisting of the parishes of: Abbess Beauchamp and Berners Roding, Bobbingworth, Epping, Epping Upland, Fyfield, High Laver, High Ongar, Lambourne, Little Laver, Magdalen Laver, Matching, Moreton, Nazeing, North Weald Bassett, Ongar, Roydon, Sheering, Stapleford	55	4

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Tawney, Theydon  
 Bois, Theydon  
 Garnon, Theydon  
 Mount, Willingale.  
 In the County of  
 HERTFORDSHIRE  
 Comprises:  
     The Borough of  
     STEVENAGE  
     The District  
     of EAST  
     HERTFORDSHIRE  
     The District  
     of NORTH  
     HERTFORDSHIRE  
     Part Borough of  
     BROXBOURNE

Consisting of: that part  
 which lies North of  
 Cheshunt Park and  
 Slipe Lane including  
 Hoddersdon and  
 Wormley.  
 Part District  
 of WELWYN  
 HATFIELD  
 Consisting of the  
 parishes of: Ayot  
 St Lawrence, Ayot  
 St Peter, Welwyn,  
 Welwyn Garden City.

Area 43	In the County of ESSEX	55	4
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Comprises:  
     The Borough of  
     THURROCK  
     The District of  
     BASILDON  
     The District of  
     BRENTWOOD  
     The District of  
     CASTLEPOINT

Area 44	In the County of ESSEX	55	2
---------	---------------------------	----	---

Comprises:  
     The Borough of  
     SOUTHEND-  
     ON-SEA  
     The District of  
     ROCHFORD

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Area 45	In the County of ESSEX Comprises: Part District of TENDRING Consisting of the parishes of: Beamont-cum- Moze, Clacton- on-Sea, Frinton and Walton, Little Clacton, St Osyth, Tendring, Thorpe-le-Soken, Weeley.	60	2
Area 46	In the County of ESSEX Comprises: The Borough of COLCHESTER The District of BRAintree The District of CHELMSFORD The District of MALDON The District of UTTLESFORD Part District of TENDRING Consisting of the parishes of: Alresford, Ardleigh, Bradfield, Brightlingsea, Elmstead, Frating, Great Bentley, Great Bromley, Great Oakley, Harwich, Lawford, Little Bentley, Little Bromley, Little Oakley, Manningtree, Mistley, Ramsey, Thorrington, Wix, Wrabness.	60	4
Area 47	In the County of BEDFORDSHIRE Comprises: The Borough of LUTON The District of BEDFORD	60	4

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	The District of MID BEDFORDSHIRE The District of SOUTH BEDFORDSHIRE In the County of BUCKINGHAMSHIRE Comprises: The Borough of MILTON KEYNES		
Area 48	In the County of CAMBRIDGESHIRE Comprises: The District of CAMBRIDGE The District of EAST CAMBRIDGESHIRE The District of HUNTINGDON The District of PETERBOROUGH The District of SOUTH CAMBRIDGESHIRE Part District of FENLAND Consisting of the parishes of: Benwick, Chatteris, Doddington, Manea, March, Whittlesey, Wimblington.	65	4
Area 49	In the County of SUFFOLK Comprises: The District of BABERGH The District of FOREST HEATH The District of IPSWICH The District of ST EDMONDSBURY The District of SUFFOLK COASTAL Part District of MID SUFFOLK	55	4

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	Consisting of the parishes of: Badwell Ash, Benton, Drinkstone, Elmswell, Felsham, Gedding, Great Ashfield, Hessett, Hinderclay, Hunston, Langham, Norton, Rattlesden, Rickinghall Inferior, Stowlangtoft, Thurston, Tostock, Walsham-le-Willows, Wattisfield, Woolpit.		
Area 50	In the County of NORFOLK Comprises: The District of GREAT YARMOUTH Part District of BROADLAND Consisting of the parishes of: Acle, Beighton, Burlingham, Cantley, Freethorpe, Halvergate, Reedham, South Walsham, Upton with Fishley. Part District of NORTH NORFOLK Consisting of the parishes of: Catfield, Hersey, Hickling, Higham, Ludham, Potter Heigham, Sea Palling, Sutton, Tunstead. In the County of SUFFOLK Part District of WAVENEY Consisting of the parishes of: Ashby, Barnby, Barsham, Beccles, Benacre, Blundeston Flixton, Blyford, Brampton, Carlton Colville, Corton, Covehithe, Easton Bavents, Ellough, Frostenden,	55	2

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Gisleham, Halesworth,  
 Henham, Henstead  
 with Hulver Street,  
 Herringfleet, Holton,  
 Kessingland,  
 Lound, Lowestoft,  
 Mettingham, Mutford,  
 North Cove, Oulton,  
 Redisham, Reydon,  
 Ringsfield, Rumburgh,  
 Rushmere,St  
 Andrew Ilketshaw,  
 St John Ilketshall,St  
 Lawrence Ilketshall,  
 St Margaret Ilkershall,  
 Shadingfield,  
 Shipmeadow,  
 Somerleyton,  
 Sotherton, Sotterley,  
 South Cove,  
 Southwold, Spexhall,  
 Stoven, Uggeshall,  
 Wangford, Westhall,  
 Weston, Willingham  
 St Mary, Wissett,  
 Worlingham,  
 Wrentham.

Area 51

In the County of NORFOLK 60 4

Comprises:

The Borough of NORWICH

The District of SOUTH NORFOLK

Comprises:

Part District of BRECKLAND

Consisting of the parishes of:

Attleborough,  
 Banham, Besthorpe,  
 Blo'Norton,  
 Brettenham,  
 Bridgham, Carbrooke,  
 Caston, Croxton,  
 Garboldisham, Great  
 Ellingham, Griston,  
 Harling, Kenninghall,  
 Kilverston, Little  
 Ellingham, Merton,  
 New Buckenham,



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North Lopham,  
Old Buckenham,  
Ovington, Quidenham,  
Riddlesworth,  
Rocklands,  
Roundham, Scoulton,  
Shropham, Snetterton,  
South Lopen, Stow  
Bedon, Thetford,  
Thompson, Tottington,  
Walton, Wretham.  
Part District of  
BROADLAND  
Consisting of the  
parishes of: Alderford,  
Attlebridge, Aylsham,  
Beeston St Andrew,  
Beeston St Lawrence,  
Belaugh, Blickling,  
Blofield, Booton,  
Brampton, Brandiston,  
Brundall, Buxton  
with Lammas,  
Catton, Cawston,  
Coltishall, Crostwich,  
Drayton, Felthorpe,  
Foulsham, Frettenham,  
Great Plumstead,  
Great Witchingham,  
Guestwick,  
Hainford, Hautbois,  
Haveringland,  
Hellesdon,  
Hemblington,  
Hevingham, Heydon,  
Honingham, Horsford,  
Horsham St Faith,  
Horstead with  
Stanninghall,  
Lenwade, Little  
Plumstead, Little  
Witchingham,  
Marsham, Morton  
on the Hill, Newton  
St Faith, Oulton,  
Postwick, Rackheath,  
Reepham, Ringland,  
Salhouse, Sall,  
Sco Ruston,  
Spixworth, Sprowston,  
Stratton Strawless,  
Strumpshaw,  
Swannington,

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Taverham,  
Themelthorpe, Thorpe  
St Andrew, Tuttington,  
Weston Longville,  
Witton Woodbastick,  
Wood Dalling,  
Wroxham.  
Comprises: Part  
District of NORTH  
NORFOLK  
Consisting of the  
parishes of: Alby with  
Thwaite, Aldborough,  
Antingham,  
Ashmanhaugh,  
Aylmerton,  
Baconsthorpe,  
Bacton, Barton  
Turf, Beeston Regis,  
Bodham Brumstead,  
Cley next the sea,  
Colby, Corpusty,  
Cromer, Dilham,  
East Beckham, East  
Runton, East Ruston,  
Eccles, Edgefield,  
Edingthorpe,  
Erpingham, Felbrigg,  
Felmingham,  
Gimingham,  
Gresham, Hanworth,  
Happisburgh,  
Hempstead, Holt,  
Honing, Horning,  
Hoveton, Ingham,  
Ingworth, Itteringham,  
Kelling, Knapton,  
Lessingham,  
Letheringsett  
with Glandford,  
Little Barningham,  
Matlaske, Mundesley,  
Neatishead,  
Northrepps, North  
Walsham, Overstrand,  
Paston, Plumstead,  
Ridlington, Roughton,  
Salthouse, Saxthorpe,  
Scottow, Sheringham,  
Sidestrand, Skeyton,  
Sloley, Smallburgh,  
Southrepps, Stalham,  
Stody Suffield,

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Sustead, Swafield,  
Swanton Abbott,  
Thornage, Thorpe  
Market, Thurgarton,  
Trimingham, Trunch,  
Tunstead, Upper  
Sheringham, Walcott,  
West Beckham,  
West Runton,  
Westwick, Weybourne,  
Wickmere, Witton,  
Worstead.

In the County of  
SUFFOLK

Comprises: Part  
District of MID  
SUFFOLK

Consisting of the  
parishes of: Aspell,  
Athelington, Bacton,  
Bedfield, Bedingfield,  
Botesdale,  
Braiseworth,  
Brockford, Brome,  
Brundish, Burgate,  
Cotton, Denham,  
Eye, Finningham,  
Fressingfield,  
Gislingham,  
Horham, Hoxne,  
Kenton, Laxfield,  
Mellis, Mendham,  
Mendlesham,  
Metfield, Monk  
Soham, Oakley,  
Occold, Palgrave,  
Redgrave,  
Redlingfield,  
Rickinghall Superior,  
Rishangles, Southolt,  
Stoke Ash, Stradbroke,  
Stuston, Syleham,  
Tannington, Thorndon,  
Thornham, Magna,  
Thornham Parva,  
Thranderton,  
Thwaite, Westhorpe,  
Wexheringsett-cum-  
Brockford, Weybread,  
Wickham Sketh,  
Wilby, Wingfield,  
Witherscale,  
Worlingworth,

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	<p>Wortham, Wyverstone, Yaxley. Part District of WAVENEY Consisting of the parishes of: Bungay, Flixton, South Elmham All Saints and St Nicholas, South Elmham St Cross, South Elmham St James, South Elmham St Margeret, South Elmham St Mary otherwise Homersfield, South Elmham St Michael, South Elmham St Peter.</p>		
Area 52	<p>In the County of CAMBRIDGESHIRE Comprises: Part District of FENLAND Consisting of the parishes of: Elm, Leverington, Newton, Outwell, Parson Drove, Tydd St Giles, Upwell, Wisbech, Wisbech St Mary. In the County of NORFOLK Comprises:     The District     of WEST     NORFOLK     Part District of     BRECKLAND Consisting of the parishes of: Ashill, Bawdesewell, Beachamwell, Beeston with Bittering, Beetley, Billingford, Bintree, Bradenham, Brisley, Bylaugh, Cockley Cley, Colkirk, Cranwich, Cranworth, Didlington, East Dereham, East Tuddenham, Elsing,</p>	55	2

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Foulden, Foxley,  
Fransham, Garveston,  
Gately, Gooderstone,  
Great Cressingham,  
Great Dunham,  
Gressenhall, Guist,  
Hardingham,  
Hilborough,  
Hockering, Hoe,  
Holme Hale,  
Horningtoft, Ickburgh,  
Kempstone, Lexham,  
Litcham, Little  
Cressingham,  
Little Dunham,  
Longham, Lynford,  
Lyng, Mattishall,  
Mileham, Mundford,  
Narborough, Narford,  
Necton, Newton  
by Castle Acre,  
North Elmham,  
North Pickenham,  
North Tuddenham,  
Oxborough, Rougham,  
Saham Toney,  
Scarning, Shipdham,  
South Acre, South  
Pickenham, Sparham,  
Sporle with Palgrave,  
Stanfield, Stanford,  
Swaffham, Swanton  
Moreley, Tittleshall,  
Twyford, Weasenham  
All Saints, Weasenham  
St Peter, Weeting  
with Broomhill,  
Wellingham,  
Wendling, Whinburg,  
Whissonsett, Yaxham.  
Part District of  
NORTH  
Consisting of  
the parishes of:  
Binham, Blakeley,  
Briningham, Brinton,  
Briston, Dunton,  
Fakenham, Field  
Dalling, Fulmodeston,  
Great Ryburgh,  
Great Snoring,  
Great Walsingham,  
Gunthorpe,

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Helhoughton,  
 Hempton,  
 Hindolveston,  
 Hindringham,  
 Holkham, Kettlestone,  
 Laugham, Little  
 Ryburgh, Little  
 Snoring, Little  
 Walsingham, Melton  
 Constable, Morston,  
 Pudding Norton,  
 Raynham, Sculthorpe,  
 Stibbard, Stiffkey,  
 Swanton Novers,  
 Tattersett, Thurning,  
 Thursford, Warham,  
 Wells-next-the-Sea,  
 Wighton, Wiveton,  
 Wood Norton.

Area 53

In the GREATER 70 8  
 LONDON Area  
 Comprises:

The Boroughs of:  
 BARKING  
 BARNET  
 BEXLEY  
 BRENT  
 BROMLEY  
 CAMDEN  
 CITY OF  
 WESTMINSTER  
 CROYDON  
 EALING  
 ENFIELD  
 GREENWICH  
 HACKNEY  
 HARINGEY  
 HAMMERSMITH  
 HARROW  
 HAVERING  
 HILLINGDON  
 HOUNSLOW  
 ISLINGTON  
 KENSINGTON  
 AND CHELSEA  
 KINGSTON-  
 UPON-  
 THAMES  
 LAMBETH  
 LEWISHAM  
 MERTON  
 NEWHAM

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REDBRIDGE  
RICHMOND-  
UPON-  
THAMES  
SOUTHWARK  
SUTTON  
TOWER  
HAMLETS  
WALTHAM  
FOREST  
WANDSWORTH

The CITY OF  
LONDON  
In the County of  
ESSEX  
Comprises:  
Part District of  
EPPING FOREST  
Consisting of the  
parishes of: Chigwell,  
Waltham Holy Cross.  
In the County of  
HERTFORDSHIRE  
Comprises:  
Part Borough of  
BROXBOURNE  
That part which lies  
South of Cheshunt  
Park and includes  
Slipe Lane.  
Part District of  
HERTSMERE  
Consisting of the  
parishes of: Elstree,  
Ridge, Shenley, South  
Mimms.  
In the County of  
SURREY  
Comprises:  
The Borough of  
SPELTHORNE  
Part Borough of  
ELMBRIDGE  
Consisting of that part  
which was previously  
administered by the  
old Esher Urban  
District Council.

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## PART IV

### midlands region

#### Commencement Information

**I160** Sch. 6 Pt. IV in force at 11.4.1988, see [reg. 1](#)

Column (1) Number of Area	Column (2) Description of Area	Column (3) Appropriate Amount (£)	Column (4) Initial Period (number of weeks)
Area 54	In the County of NORTHAMPTONSHIRE Comprises: The Borough of WELLINGBOROUGH The District of CORBY The District of EAST NORTHAMPTONSHIRE The District of KETTERING	50	4
Area 55	In the County of NORTHAMPTONSHIRE Comprises: The Borough of NORTHAMPTON The District of DAVENTRY The District of SOUTH NORTHAMPTONSHIRE	55	4
Area 56	In the County of LEICESTERSHIRE Comprises: The City of LEICESTER The Borough of HINCKLEY AND BOSWORTH The Borough of OADBY AND WIGSTON The District of BLABY The District of CHARNWOOD	55	4



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	The District of HARBOROUGH The District of MELTON The District of NORTH WEST LEICESTERSHIRE The District of RUTLAND		
Area 57	In the County of WARWICKSHIRE Comprises: The Borough of RUGBY Part District of STRATFORD- ON-AVON Consisting of the parishes of: Admington, Alderminster, Atherstone on Stour, Avon Dassett, Barcheston, Barton-on-Heath, Bearley, Beaudesert, Billesley, Binton, Bishop's Itchington, Burmington, Burton Dassett, Butlers Marston, Brailes, Chadshunt, Chapel Ascote, Charlecote, Cherington, Chesterton and Kingston, Claverdon, Clifford Chambers, Combrook, Compton Wynyates, Dorsington, Ettington, Farnborough, Fenny Compton, Fulbrook, Gaydon, Great Wolford, Halford, Hampton Lucy, Harbury, Henley in Arden, Hodnell, Honington, Idlicote, Ilmington, Kineton, Ladbroke, Langley, Lighthorne, Little Compton, Little	55	4

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Wolford, Long  
Compton, Long  
Itchington, Long  
Marston, Lower  
Radbourne, Lower  
Shuckburgh, Loxley,  
Luddington, Milcote,  
Moreton-Morrell,  
Napton on the Hill,  
Newbold Pacey,  
Old Stratford and  
Drayton, Oxhill,  
Pillerton Hersey,  
Pillerton Priors,  
Preston Bagot, Preston  
on Stour, Priors  
Hardwicke, Priors  
Marston, Quinton,  
Radway, Ratley and  
Upton, Shipston on  
Stour, Shotteswell,  
Snitterfield, Southam,  
Stockton, Stoneton,  
Stourton, Stratford-  
upon-Avon, Stretton  
on Fosse, Sutton under  
Brailes, Tanworth in  
Arden, Tidmington,  
Temple Grafton,  
Tredington, Tysoe,  
Ufton, Ullenhall,  
Upper Radbourne,  
Upper Schuckburg,  
Warmington,  
Watergall, Welford on  
Avon, Wellesbourne,  
Weston on Avon,  
Wills Pastures,  
Whatcote, Whichford,  
Whitchurch,  
Wolverton,  
Wootton Wawen,  
Wormleighton.  
Part District of  
WARWICK  
Consisting of  
the parishes of:  
Ashow, Baddesley,  
Barford, Beauscale,  
Bishop's Tachbrook,  
Blackdown,  
Budbrooke,  
Bushwood, Clinton,

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	Cubbington, Eathorpe, Guy's Cliffe, Haseley, Hatton, Honiley, Hunningham off Church, Kenilworth, Lapworth, Leek Wootton, Norton Lindsey, Old Milverton, Radford Semele, Rowington, Royal Leamington Spa, Sherbourne, Shrewley, Wappenbury, Warwick, Wasperton, Weston under Wetherley, Whitnash, Wroxall.		
Area 58	In the County of WARWICKSHIRE Comprises: The Borough of NORTH WARWICKSHIRE The Borough of NUNEATON Part District of WARWICK Consisting of the parishes of: Baginton, Bubbenhall, Stoneleigh. In the County of WEST MIDLANDS Comprises: The Borough of COVENTRY	55	4
Area 59	In the County of WEST MIDLANDS Comprises: The Borough of SOLIHULL The District of BIRMINGHAM	55	8
Area 60	In the County of STAFFORDSHIRE Comprises: Part District of SOUTH STAFFORDSHIRE	55	4

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Consisting of the parishes of: Bilbrook, Bobbington, Brewood, Codsall, Enville, Himley, Kinver, Lower Penn, Pattingham and Patshull, Perton, Swindon, Trysull and Seisdon, Wombourne.

In the County of WEST MIDLANDS

Comprises:

- The Borough of DUDLEY
- The Borough of SANDWELL
- The Borough of WALSALL
- The Borough of WOLVERHAMPTON

Area 61

In the County of 55  
HEREFORD and  
WORCESTER

4

Comprises:

- The District of BROMSGROVE
- Part District of LEOMINSTER

Consisting of the parishes of: Bayton, Bockleton, Eastham, Hanley, Knighton on Teme, Kyre, Lindridge, Mamble, Pensax, Rochford, Stanford with Orleton, Stockton on Teme, Stoke Bliss, Tenbury.

- The District of REDDITCH
- The District of WORCESTER
- The District of WYCHAVON
- The District of WYRE FOREST
- Part District of MALVERN HILLS

Consisting of the parishes of: Alfrick, Abberley, Astley,

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Berrow, Birtsmorton,  
Bransford,  
Broadheath,  
Broadwas, Bushley,  
Castlemorton,  
Clifton upon Teme,  
Cotheridge, Croome  
D'Abitot, Doddenham,  
Earls Croome,  
Eldersfield, Great  
Malvern, Great  
Witley, Grimley,  
Guarlford, Hallow,  
Hanley Castle, Hill  
Croome, Hillhampton,  
Holdfast, Holt,  
Kempsey, Kenswick,  
Knightwick, Leigh,  
Little Malvern, Little  
Witley, Longdon,  
Lower Sapey, Lulsey,  
Madresfield, Martley,  
Newland, Pendrock,  
Powick, Queenhill,  
Ripple, Rushwick,  
Severn Stoke, Shelsley  
Beauchamp, Shelsley  
Kings, Shelsley Welsh,  
Shrawley, Suckley,  
Upton upon Severn,  
Welland, Wichenford.

In the County of  
WARWICKSHIRE  
Part District of  
STRATFORD-UPON-  
AVON

Consisting of the  
parishes of: Alcester,  
Arrow, Aston,  
Cantlow, Bidford-  
upon-Avon, Coughton,  
Exhall, Great Alme,  
Haselor, Kinwarton,  
Morton Bagot,  
Oldberrow, Salford  
Priors, Sambourne,  
Spennall, Studley,  
Weethley, Wiford.

Area 62

In the County of  
HEREFORD and  
WORCESTER  
Comprises:

55

4

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The Borough of  
HEREFORD  
The District  
of SOUTH  
HEREFORDSHIRE  
Part District of  
LEOMINSTER

Consisting of the  
parishes of: Adforton,  
Almeley, Aymestrey,  
Birley Bishopstone,  
Blackmere,  
Bodenham, Brampton  
Bryan, Bridge Sollers,  
Brilley, Brimfield,  
Brinsop, Brobury,  
Buckton and Coxall,  
Burrington, Byford,  
Byton, Canon Pyon,  
Combe, Croft,  
Docklow, Downton,  
Dilwyn, Eardisland,  
Eardisley, Elton, Eye  
Moreton and Ashton,  
Eyton, Ford, Hampton  
Wafer, Hatfield,  
Hope under Dinmore,  
Humer, Huntington,  
Kimbolton, Kingsland,  
Kings Pyon, Kington,  
Kington Rural,  
Kinnersley, Kinsham,  
Knill, Laysters,  
Leinthalstarkes,  
Leintwardine,  
Leominster, Letton,  
Lingen, Little  
Hereford, Lower  
Harpton, Lucton,  
Luston, Lyonshall,  
Mansell Gamage,  
Mansell Lacy,  
Middleton-on-the-Hill,  
Moccas, Monkland,  
Monnington-on-  
Wye, Newton, Norton  
Canon, Orleton,  
Pembridge, Pipe  
Aston, Preston-on-  
Wye, Pudleston,  
Richard Castle  
(Hereford), Rodd Nash  
and Little Brampton,

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Sarnesfield, Shobdon,  
Stapleton, Staunton-  
on-Arrow, Staunton-  
on-Wye, Stoke Prior,  
Streatford, Titley,  
Walford Letton and  
Newton, Weobly,  
Whitney, Wigmore,  
Willersley, Willey,  
Winforton, Wormsely,  
Yarpole, Yazor.  
Part District of  
MALVERN MILLS  
Consisting of  
the parishes of:  
Acton Beauchamp,  
Ashperton, Avenbury,  
Aylton, Bishops  
Frome, Bosbury,  
Bredenbury,  
Brockhampton,  
Bromyard,  
Caddington, Canon  
Frome, Castle Frome,  
Collington, Colwall,  
Cradley, Donnington,  
Eastnor, Edvin  
Loach, Edwyn Ralph,  
Eggleton, Evesbatch,  
Felton, Grendon  
Bishop, Hampton  
Charles, Ledbury  
Rural, Ledbury  
Town, Linton, Little  
Cowarne, Little  
Marcle, Mathon Rural,  
Moreton Jeffries,  
Much Cowarne,  
Much Marcle,  
Munsley, Norton  
Saltmarshe, Ocle  
Pychard, Pencombe  
with Grendon  
Warren, Pixley,  
Putley, Stanford  
Bishop, Stoke Lacy,  
Stretton Grandison,  
Tarrington, Tedstone  
Delamere, Tedstone  
Wafre, Thornbury,  
Ullingswick, Upper  
Sapey, Wacton,  
Wellington Heath,

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	Whitbourne, Winslow, Wolverlow, Woolhope, Yorkhill.		
Area 63	In the County of SHROPSHIRE Comprises: The Borough of OSWESTRY The Borough of SHREWSBURY and ATCHAM The District of BRIDGNORTH The District of NORTH SHROPSHIRE The District of SOUTH SHROPSHIRE The District of THE WREKIN	55	4
Area 64	In the County of STAFFORDSHIRE Comprises: The Borough of TAMWORTH The District of CANNOCK CHASE The District of LICHFIELD Part District of SOUTH STAFFORDSHIRE Consisting of the parishes of: Acton Trussell, Bednall and Reddesley Hay, Blymhill, Cheslyn Hay, Dunston with Coppenhall, Essington, Featherstone, Great Wyrley, Hatherton, Hilton, Huntington, Lapley, Penkridge, Saredon, Shareshill, Stretton, Weston- Under-Lizard. Part District of STAFFORD Consisting of the parishes of: Adbaston,	55	4



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Barlaston, Berkswich,  
Bradley, Brocton,  
Castle Church,  
Chebsey, Church  
Eaton, Colwich,  
Coton, Creswell,  
Derrington, Eccleshall,  
Ellenhall, Forton,  
Fradswell, Fulford,  
Gayton, Gnosall,  
Haughton, High  
Offley, Hilderstone,  
Hopton, Ingestre,  
Marston, Milwich,  
Moreton, Noirbury,  
Ranton, Salt and  
Enson, Sandon,  
Seighford, Stafford,  
Stone, Stone Rural,  
Stowe, Tixall, Weston,  
Whitgreave.

Area 65                      In the County of                      50                      4  
STAFFORDSHIRE

Comprises:

The Borough of  
NEWCASTLE-  
UNDER-LYME  
The District of  
STAFFORDSHIRE  
MOORLANDS  
The District of  
STOKE-ON-  
TRENT

Part District of  
STAFFORD  
Consisting of the  
parishes of: Standon,  
Swynnerton.

Area 66                      in the County of                      50                      4  
DERBYSHIRE

Comprises:

The District of  
DERBY  
The District of  
EREWASH  
The District  
of SOUTH  
DERBYSHIRE  
Part District  
of AMBER  
VALLEY

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Consisting of  
the parishes of:  
Alderwasley,  
Ashleyhay, Belper,  
Crich, Denby,  
Dethick Lea and  
Holloway, Duffield,  
Hazelwood, Heanor,  
Holbrook, Horsley,  
Horsley Woodhouse,  
Idridgehay and  
Alton, Kedleston,  
Kilburn, Kirk  
Langley, Mackworth,  
Mapperley, Pentrich,  
Quarndon, Ravensdale  
Park, Ripley, Shipley,  
Shottle and Postern,  
Smalley, South  
Wingfield, Turnditch,  
Weston Underwood,  
Windley.

Part District of WEST  
DERBYSHIRE

Consisting of  
the parishes of:  
Alkmonton,  
Ashbourne, Atlow,  
Ballidon, Biggin,  
Boylestone,  
Bradbourne,  
Bradley, Brailsford,  
Brassington, Callow,  
Carsington, Clifton  
and Compton,  
Cubley, Doveridge,  
Eaton and Alsop,  
Edlaston, Fenny  
Bently, Hartington  
Nether Quarter,  
Hartington Town  
Quarter, Hognaston,  
Hollington, Hopton,  
Hulland, Hulland  
Ward, Hungry Bently,  
Ible, Kirk Ireton,  
Kniveton, Lea Hall,  
Longford, Mapleton,  
Marston Montgomery,  
Marcaston, Newton  
Grange, Norbury  
and Roston, Offcote  
and Underwood,

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Osmaston, Parwich  
Rodsley, Shirley,  
Snelston, Somersal  
Herbert, Sudbury,  
Thorpe, Tissington,  
Wyaston, Yeaveley,  
Yeldersley.

In the County of  
NOTTINGHAMSHIRE

Comprises:

Part District of  
BROXTOWE

Consisting of the  
parishes of: Awsworth,  
Brinsley, Cossall,  
Eastwood, Greasley,  
Kimberley, Trowell.

In the County of  
STAFFORDSHIRE

Comprises:

The District of EAST  
STAFFORDSHIRE

Area 67

In the County of 55  
DERBYSHIRE

4

Comprises:

The Borough of  
CHESTERFIELD

The District of  
BOLSOVER

The District of  
NORTH EAST  
DERBYSHIRE

Part District  
of AMBER  
VALLEY

Consisting of the  
parishes of: Alfreton,  
Ironville, Leabrooks,  
Riddings, Somercoats,  
Swannick.

Part District of WEST  
DERBYSHIRE

Consisting of the  
parishes of: Aldwark,  
Ashford in the Water,  
Bakewell, Baslow  
and Bubnell, Beeley,  
Birchover, Blackwell,  
Bonsall, Brushfield,  
Calver, Chatsworth,  
Chelmorton, Cromford  
and Scarthin, Darley

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Dale, Earl Sterndale,  
Edensor, Elton,  
Eyam, Flagg, Foolow,  
Froggatt, Gratton,  
Great Hucklow, Great  
Longstone, Grindlow,  
Hackney, Harthill,  
Hartington Middle  
Quarter, Hassop,  
Hazelbadge, Hurdlow,  
Ironbrook Grange,  
Little Hurdlow, Little  
Longstone, Litton,  
Matlock, Middleton  
by Wirksworth,  
Middleton and  
Smerrill, Monyash,  
Nether Haddon,  
Over Haddon,  
Pilsey, Rowland,  
Rowsley, Sheldon,  
Stanton, Stoke,  
Stoney Middleton,  
Taddington, Tansley,  
Tideswell, Wardlow,  
Wensley and  
Snitterton, Wheston,  
Winster, Wirksworth,  
Youlgreave.

In the County of  
NOTTINGHAMSHIRE

Comprises:

The District of  
BASSETLAW  
The District of  
MANSFIELD  
Part District of  
ASHFIELD

Consisting of the  
parishes of: Ashfield,  
Felly, Selston.

Part District  
of NEWARK  
andSHERWOOD

Consisting of  
the parishes of:  
Averham, Bathley,  
Bilsthorpe, Bleasby,  
Blidworth, Boughton,  
Bulcote, Carlton-  
on-Trent, Caunton,  
Caythorpe, Clipstone,  
Cromwell, Eakring,

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Edingley, Edwinstowe,  
Egmanton,  
Epperstone, Farnsfield,  
Fiskerton-cum-  
Morton, Gonalston,  
Grassthorpe,  
Gunthorpe, Hallam,  
Halloughton,  
Haywood Oaks,  
Hockerton,  
Hoveringham,  
Kelham, Kersall,  
Kirton, Kneesall,  
Laxton, Lindhurst,  
Lowdham, Maplebeck,  
North Muskham,  
Norwell, Ollerton,  
Ompton, Ossington,  
Oxton, Perlthorpe cum  
Budby, Rolleston,  
Rufford, South  
Muskham, Southwell,  
Staythorpe, Sutton-  
on-Trent, Thurgarton,  
Upton, Walesby,  
Wellow, Weston,  
Winkburn.

Area 68	In the County of            55 NOTTINGHAMSHIRE Comprises: The Borough of GEDLING The Borough of NOTTINGHAM The Borough of RUSHCLIFFE Part District of ASHFIELD Consisting of the parishes of: Annesley, Hucknall. Part District of BROXTOWE Consisting of the parishes of: Nuthall, Strelley.	4
Area 69	In the County of            55 LINCOLNSHIRE Comprises: The District of BOSTON	2

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	The District of SOUTH HOLLAND		
Area 70	In the County of LINCOLNSHIRE Comprises: Part District of EAST LINDSEY Consisting of the parishes of: Addlethorpe, Alford, Anderby, Asgarby, Ashby by Partney, Aswardby, Bilsby, Bratoft, Brinkhill, Burgh-le-Marsh, Calceby, Candlesby, Carrington, Chapel St Leonards, Claxby, Claxby Pluckacre, Coningsby, Croft, Cumberworth, Dalby, Driby, East Keal, East Kirkby, Eastville, Farlesthorpe, Firsby, Friskney, Frithville, Great Steeping, Gunby, Hagnaby, Hagworthingham, Haltham, Halton Holegate, Hammeringham, Hareby, Harrington, Hogsthorpe, Huttoft, Ingoldmells, Irby in the Marsh, Kirkby- on-Bain, Kirkstead, Langrville, Langton by Spilsby, Little Steeping, Lusby, Mareham-le-Fen, Marham-on-the- Hill, Markby, Mavis Enderby, Midville, Miningsby, Moorby, Mumby, New Leake, Old Bolingbroke, Orby, Raithby Hundleby, Revesby, Rigsby with Ailby, Roughton, Sausthorpe, Scremby, Scrivelsby,	50	2

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Sibsey, Skegness,  
Skendleby South  
Ormsby cum Ketsby,  
Spilsby, Stickford,  
Stickney, Tattershall,  
Tattershall Thorpe,  
Thornton-le-Fen,  
Thorpe St Peter,  
Toynton All Saints,  
Toynton St Peter,  
Tumby, Ulceby with  
Fordington, Wainfleet  
All Saints, Wainfleet  
St Mary, Well, Welton-  
le-Marsh, West  
Fen, West Keal,  
Westville, Wildmore,  
Willoughby with  
Sloothby, Winceby,  
Wood Enderby.

Area 71

In the County of  
LINCOLNSHIRE

50

4

Comprises:  
The District  
of NORTH  
KESTEVEN  
The District  
of SOUTH  
KESTEVEN  
Part District of  
EAST LINDSEY

Consisting of the  
parishes of: Asterby,  
Baumber, Belchford,  
Benniworth,  
Bucknall, Cawkwell,  
East Barkwirth,  
Edlington, Fulleby,  
Gautby, Goulceby,  
Great Sturton,  
Greetham, Hatton,  
Hemingby, High  
Toynton, Horncastle,  
Horsington, Langton,  
Langton by Wragby,  
Low Toynton,  
Market Stainton,  
Minting, Panton,  
Ranby, Salmonby,  
Scamblesby,  
Somersby, Sotby,  
Stixwould, Tetford,

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Thimbleby,  
Thornton, Tupholme,  
Waddingworth,  
West Ashby,  
West Barkwirth,  
West Torrington,  
Wispington, Woodhall,  
Woodhall Spa,  
Wragby.  
Part District of WEST  
LINDSEY  
Consisting of  
the parishes of:  
Aisthorpe, Apley,  
Barlings, Blyborough,  
Blyton, Brampton,  
Brattleby, Broxholme,  
Bullington,  
Burton, Caenby,  
Cammeringham,  
Cherry Willingham,  
Cold Hanworth,  
Corringham,  
Dunholme, East  
Ferry, East Stockwith,  
Faldingworth, Fenton,  
Fillingham, Fiskerton,  
Friesthorpe, Fulnetby,  
Gainsborough, Gate  
Burton, Glentworth,  
Goltho, Grange-de-  
Lings, Grayingham,  
Greetwell, Hackthorn,  
Hardwick, Harpswell,  
Heapham, Hemswell,  
Holton cum  
Beckering, Ingham,  
Kettlethorpe, Kexby,  
Knaith, Laughton,  
Lea, Marton, Morton,  
Nettleham, Newball,  
Newton-on-Trent,  
Normanby by Spital,  
North Carlton,  
Northorpe, Owmbly,  
Pilham, Rand,  
Reepham, Riseholme,  
Saxby, Saxilby with  
Ingleby, Scampton,  
Scothern, Scotter,  
Scotton, Snarford,  
Snelland, South  
Carlton, Spridlington,



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Springthorpe,  
Stainfield Bardney,  
Stainton by  
Langworth, Stow,  
Sturton by Stow,  
Sudbrooke, Thorpe  
in the Fallows,  
Thonock, Torksey,  
Upton, Walkerwith,  
Welton, West  
Firsby, Wickenby,  
Wildsworth,  
Willingham,  
Willoughton.  
The City of LINCOLN  
In the County of  
NOTTINGHAMSHIRE  
Comprises:  
Part District of  
NEWARK  
Consisting of  
the parishes of:  
Alverton, Balderton,  
Barnby-in-the-  
Willows, Besthorpe,  
Broadholme,  
Caddington,  
Collingham, Cotham,  
East Stoke, Elston,  
Farndon, Girton,  
Harby, Hawton,  
Holme, Kilvington,  
Langford, Meering,  
Newark-on-Trent,  
North Clifton, South  
Clifton, South Scarle,  
Spalford, Staunton,  
Sverston, Thorney,  
Thorpe, Wigsley.

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## PART V

north western region

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### Commencement Information

**I161** Sch. 6 Pt. V in force at 11.4.1988, see [reg. 1](#)

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**Column (1)**

**Column (2)**

**Column (3)**

**Column (4)**

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Number of Area	Description of Area	Appropriate Amount (£)	Initial Period (number of weeks)
Area 72	<p>In the County of CHESHIRE Comprises: The District of CHESTER The District of CONGLETON The District of CREWE and NANTWICH Part District of VALE ROYAL Consisting of the parishes of: Alvanley, Frodsham, Helsby, Manley, Rushton, Tarpорley, Utkinton.</p>	55	4
Area 73	<p>In the County of CHESHIRE Comprises: Part Borough of MACCLESFIELD Consisting of the parishes of: Adlington, Bollington, Bosley, Chelford, Eaton, Gasworth, Henbury, Hurdsfield, Kettleshulme, Lyme Handley, Macclesfield, Macclesfield Forest, Marton, North Rode, Pott Shrigley, Poynton-with- Worth, Prestbury, Rainow, Siddington, Snelson, Sutton, Wildboardclough, Wincle, Withington. In the County of DERBYSHIRE Comprises: Part Borough of HIGH PEAK Consisting of the parishes of: Buxton, Buxworth and Brownside, Chapel- en-le-Frith, Chinley, Green Fairfield,</p>	60	4

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	Hartington Upper Quarter, King Sterndale, Peak Forest, Whaley Bridge, Wormhill.		
Area 74	In the County of CHESHIRE Comprises: Part Borough of MACCLESFIELD Consisting of the parish of: Disley. In the County of DERBYSHIRE Comprises: Part Borough of HIGH PEAK Consisting of the parishes of: Charlesworth, Chisworth, Glossop, Hayfield, New Mills, Tintwistle. In the County of LANCASHIRE Comprises: Part Borough of BLACKBURN Consisting of the parish of: Turton North. IN GREATER MANCHESTER Comprisrs: The Boroughs of: BOLTON BURY MANCHESTER OLDHAM ROCHDALE SALFORD STOCKPORT TAMESIDE TRAFFORD WIGAN	55	8
Area 75	In the County of CHESHIRE Comprises: The Borough of HALTON The Borough of WARRINGTON	50	4

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Part Borough of  
MACCLESFIELD

Consisting of the  
parishes of: Agden,  
Alderley Edge, Ashley,  
Aston by Budworth,  
Bexton, Bollington,  
Chorley, Great  
Warford, High Leigh,  
Knutsford, Little  
Warford, Marthall,  
Mere, Millington,  
Mobberley, Mottram  
St Andrew, Nether  
Adderley, Ollerton,  
Over Alderley, Peover  
Inferior, Peover  
Superior, pickmere,  
Plumley, Rostherne,  
Tabley Inferior, Tabley  
Superior, Tatton, Toft.  
Part District of VALE

ROYAL

Consisting of the  
parishes of: Acton  
Bridge, Allostock,  
Anderton, Antrobus,  
Aston, Barnton,  
Bostock, Byley,  
Comberbach,  
Crowton, Cuddington,  
Darnhall, Davenham,  
Delamere, Dutton,  
Great Budworth,  
Hartford, Lach-  
Dennis, Little  
Budworth, Little  
Leigh, Lostock  
Graham, Marbury,  
Marston, Marton,  
Moulton, Nether  
Peover, Norley,  
Northwich, Oakmere,  
Rudheath, Sandiway,  
Sproston, Stanthorne,  
Sutton, Weaverham,  
Whatecroft,  
Whitegate, Whitley,  
Wimboldsley  
Wincham, Winsford.

In the County of  
MERSEYSIDE

Comprises:

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	Part Borough of KNOWSLEY Consisting of the parishes of: Cronton, Tarbock. Part Borough of ST HELENS Consisting of that part which lies to the East of Black Brook which includes Haydock and Newton-le-Willows.		
Area 76	In the County of CHESHIRE Comprises: The Borough of ELLESMERE PORT AND NESTON In the County of MERSEYSIDE Comprises: The Borough of WIRRAL	50	4
Area 77	In the County of MERSEYSIDE Comprises: The District of LIVERPOOLPart Borough of KNOWSLEY Consisting of the parishes of: Halewood, Kirkby, Roby and Prescot, Simonswood, Whiston Part Borough of ST HELENS Consisting of the parishes of: Billinge Chapel End, Bold Eccleston, Rainford, Rainhill, St. Helens (that part which lies West of Black Brook), Seneley Green, Windley. Part District of SEFTON Consisting of the parishes of: Aintree, Altcar, Ince, Blundell, Lydiate, Maghull,	50	4

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	Melling, Netherton and Bootle, Sefton, Thornton, Liverpool postal districts of: 9, 10, 20, 21, 22, 23, 30, 31.		
Area 78	In the County of MERSEYSIDE Comprises: Part Borough District of SEFTON Consisting of the parish of: Southport.	50	2
Area 79	In the County of LANCASHIRE Comprises: The Borough of BLACKPOOL The Borough of FYLDE Part Borough of WYRE Consisting of the parishes of: Great Eccleston, Hambleton, Knott-End-on-Sea, Inskip-with-Sowerby, Out Rawcliffe, Pilling, Preesall, St Michaels on Wyre, Stalmine-with-Staynall, Upper Rawcliffe-with-Tarnacre and the towns of Fleetwood and Thornton Cleveleys.	55	2
Area 80	In the County of LANCASHIRE Comprises: The Borough of LANCASTER The Borough of WYRE Consisting of the parishes of: Cabus, Forton, Nether Wyresdale, Wimmarrleigh.	55	2
Area 81	In the County of LANCASHIRE Comprises:	50	4

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The Borough of  
CHORLEY  
The Borough of  
PRESTON  
The Borough  
of SOUTH  
RIBBLE  
The District  
of WEST  
LANCASHIRE  
Part Borough of  
BLACKBURN

Consisting of  
the parishes of :  
Blackburn and  
Darwen, Eccleshill,  
Livesey, Pick Up  
Bank, Pleasington,  
Tockholes, Yate.

The Borough of  
RIBBLE VALLEY  
Consisting of  
the parishes of:  
Aighton Bailey and  
Chaigley, Balderstone,  
Billington, Bowland-  
with-leagram,  
Chipping, Clayton-  
le-Dale, Dinckley,  
Dutton, Hothersall,  
Longridge, Mellor,  
Osbaldeston,  
Ramsgreave,  
Ribchester, Salesbury,  
Thornley-with-  
Wheatley, Wilpshire.

Part Borough of  
WYRE  
Consisting of  
the parishes of:  
Barnacre-with-Bonds,  
Bilsborrow, Bleasdale,  
Catterall, Claughton,  
Garstang, Kirkland,  
Myerscough, Natesby.

Area 82

In the County of 55  
LANCASHIRE  
Comprises:

The Borough of  
BURNLEY  
The Borough of  
ROSSENDALE

4

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The District of  
HYNDBURN  
The District of  
PENDLE  
Part Borough  
of RIBBLE  
VALLEY

Consisting of the  
parishes of: Bashall  
Eaves, Bolton by  
Bowland, Bowland  
Forest High, Bowland  
Forest Low, Chatburn,  
Clitheroe, Downham,  
Easington, Great  
Mitton, Gisburn  
Forest, Grindleton,  
Horton Gisburn, Little  
Mitton, Mearley,  
Middop, Newsholme,  
Newton, Paythorne,  
Pendleton, Read,  
Rimington, Sabden,  
Sawley, Slaidburn,  
Twiston, Waddington,  
West Bradford,  
Whalley, Wiswell,  
Worston.

Area 83

In the County of 55 2  
CUMBRIA

Comprises:  
Part District of  
SOUTH LAKELAND  
Consisting of the  
parishes of: Arnside,  
Barbon, Beetham,  
Bruton, Casterton,  
Crook, Crosthwaite  
and Lyth, Dalton,  
Dent, Dillicar, Docker,  
Fawcett Forest,  
Firbank, Garsdale,  
Gayrigg, Helsington,  
Herversham,  
Hincaster, Holme,  
Hugill, Hutton Roof,  
Kendal, Kentmere,  
Killington, Kirby  
Lonsdale, Lakes,  
Lambrigg, Levens,  
Longsledale, Lupton,  
Mansergh, Meathop



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	and Ulpha, Middleton, Milnthorpe, Natland, Nether Staveley, New Hutton, old Hutton and Holescales, Over Staveley, Patton, Preston Patrick, Preston Richard, Scaithwaiterigg, Sedbergh, Sedgwick, Skelmergh, Stainton, Strickland Ketel, Strickland Roger, Underbarrow and Bradleyfield, Whinfell, Whitwell and Selside, Windermere, Witherslack.		
Area 84	In the County of CUMBRIA Comprises: The District of EDEN	55	2
Area 85	In the County of CUMBRIA Comprises: The Borough of CARLISLE Part District of ALLERDALE Consisting of the parishes of: Aikton, Allhallows, Allonby, Aspatria, Blennerhasset and Torpenhow, Boltons, Bowness, Bromfield, Caldbeck, Dundraw, Hayton and Mealo, Holme Abbey, Holme East Waver, Holme Lowe, Holme St Cuthbert, Ireby, Kirkbampton, Kirkbridge, Sebergham, Silloth, Thursby,	55	4

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	Waverton, Westnewton, Westward, Wigton, Woodside.		
Area 86	In the County of CUMBRIA Comprises: Part District of ALLERDALE Consisting of the parishes of: Above Derwent, Bassenthwaite, Bewaldeth and Snittlegarth, Blindbothel, Blindcrake, Borrowdale, Bothel and Threapland, Bridekirk, Brigham, Broughton, Broughton Moor, Buttermere, Camerton, Cockermouth, Crosscanonby, Dean, Dearham, Embleton, Flimby, Gilcrux, Great Clifton, Greysouthen, Harrington, Keswick, Little Clifton, Lorton, Loweswater, Maryport, Oughterside and Allerby, Papcastle, Plumbland, St Johns Castlerigg and Wythburn, Seaton, Setmurthy, Underskiddaw, Winscales, Workington, Wythop.	55	2
Area 87	In the County of CUMBRIA Comprises: Part District of COPELAND Consisting of the parishes of: Arlecdon and Frizington, Bootle, Cleator Moor, Distington, Drigg and Carleton,	55	2

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	Egremont, Ennerdale and Kinniside, Eskdale, Gosforth, Irton with Santon, Lamplugh, Lowca, Lowside Quarter, Moresby, Muncaster, Nether Wasdale, Parton, Ponsonby, St Bees, St John Beckermet, Seascale, Waberthwaite, Weddicar, Whitehaven.		
Area 88	In the County of CUMBRIA Comprises: The District of BARROW-IN- FURNESS Part District of COPELAND Consisting of the parishes of: Millom, Millom Without, Ulpha, Wincham. Comprises: Part District of SOUTH LAKELAND Consisting of the parishes of: Aldingham, Angerton, Blawith, Broughton East, Broughton West, Cartmel Fell, Claife, Colton, Coniston, Dunnerdale with Seathwaite, Egton with Newland, Grange-over-Sands, Haverthwaite, Hawkshead, Kirkby Ireleth, Lower Allithwaite, Lower Holker, Lowick, Mansriggs, Osmotherley, Pennington, Satterthwaite, Skelwith, Staveley, Subberthwaite, Torver,	55	2

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Ulverston, Upper  
Allithwaite, Urswick.

## PART VI

north eastern region

### Commencement Information

**I162** Sch. 6 Pt. VI in force at 11.4.1988, see [reg. 1](#)

Column (1) Number of Area	Column (2) Description of Area	Column (3) Appropriate Amount (£)	Column (4) Initial Period (number of weeks)
Area 89	<p>In the County of HUMBERSIDE Comprises: The Borough of GRIMSBY The District of CLEETHORPES</p> <p>In the County of LINCOLNSHIRE Comprises: Part District of EAST LINDSEY Consisting of the parishes of: Aby with Greenfield, Alvingham, Authorpe, Beesby in the Marsh, Belleau, Binbrook, Brackenborough, Burgh on Bain, Burwell, Calcethorpe, Claythorpe, Conisholme, Covenham St Bartholomew, Covenham St Mary, Donington on Bain, East Wykeham, Fotherby, Fulstow, Gayton le Marsh, Gayton le Wold, Grainsby, Grainthorpe, Great Carlton, Grimoldby, Hainton, Hallington, Hannah cum Hagnaby, Haugh,</p>	60	2

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Haugham, Holton le  
Clay, Keddington,  
Kelstern, Legbourne,  
Little Carlton, Little  
Cawthorpe, Little  
Grimsby, Louth,  
Ludborough, Ludford,  
Mablethorpe and  
Sutton, Maidenwell,  
Maltby le Marsh,  
Manby, Marsh  
Chapel, Muckton,  
North Coates, North  
Cockerington,  
North Elkington,  
North Ormsby,  
North Reston, North  
Somercotes, North  
Thoresby, Raithby  
cum Maltby, Saleby  
with Thoresthorpe,  
Saltfleetby All Saints,  
Saltfleetby St Clement,  
Saltfleetby St Peter,  
Skidbrooke with  
Saltfleet Haven,  
South Cockerington,  
South Elkington,  
South Reston, South  
Somercotes, South  
Thoresby, South  
Willingham, Stenigot,  
Stewton, Strubby with  
Woodthorpe, Swaby,  
Tathwell, Tetney,  
Theddlethorpe All  
Saints, Theddlethorpe  
St Helen, Tothill,  
Utterby, Waithe,  
Walmsgate, Welton-  
le-Wold, Withcall,  
Withern with Stain,  
Wyham cum Cadeby,  
Yarburgh.  
Part District of WEST  
LINDSEY  
Consisting of  
the parishes of:  
Bigby, Bishop  
Norton, Brocklesby,  
Buslingthorpe,  
Cabourne, Caistor,  
Claxby, Glentham,

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	Grasby, Great Limber, Holton le Moor, Keelby, Kirmond le Mire, Legsby, Linwood, Lissington, Market Rasen, Middle Rasen, Nettleton, Normanby le Wold, North Kelsey, North Willingham, Osgodby, Owersby, Riby, Rothwell, Searby cum Ownby, Sixhills, Snitterby, Somerby, South Kelsey, Stainton le Vale, Swallow, Swinhope, Tealby, Thoresway, Thornganby, Toft Newton, Waddingham, Walesby, West Rasen.		
Area 90	In the County of HUMBERSIDE Comprises: The Borough of BEVERLEY The District of HOLDERNESS The District of KINGSTON UPON HULL	55	4
Area 91	In the County of HUMBERSIDE Comprises: The Borough of GLANFORD The District of SCUNTHORPE	55	4
Area 92	In the County of HUMBERSIDE Comprises: The Borough of EAST YORKSHIRE In the County of NORTH YORKSHIRE Comprises: The Borough of SCARBOROUGH Part District of RYEDALE	50	2

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Consisting of the parishes of: Aislaby, Allerston, Ampleforth, Appleton le Moors, Arden with Ardenside, Barugh (Great and Little), Beadlam, Bilsdale West Side, Bransdale, Byland with Wass, Cawthorne, Cawton, Cold Kirby, Coulton, Cropton, Dale Town, Ebberston, East Newton and Laysthorpe, Fadmoor, Farndale East, Farndale West, Foxholes, Ganton, Gillamoor, Gilling East, Great Edstone, Grimstone, Harome, Hartoft, Hawnby, Helmsley, Hutton le Hole, Kingthorpe, Kirby Misperton, Kirkbymoorside, Laskill Pasture, Lastingham, Levisham, Little Edstone, Lockton, Luttons, Marishes, Marton, Middleton, Murton, Muscoates, Nawton, Newton, Normanby, North Holme, Nunnington, Old Byland, Oldstead, Oswaldkirk, Pickering, Pockley, Rievaulx, Rosedale East Side, Rosedale West Side, Salton, Scawton, Sherburn, Sinnington, Skiplam, Snilesworth, Spaunton, Sproxton, Stonegrave, Thornton Dale, Thornton Riseborough, Thorpe le Willows, Weaverthorpe, Welburn, Willerby, Wilton, Wombleton, Wrelton.

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Area 93	In the County of WEST YORKSHIRE Comprises: Part Borough of LEEDS Consisting of the parishes of: Garforth, Great and Little Preston, Ledsham, Ledston, Methley, Micklefield, Mickletown, Oulton, Stourton Grange, Swillington. Part District of WAKEFIELD Consisting of the parishes of: Castleford, Darrington, East Hardwick, Featherstone, Normanton, Pontefract. In the County of NORTH YORKSHIRE Comprises: Part District of SELBY Consisting of the parishes of: Balne, Beal, Birkin, Brotherton, Burton Salmon, Byram cum Sutton, Cridling Stubbs, Eggborough, Fairburn, Heck, Hensall, Hillam, Huddleston with Newthorpe, Kellington, Kirk Smeaton, Little Smeaton, Monk Fryston, Sherburn in Elmet, South Milford, Stapleton, Walden Stubbs, Whitley, Womersley.	55	4
Area 94	In the County of NORTH YORKSHIRE Comprises:	55	4



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The Borough of  
HARROGATE  
The Borough of  
YORK  
Part District of  
RYDALE

Consisting of the  
parishes of: Acklam,  
Airyholme with  
Howthorpe and Baxter  
Howe, Amotherby,  
Appleton le Street  
with Easthorpe,  
Barton le Street,  
Barton le Willows,  
Bickerton, Bilton in  
Ainsty, Birdshall,  
Brawby, Broughton,  
Bulmer, Burythorpe,  
Buttercrambe  
with Bossall,  
Butterwick with  
Newsham, Claxton,  
Clifton Without,  
Coneysthorpe,  
Cowthorpe, Crambe,  
Duggleby, Earswick,  
Firby, Flaxton, Fryton,  
Ganthorpe, Gate  
Helmsley, Great  
Habton, Harton,  
Haxby, Heselton,  
Hessay, Hildenley,  
Holtby, Hovingham,  
Howsham,  
Huntington,  
Hutton Wandesley,  
Huttons Ambo,  
Kennisthorpe, Kirby  
Grindalythe, Knapton,  
Langton, Leavening,  
Leppington, Lillings  
Ambo, Little Habton,  
Long Marston,  
Malton, Moor  
Monkton, Murton,  
Nether Poppleton,  
New Earswick,  
Newton, Newton  
on Derwent, North  
Grimston, Norton  
on Derwent, Nun  
Monkton, Osbaldwick,

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Rawcliffe, Rillington,  
Rufforth, Ryton, Sand  
Hutton, Scackleton,  
Scagglethorpe,  
Scampston,  
Scrayingham,  
Settrington, Skelton,  
Slingsby, South  
Holme, Stittenham,  
Stockton on the  
Forest, Strensall,  
Swinton, Terrington  
with Wiganthorpe,  
Thixendale, Thornton  
le Clay, Thorpe  
Bassett, Tockwith with  
Wilstrop, Towthorpe,  
Upper Helmsley,  
Upper Poppleton,  
Warthill, Wath,  
Welburn, Westow,  
Wharram le Street,  
Whitwell on the  
Hill, Widdington,  
Wiggington, Wighill,  
Wintringham,  
Yeddingham.  
Part District of  
SELBY  
Consisting of the  
parishes of: Acaster  
Malbis, Acaster Selby,  
Angram, Appleton  
Roebuck, Askham  
Bryan, Askham  
Richard, Barkston  
Ash, Barlby, Barlow,  
Biggin, Bilbrough,  
Bishopthorpe, Bolton  
Percy, Brayton,  
Burn, Camblesforth,  
Carlton, Catterton,  
Cawood, Chapel  
Haddlesey, Church  
Fenton, Cliffe, Colton,  
Copmanthorpe,  
Deighton, Drax,  
Dunnington,  
Elvington,  
Escrick, Fulford,  
Gateforth, Grimston,  
Hambleton, Healaugh,  
Hemingbrough,

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Heslington, Hirst  
Courtney, Kelfield,  
Kexby, Kirby Wharfe  
with North Milford,  
Lead, Little Fenton,  
Long Drax, Naburn,  
Newlands, Newton  
Kyme cum Toulston,  
North Duffield,  
Osgodby, Oxton,  
Riccall, Ryther cum  
Ossendyke, Saxton  
with Scarthingwell,  
Selby, Skipwith, South  
Duffield, Steeton,  
Stillingfleet, Stutton  
with Hazelwood,  
Tadcaster East,  
Tadcaster West,  
Temple Hirst,  
Thorganby, Thorpe  
Willoughby, Towton,  
Ulleskelf, West  
Haddlesey, Wheldrake,  
Wistow.

Area 95

In the County of 55

4

WEST YORKSHIRE

Comprises:

Part Borough of  
LEEDS

Consisting of: Central  
Leeds postal districts

1 to 20 and 28, the  
parishes of Aberford,  
Armley, Arthington,  
Barwick in Elmet and  
Scholes, Bramhope,  
Bramley, Calverly,  
Carlton, Drighlington,  
East Ardsley, Farnley,  
Farsley, Gildersome,  
Guiseley, Harewood,  
Hawksworth Village,  
Horsforth, Lotherton  
cum Aberford, Morley,  
Otley, Parlington,  
Pool, Pudsey, Rawdon,  
Rodley, Scarcroft,  
Stanningley, Thorner,  
Tysersal, West  
Ardsley, Wortley,  
Yeadon; including

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	areas West of the A642 from a point at the Borough Boundary Northwards to the junction with the A63.		
Area 96	In the County of WEST YORKSHIRE Comprises: Part Borough of KIRKLEES Consisting of the area bounded: from the junction with the Southern boundary of Bradford City Boundary follow the North Western and North Eastern boundaries of Spenborough Metropolitan Borough, the North Eastern boundary of Batley Metropolitan Borough and then the Eastern Boundary of Ossett Metropolitan Borough to the junction with the Northern boundary of Horbury Urban District; proceed generally Westward on the Southern boundaries of Ossett Metropolitan Borough and Dewsbury County Borough to the junction with Mirfield Urban District at Falhouse Green (inclusive); from Falhouse Green follow the Western boundaries of Mirfield Urban District and Spenborough Metropolitan Borough to the junction with the Southern boundary of Bradford City Boundary.	55	2

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	Part District of WAKEFIELD Consisting of the parishes of: Ackworth, Badsworth, Crigglestone, Crofton, Havercroft with Cold Hiendley, Hemsworth, Hessle and Hill Top, Huntwick with Foulby and Nostell, Newland with Woodhouse Moor, North Elmsall, Notton, Ossett, Ryhill, Sharlston, Sitlington, South Elmshall, South Hiendly, South Kirkby, Stanley, Thorpe Audlin, Upton, Wakefield, Warmfield Cum Heath, West Bretton, West Hardwick, Woolley.		
Area 97	In the County of WEST YORKSHIRE Comprises: The Borough of CALDERDALE Part Borough of KIRKLEES Consisting of the parishes of: Denby Dale, Holmfirth, Huddersfield, Kirkburton, Meltham including the area covered by the former Colne Valley Urban District Council.	55	2
Area 98	In the County of NORTH YORKSHIRE Comprises: The District of CRAVEN In the County of WEST YORKSHIRE Comprises: The Borough of BRADFORD	60	4

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Area 99	In the County of NORTH YORKSHIRE Comprises: The District of HAMBLETON The District of RICHMONDSHIRE	45	4
Area 100	In the County of CLEVELAND Comprises: The Borough of HARTLEPOOL The District of MIDDLESBROUGH The District of STOCKTON ON TEES	55	4
Area 101	In the County of CLEVELAND Comprises: The Borough of LANGBAURGH	55	2
Area 102	In the County of DURHAM Comprises: The District of EASINGTON Part District of SEDFIELD Consisting of the parishes of: Butterwick and Oldacres, Embleton, Trimdon. In the County of TYNE AND WEAR Comprises: The Borough of SUNDERLAND The Borough of SOUTH TYNESIDE	55	4
Area 103	In the County of TYNE AND WEAR Comprises: Part Borough of NORTH TYNESIDE Consisting of the area bounded by: from the coast running	55	2

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	Westwards along the River Tyne to the Tyne Tunnel then running Northwards along the centre of Spine Road to the District Boundary line, then along the District Boundary line to the coast.		
Area 104	In the County of NORTHUMBERLAND Comprises: Part District of CASTLE MORPETH Consisting of the parishes of: Heddon on the Wall, Matfen, Stamfordham. The District of CASTLEWARD In the County of TYNE AND WEAR Comprises: Part Borough of GATESHEAD Consisting of: the District of Gateshead Comprises: The Borough of NEWCASTLE UPON TYNE Part Borough of NORTH TYNESIDE Consisting of the area bounded to the East by:from the River Tyne at the Tyne Tunnel running Northerly along the centre of Spine Road to the District boundary line.	60	4
Area 105	In the County of DURHAM Comprises: The Borough of DURHAM The District of CHESTER-LE-STREET	60	4

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	In the County of TYNE AND WEAR Comprises: Part Borough of GATESHEAD Consisting of the parishes of: Birtley, Lamesley.		
Area 106	In the County of NORTHUMBERLAND Comprises: he Borough of BLYTH VALLEY The District of ALNWICK Part District of CASTLE MORPETH Consisting of the parishes of: Cresswell, East Chevington, Ellington, Hartburn, Hebron, Hepscott, Longhirst, Longhorsley, Lynemouth, Meldon, Mitford, Morpeth, Netherwitton, Pegswood, Thirston, Tritlington, Ulgham, Wallington Demesne, West Chevington, Widdrington. The District of WANSBECK	55	4
Area 107	In the County of NORTHUMBERLAND Comprises: The District of BERWICK UPON TWEED	55	2
Area 108	In the County of DURHAM Comprises: The Borough of DARLINGTON Part District of SEDFIELD Consisting of the parishes of:	55	4



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	BishopMiddleham, Bradbury and the Isle, Chilton, Cornforth, Elstob, Ferryhill, Fishburn, Foxton and Shotton, Great Aycliffe, Mainsforth, Morden, Preston le Skerne, Sedgfield, Shildon, Spennymoor, Stillington, Windlestone, Woodham. The District of TEESDALE The District of WEAR VALLEY		
Area 109	In the County of DURHAM Comprises: The District of DERWENTSIDE In the County of NORTHUMBERLAND Comprises: The District of TYNEDAILE In the County of TYNE AND WEAR Part Borough GATESHEAD Consisting of the parishes of: Blackhall Mill, Chopwell, Highfield, High Spen, Rowlands Gill.	55	4
Area 110	In the County of HUMBERSIDE Comprises: The District of BOOTHFERRY In the County of SOUTH YORKSHIRE Comprises: The CENTRAL DONCASTER Districts of: Balby, Belle Vue, Bessacar, Hexthorpe, Hyde Park, St Georges, St Johns,	55	4

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Townfields, Westfield,  
Wheatley, Woodfield.  
The parishes  
of: Adwick le  
Street, Armthorpe,  
Auckley, Austerfield,  
Barnburgh, Barnby  
Dun with Kirk  
Sandall, Bawtry,  
Bentley with Arksey,  
Blaxton, Braithwell,  
Brodsforth, Cadeby,  
Cantley, Clayton with  
Frickley, Conisbrough  
Parks, Edenthorpe,  
Edlington, Finningley,  
Fishlake, Hatfield,  
Hickleton, High  
Melton, Hooton  
Pagnell, Kirk  
Bramwith, Loversall,  
Marr, Rossington,  
Sprotborough,  
Stainforth, Stainton,  
Sykehouse, Thorne,  
Thorpe in Balne,  
Tickhill, Wadworth,  
Warmsworth.

Area 111                      In the County of                      55                      4  
SOUTH YORKSHIRE

Comprises:  
The District of  
BARNSLEY  
The District of  
ROTHERHAM  
Part District of  
DONCASTER

Consisting of  
the parishes of:  
Adwick-on-Dearne,  
Conisbrough, Denaby,  
Mexborough.

Area 112                      In the County of                      55                      4  
DERBYSHIRE

Comprises:  
Part Borough of HIGH  
PEAK  
Consisting of the  
parishes of: Ashapton,  
Aston, Bamford,  
Brough and Shatton,  
Castleton, Derwent,

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Edale, Hope, Hope  
Woodlands, Mytham  
Bridge, Shatton,  
Thornhill.  
Part District of WEST  
DERBYSHIRE  
Consisting of  
the parishes of:  
Abney and Abney  
Grange, Bradwell,  
Eyam Woodlands,  
Grindleford,  
Hathersage, Highlow,  
Nether Padley,  
Offerton, Outseats,  
Padley.  
In the County of  
SOUTH YORKSHIRE  
Comprises:  
The District of  
SHEFFIELD

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## PART VII

scotland

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### Commencement Information

**I163** Sch. 6 Pt. VII in force at 11.4.1988, see [reg. 1](#)

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<b>Column (1)</b> <b>Number of Area</b>	<b>Column (2)</b> <b>Description of Area</b>	<b>Column (3)</b> <b>Appropriate Amount (£)</b>	<b>Column (4)</b> <b>Initial Period (number of weeks)</b>
Area 113	In the GRAMPIAN REGION Comprises: Part District of BANFF and BUCHAN Consisting of the parishes of: Aberdour, Auchterless, Crimond, Cruden, Fraserburgh, Fyvie, Inverkeithny, King Edward, Longside, Lonmay, Monquhitter, New Deer, Old Deer, Peterhead, Pitsligo, Rathen, St Fergus,	60	4

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	Strichen, Turriff, Tyrrie.		
Area 114	In the GRAMPIAN REGION Comprises: The District of MORAY Part District of BANFF and BUCHAN Consisting of the parishes of: Alvah, Banff, Boyndie, Fordyce, Forglen, Marnoch, Ordhiquhill. In the HIGHLAND REGION Comprises: The District of BADENOCH and STRATHSPEY The District of INVERNESS The District of LOCHALSH The District of NAIRN The District of ROSS and CROMARTY Part District of SUTHERLAND Consisting of the parish of: Kincardine.	55	4
Area 115	In the HIGHLAND REGION Comprises: The District of CAITHNESS Part District of SUTHERLAND Consisting of the parishes of: Assynt, Clyne, Creich, Dornoch, Durness, Eddrachilles, Farr, Golspie, Kildonnan, Lairg, Loth, Rogart, Tongue. In the ISLANDS Area Comprises:	55	4

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	The ORKNEY ISLANDS Area		
Area 116	In the ISLANDS Area Comprises: The WESTERN ISLES ISLANDS Area	55	4
Area 117	In the ISLANDS Area Comprises: The SHETLAND ISLANDS Area	60	4
Area 118	In the HIGHLAND REGION Comprises: The District of LOCHABER The District of SKYE	60	4
Area 119	In the STRATHCLYDE REGION Comprises: Part District of ARGYLL and BUTE Consisting of the parishes of: Ardehatten and Muckairn, Coll, Colonsay and Oronsay, Craignish, Glenorchy and Inishail, Inverary, Kilbrandon and Kilchattan, Kilchrenan and Dalavich, Kilfinichen and Kilvickeon, Kilmartin, Kilmichael Glassary, Kilmore and Kilbride, Kilninian and Kilmore, Kilniver and Kilmelford, Lismore and Appin, North Knapdale, South Knapdale, Tiree, Torosay.	60	4
Area 120	In the TAYSIDE REGION Comprises: The District of ANGUS	65	4

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Area 121	In the DUMFRIES AND GALLOWAY REGION Comprises: The District of WIGTOWN	06	4
Area 122	In the DUMFRIES AND GALLOWAY REGION Comprises: The District of ANNANDALE and ESKDALE The District of NITHSDALE The District of STEWARTRY  In the STRATHCLYDE REGION Comprises: Part District of LANARK Consisting of the village of: Leadhills contained within the area defined by a line leaving the Regional Boundary at Wanlock Dod, proceeding North to Water Head, South East to Glen Ea's Hill and South West to Stake Hill to rejoin the Regional Boundary.	60	4
Area 123	In the BORDERS REGION Comprises: The District of BERWICKSHIRE The District of ETTRICK and LAUDERDALE The District of ROXBURGH The District of TWEEDDALE	55	4
Area 124	In the STRATHCLYDE REGION Comprises:	60	4

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	Part District of ARGYLL and BUTE Consisting of the parishes of: Campbeltown, Gigha and Cara, Jura, Kilarow and Kilmany, Kilcalmonell, Kilchoman, Kildaton and Oa, Killearn and Kilchenzie, Saddell and Skipness, Southend.		
Area 125	In the CENTRAL REGION Comprises: The District of FALKIRK In the LOTHIAN REGION Comprises: The District of CITY OF EDINBURGH The District of EAST LOTHIAN The District of MID LOTHIAN The District of WEST LOTHIAN In the STRATHCLYDE REGION Comprises: Part District of MOTHERWELL Consisting of the area bounded from a point on the West Lothian District Boundary where the River Almond meets the boundary just South of Harthill, West by this river to the junction with the Motherwell District Boundary at Easter Baton (inclusive) and then by this District	60	4

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	Boundary Northwards to its junction with the West Lothian District Boundary just West of Bogend Farm (inclusive).		
Area 126	In the CENTRAL REGION Comprises: The District of CLACKMANNAN The District of STIRLING	60	4
Area 127	In the FIFE REGION Comprises: The District of DUNFERMLINE The District of KIRKCALDY Part District of NORTH EAST FIFE Consisting of the parishes of: Abdie, Aberdour, Anstruther Easter, Anstruther Wester, Auchterderran, Auchtermuchtis, Auchtertool, Ballingry, Bowhill, Cardenden, Carnbee, Ceres, Collessie, Cowdenbeath, Crail, Crossgates, Crosshill, Cults, Cupar, Dunbog, Elie, Falkland, Flisk, Glencraig, Hill of Beath, Kelby, Kemback, Kennoway, Kettle, Kilconquhar, Kilrenny, Largo, Lochgelly, Lochore, Monimal, Newburgh, Newburn, Pittenweem, Scoonie, St Monance, Strathmiglo. In the TAYSIDE REGION Comprises: The District of PERTH and KINROSS	60	4



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Area 128

In the 60 8  
STRATHCLYDE  
REGION  
Comprises:  
Part District of  
ARGYLL and BUTE  
Consisting of  
the parishes of:  
Dunoon and Kilmun,  
Inverchaolin, Kilfinan,  
Kilmodan, Kingarth,  
Lochgoilhead, North  
Bute, Rothesay,  
Strachur, Strathlachan.  
Comprises:  
The District of  
BEARSDEN  
AND  
MILNGAVIE  
The District  
of CITY OF  
GLASGOW  
The District of  
CLYDEBANK  
The District of  
CUMBERNAULD  
Part District of  
CUNNINGHAME  
Consisting of the  
parishes of: Beith,  
Cumbrae, Dalry,  
Kilbirnie, Largs.  
The District of  
DUMBARTON  
The District  
of EAST  
KILBRIDE  
The District of  
EASTWOOD  
The District of  
HAMILTON  
The District of  
INVERCLYDE  
The District of  
LANARK  
except that part  
consisting of the  
village of Leadhills  
contained within the  
area defined by a line  
leaving the Regional  
Boundary at Wanlock  
Dod proceeding North

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to Waterhead, South East to Glen Ea's Hill and South West to Stake Hill to rejoin the Regional Boundary.

The District of MONKLANDS  
The District of MOTHERWELL

except that part consisting of the area bounded from a point on the West Lothian District Boundary where the River Almond meets the boundary just South of Harthill, West by this river to the junction with the Motherwell District Boundary at Easter Baton (inclusive) and then by this District Boundary Northwards to its junction with the West Lothian District Boundary just West of Bogend Farm (inclusive).

Comprises:

The District of RENFREW  
The District of STRATH KELVIN

Area 129

In the STRATHCLYDE REGION

60

4

Comprises:

The District of CUMNOCK AND DOON VALLEY  
Part District of CUNNINGHAME

Consisting of the parishes of: Ardrossan, Dreghorn, Hunterston, Island of Arran, Irvine, Kilwinning, Saltcoats, Seamill, Springside,

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	Stevenston, West Kilbride. The District of KILMARNOCK AND LOUDON The District of KYLE AND CARRICK		
Area 130	In the GRAMPIAN REGION Comprises: The District of CITY OF ABERDEEN The District of GORDON The District of KINCARDINE ANDDEESIDE	65	4
Area 131	In the TAYSIDE and FIFE REGION Comprises: The District of CITY OF DUNDEE Part District of NORTH EAST FIFE Consisting of the parishes of: Balmerino, Cameron, Creich, Dairsie, Dunino, Ferry Port on Craig, Forgan, Kilmany, Kingsbarns, Leuchars, Logie, Moonzie, St Andrew's and St Leonard's.	65	4

SCHEDULE 7

Regulation 21

APPLICABLE AMOUNTS IN SPECIAL CASES

<p><b>Commencement Information</b> I164 Sch. 7 in force at 11.4.1988, see <a href="#">reg. 1</a></p>
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Column (1)

Column (2)

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## Patients

1. Subject to paragraphs 2, 3 and 18, a person who has been a patient for a period of more than six weeks and who is—

- |  |                 |  |
|--|-----------------|--|
| <p>(a) (a) a single claimant;</p>  | <p><b>1</b></p> | <p>(a) £8.25 plus any amount applicable under regulation 17(e);</p>  |
| <p>(b) (b) lone parent;</p>  | <p>(b) (b)</p>  | <p>£8.25 plus any amounts applicable to him under regulation 17(b), (c) or (e) or under regulation 17(d) because of paragraph 8 or 14 of Schedule 2 (applicable amounts);</p>  |
| <p>(c) (c) a member of a couple—</p> <p>(i) where only one of the couple is a patient or, where both members of the couple are patients but only one has been a patient for that period;</p> <p>(ii) where both members of the couple have been a patient for that period;</p>                     | <p>(c) (i)</p>  | <p>the amount applicable in respect of both of them under regulation 17 reduced by £8.25;</p> <p>£16.50 plus any amounts which may be applicable under regulation 17(b), (c) or (e) or under regulation 17(d) because of paragraph 14 of Schedule 2;</p>   |
| <p>(d) (d) a member of a polygamous marriage—</p> <p>(i) where at least one member of the polygamous marriage is not a patient or has not been a patient for more than that period;</p> <p>(ii) where all the members of the polygamous marriage have been patients for more than that period.</p> | <p>(d) (i)</p>  | <p>the applicable amount under regulation 18 (polygamous marriages) shall be reduced by £8.25 in respect of each such member who is a patient;</p> <p>the applicable amount shall be £8.25 in respect of each member plus any amounts applicable under regulation 18(c) or (d) or (f) or (e) because of his satisfying the condition specified in paragraph 3 or 14 of Schedule 2.</p> |

2. A single claimant who has been a patient for a continuous period of more than 52 weeks, where—

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(a) (a) the following conditions are satisfied— 2

(i) a person has been appointed to act for him under regulation 33 of the Social Security (Claims and Payments) Regulations 1987 <sup>F204</sup> (persons unable to act); and

(a) Such amount (if any) not exceeding £8.25 as is reasonable having regard to the views of the hospital staff and the patient's relatives if available as to the amount necessary for his personal use;

(ii) his income support is payable to an administrative officer of the hospital or other institution either as or at the request of the person so appointed; and

(iii) a registered medical practitioner treating him certifies that all or part of his income support cannot be used by him or on his behalf; or

(b) (b) those conditions are not satisfied.

(b) (b) £8.25.

### 3. Subject to paragraph 18—

(a) (a) a claimant who is not a patient and who is a member of a family of which another member is a child or young person who has been a patient for a period of more than 12 weeks; or 3

(a) The amount applicable to him under regulation 17 or 18 except that the amount applicable under regulation 17(b) or 18(c) in respect of the child or young person referred to in Column (1) of this paragraph shall be £8.25 instead of an amount determined in accordance with paragraph 2 of Schedule 2; or

(b) (b) where the person is a member of a family and paragraph 1 applies to him and another member of the family who is a child or young person has been a patient for a period of more than 12 weeks.

(b) (b) the amount applicable to him under paragraph 1 except that the amount applicable under regulation 17(b) or 18(c) in respect of the child or young person referred to in Column (1) of this paragraph shall be £8.25 instead of an amount determined in accordance with paragraph 2 of Schedule 2.

4. Subject to paragraph 18 a claimant who is a member of a family, where one or more members of that family is a patient and one or more members of that family temporarily enter into board and lodging accommodation within the meaning of regulation 20(2) (persons

4. The amount applicable to the family in accordance with regulation 17 or 21 as the case may be plus, except in a case to which any of paragraphs 12 to 15 of Schedule 5 applies, the weekly charge for the board and lodging accommodation calculated in accordance with

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in board and lodging accommodation) in order to be near to the member who is a patient. paragraph 1 (1) (a) of that Schedule except that no increase shall be included in respect of meals under paragraph 2 of that Schedule.

**5.** A claimant who is a member of a polygamous marriage, where one or more members of that marriage or any child or young person for whom any member of that marriage is treated as responsible for by virtue of regulation 15 (circumstances in which a person is to be treated as responsible or not responsible for another) temporarily enter into board and lodging accommodation in order to be near to the partner, child or young person who is a patient. **5.** The amount applicable to the family in accordance with regulation 18 or 21 as the case may be plus, except in a case to which any of paragraphs 12 to 15 of Schedule 5 applies, the weekly charge for the board and lodging accommodation calculated in accordance with paragraph 1 (1) (a) of that Schedule except that no increase shall be included in respect of meals under paragraph 2 of that Schedule.

**Claimants without accommodation**

**6.** A claimant who is without accommodation. **6.** The amount applicable to him under regulation 17(a) only.

**Members of religious orders**

**7.** A claimant who is a member of and fully maintained by a religious order. **7.** Nil.

**Prisoners**

VALID FROM 12/04/2004	
<b>8.</b> A person—	

- |  |   |
|--|---|
| <p>(a) (a) except where sub-paragraph (b) applies, who is a prisoner;</p> <p>(b) (b) who is detained in custody pending trial or sentence following conviction by a court.</p> | <p><b>8</b></p> <p>(a) Nil;</p> <p>(b) (b) only such amount, if any, as may be applicable under regulation 17(e).</p> |
|--|---|

**Specified cases of temporarily separated couples**

**9.** A claimant who is a member of a couple and who is temporarily separated from his partner where one of them is living in the home while the other member is— **9.** Either—

<p>(a) not a patient but is resident in a nursing home; or</p> <p>(b) resident in a residential care home; or</p>	<p>(a) the amount applicable to him as a member of a couple under regulation 17; or</p> <p>(b) the aggregate of his applicable amount and that of his partner assessed under the provisions of these</p>
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- (c) <sup>F205</sup> ..... Regulations as if each of them were a single claimant, or a lone parent, whichever is the greater.
- (d) resident in premises used for the rehabilitation of alcoholics or drug addicts; or
- (e) attending a course of training or instruction provided or approved by the [<sup>F206</sup>Training Commission] where the course requires him to live away from home; or
- (f) in a probation or bail hostel approved for the purpose by the Secretary of State.

**Polygamous marriages where one or more partners are temporarily separated**

**10.** A claimant who is a member of a polygamous marriage and who is temporarily separated from a partner of his, where one of them is living in the home while the other member is—

- (a) not a patient but is resident in a nursing home; or
- (b) resident in a residential care home; or
- (c) <sup>F207</sup> .....
- (d) resident in premises used for the rehabilitation of alcoholics or drug addicts; or
- (e) attending a course of training or instruction provided or approved by the [<sup>F208</sup>Training Commission] where the course requires him to live away from home; or
- (f) in a probation or bail hostel approved for the purpose by the Secretary of State.

**10.** Either—

- (a) the amount applicable to the members of the polygamous marriage under regulation 18; or
- (b) the aggregate of the amount applicable for the members of the polygamous marriage who remain in the home under regulation 18 and the amount applicable in respect of those members not in the home calculated as if each of them were a single claimant, or a lone parent, whichever is the greater.

**[<sup>F209</sup>Single claimants temporarily in local authority accommodation**

**10A.** Except where paragraph 10B(4) applies, a single claimant who is temporarily in accommodation referred to in any of subparagraphs (a) to (d) of the definition of residential accommodation in regulation 21(3) (special cases).

**10A.** The applicable amount in respect of him prescribed under regulation 17.

**Couples and members of polygamous marriages where one member is or all are temporarily in local authority accommodation**

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## **10B. —**

(1) A claimant who is a member of a couple and temporarily separated from his partner where one of them is living in the home while the other is in accommodation referred to in any of sub-paragraphs (a) to (d) of the definition of residential accommodation in regulation 21(3) (special cases).

(2) A claimant who is a member of a polygamous marriage and who is temporarily separated from a partner of his where one is, or some are, living in the home while one is, or some are, in accommodation referred to in sub-paragraph (1).

(3) A claimant who is a member of a couple or a member of a polygamous marriage where both members of that couple or all the members of that marriage are in accommodation referred to in sub-paragraph (1).

(4) A claimant who is a member of a couple or of a polygamous marriage to whom regulation 16(1) (members of the household) does not apply by virtue of sub-paragraph (3) (c) of that regulation where the member is in accommodation referred to in subparagraph (1).

### **Couples where one member is abroad**

**11.** A claimant who is a member of a couple and whose partner is temporarily not present in Great Britain.

### **Polygamous marriages where any member is abroad**

**12.** A claimant who is a member of a polygamous marriage and who, or whose partner, is temporarily not present in Great Britain.

(1) The aggregate of the amount applicable for the member who remains in the home calculated as if he were a single claimant under regulation 17, 19, 20 or 21 and in respect of the other member, £41.15 of which £32.90 is in respect of the cost of the accommodation and £8.25 for personal expenses.

(2) The aggregate of the amount applicable, for the members of the polygamous marriage who remain in the home, under regulation 18 and in respect of each member not in the home £41.15 of which £32.90 is in respect of the accommodation and £8.25 for personal expenses.

(3) For each member of that couple or marriage £41.15, of which £32.90 is in respect of the accommodation and £8.25 for personal expenses plus, if appropriate, the amount applicable under regulation 17(e) or 18(f).

(4) £41.15 of which £32.90 is in respect of the accommodation and £8.25 for personal expenses.]

**11.** For the first four weeks of that absence, the amount applicable to them as a couple under regulation 17, or 19 to 21 as the case may be and thereafter the amount applicable to the claimant in Great Britain under regulation 17 or 19 to 21 as the case may be as if the claimant were a single claimant or, as the case may be, a lone parent.

**12.** For the first four weeks of that absence, the amount applicable to them as members of a polygamous marriage under regulations 18 to 21 as the case may be and thereafter the amount applicable to the claimant in Great Britain under regulations 18 to 21 as the case may be as if the member not in Great Britain were not a member of the marriage.



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### Persons in residential accommodation

13.—(1)

13.—(1) Subject to sub-paragraph (2), a person in or only temporarily absent from residential accommodation who is—

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| (a) (a) a single claimant;                 | (a) (a) £41.15 of which £32.90 is in respect of the cost of the residential accommodation and £8.25 for personal expenses;   |
| (b) (b) a lone parent;                     | (b) (b) the amount specified in sub-paragraph (a) of this column;  |
| (c) (c) one of a couple;                   | (c) (c) twice the amount specified in sub-paragraph (a) of this column;  |
| (d) (d) a child or young person;           | (d) (d) the appropriate amount in respect of him prescribed in paragraph 2 of Schedule 2 (applicable amounts);   |
| (e) (e) a member of a polygamous marriage. | (e) (e) the amount specified in sub-paragraph (a) of this column multiplied by the number of members of the polygamous marriage in or only temporarily absent from that accommodation; |

2) A single claimant who has become a patient and whose residential accommodation was provided by and managed by a local authority.

2) £8.25.

### Polish Resettlement

14. A claimant for whom accommodation is provided under section 3 and Part II of the Schedule to the Polish Resettlement Act 1947<sup>F210</sup> (provision of accommodation in camps).

14. The weekly amount of the charge payable in respect of the claimant and his family under section 3(6) of, and Part II of the Schedule to, that Act plus the amounts prescribed in paragraph 11(a) (ii) (whether or not the conditions referred to therein are satisfied) and 11(c) to (f) of Schedule 5 (applicable amounts for persons in board and lodging accommodation or hostels) as are appropriate in his case, in respect of personal expenses.

### Resettlement Units

15. Claimant being afforded temporary board and lodging in a resettlement unit under

15. The weekly amount of any charge for board and lodging made by the Secretary of State

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section 30 of and paragraph 2 of Schedule 5 under that section 30 plus the amount prescribed to the Supplementary Benefits Act 1976 <sup>F211</sup> in paragraph 11(a) or (b) of Schedule 5 (reception centres). whichever is appropriate in respect of personal expenses.

**Persons temporarily absent from board and lodging accommodation or a hostel, residential care or nursing home**

**16.** Where a person has to pay a retaining fee for accommodation which, but for his temporary absence from it, regulation 19 or 20 (persons in residential care or nursing homes) (persons in board and lodging accommodation or hostels) would apply and— **16.** The amount otherwise applicable to him under these Regulations may be increased to take account of the retaining fee by an amount not exceeding 80 per cent of the applicable amount referred to in paragraph 1(1)(a) of Schedule 4 (applicable amounts of persons in residential care or nursing homes) or paragraph 1(a) of Schedule 5 (applicable amounts of persons in board and lodging accommodation or hostels) as the case may be and—

- (a) (a) he is a person in accommodation referred to in any of sub-paragraphs (a) to (d) [<sup>F212</sup>of the definition of residential accommodation in regulation 21(3)] (special cases) and paragraph 13 does not apply to him by reason only that his stay in that accommodation has not become other than temporary; or
  - (b) (b) he is a person to whom paragraph 1 to 3 or 18 (patients) applies; or
  - (c) (c) he is absent for a period of at least one week from that accommodation being accommodation either in a residential care home or nursing home and he is not required to be available for employment.
- (a) (a) in a case to which sub-paragraph (a) or (b) of Column 1 applies any such increase shall not be for a continuous period of more than 52 weeks;
  - (b) (b) in a case of a person to whom only sub-paragraph (c) of Column 1 applies, any such increase shall not be for a continuous period of more than four weeks.

**Persons from abroad**

**17.** Except in relation to a person from abroad to whom regulation 70(3) applies (urgent cases)

- (a) (a) a person from abroad who is a single claimant;
  - (b) (b) a lone parent—
  - (i) where he is a person from abroad;
- (a) (a) Nil;
  - (b) (i) nil;

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| (ii) where he is not a person from abroad but one or more members of his family are persons from abroad;                                   | (ii) the amount applicable to him under regulation 17(a) plus in respect of any members of his family not a person from abroad, any amounts applicable to him under regulation 17(b), (c) or (d) plus the amount applicable to him under regulation 17(e) or, as the case may be, regulation 19, 20, or 21;  |
| (c) (c) a member of a couple—  |  |
| (i) where the claimant is not a person from abroad but his partner is such a person, whether or not regulation 70 applies to that partner; | (c) (i) the amount applicable in respect of him only under regulation 17(a) plus in respect of any child or young person who is a member of his family and who is not a person from abroad, any amounts which may be applicable to him under regulation 17(b), (c) or (d) plus the amount applicable to him under regulation 17(e); or as the case may be regulation 19, 20 or 21; |
| (ii) where the claimant is a person from abroad but his partner is not such a person;  | (ii) nil;  |
| (iii) where the claimant and his partner are both persons from abroad;   | (iii) nil;   |
| (d) (d) where regulation 18 (polygamous marriages) applies and—  |  |
| (i) the claimant is not a person from abroad but one or more but not all of his partners are persons from abroad;                          | (d) (i) the amounts determined in accordance with that regulation or regulation 19, 20 or 21 in respect of the claimant and any partners of his and any child or young person for whom he or any partner is treated as responsible, who are not persons from abroad;   |
| (ii) the claimant is a person from abroad, whether or not one or more of his partners are persons from abroad;                             | (ii) nil;  |

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| (iii) the claimant and all his partners are persons from abroad;   | (iii) nil;  |
| (e) (e) where any amount is applicable to the claimant under regulation 17(d) because of Part III of Schedule 2 because he or his partner satisfies the conditions prescribed therein and he or his partner as the person so satisfying the condition is a person from abroad. | (e) (e) no amount shall be applicable under regulation 17(d) because of Part III of Schedule 2. |

**Persons in residential care or nursing homes, board and lodging accommodation or hostels who become patients**

**18.** A claimant to whom regulation 19 (persons in residential care or nursing homes) or regulation 20 (persons in board and lodging accommodation or hostels) applies immediately before he or a member of his family became a patient where—

- |   |   |
|---|---|
| (a) (a) he or any member of his family has been a patient for a period of six weeks or less and the claimant—   |   |
| (i) continues to be liable to meet the weekly charge for the accommodation without reduction in respect of himself or that member of his family who is a patient; | (a) (i) The amount which would be applicable under regulation 19 or 20, as the case may be, as if the claimant or the member of the family who is a patient were resident in the accommodation to which regulation 19 or 20 applies;  |
| (ii) continues to be liable to meet the weekly charge for the accommodation but at a reduced rate;  | (ii) the amount which would be applicable under regulation 19 or 20, as the case may be, having taken into account the reduced charge, as if the claimant or the member of the family who is a patient were resident in the accommodation to which regulation 19 or 20 applies;   |
| (iii) is a single claimant and is likely to return to the accommodation, but has ceased to be liable to meet the weekly charge for that accommodation; or         | (iii) the amount applicable to him (if any) under paragraph 2(2) of Schedule 4, or, as the case may be, paragraph 2 of Schedule 5 (meal allowances) plus the amount in respect of him as an allowance for personal expenses under paragraph 13 of Schedule 4 or paragraph 11 of Schedule 5, as the case may be, as if he were residing in the accommodation to which regulation 19 or 20 applies; |

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- (iv) is a single claimant who ceases to be liable to meet the weekly charge for the accommodation and who is unlikely to return to that accommodation;
- (iv) the amount which would be applicable to him under regulation 17;
- (b) (b) he or his partner has been a patient for a period of more than six weeks and the patient is—
- (i) a single claimant;
- (b) (i) £8.25 plus either the amount prescribed in paragraph 16 in respect of any retaining fee he is liable to pay for the accommodation or the amount applicable by virtue of regulation 17(e), but not both;
- (ii) a lone parent;
- (ii) where one or more children or young persons remain in the accommodation, the amount applicable to the family as if regulation 19 or, as the case may be, 20, having taken into account any reduction in charge, continued to apply to all the members of the family except that where the lone parent is the patient no amount shall be applicable in respect of him under paragraph 2(2) of Schedule 4 or paragraph 2 of Schedule 5 (meals allowances) and for the amount in respect of the allowance for personal expenses prescribed by either paragraph 13 of Schedule 4 or, as the case may be, paragraph 11 of Schedule 5, there shall be substituted the amount £8.25;
- where all the children or young persons are absent from the accommodation, £8.25 plus any amounts applicable to him under regulation 17(b), (c) or (d) plus, if appropriate, either the amount applicable under Column 2 of paragraph 16(a) or the amount applicable by virtue of regulation 17(e) (housing costs) but not both;
- where one or more children or young persons are also patients and have been so for more than 12 weeks, in respect of those children and young persons remaining in the accommodation and the lone parent patient the amount specified in case one of Column (2) of [F213]sub-

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paragraph (b)(ii)] save that the child or young person who has been a patient for more than 12 weeks shall be disregarded as a member of the family in assessing the amount applicable under regulation 19 or 20 as the case may be, and in respect of each such child or young person there shall be added the amount of £8.25;

- (iii) one of a couple or polygamous marriage and one of that couple or marriage is not a patient or has been a patient for six weeks or less;
- (iii) where the members of the family not patients remain in the accommodation, the amount applicable to the family as if regulation 19 or, as the case may be, regulation 20, having taken into account any reduction in charge, continued to apply to all the members of the family except that in respect of the member of the couple or polygamous marriage who has been a patient for more than six weeks no amount shall be applicable in respect of him under paragraph 2(2) of Schedule 4 or paragraph 2 of Schedule 5, as the case may be, and for the amount in respect of the allowance for personal expenses prescribed by either paragraph 13 of Schedule 4 or paragraph 11 of Schedule 5, there shall be substituted the amount of £8.25;
- where one or more children or young persons are also patients and have been so for more than 12 weeks, in respect of those children and young persons and the member of the couple or polygamous marriage remaining in the accommodation the amount specified in case one of Column (2) of [F214sub-paragraph (b)(iii)] save that the child or young person who has been a patient for more than 12 weeks shall be disregarded as a member of the family in assessing the amount applicable under regulation 19 or 20 as the case may be, and in respect of each such child or young person there shall be added the amount of £8.25;
- (iv) one of a couple or polygamous marriage where all the members of that couple or marriage are patients and have been so for more than six weeks;
- (iv) where there is no child or young person in the family £8.25 in respect of each member of the couple or polygamous marriage plus either the amount prescribed in paragraph 16 in respect of any retaining fee for the

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accommodation he is liable to pay or the amount applicable by virtue of regulation 17(e) or 18(f), but not both;

— where there is a child or young person remaining in the accommodation, the amount which would be applicable in respect of the family as if regulation 19 or, as the case may be, 20 having taken into account any reduction in charge continued to apply to all the members of the family except that in respect of [<sup>F215</sup>each member] of the couple or polygamous marriage no amount shall be applicable in respect of him under paragraph 2(2) of Schedule 4 or paragraph 2 of Schedule 5, as the case may be, and for the amount in respect of the allowance for personal expenses prescribed by either paragraph 13 of Schedule 4 or paragraph 11 of Schedule 5 in respect of [<sup>F215</sup>each member] there shall be substituted the amount of £8.25;

— where there is a child or young person in the family but no child or young person remains in the accommodation, the amount applicable under paragraph 1(c) or 1(d) as is appropriate plus either the amount applicable under Column 2 of paragraph 16(a) or the amount applicable by virtue of regulation 17(e) or 18(f) but not both;

— where one or more children or young persons are also patients and have been so for more than 12 weeks, in respect of those children and young persons [<sup>F216</sup>remaining in the accommodation and the members of the couple or polygamous marriage] the amount specified in case two of Column (2) of sub-paragraph (b) (iv) save that the child or young person who has been a patient for more than 12 weeks shall be disregarded as a member of the family in assessing the amount applicable under regulation 19 or 20 as the case may be, and in respect of each such child or young person there shall be added the amount of £8.25;

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- (c) (c) a child or young person who has been a patient for a period of more than 12 weeks.
- (c) (c) the amount applicable under regulation 19 or, as the case may be, regulation 20 as if that child or young person was not a member of the family plus an amount of £8.25 in respect of that child or young person.

### Claimants entitled to the disability premium for a past period

#### 19. A claimant—

- (a) whose time for claiming income support has been extended under regulation 19(2) of the Social Security (Claims and Payments) Regulations 1987 <sup>F217</sup> (time for claiming benefit); and
- (b) whose partner was entitled to income support in respect of the period beginning with the day on which the claimant's claim is treated as made under paragraph 6(4) of Schedule 7 to those Regulations and ending with the day on which the claim is actually made; and
- (c) who satisfied the condition in paragraph 11(b) of Schedule 2 and the additional condition referred to in that paragraph and specified in paragraph 12(1)(b) of that Schedule in respect of that period.

19. The amount only of the disability premium applicable by virtue of paragraph 11(b) of Schedule 2 as specified in paragraph 15(4)(b) of that Schedule.

### Rounding of fractions

20. Where any calculation under this Schedule or as a result of income support being awarded for a period less than one complete benefit week results in a fraction of a penny that fraction shall be treated as a penny.

#### Textual Amendments

**F204** S.I. 1987/1968.

**F205** Words in Sch. 7 para. 9 omitted (11.4.1988) by virtue of [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **33(a)**

**F206** Words in Sch. 7 para. 9(e) substituted (28.5.1988) by [Employment Act 1988 \(1988 c. 19\)](#), s. **24(3)**, 34

**F207** Words in Sch. 7 para. 10 omitted (11.4.1988) by virtue of [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), **regs. 1(1)**, 33(a)

**F208** Words in Sch. 7 para. 10(e) substituted (28.5.1988) by [Employment Act 1988 \(1988 c. 19\)](#), s. **24(3)**, 34

**F209** Sch. 7 paras. 10A, 10B inserted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **33(b)**

**F210** 1947 c. 19, as amended by Schedule 4 of the [Social Security Act 1980 \(c. 30\)](#) and by S.I. 1951/174 and 1968/1699.



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- F211** 1976 c. 71, as amended by section 6 of, and Schedule 2 and Schedule 65 Part II to, the Social Security Act 1980 and by section 102 and Schedule 17 of the [Local Government Act 1985 \(c. 51\)](#).
- F212** Words in Sch. 7 para. 16(a) substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), [33\(c\)](#)
- F213** Words in Sch. 7 para. 18 substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), [33\(d\)\(i\)](#)
- F214** Words in Sch. 7 para. 18 substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), [33\(d\)\(ii\)](#)
- F215** Words in Sch. 7 para. 18 substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), [33\(d\)\(iii\)](#)
- F216** Words in Sch. 7 para. 18 substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), [33\(d\)\(iv\)](#)
- F217** S.I. 1987/1968.

## SCHEDULE 8

Regulations 36(2), 38(2) and 44(6)

### SUMS TO BE DISREGARDED IN THE CALCULATION OF EARNINGS

1. In the case of a claimant who has been engaged in remunerative work as an employed earner [<sup>F218</sup>or, had the employment been in Great Britain, would have been so engaged]—
- (a) any earnings paid or due to be paid on termination of his employment—
- (i) by way of retirement but only if on retirement he is entitled to a retirement pension under the Social Security Act, or would be so entitled if he satisfied the contribution conditions;
- (ii) otherwise than by retirement except earnings to which regulation 35(1)(b) to (e) and (g) and (h) applies (earnings of employed earners);
- (b) any earnings paid or due to be paid on the interruption of his employment except earnings to which regulation 35(1)(d) and (e) applies; but this sub-paragraph shall not apply where the claimant has been suspended from his employment.

#### Textual Amendments

- F218** Words in Sch. 8 para. 1 inserted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), [34\(a\)](#)

#### Commencement Information

- I165** Sch. 8 para. 1 in force at 11.4.1988, see reg. 1

2. In the case of a claimant who has been engaged in part-time employment as an employed earner [<sup>F219</sup>or, had the employment been in Great Britain, would have been so engaged] immediately before he made a claim for income support, any earnings paid on termination or interruption of that employment except any payment to which regulation 35(1)(e) applies (earnings of employed earners); but this paragraph shall not apply where the claimant has been suspended from his employment.

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#### Textual Amendments

**F219** Words in Sch. 8 para. 2 inserted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **34(a)**

#### Commencement Information

**I166** Sch. 8 para. 2 in force at 11.4.1988, see reg. 1

3. In the case of a claimant who has been engaged in remunerative work or part-time employment as a self-employed earner [<sup>F220</sup>or, had the employment been in Great Britain, would have been so engaged] and who has ceased to be so employed, from the date of the cessation of his employment any earnings derived from that employment except earnings to which regulation 30(2) (royalties etc.) applies.

#### Textual Amendments

**F220** Words in Sch. 8 para. 3 inserted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **34(b)**

#### Commencement Information

**I167** Sch. 8 para. 3 in force at 11.4.1988, see reg. 1

4.—(1) If the calculation of the claimant's applicable amount—

- (a) includes, or but for his being an in-patient or in accommodation in a residential care home, nursing home, hostel, board and lodging accommodation or in residential accommodation would include, an amount by way of a disability premium under Schedule 2 (applicable amounts), or
- (b) (i) includes, or but for his being an in-patient or in accommodation in a residential care home, nursing home, hostel, board and lodging accommodation or in residential accommodation would include, an amount by way of the higher pensioner premium under Schedule 2; and
  - (ii) he or his partner has attained the age of 60 and immediately before attaining that age either was engaged in employment and the claimant was or but for his being an in-patient or in accommodation in a residential care home, nursing home, hostel or board and lodging accommodation or in residential accommodation would have been, entitled under sub-paragraph (a) to a disregard of £15; and
  - (iii) either he or his partner has continued in part-time employment,

£15; but, notwithstanding regulation 23 (calculation of income and capital of members of claimant's family and of a polygamous marriage), if this paragraph applies to a claimant it shall not apply to his partner except where, and to the extent that, the earnings of the claimant which are to be disregarded under this paragraph are less than £15.

(2) For the purposes of sub-paragraph (1)(b)(iii) no account shall be taken of any period not exceeding eight consecutive weeks occurring on or after the date on which the claimant or his partner attained the age of 60 during which either ceased to be engaged in employment or the claimant ceased to be entitled to income support.

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#### Commencement Information

**I168** Sch. 8 para. 4 in force at 11.4.1988, see [reg. 1](#)

5. If an amount by way of a lone parent premium under Schedule 2 (applicable amounts) is, or but for the pensioner premium being applicable to him or for his accommodation in a residential care home, nursing home, hostel, board and lodging accommodation or in residential accommodation would be, included in the calculation of the claimant's applicable amount, £15.

#### Commencement Information

**I169** Sch. 8 para. 5 in force at 11.4.1988, see [reg. 1](#)

6.—(1) In a case where paragraph 4 does not apply, if the claimant is one of a couple and both members of that couple are under age 60 and one of the couple has for a continuous period of two years been in receipt of income support in respect of a couple (whether or not the same couple) and during that period—

- (a) neither member has been engaged in remunerative work; or
- (b) neither member has been receiving full-time education;

for a period exceeding eight consecutive weeks, £15; but, notwithstanding regulation 23 (calculation of income and capital of members of claimant's family and of a polygamous marriage), if this paragraph applies to one of the couple it shall not apply to the other except where, and to the extent that, the earnings of the one which are to be disregarded under this paragraph are less than £15;

(2) For the purposes of this paragraph—

- (a) in determining whether a period is continuous no account shall be taken of any period not exceeding eight weeks during which the claimant ceased to be a member of a couple or to be in receipt of income support;
- (b) in determining whether one of a couple has been in receipt of income support for a continuous period of two years, consecutive periods during which either member was in receipt of income support shall be treated as periods during which one of that couple had been so in receipt.

(3) For the purposes of this paragraph—

- (a) any period beginning before the commencement of these regulations during which the claimant or the other member of the couple was in receipt of supplementary benefit in respect of a couple, and immediately preceding the receipt of income support, is to be taken into account as if it were a period of income support except where during that period either the claimant or the other member was engaged in remunerative work or receiving relevant education within the meaning of section 6 of the Supplementary Benefits Act 1976 <sup>F221</sup>;
- (b) any period during which the claimant or the other member of the couple is in receipt of income support under the Social Security (Northern Ireland) Order 1986 <sup>F222</sup> or was in receipt of supplementary benefit under the Supplementary Benefit (Northern Ireland) Order 1977 <sup>F223</sup> and immediately preceding the receipt of income support is to be taken into account as if it were a period of income support;

and in determining whether any such period is continuous sub-paragraph (2) hereof shall apply by analogy.

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#### Textual Amendments

- F221** 1976 c. 71; section 6 was substituted by section 6(1) and Schedule 2 Part I paragraph 6 of the Social Security Act 1980 (c. 30).
- F222** S.I. 1986/1888 (NI 18); the relevant amending instrument is S.I. 1987/464 (NI 8).
- F223** S.I. 1977/2156 (NI 27); the relevant amending instruments are S.I. 1980/870 (NI 18), S.I. 1987/464 (NI 8).

#### Commencement Information

- I170** Sch. 8 para. 6 in force at 11.4.1988, see [reg. 1](#)

7.—(1) In a case to which none of paragraphs 4 to 6 applies to the claimant, £15 of earnings derived from one or more employments as—

- (a) a part-time fireman in a fire brigade maintained in pursuance of the Fire Services Acts 1947 to 1959 <sup>F224</sup>;
- (b) an auxiliary coastguard in respect of coast rescue activities;
- (c) a person engaged part time in the manning or launching of a life boat;
- (d) a member of any territorial or reserve force prescribed in Part I of Schedule 3 to the Social Security (Contributions) Regulations 1979 <sup>F225</sup>;

but, notwithstanding regulation 23 (calculation of income and capital of members of claimant's family and of a polygamous marriage), if this paragraph applies to a claimant it shall not apply to his partner except to the extent specified in sub-paragraph (2).

(2) If the claimant's partner is engaged in employment—

- (a) specified in sub-paragraph (1) so much of his earnings as would not in aggregate with the amount of the claimant's earnings disregarded under this paragraph exceed £15;
- (b) other than one specified in sub-paragraph (1) so much of his earnings from that employment up to £5 as would not in aggregate with the claimant's earnings disregarded under this paragraph exceed £15.

#### Textual Amendments

- F224** 1947 c. 41, 1951 c. 27, 1959 c. 44.
- F225** S.I. 1979/591; Part I of Schedule 3 substituted by S.I. 1980/1975.

#### Commencement Information

- I171** Sch. 8 para. 7 in force at 11.4.1988, see [reg. 1](#)

8. Where the claimant is engaged in one or more employments specified in paragraph 7(1) but his earnings derived from such employments are less than £15 in any week and he is also engaged in any other part-time employment so much of his earnings from that other employment up to £5 as would not in aggregate with the amount of his earnings disregarded under paragraph 7 exceed £15.

#### Commencement Information

- I172** Sch. 8 para. 8 in force at 11.4.1988, see [reg. 1](#)

9. In a case to which none of paragraphs 4 to 8 applies to the claimant, £5.

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**Commencement Information**

**I173** [Sch. 8 para. 9](#) in force at 11.4.1988, see [reg. 1](#)

**10.** Notwithstanding paragraph 6, 7, or 9, where two or more payments of the same kind and from the same source are to be taken into account in the same benefit week, there shall be disregarded from each payment the sum specified in that paragraph; but this paragraph shall only apply in the case of a payment which it has not been practicable to treat under regulation 31(1)(b) (date on which income treated as paid) as paid on the first day of the benefit week in which it is due to be paid.

**Commencement Information**

**I174** [Sch. 8 para. 10](#) in force at 11.4.1988, see [reg. 1](#)

**11.** Any earnings derived from employment which are payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of those earnings.

**Commencement Information**

**I175** [Sch. 8 para. 11](#) in force at 11.4.1988, see [reg. 1](#)

**12.** Where a payment of earnings is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.

**Commencement Information**

**I176** [Sch. 8 para. 12](#) in force at 11.4.1988, see [reg. 1](#)

**13.** Any earnings which is due to be paid before the date of claim and which would otherwise fall to be taken into account in the same benefit week as a payment of the same kind and from the same source.

**Commencement Information**

**I177** [Sch. 8 para. 13](#) in force at 11.4.1988, see [reg. 1](#)

**14.** Any earnings of a child or young person except earnings to which paragraph 15 applies.

**Commencement Information**

**I178** [Sch. 8 para. 14](#) in force at 11.4.1988, see [reg. 1](#)

**15.** In the case of earnings of a person treated as receiving relevant education under regulation 12(b) (relevant education) and who is engaged in remunerative work, if—

- (a) an amount by way of a disabled child premium under Schedule 2 (applicable amounts) is, or but for his accommodation in a residential care home, nursing home, hostel or board and lodging accommodation would be, included in the calculation of his applicable amount and his earning capacity is not, by reason of his disability, less than 75 per cent of that which he would, but for that disability normally be expected to earn, £15;

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(b) in any other case, £5.

**Commencement Information**

**I179** Sch. 8 para. 15 in force at 11.4.1988, see [reg. 1](#)

**16.** In this Schedule “part-time employment” means employment in which the person is not to be treated as engaged in remunerative work under regulation 5 or 6 (persons treated, or not treated, as engaged in remunerative work).

**Commencement Information**

**I180** Sch. 8 para. 16 in force at 11.4.1988, see [reg. 1](#)

SCHEDULE 9

Regulation 40 (2)

SUMS TO BE DISREGARDED IN THE CALCULATION  
OF INCOME OTHER THAN EARNINGS

**1.** Any amount paid by way of tax on income which is taken into account under regulation 40 (calculation of income other than earnings).

**Commencement Information**

**I181** Sch. 9 para. 1 in force at 11.4.1988, see [reg. 1](#)

- 2.** Any payment in respect of any expenses incurred by a claimant who is—
- (a) engaged by a charitable or voluntary body; or
  - (b) a volunteer,

if he otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under regulation 42 (6) (notional income).

**Commencement Information**

**I182** Sch. 9 para. 2 in force at 11.4.1988, see [reg. 1](#)

**3.** In the case of employment as an employed earner, any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment.

**Commencement Information**

**I183** Sch. 9 para. 3 in force at 11.4.1988, see [reg. 1](#)

**4.** In the case of a payment of statutory sick pay under Part I of the Social Security and Housing Benefits Act 1982 or statutory maternity pay under Part V of the Act or any remuneration paid by or on behalf of an employer to the claimant who for the time being is unable to work due to illness or maternity—

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- (a) any amount deducted by way of primary Class 1 contributions under the Social Security Act;
- (b) one-half of any sum paid by the claimant by way of a contribution towards an occupational or personal pension scheme.

**Commencement Information**

**I184** Sch. 9 para. 4 in force at 11.4.1988, see reg. 1

[<sup>F226</sup>**4A.** In the case of the payment of statutory sick pay under Part II of the Social Security (Northern Ireland) Order 1982 or statutory maternity pay under Part VI of the Social Security (Northern Ireland) Order 1986—

- (a) any amount deducted by way of primary Class 1 contributions under the Social Security (Northern Ireland) Act 1975;
- (b) one-half of any sum paid by way of a contribution towards an occupational or personal pension scheme.]

**Textual Amendments**

**F226** Sch. 9 para. 4A inserted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **35(a)**

5. Any housing benefit.

**Commencement Information**

**I185** Sch. 9 para. 5 in force at 11.4.1988, see reg. 1

6. Any mobility allowance.

**Commencement Information**

**I186** Sch. 9 para. 6 in force at 11.4.1988, see reg. 1

7. Any concessionary payment made to compensate for the non-payment of—

- (a) any payment specified in paragraph 6 or 9;
- (b) income support.

**Commencement Information**

**I187** Sch. 9 para. 7 in force at 11.4.1988, see reg. 1

8. Any mobility supplement or any payment intended to compensate for the non-payment of such a supplement.

**Commencement Information**

**I188** Sch. 9 para. 8 in force at 11.4.1988, see reg. 1

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9. Any attendance allowance but, where the claimant is in a residential care home or nursing home, only to the extent that it exceeds the amount for the time being specified as the higher rate for the purposes of section 35 (3) of the Social Security Act <sup>F227</sup>.

#### Textual Amendments

**F227** 1975 c. 14; section 35 (3) was amended by section 2 of the [Social Security Act 1979 \(c. 18\)](#).

#### Commencement Information

**I189** Sch. 9 para. 9 in force at 11.4.1988, see reg. 1

10. Any payment to the claimant as holder of the Victoria Cross or George Cross or any analogous payment.

#### Commencement Information

**I190** Sch. 9 para. 10 in force at 11.4.1988, see reg. 1

11. Any sum in respect of a course of study attended by a child or young person payable by virtue of regulations made under section 81 of the Education Act 1944 <sup>F228</sup> (assistance by means of scholarships and otherwise), or by virtue of section 2 (1) of the Education Act 1962 <sup>F229</sup> (awards for courses of further education) or section 49 of the Education (Scotland) Act 1980 <sup>F230</sup> (power to assist persons to take advantage of educational facilities).

#### Textual Amendments

**F228** 1944 c. 31; section 81 was amended by [S.I. 1964/490](#).

**F229** 1962 c. 12; section 2 (1) was substituted by section 19 of, and Schedule 5 to, the [Education Act 1980 \(c. 20\)](#).

**F230** 1980 c. 44.

#### Commencement Information

**I191** Sch. 9 para. 11 in force at 11.4.1988, see reg. 1

12. In the case of a claimant to whom regulation 9 (1) (persons treated as available for employment) applies, any sums intended for any expenditure specified in paragraph (2) of regulation 62 (calculation of grant income) necessary as a result of his attendance on his course.

#### Commencement Information

**I192** Sch. 9 para. 12 in force at 11.4.1988, see reg. 1

<sup>F231</sup>13. In the case of a claimant participating in arrangements for training made under section 2 of the Employment and Training Act 1973 or attending a course at an employment rehabilitation centre established under that section—

- (a) any travelling expenses reimbursed to the claimant;
- (b) any living away from home allowance under section 2(2)(d) of that Act but only to the extent that rent or rates payable in respect of accommodation not normally occupied by him as his home are not met by housing benefit;
- (c) any training premium,



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but this paragraph, except in so far as it relates to a payment under subparagraph (a), (b) or (c), does not apply to any part of any allowance under section 2(2)(d) of that Act.]

#### Textual Amendments

**F231** Sch. 9 para. 13 substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **35(b)**

#### Commencement Information

**I193** Sch. 9 para. 13 in force at 11.4.1988, see reg. 1

**14.** Any Job Start Allowance payable pursuant to arrangements made under section 2 (1) of the Employment and Training Act 1973.

#### Commencement Information

**I194** Sch. 9 para. 14 in force at 11.4.1988, see reg. 1

**15.** Except in the case of a person to whom section 23 of the Act (trade disputes) applies [<sup>F232</sup>or in respect of whom section 20(3) of the Act (conditions of entitlement to income support) has effect as modified by section 23A(b) of the Act (effect of return to work)], subject to paragraphs 36 and 37, £5 of any charitable payment or of any voluntary payment made or due to be made (whether or not so made) at regular intervals other than a payment which is made by a person for the maintenance of any member of his family or his former partner or of his children; and, for the purposes of this paragraph, where a number of such charitable or voluntary payments fall to be taken into account in any one week they shall be treated as though they were on one such payment.

#### Textual Amendments

**F232** Words in [Sch. 9 para. 15](#) substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **35(c)**

#### Commencement Information

**I195** Sch. 9 para. 15 in force at 11.4.1988, see reg. 1

**16.** Subject to paragraphs 36 and 37, £5 of any of the following, namely—

- (a) a war disablement pension or war widow's pension or a payment made to compensate for the non-payment of such a pension;
- (b) a pension paid under the social security scheme of a country outside Great Britain and which either—
  - (i) is analogous to a war disablement pension; or
  - (ii) is paid to a war widow in respect of a person's death but is otherwise analogous to such a pension.
- (c) (c) a pension paid under any special provision made by the law of the Federal Republic of Germany or any part of it or of the Republic of Austria, to victims of National Socialist persecution.

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#### Commencement Information

**I196** Sch. 9 para. 16 in force at 11.4.1988, see reg. 1

**17.** Where a claimant receives income under an annuity purchased with a loan which satisfies the following conditions—

- (a) that the loan was made as part of a scheme under which not less than 90 per cent of the proceeds of the loan were applied to the purchase by the person to whom it was made of an annuity ending with his life or with the life of the survivor of two or more persons (in this paragraph referred to as “the annuitants”) who include the person to whom the loan was made;
- (b) that the interest on the loan is payable by the person to whom it was made or by one of the annuitants;
- (c) that at the time the loan was made the person to whom it was made or each of the annuitants had attained the age of 65;
- (d) that the loan was secured on a dwelling in Great Britain and the person to whom the loan was made or one of the annuitants owns an estate or interest in that dwelling; and
- (e) that the person to whom the loan was made or one of the annuitants occupies the accommodation on which it was secured as his home at the time the interest is paid,

the amount, calculated on a weekly basis equal to—

- (i) where, or in so far as, section 26 of the Finance Act 1982 <sup>F233</sup> (deduction of tax from certain loan interest) applies to the payments of interest on the loan, the interest which is payable after deduction of a sum equal to income tax on such payments at the basic rate for the year of assessment in which the payment of interest becomes due;
- (ii) in any other case the interest which is payable on the loan without deduction of such a sum.

#### Textual Amendments

**F233** 1982 c. 39.

#### Commencement Information

**I197** Sch. 9 para. 17 in force at 11.4.1988, see reg. 1

**18.** Any payment made to the claimant by a member of his household which is a contribution towards his living and accommodation costs except a payment to which paragraph 19 or 20 applies.

#### Commencement Information

**I198** Sch. 9 para. 18 in force at 11.4.1988, see reg. 1

**19.** Where the claimant occupies a dwelling as his home which is also occupied by a person other than one to whom paragraph 18 refers or one who is provided with board and lodging accommodation and that person is contractually liable to make payments in respect of his occupation of the dwelling to the claimant—

- (a) £4 of any payment made by that person; and
- (b) a further £6.70, where that payment is inclusive of an amount for heating.

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**Commencement Information**

**I199** Sch. 9 para. 19 in force at 11.4.1988, see reg. 1

**20.** Where a claimant is employed in providing board and lodging accommodation for which a charge is payable, £35 of the weekly charge paid by each person provided with such accommodation.

**Commencement Information**

**I200** Sch. 9 para. 20 in force at 11.4.1988, see reg. 1

<sup>[F234]</sup>**21.**—(1) Subject to sub-paragraph (2), except where regulation 42(4)(a)(i) (notional income) applies or in the case of a person to whom section 23 of the Act (trade disputes) applies, any income in kind;

(2) The exception under sub-paragraph (1) shall not apply where the income in kind is received from the Macfarlane Trust.]

**Textual Amendments**

**F234** Sch. 9 para. 21 substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **35(d)**

**Commencement Information**

**I201** Sch. 9 para. 21 in force at 11.4.1988, see reg. 1

**22.**—(1) Any income derived from capital to which the claimant is or is treated under regulation 52 (capital jointly held) as beneficially entitled but, subject to sub-paragraph (2), not income derived from capital disregarded under paragraph 1, 2, 4, 6 or 12 of Schedule 10.

(2) Income derived from capital disregarded under paragraph 2 or 4 of Schedule 10 but only to the extent of any mortgage repayments and payment of rates made in respect of the dwelling or premises in the period during which that income accrued.

**Commencement Information**

**I202** Sch. 9 para. 22 in force at 11.4.1988, see reg. 1

**23.** Any income which is payable in a country outside the United Kingdom for such period during which there is prohibition against the transfer to the United Kingdom of that income.

**Commencement Information**

**I203** Sch. 9 para. 23 in force at 11.4.1988, see reg. 1

**24.** Where a payment of income is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.

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### Commencement Information

**I204** Sch. 9 para. 24 in force at 11.4.1988, see reg. 1

**25.**—(1) Any payment made to the claimant in respect of a child or young person who is a member of his family—

- (a) in accordance with a scheme approved by the Secretary of State under section 50 (4) of the Adoption Act 1958 <sup>F235</sup> or as the case may be, section 51 of the Adoption (Scotland) Act 1978 <sup>F236</sup> (schemes for payments of allowances to adopters);
- (b) which is a payment made by a local authority in pursuance of section 34 (6) or, as the case may be, section 50 of the Children Act 1975 <sup>F237</sup> (contributions to a custodian towards the cost of the accommodation and maintenance of a child);

to the extent specified in sub-paragraph (2).

(2) In the case of a child or young person—

- (a) to whom regulation 44 (5) (capital in excess of £3,000) applies, the whole payment;
- (b) to whom that regulation does not apply, so much of the weekly amount of the payment as exceeds the applicable amount in respect of that child or young person and where applicable to him any amount by way of a disabled child premium.

### Textual Amendments

**F235** 1958 7 & 8 Eliz.2. c.5; section 50 (4) was added by the [Children Act 1975 \(c. 72\)](#) section 32.

**F236** 1978 c. 28.

**F237** 1975 c. 72 as amended by section 64 of the [Domestic Proceedings and Magistrates' Courts Act 1978 \(c. 22\)](#).

### Commencement Information

**I205** Sch. 9 para. 25 in force at 11.4.1988, see [reg. 1](#)

**26.** Any payment made by a local authority to the claimant with whom a person is boarded out by virtue of arrangements made under section 21 (1) (a) of the Child Care Act 1980 <sup>F238</sup> or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 <sup>F239</sup> or by a voluntary organisation under section 61 of the 1980 Act or by a care authority under regulation 9 of the Boarding Out and Fostering of Children (Scotland) Regulations 1985 <sup>F240</sup> (provision of accommodation and maintenance for children in care).

### Textual Amendments

**F238** 1980 c. 5; amended by section 9 Schedule 2 paragraph 49 of the [Health and Social Services and Social Security Adjudication Act 1983 \(c. 41\)](#).

**F239** 1968 c. 49.

**F240** S.I. 1985/1799.

### Commencement Information

**I206** Sch. 9 para. 26 in force at 11.4.1988, see [reg. 1](#)

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27. Any payment made by a health authority, local authority or voluntary organisation to the claimant in respect of a person who is not normally a member of the claimant's household but is temporarily in his care.

#### Commencement Information

I207 Sch. 9 para. 27 in force at 11.4.1988, see reg. 1

28. Except in the case of a person to whom section 23 of the Act (trade disputes) applies [<sup>F241</sup>or in respect of whom section 20(3) of the Act (conditions of entitlement to income support) has effect as modified by section 23A(b) of the Act (effect of return to work)], any payment made under section 1 of the Child Care Act 1980 (duty of local authorities to promote welfare of children) or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 (general welfare).

#### Textual Amendments

F241 Words in Sch. 9 para. 28 substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), 35(c)

#### Commencement Information

I208 Sch. 9 para. 28 in force at 11.4.1988, see [reg. 1](#)

29.—(1) Any payment received under an insurance policy, taken out to insure against the risk of being unable to maintain repayments on a loan to which paragraph 7 or 8 of Schedule 3 applies (interest on loans to acquire an interest in the dwelling, or for repairs and improvements to the dwelling, occupied as the home) and used to meet such repayments, to the extent that it does not exceed—

- (a) subject to sub-paragraph (2), the amount, calculated on a weekly basis, of any interest which is excluded under that paragraph;
- (b) the amount of the payment, calculated on a weekly basis, due on the loan attributable to the repayment of capital; and
- (c) the amount, calculated on a weekly basis, of the premium due on that policy.

(2) The amount to which sub-paragraph (1) (a) refers shall be taken into account in calculating the amount to be excluded under this paragraph only for such period during which there is applicable to the claimant 50 per cent of his eligible interest under paragraph 7 of Schedule 3.

#### Commencement Information

I209 Sch. 9 para. 29 in force at 11.4.1988, see reg. 1

30. Except where [<sup>F242</sup>paragraph 29] applies, any payment made to the claimant which is intended and used as a contribution towards—

- (a) the amount of eligible interest which is not met under paragraph 7 or 8 of Schedule 3 (interest on loans to acquire an interest in the dwelling, or for repairs and improvements to the dwelling, occupied as the home);
- (b) the capital repayments—
  - (i) where the loan is one specified in paragraph 7 (3) (a) or 8 (1) (a) of Schedule 3; or

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- (ii) where the loan is one specified in paragraph 7 (3) (b) or 8 (1) (b) of Schedule 3 only to the extent that the capital outstanding on that loan represents the capital balance outstanding on the previous loan at the time when the loan was taken out;
- (c) any payment or charge specified in paragraph 1 of Schedule 3 to the extent that that payment or charge has not been met;
- (d) his rent in respect of the dwelling occupied by him as his home but only to the extent that it is not met by housing benefit; or his accommodation charge but only to the extent that the actual charge for the accommodation exceeds the amount determined in accordance with regulation 19 or 20 (board and lodging, hostels, residential care and nursing homes).

#### Textual Amendments

**F242** Words in Sch. 9 para. 30 substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **35(e)**

#### Commencement Information

**I210** Sch. 9 para. 30 in force at 11.4.1988, see reg. 1

**31.** Any social fund payment.

#### Commencement Information

**I211** Sch. 9 para. 31 in force at 11.4.1988, see reg. 1

**32.** Any payment of income which under regulation 48 (income treated as capital) is to be treated as capital.

#### Commencement Information

**I212** Sch. 9 para. 32 in force at 11.4.1988, see reg. 1

**33.** Any payment under paragraph 2 of Schedule 6 to the Act (pensioner's Christmas bonus).

#### Commencement Information

**I213** Sch. 9 para. 33 in force at 11.4.1988, see reg. 1

**34.** In the case of a person to whom section 23 of the Act (trade disputes) applies and for so long as it applies, any payment up to the amount of the relevant sum within the meaning of subsection 6 of that section made by a trade union; but, notwithstanding regulation 23 (calculation of income and capital of members of claimant's family and of a polyamous marriage) if this paragraph applies to a claimant it shall not apply to his partner except where, and to the extent that, the amount to be disregarded under this paragraph is less than the relevant sum.

#### Commencement Information

**I214** Sch. 9 para. 34 in force at 11.4.1988, see reg. 1

**35.** Any payment which is due to be paid before the date of claim which would otherwise fall to be taken into account in the same benefit week as a payment of the same kind and from the same source.

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#### Commencement Information

**I215** Sch. 9 para. 35 in force at 11.4.1988, see reg. 1

**36.** The total of a claimant's income or, if he is a member of a family, the family's income and the income of any person which he is treated as possessing under regulation 23 (3) (calculation of income and capital of members of claimant's family and of a polygamous marriage) to be disregarded under regulation 63 (2) (b) and 64 (1) (c) (calculation of covenant income where a contribution assessed) and paragraphs 15 and 16 shall in no case exceed £5 per week.

#### Commencement Information

**I216** Sch. 9 para. 36 in force at 11.4.1988, see reg. 1

**37.** Notwithstanding paragraph 36 where two or more payments of the same kind and from the same source are to be taken into account in the same benefit week, there shall be disregarded from each payment the sum which would otherwise fall to be disregarded under this Schedule; but this paragraph shall only apply in the case of a payment which it has not been practicable to treat under regulation 31 (1) (b) (date on which income treated as paid) as paid on the first day of the benefit week in which it is due to be paid.

#### Commencement Information

**I217** Sch. 9 para. 37 in force at 11.4.1988, see reg. 1

[<sup>F243</sup>**38.** Any resettlement benefit which is paid to the claimant by virtue of regulation 3 of the Social Security (Hospital In-Patients) Amendment (No. 2) Regulations 1987.]

#### Textual Amendments

**F243** Sch. 9 paras. 38, 39 added (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **35(f)**

[<sup>F243</sup>**39.** Any payment made under the Macfarlane Trust.]

#### Textual Amendments

**F243** Sch. 9 paras. 38, 39 added (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **35(f)**

## SCHEDULE 10

Regulation 46(2)

### CAPITAL TO BE DISREGARDED

**1.** The dwelling occupied as the home but, notwithstanding regulation 23 (calculation of income and capital of members of claimant's family and of a polygamous marriage), only one dwelling shall be disregarded under this paragraph.

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**Commencement Information**

**I218** Sch. 10 para. 1 in force at 11.4.1988, see reg. 1

2. Any premises acquired for occupation by the claimant which he intends to occupy within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the claimant to obtain possession and commence occupation of the premises.

**Commencement Information**

**I219** Sch. 10 para. 2 in force at 11.4.1988, see reg. 1

3. Any sum directly attributable to the proceeds of sale of any premises formerly occupied by the claimant as his home which is to be used for the purchase of other premises intended for such occupation within 26 weeks of the date of sale or such longer period as is reasonable in the circumstances to enable the claimant to complete the purchase.

**Commencement Information**

**I220** Sch. 10 para. 3 in force at 11.4.1988, see reg. 1

4. Any premises occupied in whole or in part by—
- (a) a partner or relative of any member of the family where that person is aged 60 or over or is incapacitated;
  - (b) the former partner of a claimant where the claimant is not to be treated as occupying a dwelling as his home; but this provision shall not apply where the former partner is a person from whom the claimant is estranged or divorced.

**Commencement Information**

**I221** Sch. 10 para. 4 in force at 11.4.1988, see reg. 1

5. Any reversionary interest.

**Commencement Information**

**I222** Sch. 10 para. 5 in force at 11.4.1988, see reg. 1

6. The assets of any business owned in whole or in part by the claimant and for the purposes of which he is engaged as a self-employed earner or, if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of any such asset.

**Commencement Information**

**I223** Sch. 10 para. 6 in force at 11.4.1988, see reg. 1

7. Any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of—



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- (a) any payment specified in paragraph 6, 8 or 9 of Schedule 9 (other income to be disregarded);
- (b) an income-related benefit or supplementary benefit, family income supplement under the Family Income Supplements Act 1970 <sup>F244</sup> or housing benefit under Part II of the Social Security and Housing Benefits Act 1982;

but only for a period of 52 weeks from the date of the receipt of the arrears or of the concessionary payment.

**Textual Amendments**

**F244** 1970 c. 55.

**Commencement Information**

**I224** Sch. 10 para. 7 in force at 11.4.1988, see reg. 1

**8.** Any sum—

- (a) paid to the claimant in consequence of damage to, or loss of the home or any personal possession and intended for its repair or replacement; or
- (b) acquired by the claimant (whether as a loan or otherwise) on the express condition that it is to be used for effecting essential repairs or improvements to the home, and which is to be used for the intended purpose, for a period of 26 weeks from the date on which it was so paid or acquired or such longer period as is reasonable in the circumstances to enable the claimant to effect the repairs, replacement or improvements.

**Commencement Information**

**I225** Sch. 10 para. 8 in force at 11.4.1988, see reg. 1

**9.** Any sum—

- (a) deposited with a housing association as defined in section 1(1) of the Housing Associations Act 1985 <sup>F245</sup> or section 338(1) of the Housing (Scotland) Act 1987 <sup>F246</sup> as a condition of occupying the home;
- (b) which was so deposited and which is to be used for the purchase of another home, for the period of 26 weeks or such longer period as is reasonable in the circumstances to complete the purchase.

**Textual Amendments**

**F245** 1985 c. 69.

**F246** 1987 c. 26.

**Commencement Information**

**I226** Sch. 10 para. 9 in force at 11.4.1988, see reg. 1

**10.** Any personal possessions except those which had or have been acquired by the claimant with the intention of reducing his capital in order to secure entitlement to supplementary benefit or income support or to increase the amount of that benefit.

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**Commencement Information**

**I227** Sch. 10 para. 10 in force at 11.4.1988, see reg. 1

**11.** The value of the right to receive any income under an annuity and the surrender value (if any) of such an annuity.

**Commencement Information**

**I228** Sch. 10 para. 11 in force at 11.4.1988, see reg. 1

**12.—**(1) Where the funds of a trust are derived from a payment made in consequence of any personal injury to the claimant the value of the trust fund and the value of the right to receive any payment under that trust, for a period of two years or such longer period as is reasonable in the circumstances beginning—

- (a) if, at the date of the payment the claimant or his partner is in receipt of an income-related benefit, on that date;
- (b) in any other case, on the date on which an income-related benefit is first payable to the claimant or his partner after the date of that payment,

but, for the purposes of regulation 17, 18, 21, 44(5) and 71 and Schedules 4 and 5 (applicable amounts and modifications in respect of children and young persons) in calculating the capital of a child or young person there shall be no limit as to the period of disregard under this paragraph.

(2) For the purposes of sub-paragraph (1) any reference to an income-related benefit shall be construed as if it included a reference to supplementary benefit.

**Commencement Information**

**I229** Sch. 10 para. 12 in force at 11.4.1988, see reg. 1

**13.** The value of the right to receive any income under a life interest or from a liferent.

**Commencement Information**

**I230** Sch. 10 para. 13 in force at 11.4.1988, see reg. 1

**14.** The value of the right to receive any income which is disregarded under paragraph 11 of Schedule 8 or paragraph 23 of Schedule 9 (earnings or other income to be disregarded).

**Commencement Information**

**I231** Sch. 10 para. 14 in force at 11.4.1988, see reg. 1

**15.** The surrender value of any policy of life insurance.

**Commencement Information**

**I232** Sch. 10 para. 15 in force at 11.4.1988, see reg. 1

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16. Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.

**Commencement Information**

I233 Sch. 10 para. 16 in force at 11.4.1988, see reg. 1

17. Except in the case of a person to whom section 23 of the Act (trade disputes) applies [<sup>F247</sup>or in respect of whom section 20(3) of the Act (conditions of entitlement to income support) has effect as modified by section 23A(b) of the Act (effect of return to work)], any payment made under section 1 of the Child Care Act 1980 (duty of local authorities to promote welfare of children) or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 (general welfare).

**Textual Amendments**

F247 Words in Sch. 10 para. 17 substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), 36(a)

**Commencement Information**

I234 Sch. 10 para. 17 in force at 11.4.1988, see [reg. 1](#)

18. Any social fund payment.

**Commencement Information**

I235 Sch. 10 para. 18 in force at 11.4.1988, see reg. 1

19. Any refund of tax which falls to be deducted under section 26 of the Finance Act 1982 <sup>F248</sup>(deductions of tax from certain loan interest) on a payment of relevant loan interest for the purpose of acquiring an interest in the home or carrying out repairs or improvements in the home.

**Textual Amendments**

F248 1982 c. 39.

**Commencement Information**

I236 Sch. 10 para. 19 in force at 11.4.1988, see reg. 1

20. Any capital which under regulations 41 and 44(1) (capital treated as income and modifications in respect of children and young persons) is to be treated as income.

**Commencement Information**

I237 Sch. 10 para. 20 in force at 11.4.1988, see reg. 1

21. Where a payment of capital is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.

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#### Commencement Information

**I238** Sch. 10 para. 21 in force at 11.4.1988, see reg. 1

[<sup>F249</sup>**22.** Any payment made under the Macfarlane Trust and any sum derived from such a payment.]

#### Textual Amendments

**F249** Sch. 10 paras. 22-24 added (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988](#) (S.I. 1988/663), regs. 1(1), **36(b)**

[<sup>F249</sup>**23.** The value of the right to receive an occupational pension.]

#### Textual Amendments

**F249** Sch. 10 paras. 22-24 added (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988](#) (S.I. 1988/663), regs. 1(1), **36(b)**

[<sup>F249</sup>**24.** The value of the right to receive any rent.]

#### Textual Amendments

**F249** Sch. 10 paras. 22-24 added (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988](#) (S.I. 1988/663), regs. 1(1), **36(b)**

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations provide for various matters concerning entitlement to, and the amount of, income support.

Part I contains general provisions affecting the citation, commencement and interpretation of the Regulations (regulations 1 to 3).

Part II prescribes the circumstances in which a person's entitlement is to continue notwithstanding his absence from Great Britain; provide for what is to be treated as remunerative work and relevant education; specifies the circumstances in which a person is not required to be available for employment, or is to be treated or not treated as in remunerative work, available for employment, or in relevant education; and also provides for a person under the age of 18 to be registered for employment (regulations 4 to 13).

Part III makes provision in respect of children and young persons and prescribes, for the purpose of determining the members of a family, the circumstances in which a person is to be treated as responsible for another or as a member of the same household (regulations 14 to 17).

Part IV provides for a claimant's applicable amount (by reference to which the amount of his income support is calculated) to consist of the following: a personal allowance for the claimant

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and members of his family; where applicable, a family, lone parent, pensioner or disability premium and an amount in respect of mortgage interest payments or other prescribed housing costs. It also makes special provision in the case of polygamous marriages, boarders, certain cases of disqualification from unemployment, and other special cases (regulations 17 to 22).

Part V contains provisions for the calculation of income and capital. Chapters II to V make provision for income not expressly disregarded to be taken into account on a weekly basis; define earnings and prescribe the manner in which earnings and other income are to be calculated; they also prescribe the circumstances in which capital is to be treated as income and a person is to be treated as possessing income which he in fact does not possess.

Chapter VI makes provision for the calculation of capital; sets the capital limit over which a person is not to be entitled to benefit at £6,000 and provides for a weekly tariff income on capital over £3,000 and under that limit at a rate of £1 for every £250. Chapters VII and VIII make special provision in relation to the calculation of payments made by liable relatives and in respect of students (regulations 23 to 69).

Part VI makes provision for persons from abroad and for persons who are treated as possessing earnings who could not otherwise qualify for income support to be entitled to income support in cases of hardship; and for determining their applicable amount and income and capital (regulations 70 to 72).

These regulations are made before the expiry of 12 months from the commencement of provisions under which they are made: they are accordingly exempt, by section 61(5) of the Social Security Act 1986, from reference to the Social Security Advisory Committee and have not been so referred.

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