
STATUTORY INSTRUMENTS

1987 No. 1967

The Income Support (General) Regulations 1987

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

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

Interpretation

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

[^{F1}“Abbeyfield Home” means an establishment run by the Abbeyfield Society including all bodies corporate or incorporate which are affiliated to that Society;]

“the Act” means the Social Security Act 1986;

[^{F2}“adoption leave” means a period of absence from work on ordinary or additional adoption leave by virtue of section 75A or 75B of the Employment Rights Act 1996;]

[^{F3}“the Armed Forces and Reserve Forces Compensation Scheme” means the scheme established under section 1(2) of the Armed Forces (Pensions and Compensation) Act 2004;]

“attendance allowance” means—

- (a) an attendance allowance under section 35 of the Social Security Act^{F4};
- (b) an increase of disablement pension under section 61 or 63 of that Act^{F5};
- (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^{F6};
- (e) a payment by virtue of article 14, 15, 16, 43 or 44 of the Personal Injuries (Civilians) Scheme 1983^{F7} or any analogous payment; or
- (f) any payment based on need for attendance which is paid as part of a war disablement pension;

[^{F8}“the benefit Acts” means the Contributions and Benefits Act and the Jobseekers Act 1995;]

Status: Point in time view as at 14/04/2008.

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“benefit week” has the meaning prescribed in paragraph 4 of Schedule 7 to the Social Security (Claims and Payments) Regulations 1987^{F9}; [^{F10}and for the purposes of calculating any payment of income and of regulation 74(2)(a) “benefit week” shall also mean the period of 7 days ending on the day before the first day of the first benefit week following the date of claim or the last day on which income support is paid if it is in payment for less than a week;]

[^{F11}“board and lodging accommodation” means—

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

except accommodation provided by a close relative of his or of any other member of his family, or other than on a commercial basis;]

[^{F1}“care home” in England and Wales has the meaning assigned to it by section 3 of the Care Standards Act 2000, and in Scotland means a care home service within the meaning assigned to it by section 2(3) of the Regulation of Care (Scotland) Act 2001;]

[^{F12}“child tax credit” means a child tax credit under section 8 of the Tax Credits Act 2002;]

[^{F13}“the Children Order” means the Children (Northern Ireland) Order 1995;]

“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, [^{F14}or, if any of the preceding persons is one member of a couple, the other member of that couple];

[^{F15}“community charge benefit” means community charge benefits under Part VII of the Contributions and Benefits Act as originally enacted;]

“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^{F16} are charged;

[^{F17}“the Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992;]

“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;

[^{F18}“couple” means—

- (a) a man and woman who are married to each other and are members of the same household;
- (b) a man and woman who are not married to each other but are living together as husband and wife;
- (c) two people of the same sex who are civil partners of each other and are members of the same household; or

(d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners,

and for the purposes of paragraph (d), two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex;]

[^{F19}“course of study” means any course of study, whether or not it is a sandwich course (within the meaning prescribed in regulation 61(1)) and whether or not a grant is made for attending or undertaking 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;

[^{F20}“date of claim” means the date on which the claimant makes, or is treated as making, a claim for income support for the purposes of regulation 6 of the Social Security (Claims and Payments) Regulations 1987;]

[^{F21}“disability living allowance” means a disability living allowance under section 37ZA of the Social Security Act;]

^{F22}
...

“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;

^{F23}
...

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

[^{F24}“employment” except for the purposes of section 20(3)(d) of the Act, includes any trade, business, profession, office or vocation;]

^{F25}
...

[^{F26}“employment zone” means an area within Great Britain designated for the purposes of section 60 of the Welfare Reform and Pensions Act 1999 and an “employment zone programme” means a programme established for such an area or areas designed to assist claimants for a jobseeker’s allowance to obtain sustainable employment;]

[^{F26}“employment zone contractor” means a person who is undertaking the provision of facilities in respect of an employment zone programme on behalf of the Secretary of State for Education and Employment;]

^{F27}
...

[^{F28}“full-time student” has the meaning prescribed in regulation 61(1);]

[^{F31}“a guaranteed income payment” means a payment made under article 14(1)(b) or article 21(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005;]

“housing association” has the meaning assigned to it by section 1(1) of the Housing Associations Act 1985^{F29};

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[^{F30}“housing benefit expenditure” means expenditure in respect of which housing benefit is payable as specified in [^{F31}regulation 12(1) of the Housing Benefit Regulations 2006] but does not include any such expenditure in respect of which an amount is applicable under regulation 17(1)(e) or 18(1)(f) (housing costs);]

[^{F32}“Immigration and Asylum Act” means the Immigration and Asylum Act 1999;]

F33
...

[^{F1}“independent hospital” in England and Wales has the meaning assigned to it by section 2 of the Care Standards Act 2000, and in Scotland means an independent healthcare service as defined in section 2(5)(a) and (b) of the Regulation of Care (Scotland) Act 2001;]

F34
...

“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;

[^{F35}“last day of the course” has the meaning prescribed in regulation 61(1);]

“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;

[^{F36}“long-term patient” means a person who—

- (a) is a patient within the meaning of regulation 21(3); and
- (b) has been such a patient for a continuous period of more than 52 weeks;]

F37
...

[^{F20}“maternity leave” means a period during which a woman is absent from work because she is pregnant or has given birth to a child, and at the end of which she has a right to return to work either under the terms of her contract of employment or under [^{F38}Part VIII of the Employment Rights Act 1996];]

“mobility allowance” means an allowance under section 37A of the Social Security Act^{F39};

“mobility supplement” means any supplement under article 26A of the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 1983^{F40} including such a supplement by virtue of any other scheme or order or under Article 25A of the Personal Injuries (Civilians) Scheme 1983^{F41};

“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;

[^{F42}“the New Deal options” means the employment programmes specified in regulation 75(1)(a)(ii) of the Jobseeker’s Allowance Regulations 1996 and the training scheme specified in regulation 75(1)(b)(ii) of those Regulations;]

“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;

F43
...

“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 [^{F44}a couple], the other member of that couple;
- (b) is married polygamously to two or more members of his household, any such member;

[^{F45}“paternity leave” means a period of absence from work on leave by virtue of section 80A or 80B of the Employment Rights Act 1996;]

“payment” includes a part of a payment;

[^{F46}“pay period” means the period in respect of which a claimant is, or expects to be, normally paid by his employer, being a week, a fortnight, four weeks, a month or other shorter or longer period as the case may be;]

[^{F47}“pension fund holder” means with respect to a personal pension scheme or [^{F48}an occupational pension scheme], the trustees, managers or scheme administrators, as the case may be, of the scheme ^{F49}... concerned;]

[^{F50}“period of study” means the period beginning with the date on which a person starts attending or undertaking a course of study and ending with the last day of the course or such earlier date (if any) as he finally abandons it or is dismissed from it;]

[^{F51}“personal pension scheme” means—

- (a) a personal pension scheme as defined by section 1 of the Pension Schemes Act 1993;
- (b) an annuity contract or trust scheme approved under section 620 or 621 of the Income and Corporation Taxes Act 1988 or a substituted contract within the meaning of section 622(3) of that Act which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(f) of Schedule 36 to the Finance Act 2004;
- (c) a personal pension scheme approved under Chapter 4 of Part 14 of the Income and Corporation Taxes Act 1988 which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(g) of Schedule 36 to the Finance Act 2004;]

“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;

[^{F52}“polygamous marriage” means any marriage during the subsistence of which a party to it is married to more than one person and the ceremony of marriage took place under the law of a country which permits polygamy;]

^{F53} ...

[^{F54}“qualifying person” means a person in respect of whom payment has been made from the Fund[^{F55}, the Eileen Trust[^{F56}, the Skipton Fund or the London Bombings Relief Charitable Fund]];]

^{F57} ...

“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;

^{F43} ...

^{F58} ...

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...

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

[^{F60}“self-employment route” means assistance in pursuing self-employed earner’s employment whilst participating in—

- (a) an employment zone programme; or
- (b) a programme provided or other arrangements made pursuant to section 2 of the Employment and Training Act 1973 (functions of the Secretary of State) or section 2 of the Enterprise and New Towns (Scotland) Act 1990 (functions in relation to training for employment etc.);]

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

“Social Security Act” means the Social Security Act 1975^{F61};

[^{F62}“sports award” means an award made by one of the Sports Councils named in section 23(2) of the National Lottery etc. Act 1993 out of sums allocated to it for distribution under that section;]

[^{F63}“starting rate”, where it relates to the rate of tax, has the same meaning as in the Income Tax Act 2007 (see section 989 of that Act);]

F64
...

[^{F26}“subsistence allowance” means an allowance which an employment zone contractor has agreed to pay to a person who is participating in an employment zone programme;]

“supplementary benefit” means a supplementary pension or allowance under section 1 or 4 of the Supplementary Benefits Act 1976^{F65};

“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^{F66};

F23
...

[^{F67}“the Eileen Trust” means the charitable trust of that name established on 29th March 1993 out of funds provided by the Secretary of State for the benefit of persons eligible for payment in accordance with its provisions;]

[^{F54}“the Fund” means moneys made available from time to time by the Secretary of State for the benefit of persons eligible for payment in accordance with the provisions of a scheme established by him on 24th April 1992 or, in Scotland, on 10th April 1992;]

[^{F68}“the Independent Living (1993) Fund” means the Trust of that name established by a deed dated 25th February 1993 and made between the Secretary of State for Social Security of the one part and Robin Glover Wendt and John Shepherd of the other part;]

[^{F68}“the Independent Living (Extension) Fund” means the Trust of that name established by a deed dated 25th February 1993 and made between the Secretary of State for Social Security of the one part and Robin Glover Wendt and John Fletcher Shepherd of the other part;]

[^{F69}“the Independent Living Fund” means the charitable trust established out of funds provided by the Secretary of State for the purpose of providing financial assistance to those persons incapacitated by or otherwise suffering from very severe disablement who are in need of such assistance to enable them to live independently;]

[^{F70}“the Independent Living Fund (2006)” means the Trust of that name established by a deed dated 10th April 2006 and made between the Secretary of State for Work and Pensions of the one part and Margaret Rosemary Cooper, Michael Beresford Boyall and Marie Theresa Martin of the other part;]

[^{F68}“the Independent Living Funds” means the Independent Living Fund, [^{F71}the Independent Living (Extension) Fund, the Independent Living (1993) Fund and the Independent Living Fund (2006)];]

[^{F72}“the London Bombings Relief Charitable Fund” means the company limited by guarantee (number 5505072) and registered charity of that name established on 11th July 2005 for the purpose of (amongst other things) relieving sickness, disability or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7th July 2005;]

[^{F73}“the Macfarlane (Special Payments) Trust” means the trust of that name, established on 29th January 1990 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia;]

[^{F74}“the Macfarlane (Special Payments) (No. 2) Trust” means the trust of that name, established on 3rd May 1991 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia and other beneficiaries;]

[^{F75}“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;]

[^{F76}“the Skipton Fund” means the ex-gratia payment scheme administered by the Skipton Fund Limited, incorporated on 25th March 2004, for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with the scheme’s provisions;]

“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 [^{F77}Secretary of State for Employment][^{F78}, Scottish Enterprise or Highlands and Islands Enterprise][^{F79}, the Learning and Skills Council for England or the National Assembly for Wales];
- (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 [^{F80}the Secretary of State for Employment][^{F78}, Scottish Enterprise or Highlands and Islands Enterprise][^{F81}or the National Assembly for Wales],

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[^{F82}, other than under arrangements made under section 2 of the Employment and Training Act 1973,] or is training as a teacher;

[^{F83}“voluntary organisation” means a body, other than a public or local authority, the activities of which are carried on otherwise than for profit;]

[^{F84}“war widower’s pension” means any widower’s [^{F85}or surviving civil partner’s] pension or allowance granted in respect of a death due to service or war injury and payable by virtue of the Air Force (Constitution) Act 1917, the Personal Injuries (Emergency Provisions) Act 1939, the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939, the Polish Resettlement Act 1947 or Part VII or section 151 of the Reserve Forces Act 1980 or a pension

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or allowance for a widower [^{F86}or surviving civil partner] granted under any scheme mentioned in [^{F87}section 641(1)(e) or (f) of the Income Tax (Earnings and Pensions) Act 2003];]

[^{F88}“water charges” means—

- (a) as respects England and Wales, any water and sewerage charges under Chapter I of Part V of the Water Industry Act 1991;
- (b) as respects Scotland, any water and sewerage charges under Schedule 11 to the Local Government Finance Act 1992;

in so far as such charges are in respect of the dwelling which a person occupies as his home;]

[^{F89}“welfare to work beneficiary” means a person—

- (a) to whom regulation 13A(1) of the Social Security (Incapacity for Work) (General) Regulations 1995 applies; and
- (b) who again becomes incapable of work for the purposes of Part XIII A of the Contributions and Benefits Act 1992;]

[^{F90}“working tax credit” means a working tax credit under section 10 of the Tax Credits Act 2002;]

^{F22}
...

[^{F91}“year of assessment” has the meaning prescribed in section 832(1) of the Income and Corporation Taxes Act 1988;]

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

[^{F92}“youth training scheme” [^{F93}or youth training] means—

- (a) arrangements made under section 2 of the Employment and Training Act 1973 (functions of the Secretary of State); or
- (b) arrangements made by the Secretary of State for persons enlisted in Her Majesty’s forces for any special term of service specified in regulations made under section 2 of the Armed Forces Act 1966 (power of Defence Council to make regulations as to engagement of persons in regular forces),

for purposes which include the training of persons who, at the beginning of their training, are under the age of 18.]

[^{F94}(1A) For the purposes of these Regulations, where a person’s principal place of residence is a [^{F95}care home, an Abbeyfield Home or an independent hospital and he is temporarily absent from that home or hospital, he shall be regarded as continuing to reside in that home or hospital]—

- (a) where he is absent because he is a patient, for the first [^{F96}52] weeks of any such period of absence and for this purpose—
 - (i) “patient” has the meaning it has in Schedule 7 by virtue of regulation 21(3); and
 - (ii) periods of absence separated by not more than 28 days shall be treated as a single period of absence equal in duration to all those periods; and
- (b) for the first three weeks of any other period of absence.]

(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;
- (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;

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(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.

^{F97}(4)

Textual Amendments

- F1** Words in [reg. 2\(1\)](#) inserted (24.10.2005) by [The Social Security \(Care Homes and Independent Hospitals\) Regulations 2005 \(S.I. 2005/2687\)](#), [reg. 1](#), **Sch. 1 para. 1(a)(ii)**
- F2** Words in [reg. 2\(1\)](#) inserted (8.12.2002) by [The Social Security \(Paternity and Adoption\) Amendment Regulations 2002 \(S.I. 2002/2689\)](#), [regs. 1\(1\)\(b\)](#), **2(2)(a)**
- F3** Words in [reg. 2\(1\)](#) inserted (4.4.2005) by [The Social Security \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/574\)](#), [regs. 1\(1\)](#), **2(1)**
- F4** 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.
- F5** Subsections (3) and (4) of section 61 were added by the [Social Security Act 1986 \(c. 50\)](#), **section 39** and [Schedule 3](#), paragraph 6.
- F6** 1975 c. 16.
- F7** [S.I. 1983/686](#); the relevant amending instruments are [S.I. 1983/1164](#) and [1984/1675](#).
- F8** Words in [reg. 2](#) inserted (with effect in accordance with [reg. 1\(2\)](#) of the amending S.I.) by [The Income Support \(General\) \(Jobseeker's Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), [regs. 1\(1\)](#), **2(a)**
- F9** [S.I. 1987/1968](#).
- F10** Words in [reg. 2\(1\)](#) inserted (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), [regs. 1\(1\)\(b\)](#), **2(a)**
- F11** Words in [reg. 2\(1\)](#) inserted (10.4.1989) by [The Income Support \(General\) Amendment No. 5 Regulations 1988 \(S.I. 1988/2022\)](#), [regs. 1\(1\)\(b\)](#), **2(a)**
- F12** Words in [reg. 2\(1\)](#) inserted (for specified purposes and with effect in accordance with [reg. 1\(2\)](#) of the amending S.I.) by [The Income-related Benefits and Jobseeker's Allowance \(Working Tax Credit and Child Tax Credit\) \(Amendment\) Regulations 2002 \(S.I. 2002/2402\)](#), [reg. 1\(2\)](#), **Sch. 1 para. 1(a)**
- F13** Words in [reg. 2\(1\)](#) inserted (coming into force in accordance with [reg. 1\(2\)\(3\)](#) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) Regulations 1998 \(S.I. 1998/563\)](#), [regs. 1\(2\)](#), **5(1)(2)(e)**
- F14** Words in [reg. 2\(1\)](#) substituted (5.12.2005) by [The Civil Partnership \(Pensions, Social Security and Child Support\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2877\)](#), [art. 1](#), **Sch. 3 para. 13(2)(a)** (with [art. 3](#))
- F15** Words in [reg. 2\(1\)](#) inserted (with effect in accordance with [reg. 1\(2\)](#) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1993 \(S.I. 1993/315\)](#), [regs. 1\(1\)\(c\)](#), **3(a)**
- F16** 1975 c. 61.
- F17** Words in [reg. 2\(1\)](#) inserted (with effect in accordance with [reg. 1\(2\)](#) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1993 \(S.I. 1993/315\)](#), [regs. 1\(1\)\(c\)](#), **3(b)**
- F18** Words in [reg. 2\(1\)](#) substituted (5.12.2005) by [The Civil Partnership \(Pensions, Social Security and Child Support\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2877\)](#), [art. 1](#), **Sch. 3 para. 13(2)(b)** (with [art. 3](#))

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- F19** Words in reg. 2(1) substituted (31.7.2000) by The Social Security Amendment (Students) Regulations 2000 (S.I. 2000/1981), regs. 1(1), **5(2)(a)**
- F20** Words in reg. 2(1) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Income-related Benefits Schemes (Miscellaneous Amendments) (No. 4) Regulations 1993 (S.I. 1993/2119), regs. 1(1)(a), **2(a)-(c)**
- F21** Words in reg. 2(1) inserted (6.4.1992) by The Disability Living Allowance and Disability Working Allowance (Consequential Provisions) Regulations 1991 (S.I. 1991/2742), regs. 1(1), **11(2) (with reg. 1(2))**
- F22** Words in reg. 2(1) omitted (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by virtue of The Income-related Benefits and Jobseeker's Allowance (Working Tax Credit and Child Tax Credit) (Amendment) Regulations 2002 (S.I. 2002/2402), reg. 1(2), **Sch. 1 para. 1(c)**
- F23** Words in reg. 2(1) omitted (4.4.2005) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/574), regs. 1(1), **3(2)(a)**
- F24** Words in reg. 2(1) inserted (12.9.1988) by The Income Support (General) Amendment No. 4 Regulations 1988 (S.I. 1988/1445), regs. 1(1)(b), **2(b)**
- F25** Words in reg. 2(1) omitted (9.10.2000) by virtue of The Social Security (Students and Income-related Benefits) (No. 2) Regulations 2000 (S.I. 2000/2422), regs. 1, **4**
- F26** Words in reg. 2(1) inserted (3.4.2000) by The Social Security Amendment (Employment Zones) Regulations 2000 (S.I. 2000/724), regs. 1(1), **2(2)(c)**
- F27** Words in reg. 2(1) omitted (1.4.2004) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2004 (S.I. 2004/565), regs. 1(2)(a), **2(2)**
- F28** Words in reg. 2(1) inserted (9.10.2000) by The Social Security (Students and Income-related Benefits) (No. 2) Regulations 2000 (S.I. 2000/2422), regs. 1, **4**
- F29** 1985c.69.
- F30** Words in reg. 2(1) substituted (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by The Income-related Benefits and Jobseeker's Allowance (Miscellaneous Amendments) Regulations 1997 (S.I. 1997/65), regs. 1(1)(2), **4(1)**
- F31** Words in reg. 2(1) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 2 para. 1(2)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F32** Words in reg. 2(1) inserted (3.4.2000) by The Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000 (S.I. 2000/636), regs. 1(1), **3(2)(a)**
- F33** Words in reg. 2(1) omitted (3.4.2000) by virtue of The Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000 (S.I. 2000/636), regs. 1(1), **3(2)(b)**
- F34** Words in reg. 2(1) omitted (14.4.2008) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2008 (S.I. 2008/698), regs. 1(1), **2(2)**
- F35** Words in reg. 2(1) substituted (31.7.2000) by The Social Security Amendment (Students) Regulations 2000 (S.I. 2000/1981), regs. 1(1), **5(2)(c)**
- F36** Words in reg. 2(1) inserted (coming into force in accordance with reg. 1(6) of the amending S.I.) by The Social Security (Miscellaneous Amendments) Regulations 2007 (S.I. 2007/719), regs. 1(6), **2(2)**
- F37** Words in reg. 2(1) revoked (1.10.2007) by The Social Security (Miscellaneous Amendments) (No. 5) Regulations 2007 (S.I. 2007/2618), reg. 1(1), **Sch.**
- F38** Words in reg. 2(1) substituted (1.10.2007) by The Social Security (Miscellaneous Amendments) (No. 5) Regulations 2007 (S.I. 2007/2618), regs. 1(1), **5(2)(a)**
- F39** 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).
- F40** S.I. 1983/883; article 26A was added by S.I. 1983/1116 and amended by S.I. 1983/1521 and 1986/592.
- F41** S.I. 1983/686, amended by S.I. 1983/1164, 1540 and 1986/628.
- F42** Words in reg. 2(1) inserted (9.4.2001) by The Social Security (Miscellaneous Amendments) Regulations 2001 (S.I. 2001/488), regs. 1(1), **2**

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- F43** Words in reg. 2(1) omitted (24.10.2005) by virtue of The Social Security (Care Homes and Independent Hospitals) Regulations 2005 (S.I. 2005/2687), reg. 1, **Sch. 1 para. 1(a)(i)**
- F44** Words in reg. 2(1) substituted (5.12.2005) by The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877), art. 1, **Sch. 3 para. 13(2)(c)** (with art. 3)
- F45** Words in reg. 2(1) inserted (8.12.2002) by The Social Security (Paternity and Adoption) Amendment Regulations 2002 (S.I. 2002/2689), regs. 1(1)(b), **2(2)(b)**
- F46** Words in reg. 2(1) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Income-related Benefits Schemes (Miscellaneous Amendments) (No.5) Regulations 1994 (S.I. 1994/2139), regs. 1(1)(a), **22(a)**
- F47** Words in reg. 2(1) inserted (with effect in accordance with reg. 1(4) of the amending S.I.) by The Income-related Benefits Schemes and Social Security (Claims and Payments) (Miscellaneous Amendments) Regulations 1995 (S.I. 1995/2303), regs. 1(1)(a), **6(2)(a)** (with reg. 8)
- F48** Words in reg. 2(1) substituted (16.7.2007) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2007 (S.I. 2007/1749), regs. 1, **2(2)(a)(i)**
- F49** Words in reg. 2(1) omitted (16.7.2007) by virtue of The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2007 (S.I. 2007/1749), regs. 1, **2(2)(a)(ii)**
- F50** Words in reg. 2(1) substituted (31.7.2000) by The Social Security Amendment (Students) Regulations 2000 (S.I. 2000/1981), regs. 1(1), **5(2)(d)**
- F51** Words in reg. 2(1) substituted (16.7.2007) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2007 (S.I. 2007/1749), regs. 1, **2(2)(b)**
- F52** Words in reg. 2(1) substituted (12.12.1988) by The Income Support (General) Amendment No. 5 Regulations 1988 (S.I. 1988/2022), regs. 1(1)(a), **2(b)**
- F53** Words in reg. 2(1) omitted (8.4.2002) by virtue of The Social Security Amendment (Residential Care and Nursing Homes) Regulations 2001 (S.I. 2001/3767), **Sch. Pt. 1 para. 1(a)(iii)**
- F54** Words in reg. 2(1) inserted (7.5.1992) by The Income-related Benefits Schemes and Social Security (Recoupment) Amendment Regulations 1992 (S.I. 1992/1101), regs. 1(1), **6(2)(a)(b)**
- F55** Words in reg. 2(1) substituted (12.5.2004) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2004 (S.I. 2004/1141), regs. 1(1), **2(a)**
- F56** Words in reg. 2(1) substituted (12.12.2005) by The Income-related Benefits (Amendment) (No. 2) Regulations 2005 (S.I. 2005/3391), regs. 1, **2(2)(b)**
- F57** Words in reg. 2 omitted (with effect in accordance with reg. 1(2) of the amending S.I.) by virtue of The Income Support (General) (Jobseeker's Allowance Consequential Amendments) Regulations 1996 (S.I. 1996/206), regs. 1(1), **2(b)**
- F58** Words in reg. 2(1) omitted (6.10.2003) by virtue of The Social Security (Removal of Residential Allowance and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/1121), reg. 1, **Sch. 1 para. 1**
- F59** Words in reg. 2(1) omitted (16.7.2007) by virtue of The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2007 (S.I. 2007/1749), regs. 1, **2(2)(c)**
- F60** Words in reg. 2(1) substituted (4.5.2004) by The Social Security (Income-Related Benefits Self-Employment Route Amendment) Regulations 2004 (S.I. 2004/963), regs. 1(1), **2**
- F61** 1975 c. 14.
- F62** Words in reg. 2(1) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Social Security Amendment (Sports Awards) Regulations 1999 (S.I. 1999/2165), regs. 1(1), **2(1)(2)(e)**
- F63** Words in reg. 2(1) inserted (1.10.2007) by The Social Security (Miscellaneous Amendments) (No. 5) Regulations 2007 (S.I. 2007/2618), regs. 1(1), **5(2)(b)**
- F64** Words in reg. 2(1) omitted (31.7.2000) by virtue of The Social Security Amendment (Students) Regulations 2000 (S.I. 2000/1981), regs. 1(1), **5(2)(e)**
- F65** 1976 c. 71, as amended by section 6(1) of, and Part I of Schedules 2 to, the Social Security Act 1980 (c. 30).
- F66** S.I. 1976/965; the relevant amending instruments are S.I. 1980/1054, 1982/470 and 1987/357.
- F67** Words in reg. 2(1) inserted (14.5.1993) by The Income-related Benefits Schemes and Social Security (Recoupment) Amendment Regulations 1993 (S.I. 1993/1249), regs. 1(1)(a), **4(2)(b)**

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- F68** Words in reg. 2(1) inserted (22.4.1993) by The Social Security Benefits (Miscellaneous Amendments) (No. 2) Regulations 1993 (S.I. 1993/963), regs. 1, **2(2)**
- F69** Words in reg. 2(1) inserted (9.6.1988) by The Family Credit and Income Support (General) Amendment Regulations 1988 (S.I. 1988/999), regs. 1(1), **4**
- F70** Words in reg. 2(1) inserted (1.10.2007) by The Independent Living Fund (2006) Order 2007 (S.I. 2007/2538), arts. 1, **2(2)(a)**
- F71** Words in reg. 2(1) substituted (1.10.2007) by The Independent Living Fund (2006) Order 2007 (S.I. 2007/2538), arts. 1, **2(2)(b)**
- F72** Words in reg. 2(1) inserted (12.12.2005) by The Income-related Benefits (Amendment) (No. 2) Regulations 2005 (S.I. 2005/3391), regs. 1, **2(2)(a)**
- F73** Words in reg. 2(1) inserted (31.1.1990) by The Income-related Benefits Schemes Amendment Regulations 1990 (S.I. 1990/127), regs. 1(1), **3(2)**
- F74** Words in reg. 2 inserted (11.5.1991) by The Income-related Benefits Schemes and Social Security (Recoupment) Amendment Regulations 1991 (S.I. 1991/1175), regs. 1(1), **5(2)**
- F75** 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**
- F76** Words in reg. 2(1) inserted (12.5.2004) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2004 (S.I. 2004/1141), regs. 1(1), **2(b)(ii)**
- F77** Words in reg. 2(1) substituted (8.4.1991) by The Income Support (General) Amendment Regulations 1991 (S.I. 1991/236), regs. 1(1)(b), **2(1)(a)** (with reg. 1(2))
- F78** Words in reg. 2(1) inserted (1.4.1991) by The Enterprise (Scotland) Consequential Amendments Order 1991 (S.I. 1991/387), arts. 1, **9(a)**
- F79** Words in reg. 2(1) added (26.3.2001) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2001 (S.I. 2001/652), regs. 1(1)(a), **2(b)(i)**
- F80** Words in reg. 2(1) substituted (8.4.1991) by The Income Support (General) Amendment Regulations 1991 (S.I. 1991/236), regs. 1(1)(b), **2(2)** (with reg. 1(2))
- F81** Words in reg. 2(1) added (26.3.2001) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2001 (S.I. 2001/652), regs. 1(1)(a), **2(b)(ii)**
- F82** Words in reg. 2(1) inserted (21.8.1989) by The Income Support (General) Amendment No. 2 Regulations 1989 (S.I. 1989/1323), regs. 1(1)(a), **2**
- F83** Words in reg. 2(1) inserted (10.4.1995) by The Income-related Benefits Schemes (Miscellaneous Amendments) Regulations 1995 (S.I. 1995/516), regs. 1(1)(a), **17** (with reg. 1(2))
- F84** Words in reg. 2 inserted (8.4.2002) by The Social Security (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/841), regs. 1(1), **2(1)**
- F85** Words in reg. 2(1) inserted (5.12.2005) by The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877), art. 1, **Sch. 3 para. 13(2)(d)(i)** (with art. 3)
- F86** Words in reg. 2(1) inserted (5.12.2005) by The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877), art. 1, **Sch. 3 para. 13(2)(d)(ii)** (with art. 3)
- F87** Words in reg. 2(1) substituted (16.7.2007) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2007 (S.I. 2007/1749), regs. 1, **2(2)(d)**
- F88** Words in reg. 2(1) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Income-related Benefits Schemes (Miscellaneous Amendments) Regulations 1993 (S.I. 1993/315), regs. 1(1)(c), **3(e)**
- F89** Words in reg. 2 inserted (5.10.1998) by The Social Security (Welfare to Work) Regulations 1998 (S.I. 1998/2231), regs. 1, **13(2)**
- F90** Words in reg. 2(1) inserted (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by The Income-related Benefits and Jobseeker's Allowance (Working Tax Credit and Child Tax Credit) (Amendment) Regulations 2002 (S.I. 2002/2402), reg. 1(2), **Sch. 1 para. 1(b)**
- F91** Words in reg. 2(1) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Income-related Benefits Schemes (Miscellaneous Amendments) (No.5) Regulations 1994 (S.I. 1994/2139), regs. 1(1)(a), **22(b)**

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- F92** Words in reg. 2(1) inserted (12.9.1988) by The Income Support (General) Amendment No. 3 Regulations 1988 (S.I. 1988/1228), regs. 1(1)(b), **2(b)**
- F93** Words in reg. 2(1) inserted (8.4.1991) by The Income Support (General) Amendment Regulations 1991 (S.I. 1991/236), regs. 1(1)(b), **2(4)** (with reg. 1(2))
- F94** Reg. 2(1A) inserted (8.4.2002) by The Social Security Amendment (Residential Care and Nursing Homes) Regulations 2001 (S.I. 2001/3767), reg. 1, **Sch. Pt. I para. 1(b)**
- F95** Words in reg. 2(1A) substituted (24.10.2005) by The Social Security (Care Homes and Independent Hospitals) Regulations 2005 (S.I. 2005/2687), reg. 1, **Sch. 1 para. 1(b)**
- F96** Word in reg. 2(1A)(a) substituted (coming into force in accordance with reg. 1(c) of the amending S.I.) by The Social Security (Hospital In-Patients and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/1195), regs. 1(c), **3(2)**
- F97** Reg. 2(4) omitted (4.4.2005) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/574), regs. 1(1), **3(2)(b)**

Modifications etc. (not altering text)

- C1** Reg. 2(1) applied (for specified purposes and with effect in accordance with reg. 1 of the amending S.I., in force in so far as not already in force and with effect in accordance with reg. 1 of the amending S.I.) by The Tax Credits (Definition and Calculation of Income) Regulations 2002 (S.I. 2002/2006), regs. 1, **10(5)**
- C2** Reg. 2(1) definition applied (22.8.2003) by The Tax Credits Act 2002 (Child Tax Credit) (Transitional Provisions) Order 2003 (S.I. 2003/2170), art. 1, **reg. 2(3)(a)(b)** (with art. 2)

Commencement Information

- I2** Reg. 2 in force at 11.4.1988, see [reg. 1](#)

[^{F98}Disapplication of section 1(1A) of the Administration Act

2A. Section 1(1A) of the Administration Act (requirement to state national insurance number) shall not apply—

- (a) [^{F99}to a child or young person in respect of whom income support is claimed;]
- (b) to a partner in respect of whom a claim for income support is made or treated as made before [^{F100}5th October 1998].]

Textual Amendments

- F98** Reg. 2A inserted (1.12.1997) by The Social Security (National Insurance Number Information: Exemption) Regulations 1997 (S.I. 1997/2676), regs. 1(1), **10**
- F99** Reg. 2A(a) omitted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by virtue of The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), **Sch. 1 para. 1**
- F100** Words in reg. 2A(b) substituted (1.12.1997) by The Social Security (National Insurance Number Information: Exemption) (No. 2) Regulations 1997 (S.I. 1997/2814), regs. 1, **2**

Definition of non-dependant

3.—(1) In these Regulations, “non-dependant” means any person, except someone [^{F101}to whom paragraph (2), (2A) or (2B) applies], who normally resides with a claimant [^{F102}or with whom a claimant normally resides.]

[^{F103}(2) This paragraph applies to—

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- (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 (circumstances in which a person is to be treated as being or not being a member of the household);
- (c) a person who lives with the claimant in order to care for him or for the claimant's partner and who is engaged for that purpose by a charitable or [^{F104}voluntary organisation] which makes a charge to the claimant or the claimant's partner for the care provided by that person;
- (d) the partner of a person to whom sub-paragraph (c) applies.

(2A) This paragraph applies to a person, other than a close relative of the claimant or the claimant's partner,—

- (a) who is liable to make payments on a commercial basis to the claimant or the claimant's partner in respect of his occupation of the claimant's dwelling;
- (b) to whom the claimant or the claimant's partner is liable to make payments on a commercial basis in respect of his occupation of that person's dwelling;
- (c) who is a member of the household of a person to whom sub-paragraph (a) or (b) applies.

(2B) Subject to paragraph (2C), this paragraph applies to—

- (a) a person who jointly occupies the claimant's dwelling and who is either—
 - (i) a co-owner of that dwelling with the claimant or the claimant's partner (whether or not there are other co-owners); or
 - (ii) jointly liable with the claimant or the claimant's partner to make payments to a landlord in respect of his occupation of that dwelling;
- (b) a partner of a person to whom sub-paragraph (a) applies.

(2C) Where a person is a close relative of the claimant or the claimant's partner, paragraph (2B) shall apply to him only if the claimant's, or the claimant's partner's, co-ownership, or joint liability to make payments to a landlord in respect of his occupation, of the dwelling arose either before 11th April 1988, or, if later, on or before the date upon which the claimant or the claimant's partner first occupied the dwelling in question.]

^{F105}(3)

(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 [^{F106}but not if each person is separately liable to make payments in respect of his occupation of the dwelling to the landlord].

(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.

Textual Amendments

- F101** Words in reg. 3(1) substituted (11.11.1991) by [The Income Support \(General\) Amendment No. 6 Regulations 1991 \(S.I. 1991/2334\)](#), regs. 1(1), **2(a)** (with reg. 1(2))
- F102** Words in reg. 3(1) added (2.12.1994) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 6\) Regulations 1994 \(S.I. 1994/3061\)](#), regs. 1, **2(2)**
- F103** Reg. 3(2)-(2C) substituted for reg. 3(2) (11.11.1991) by [The Income Support \(General\) Amendment No. 6 Regulations 1991 \(S.I. 1991/2334\)](#), regs. 1(1), **2(b)** (with reg. 1(2))
- F104** Words in reg. 3(2)(c) substituted (10.4.1995) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1995 \(S.I. 1995/516\)](#), regs. 1(1)(a), **18** (with reg. 1(2))
- F105** Reg. 3(3) omitted (with effect in accordance with reg. 1(1)(c) of the amending S.I.) by virtue of [The Income Support \(General\) Amendment Regulations 1989 \(S.I. 1989/534\)](#), reg. 1(1), **Sch. 1 para. 2(b)**

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F106 Words in reg. 3(4) added (with effect in accordance with reg. 1(1)(a) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1989 \(S.I. 1989/534\)](#), regs. 1(1), **2(c)**

Commencement Information

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

[^{F107} Permitted period

3A.—(1) For the purposes of regulation 17(6), ^{F108}... paragraph 7(6) of Schedule 3A, paragraph 6(3) of Schedule 3B and paragraphs 4 and 6 of Schedule 8 (applicable amounts, mortgage interest, protected sums and earnings to be disregarded), where a claimant has ceased to be entitled to income support—

- (a) because he or his partner becomes engaged in remunerative work the permitted period, ^{F109}... shall be twelve weeks; or
- (b) for any other reason, the permitted period shall be eight weeks.

^{F110}(2)

^{F111}(3)]

Textual Amendments

F107 [Reg. 3A](#) inserted (9.10.1989) by [The Income Support \(General\) Amendment No. 3 Regulations 1989 \(S.I. 1989/1678\)](#), regs. 1(1)(a), **2**

F108 Words in [reg. 3A\(1\)](#) omitted (12.12.1995) by virtue of [The Social Security \(Income Support, Claims and Payments and Adjudication\) Amendment Regulations 1995 \(S.I. 1995/2927\)](#), **regs. 1(1), 4**

F109 Words in [reg. 3A\(1\)\(a\)](#) omitted (with effect in accordance with reg. 1(2) of the amending S.I.) by virtue of [The Income Support \(General\) \(Jobseeker’s Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), regs. 1(1), **3(a)**

F110 [Reg. 3A\(2\)](#) omitted (with effect in accordance with reg. 1(2) of the amending S.I.) by virtue of [The Income Support \(General\) \(Jobseeker’s Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), regs. 1(1), **3(b)**

F111 [Reg. 3A\(3\)](#) omitted (with effect in accordance with reg. 1(2) of the amending S.I.) by virtue of [The Income Support \(General\) \(Jobseeker’s Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), regs. 1(1), **3(b)**

Modifications etc. (not altering text)

C3 [Reg. 3A](#) modified (7.10.1996) by [The Jobseeker's Allowance Regulations 1996 \(S.I. 1996/207\)](#), regs. 1(2), **87(7)**

PART II

CONDITIONS OF ENTITLEMENT

[^{F112} Prescribed categories of person

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

- (2) Paragraph (1) does not apply to a [^{F113}full-time student] during the period of study.

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(3) A ^{F113}full-time student] during the period of study falls within a prescribed category of person for the purposes of section 124(1)(e) of the Contributions and Benefits Act only if—

- (a) ^{F114}paragraph 1 of Part I of the Schedule to the Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000] applies to him; or
- (b) paragraph 1, 2, 10, 11, 12, or 18 of Schedule 1B applies to him; or
- (c) any other paragraph of Schedule 1B applies to him and he has a partner who is also a ^{F113}full-time student], and either he or his partner is treated as responsible for a child or young person, but this provision shall apply only for the period of the summer vacation appropriate to his course]^{F115}; or
- (d) he is taking part in the scheme known as the Adult Learning Option (which is provided in pursuance of arrangements made by or on behalf of the Secretary of State under section 2 of the Employment and Training Act 1973).]

^{F116}(3A) Paragraph (1) does not apply to a person to whom section 6 of the Children (Leaving Care) Act 2000 (exclusion from benefits) applies.]

^{F117}(4) A person who falls within a prescribed category in Schedule 1B for the purposes of this regulation for any day in a benefit week, shall fall within that category for the whole of that week.]

Textual Amendments

- F112** Reg. 4ZA inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income Support \(General\) \(Jobseeker's Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), regs. 1(1), **4**
- F113** Words in reg. 4ZA(2)(3) substituted (31.7.2000) by [The Social Security Amendment \(Students\) Regulations 2000 \(S.I. 2000/1981\)](#), regs. 1(1), 5(5), **Sch.**
- F114** Words in reg. 4ZA(3)(a) substituted (3.4.2000) by [The Social Security \(Immigration and Asylum\) Consequential Amendments Regulations 2000 \(S.I. 2000/636\)](#), regs. 1(1), **3(3)**
- F115** Reg. 4ZA(3)(d) and word inserted (1.9.2006) by [The Social Security \(Adult Learning Option\) Amendment Regulations 2006 \(S.I. 2006/2144\)](#), regs. 1, **2(2)**
- F116** Reg. 4ZA(3A) inserted (1.10.2001) by [The Children \(Leaving Care\) Act 2000 \(Commencement No. 2 and Consequential Provisions\) Order 2001 \(S.I. 2001/3070\)](#), art. 3(1), **Sch. 1 (a)**
- F117** Reg. 4ZA(4) added (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Income-related Benefits and Jobseeker's Allowance \(Amendment\) \(No. 2\) Regulations 1997 \(S.I. 1997/2197\)](#), regs. 1(2), **5(2)**

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 ^{F118}shall continue only—

- (a) in the circumstances specified in paragraph (2), during the first 4 weeks of that period of temporary absence; and
- (b) in the circumstances specified in paragraph (3), during the first 8 weeks of that period.]

(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—
- [^{F119}(i) the claimant falls within one or more of the prescribed categories of person listed in Schedule 1B other than paragraphs 7, 15, 20, 21, 24, 25, 26 or 27 of that Schedule; or]
 - [^{F119}(ii) the claimant falls within paragraph 7 of Schedule 1B (persons incapable of work) and his absence from Great Britain is for the sole purpose of receiving treatment from an appropriately qualified person for the incapacity by reason of which he satisfies the conditions of that paragraph; or]
 - (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, [^{F120}9A,] 10, 11 or 13 of Schedule 2 (applicable amounts) is applicable in respect of his partner [^{F121} or
 - [^{F122}(v) on the day on which the absence began he had satisfied the provisions of [^{F123}paragraph 7 of Schedule 1B] (persons incapable of work) for a continuous period of not less than—
 - (aa) 196 days in the case of a claimant who is terminally ill within the meaning of section 30B(4) of the Contributions and Benefits Act, or who is entitled to the highest rate of the care component of disability living allowance; or
 - (bb) 364 days in any other case,and for this purpose any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period.]]
- [^{F124}(3) The circumstances in which a claimant's entitlement to income support is to continue during the first 8 weeks of a temporary absence from Great Britain are that—
- (a) the period of absence is unlikely to exceed 52 weeks; and
 - (b) the claimant continues to satisfy the other conditions of entitlement to income support; and
 - (c) the claimant is, or the claimant and any other member of his family are, accompanying a member of the claimant's family who is a child or young person solely in connection with arrangements made for the treatment of that child or young person for a disease or bodily or mental disablement; and
 - (d) those arrangements relate to treatment—
 - (i) outside Great Britain;
 - (ii) during the period whilst the claimant is, or the claimant and any member of his family are, temporarily absent from Great Britain; and
 - (iii) by, or under the supervision of, a person appropriately qualified to carry out that treatment.]
- [^{F125}(3A) A claimant's entitlement to income support shall continue during a period of temporary absence from Great Britain if—
- (a) he satisfied the conditions of entitlement to income support immediately before the beginning of that period of temporary absence; and
 - (b) that period of temporary absence is for the purpose of the claimant receiving treatment at a hospital or other institution outside Great Britain where that treatment is being provided—
 - (i) under section 3 of the National Health Service Act 1977 (services generally);
 - (ii) pursuant to arrangements made under section 23 of that Act (voluntary organisations and other bodies); or

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- (iii) pursuant to arrangements made under paragraph 13 of Schedule 2 to the National Health Service and Community Care Act 1990 (National Health Service Trusts – specific powers).]

[^{F124}(4) In paragraphs (2) and (3) “appropriately qualified” means qualified to provide medical treatment, physiotherapy or a form of treatment which is similar to, or related to, either of those forms of treatment.]

Textual Amendments

- F118** Words in reg. 4(1) substituted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1990 \(S.I. 1990/547\)](#), regs. 1(1)(b), **3(a)**
- F119** Reg. 4(2)(c)(i)(ii) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income Support \(General\) \(Jobseeker’s Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), regs. **1(1), 5(2)**
- F120** Word in reg. 4(2)(c)(iv) inserted (with effect in accordance with reg. 1(6) of the amending S.I.) by [The Income-related Benefits Schemes and Social Fund \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/1944\)](#), regs. 1(1)(a), **6(3)** (with reg. 13)
- F121** 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**
- F122** Reg. 4(2)(c)(v) substituted (13.4.1995) by [The Disability Working Allowance and Income Support \(General\) Amendment Regulations 1995 \(S.I. 1995/482\)](#), regs. 1(1), **5** (with reg. 1(4))
- F123** Words in reg. 4(2)(c)(v) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income Support \(General\) \(Jobseeker’s Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), regs. 1(1), **5(3)**
- F124** Reg. 4(3)(4) added (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1990 \(S.I. 1990/547\)](#), regs. 1(1)(b), **3(b)**
- F125** Reg. 4(3A) inserted (4.10.2004) by [The Social Security \(Income Support and Jobseeker’s Allowance\) Amendment Regulations 2004 \(S.I. 2004/1869\)](#), regs. 1, **2(2)**

Modifications etc. (not altering text)

- C4** Reg. 4(2)(c)(v) modified (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income Support \(General\) \(Jobseeker’s Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), regs. 1(1), **27(2)**

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 [^{F126}not less than 16 hours] a week being work for which payment is made or which is done in expectation of payment.

[^{F127}(1A) In the case of any partner of the claimant paragraph (1) shall have effect as though for the words “16 hours” there were substituted the words “24 hours”.]

(2) [^{F128}Subject to paragraph (3B),] the number of hours for which a person is engaged in work shall be determined—

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- (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 ^{F129}on which a superseding decision is made under section 10 (decisions superseding earlier decisions) of the Social Security Act 1998], 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.

^{F130}(3A) A person shall not be treated as engaged in remunerative work on any day on which the person is on maternity leave^{F131}, paternity leave or adoption leave] or is absent from work because he is ill.]

^{F132}(3B) Where for the purpose of paragraph (2)(b)(i), a person's recognisable cycle of work at a school, other educational establishment or other place of employment is one year and includes periods of school holidays or similar vacations during which he does not work, those periods and any other periods not forming part of such holidays or vacations during which he is not required to work shall be disregarded in establishing the average hours for which he is engaged in work.]

(4) A person who makes a claim and to whom or whose partner section 23 of the Act (trade disputes) applies ^{F133}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) ^{F134}Subject to paragraph (5A), a person] who was, or was treated as being, engaged in remunerative work and in respect of that work earnings to which ^{F135}regulation ^{F136}35(1)(b) and (d)] (earnings of employed earners) applies are ^{F137}paid] 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.

^{F138}(5A) Paragraph (5) shall not apply to earnings disregarded under paragraph 1 of Schedule 8 to these regulations.]

^{F139}(6) For the purposes of this regulation, in determining the number of hours in which a person is engaged or treated as engaged in remunerative work, no account shall be taken of any hours in which the person is engaged in an employment or a scheme to which ^{F140}regulation 6(1)] (persons not treated as engaged in remunerative work) applies.]

^{F141}(7) For the purposes of paragraphs (1) and (2), in determining the number of hours for which a person is engaged in work, that number shall include any time allowed to that person by his employer for a meal or for refreshment, but only where that person is, or expects to be, paid earnings in respect of that time.]

^{F142}(8)

^{F142}(9)

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F142(10)

Textual Amendments

- F126** Sch. 9 para. 19 substituted (with effect in accordance with reg. 1(3) of the amending S.I.) by The Income-related Benefits Schemes (Miscellaneous Amendments) Regulations 1994 (S.I. 1994/527), regs. 1(1)(b), **9(3)**
- F127** Reg. 5(1A) inserted (with effect in accordance with reg. 1(6) of the amending S.I.) by The Income-related Benefits Schemes and Social Fund (Miscellaneous Amendments) Regulations 1996 (S.I. 1996/1944), regs. 1(1)(a), **6(4)** (with reg. 13)
- F128** Words in reg. 5(2) inserted (10.4.1995) by The Income-related Benefits Schemes (Miscellaneous Amendments) Regulations 1995 (S.I. 1995/516), regs. 1(1)(a), **19(a)** (with reg. 1(2))
- F129** Words in reg. 5(2)(b)(ii) substituted (29.11.1999) by The Social Security Act 1998 (Commencement No. 12 and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/3178), reg. 3(1)(a), **Sch. 5 para. 1** (with reg. 3(1)(b), Schs. 21-23)
- F130** Reg. 5(3A) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Income-related Benefits Schemes (Miscellaneous Amendments) (No. 4) Regulations 1993 (S.I. 1993/2119), regs. 1(1)(a), **3(2)**
- F131** Words in reg. 5(3A) inserted (8.12.2002) by The Social Security (Paternity and Adoption) Amendment Regulations 2002 (S.I. 2002/2689), regs. 1(1)(b), **2(3)**
- F132** Reg. 5(3B) inserted (10.4.1995) by The Income-related Benefits Schemes (Miscellaneous Amendments) Regulations 1995 (S.I. 1995/516), regs. 1(1)(a), **19(b)** (with reg. 1(2))
- F133** 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**
- F134** Words in reg. 5(5) substituted (1.10.2007) by The Social Security (Miscellaneous Amendments) (No. 5) Regulations 2007 (S.I. 2007/2618), regs. 1(1), **5(3)(a)**
- F135** Words in reg. 5(5) substituted (9.10.1989) by The Income Support (General) Amendment No. 2 Regulations 1989 (S.I. 1989/1323), regs. 1(1)(b), **3**
- F136** Words in reg. 5(5) substituted (14.4.2008) by The Social Security (Miscellaneous Amendments) Regulations 2008 (S.I. 2008/698), regs. 1(1), **2(3)**
- F137** Word in reg. 5(5) substituted (12.12.1988) by The Income Support (General) Amendment No. 5 Regulations 1988 (S.I. 1988/2022), regs. 1(1)(a), **3**
- F138** Reg. 5(5A) inserted (1.10.2007) by The Social Security (Miscellaneous Amendments) (No. 5) Regulations 2007 (S.I. 2007/2618), regs. 1(1), **5(3)(b)**
- F139** Reg. 5(6) added (12.9.1988) by The Income Support (General) Amendment No. 4 Regulations 1988 (S.I. 1988/1445), regs. 1(1)(b), **3**
- F140** Words in reg. 5(6) substituted (3.4.2000) by The Social Security (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/681), regs. 1(1)(c), **2(a)**
- F141** Reg. 5(7) added (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by The Income Support (General) Amendment Regulations 1990 (S.I. 1990/547), regs. 1(1)(b), **4**
- F142** Reg. 5(8)-(10) omitted (9.4.2001) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2001 (S.I. 2001/488), regs. 1(1), **3**

Modifications etc. (not altering text)

- C5** Reg. 5 applied (S.) (5.8.2003) by The National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Regulations 2003 (S.S.I. 2003/376), regs. 1, 9(9), **sch. 2**

Commencement Information

- I5** Reg. 5 in force at 11.4.1988, see reg. 1

Persons not treated as engaged in remunerative work

- 6.—^{F143}(1) A person shall not be treated as engaged in ^{F144}remunerative work in so far as—
- ^{F145}(a)
 - (b) he is engaged in child minding in his home;
 - (c) he is engaged by a charity or ^{F146}voluntary organisation^{F147} ...,] 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; ^{F148}...
 - ^{F149}(dd) he is receiving assistance under the self-employment route;]
 - ^{F150}(e)
 - ^{F150}(f)
 - ^{F150}(g)
 - ^{F151}(h) he is engaged in any one of the employments mentioned in heads (a) to (d) of subparagraph (1) of paragraph 7 of Schedule 8 (which relates to persons serving as firemen, in coastal rescue activities etc); ^{F152}...]
 - ^{F151}(j) he is performing his duties as a councillor, and for this purpose “councillor” has the same meaning as in ^{F153}section 171F(2) of the Contributions and Benefits Act]^{F154}; or]]
 - ^{F155}(k) he is engaged in caring for a person who is accommodated with him by virtue of arrangements made under any of the provisions referred to in paragraph 26 ^{F156}or in accordance with paragraph 27] of Schedule 9 (sums to be disregarded in the calculation of income other than earnings) and is in receipt of any payment specified in ^{F157}those paragraphs].]
 - ^{F158}(m) he is engaged in an activity in respect of which—
 - (i) a sports award has been made, or is to be made, to him; and
 - (ii) no other payment is made or is expected to be made to him.]
 - ^{F159}(2)
 - ^{F160}(3)
 - ^{F161}(4) The following persons shall not be treated as engaged in remunerative work—
 - (a) a person who is mentally or physically disabled and by reason of that disability—
 - (i) his earnings are reduced to 75 per cent. or less of what a person without that disability and working the same number of hours would reasonably be expected to earn in that employment or in comparable employment in the area; or
 - (ii) his number of hours of work are 75 per cent. or less of what a person without that disability would reasonably be expected to undertake in that employment or in comparable employment in the area;
 - (b) subject to regulation 5(4) and (5) (persons treated as engaged in remunerative work), a person to whom section 126 of the Contributions and Benefits Act (trade disputes) applies or in respect of whom section 124(1) of that Act (conditions of entitlement to income support) has effect as modified by section 127(b) of that Act (effect of return to work);
 - (c) a person to whom paragraph 4 of Schedule 1B applies;
 - ^{F162}(d) a person who—

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- (i) is in employment;
- (ii) lives in, or is temporarily absent from, a care home, an Abbeyfield Home or an independent hospital; and
- (iii) requires personal care by reason of old age, disablement, past or present dependence on alcohol or drugs, past or present mental disorder or a terminal illness.]]

[^{F163}(5) A person shall not be treated as engaged in remunerative work for the period specified in paragraph (6) in so far as—

- (a) he or his partner is engaged in work which—
 - (i) is remunerative work; and
 - (ii) he, or his partner, is expected to be engaged in for a period of no less than five weeks;
- (b) he or his partner had, for a continuous period of 26 weeks ending on the day before the day on which he commenced the work referred to in sub-paragraph (a), been entitled to and in receipt of income support or an income-based jobseeker’s allowance;
- (c) he or his partner had, as at the day before the day on which he commenced the work referred to in sub-paragraph (a), an applicable amount which included—
 - (i) an amount determined in accordance with Schedule 3 (housing costs) as applicable to him in respect of [^{F164}housing costs which qualify under paragraphs 15 to 17] of that Schedule; or
 - (ii) an amount determined in accordance with Schedule 2 to the Jobseeker’s Allowance Regulations 1996 (housing costs) as applicable to him in respect of [^{F165}housing costs which qualify under paragraphs 14 to 16] of that Schedule; and
- (d) he or his partner remain liable to make payments [^{F166}in respect of such housing costs].

(6) A person referred to in paragraph (5) shall not be treated as engaged in remunerative work for—

- (a) the period of four weeks commencing with the day on which he was first engaged in the work referred to in sub-paragraph (a) of that paragraph^{F167} ...

^{F168}(b)

(7) In calculating the period of benefit entitlement referred to in paragraph^{F169} ... (5)(b), no account shall be taken of entitlement arising by virtue of paragraph^{F169} ... (6).

(8) In paragraph (5), a reference to the claimant or his partner being entitled to and in receipt of an income-based jobseeker’s allowance or to an amount being applicable to either of them under the Jobseeker’s Allowance Regulations 1996 shall include a reference to the claimant and his partner being entitled to, and in receipt of, a joint-claim jobseeker’s allowance and to an amount being applicable to that couple under those Regulations.]

Textual Amendments

- F143** Reg. 6(1): reg. 6 renumbered as reg. 6(1) (4.10.1999) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 1999 \(S.I. 1999/2556\)](#), regs. 1, **2(3)**
- F144** Words in reg. 6 substituted (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **4(a)**
- F145** Reg. 6(1)(a) omitted (3.4.2000) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/681\)](#), regs. 1(1)(c), **2(b)(i)**
- F146** Words in reg. 6(c) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No.5\) Regulations 1994 \(S.I. 1994/2139\)](#), regs. 1(1)(a), **23(a)**

- F147** Words in reg. 6(c) omitted (10.4.1995) by virtue of The Income-related Benefits Schemes (Miscellaneous Amendments) Regulations 1995 (S.I. 1995/516), regs. 1(1)(a), **20** (with reg. 1(2))
- F148** Word in reg. 6(d)(e) omitted (6.4.1992) by virtue of The Income Support (General) Amendment Regulations 1992 (S.I. 1992/468), regs. 1(1), **2(a)** (with reg. 1(2))
- F149** Reg. 6(1)(dd) inserted (4.5.2004) by The Social Security (Income-Related Benefits Self-Employment Route Amendment) Regulations 2004 (S.I. 2004/963), regs. 1(1), **3**
- F150** Reg. 6(1)(e)-(g) omitted (3.4.2000) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/681), regs. 1(1)(c), **2(b)(i)**
- F151** Reg. 6(h)(j) added (6.4.1992) by The Income Support (General) Amendment Regulations 1992 (S.I. 1992/468), regs. 1(1), **2(b)** (with reg. 1(2))
- F152** Word in reg. 6(h) revoked (with effect in accordance with reg. 1(2) of the amending S.I.) by The Income-related Benefits Schemes (Miscellaneous Amendments) (No. 3) Regulations 1992 (S.I. 1992/2155), regs. 1(1), **13(a)**
- F153** Words in reg. 6(1)(j) substituted (3.4.2000) by The Social Security (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/681), regs. 1(1)(c), **2(b)(ii)**
- F154** Words in reg. 6(j) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Income-related Benefits Schemes (Miscellaneous Amendments) (No. 3) Regulations 1992 (S.I. 1992/2155), regs. 1(1), **13(b)**
- F155** Reg. 6(k) added (with effect in accordance with reg. 1(2) of the amending S.I.) by The Income-related Benefits Schemes (Miscellaneous Amendments) (No. 3) Regulations 1992 (S.I. 1992/2155), regs. 1(1), **13(c)**
- F156** Words in reg. 6(k) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Income-related Benefits Schemes (Miscellaneous Amendments) (No.5) Regulations 1994 (S.I. 1994/2139), regs. 1(1)(a), **23(b)**
- F157** Words in reg. 6(k) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Income-related Benefits Schemes (Miscellaneous Amendments) (No.5) Regulations 1994 (S.I. 1994/2139), regs. 1(1)(a), **23(b)**
- F158** Reg. 6(m) added (23.8.1999) by The Social Security Amendment (Sports Awards) Regulations 1999 (S.I. 1999/2165), regs. 1(1), **6(2)**
- F159** Reg. 6(2) omitted (25.10.2004) by virtue of The Social Security (Back to Work Bonus and Lone Parent Run-on) (Amendment and Revocation) Regulations 2003 (S.I. 2003/1589), regs. 1(1), **2(a)(i)**
- F160** Reg. 6(3) omitted (25.10.2004) by virtue of The Social Security (Back to Work Bonus and Lone Parent Run-on) (Amendment and Revocation) Regulations 2003 (S.I. 2003/1589), regs. 1(1), **2(a)(i)**
- F161** Reg. 6(4) added (3.4.2000) by The Social Security (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/681), regs. 1(1)(c), **2(b)(iii)**
- F162** Reg. 6(4)(d) substituted (24.10.2005) by The Social Security (Care Homes and Independent Hospitals) Regulations 2005 (S.I. 2005/2687), reg. 1, **Sch. 1 para. 2**
- F163** Reg. 6(5)-(8) added (9.4.2001) by The Social Security (Miscellaneous Amendments) Regulations 2001 (S.I. 2001/488), regs. 1(1), **4**
- F164** Words in reg. 6(5)(c)(i) substituted (17.12.2007) by The Social Security (Housing Costs and Miscellaneous Amendments) Regulations 2007 (S.I. 2007/3183), regs. 1, **3(2)(a)**
- F165** Words in reg. 6(5)(c)(ii) substituted (17.12.2007) by The Social Security (Housing Costs and Miscellaneous Amendments) Regulations 2007 (S.I. 2007/3183), regs. 1, **3(2)(b)**
- F166** Words in reg. 6(5)(d) substituted (17.12.2007) by The Social Security (Housing Costs and Miscellaneous Amendments) Regulations 2007 (S.I. 2007/3183), regs. 1, **3(2)(c)**
- F167** Word in reg. 6(a) omitted (25.10.2004) by virtue of The Social Security (Back to Work Bonus and Lone Parent Run-on) (Amendment and Revocation) Regulations 2003 (S.I. 2003/1589), regs. 1(1), **2(a)(ii)**
- F168** Reg. 6(6)(b) omitted (25.10.2004) by virtue of The Social Security (Back to Work Bonus and Lone Parent Run-on) (Amendment and Revocation) Regulations 2003 (S.I. 2003/1589), regs. 1(1), **2(a)(i)**
- F169** Words in reg. 6(7) omitted (25.10.2004) by virtue of The Social Security (Back to Work Bonus and Lone Parent Run-on) (Amendment and Revocation) Regulations 2003 (S.I. 2003/1589), regs. 1(1), **2(a)(iii)**

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Commencement Information

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

Meaning of employment

^{F170}**7.**

Textual Amendments

F170 [Reg. 7](#) revoked (with effect in accordance with [reg. 1\(2\)](#) of the amending S.I.) by [The Income Support \(General\) \(Jobseeker’s Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), [reg. 1\(1\)](#), [Sch. 3](#)

Commencement Information

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

Persons not required to be available for employment

^{F171}**8.**

Textual Amendments

F171 [Reg. 8](#) revoked (with effect in accordance with [reg. 1\(2\)](#) of the amending S.I.) by [The Income Support \(General\) \(Jobseeker’s Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), [reg. 1\(1\)](#), [Sch. 3](#)

Commencement Information

I8 Reg. 8 in force at 11.4.1988, see [reg. 1](#)

Persons treated as available for employment

^{F172}**9.**

Textual Amendments

F172 [Reg. 9](#) revoked (with effect in accordance with [reg. 1\(2\)](#) of the amending S.I.) by [The Income Support \(General\) \(Jobseeker’s Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), [reg. 1\(1\)](#), [Sch. 3](#)

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

^{F173}**10.**

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Textual Amendments

F173 Reg. 10 revoked (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income Support \(General\) \(Jobseeker’s Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), reg. 1(1), **Sch. 3**

Commencement Information

I10 Reg. 10 in force at 11.4.1988, see [reg. 1](#)

Actively seeking employment

^{F174}**10A.**

Textual Amendments

F174 Reg. 10A revoked (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income Support \(General\) \(Jobseeker’s Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), reg. 1(1), **Sch. 3**

Registration for employment

^{F175}**11.**

Textual Amendments

F175 Reg. 11 revoked (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income Support \(General\) \(Jobseeker’s Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), reg. 1(1), **Sch. 3**

Commencement Information

I11 Reg. 11 in force at 11.4.1988, see [reg. 1](#)

Relevant Education

[^{F176}**12.** For the purposes of these Regulations, a person is to be treated as receiving relevant education if he is a qualifying young person within the meaning of section 142 of the Contributions and Benefits Act (child and qualifying young person).]

Textual Amendments

F176 Reg. 12 substituted (10.4.2006) by [The Social Security \(Young Persons\) Amendment Regulations 2006 \(S.I. 2006/718\)](#), regs. 1(2)(a), **2(2)**

Commencement Information

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

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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 [^{F177}a person [^{F178}who [^{F179}(subject to paragraph (2A))]] is a qualifying young person within the meaning of section 142 of the Contributions and Benefits Act (child and qualifying young person)] (hereinafter referred to as an eligible 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

[^{F180}(b) has in his applicable amount the disability premium or severe disability premium; or

(bb) has satisfied the provisions of paragraph 7 of Schedule 1B for a continuous period of not less than 196 days, and for this purpose any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period; or

(bc) he is a person to whom paragraph 1 of Part I of the Schedule to the Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000 applies; or]

(c) has no parent nor any person acting in the place of his parents; or

[^{F181}(d) of necessity has to live away from his [^{F182}parents and any] person acting in the place of his parents because—

(i) he is estranged from his [^{F182}parents and that person]; or

(ii) he is in physical or moral danger; or

(iii) there is a serious risk to his physical or mental health;]

[^{F183}(dd) has ceased to live in accommodation provided for him by a local authority under Part III of the Children Act 1989 (local authority support for children and families) and is of necessity living away from his parents and any person acting in place of his parents;]

(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

^{F184}(f)

^{F184}(g)

[^{F185}(h) is a person to whom paragraph 18 of Schedule 1B (refugees) applies.]

[^{F186}(2A) For the purposes of paragraph (2)—

(a) the eligible person shall be treated as satisfying the condition prescribed in regulation 8 of the Child Benefit (General) Regulations 2006 (child benefit not payable in respect of qualifying young person: other financial support);

(b) where sub-paragraphs (c) to (e) apply, the eligible person shall be treated as satisfying the condition prescribed in regulation 5(2)(e) and (f) of the Child Benefit (General) Regulations 2006 (extension period: 16 and 17 year olds).]

(3) In this regulation—

- [^{F187}(a) any reference to a person acting in the place of an eligible person’s parents includes—
- (i) for the purposes of paragraph (2)(c), (d) and (dd), a reference to a local authority or voluntary organisation where the eligible person is being looked after by them under a relevant enactment or where the eligible person is placed by the local authority or voluntary organisation with another person, that other person, whether or not a payment is made to him;
 - (ii) for the purposes of paragraph (2)(e), the person with whom the person is so placed;]
- (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 ^{F188} (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

- F177** Words in reg. 13(2) substituted (7.10.1991) by [The Income Support \(General\) Amendment No. 4 Regulations 1991 \(S.I. 1991/1559\)](#), regs. 1(1)(c), **6(a)** (with reg. 1(2))
- F178** Words in reg. 13(2) substituted (10.4.2006) by [The Social Security \(Young Persons\) Amendment Regulations 2006 \(S.I. 2006/718\)](#), regs. 1(2)(a), **2(3)(a)**
- F179** Words in reg. 13(2) inserted (14.4.2008) by [The Social Security \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/698\)](#), regs. 1(1), **2(4)(a)**
- F180** Reg. 13(2)(b)-(bc) substituted for reg. 13(2)(b) (10.4.2006) by [The Social Security \(Young Persons\) Amendment Regulations 2006 \(S.I. 2006/718\)](#), regs. 1(2)(a), **2(3)(b)**
- F181** Reg. 13(2)(d) substituted (10.7.1989) by [The Family Credit and Income Support \(General\) Amendment Regulations 1989 \(S.I. 1989/1034\)](#), regs. 1(1)(a), **4** (with reg. 13)
- F182** Words in reg. 13(2)(d) substituted (8.4.1991) by [The Income Support \(General\) Amendment Regulations 1991 \(S.I. 1991/236\)](#), regs. 1(1)(b), **5** (with reg. 1(2))
- F183** Reg. 13(2)(dd) inserted (6.4.1992) by [The Income Support \(General\) Amendment Regulations 1992 \(S.I. 1992/468\)](#), regs. 1(1), **3(1)** (with reg. 1(2))
- F184** Reg. 13(2)(f)(g) omitted (with effect in accordance with reg. 1(2) of the amending S.I.) by virtue of [The Income Support \(General\) \(Jobseeker’s Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), **regs. 1(1), 7(a)**
- F185** Reg. 13(2)(h) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income Support \(General\) \(Jobseeker’s Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), **regs. 1(1), 7(b)**
- F186** Reg. 13(2A) inserted (14.4.2008) by [The Social Security \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/698\)](#), regs. 1(1), **2(4)(b)**
- F187** Reg. 13(3)(a) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1992 \(S.I. 1992/468\)](#), reg. 1(1), **Sch. para. 2** (with Sch. para. 11)
- F188** S.I. 1983/883.

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Commencement Information

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

Persons under 18 years

^{F189}**13A.**

Textual Amendments

F189 [Reg. 13A](#) revoked (with effect in accordance with [reg. 1\(2\)](#) of the amending S.I.) by [The Income Support \(General\) \(Jobseeker’s Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), [reg. 1\(1\)](#), [Sch. 3](#)

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) [^{F190}and (3)] of the Act (trade disputes) is a person [^{F191}who falls within the definition of qualifying young person in section 142 of the Contributions and Benefits Act (child and qualifying young person)], and in these Regulations such a person is referred to as a “young person”.

[^{F192}(2) Paragraph (1) shall not apply to a person who is—

^{F193}(a)

- (b) entitled to income support or would, but for section 134(2) (provision against dual entitlement of members of family) of the Contributions and Benefits Act, be so entitled; or
- (c) a person to whom section 6 of the Children (Leaving Care) Act 2000 (exclusion from benefits) applies.]

[^{F194}(3) A person of a prescribed description for the purposes of section 137(1) of the Contributions and Benefits Act as it applies to income support (definition of family) includes a child or young person in respect of whom section 145A of that Act applies for the purposes of entitlement to child benefit but only for the period prescribed under section 145A(1) of that Act.]

Textual Amendments

F190 Words in [reg. 14\(1\)](#) substituted (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), [regs. 1\(1\)\(b\)](#), [5](#)

F191 Words in [reg. 14\(1\)](#) substituted (10.4.2006) by [The Social Security \(Young Persons\) Amendment Regulations 2006 \(S.I. 2006/718\)](#), [regs. 1\(2\)\(a\)](#), [2\(4\)\(a\)](#)

F192 [Reg. 14\(2\)](#) substituted (1.10.2001) by [The Children \(Leaving Care\) Act 2000 \(Commencement No. 2 and Consequential Provisions\) Order 2001 \(S.I. 2001/3070\)](#), [art. 3\(1\)](#), [Sch. 1 \(b\)](#)

F193 [Reg. 14\(2\)\(a\)](#) omitted (10.4.2006) by virtue of [The Social Security \(Young Persons\) Amendment Regulations 2006 \(S.I. 2006/718\)](#), [regs. 1\(2\)\(a\)](#), [2\(4\)\(b\)](#)

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F194 Reg. 14(3) added (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits and Jobseeker's Allowance \(Working Tax Credit and Child Tax Credit\) \(Amendment\) Regulations 2002 \(S.I. 2002/2402\)](#), reg. 1(2), **Sch. 1 para. 2**

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.—^{F195}(1) Subject to the following provisions of this regulation, a person is to be treated as responsible for a child or young person for whom he is receiving child benefit [^{F196}and this includes a child or young person to whom paragraph (3) of regulation 14 applies.]

(1A) In a case where a child (“the first child”) is in receipt of child benefit in respect of another child (“the second child”), the person treated as responsible for the first child in accordance with the provisions of this regulation shall also be treated as responsible for the second child.

(2) In the case of a child or young person in respect of whom no person is receiving child benefit, the person who shall be treated as responsible for that child or young person shall be—

- (a) except where sub-paragraph (b) applies, the person with whom the child or young person usually lives; or
- (b) where only one claim for child benefit has been made in respect of the child or young person, the person who made that claim.]

(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.

Textual Amendments

F195 Reg. 15(1)(1A)(2) substituted for reg. 15(1)(2) (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 4\) Regulations 1993 \(S.I. 1993/2119\)](#), regs. 1(1)(a), **5**

F196 Words in reg. 15(1) added (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits and Jobseeker's Allowance \(Working Tax Credit and Child Tax Credit\) \(Amendment\) Regulations 2002 \(S.I. 2002/2402\)](#), reg. 1(2), **Sch. 1 para. 3**

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

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person and any child of that child or young person shall be treated as members of the same household [^{F197}notwithstanding that any of them][^{F198}is temporarily living away from the other members of his family].

[^{F199}(2) Paragraph (1) shall not apply to a person who is living away from the other members of his family where—

- (a) that person does not intend to resume living with the other members of his family; or
- (b) his absence from the other members of his family is likely to exceed 52 weeks, unless there are exceptional circumstances (for example the person is in hospital or otherwise has no control over the length of his absence), and the absence is unlikely to be substantially more than 52 weeks.]

(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 ^{F200} ([^{F201}high security psychiatric services]) or [^{F202}section 102 of the National Health Service (Scotland) Act 1978 (state hospitals)]; or
- [^{F203}(b) one, both or all of them are—
 - (i) detained in custody pending trial or sentence upon conviction or under a sentence imposed by a court; or
 - (ii) on temporary release in accordance with the provisions of the Prison Act 1952 or the Prisons (Scotland) Act 1989;]

^{F204}(c)

- (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 [^{F205}residing in a care home, an Abbeyfield Home or an independent hospital].

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

- [^{F206}(a) placed with the claimant or his partner by a local authority under section 23(2)(a) of the Children Act 1989 or by a voluntary organisation under section 59(1)(a) of that Act; or
- (b) placed 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 ^{F207} or the Adoption Agencies (Scotland) Regulations 1984^{F208}.

(5) Subject to paragraph (6), paragraph (1) shall not apply to a child or young person who is not living with the claimant [^{F209}and who]—

- (a) [^{F210}in a case which does not fall within sub-paragraph (aa),] has been continuously absent from Great Britain for a period of more than four weeks commencing—
 - (i) [^{F211}subject to paragraph (5A),] where he went abroad before the date of claim for income support, with that date;
 - (ii) in any other case, [^{F212}on the day which immediately follows the day] on which he went abroad; or
- [^{F213}(aa) where regulation 4(3) or paragraph 11A or 12A of Schedule 7 (temporary absence abroad for the treatment of a child or young person) applies, has been continuously absent from Great Britain for a period of more than 8 weeks, that period of 8 weeks commencing—

- (i) [^{F214}subject to paragraph (5A),] where he went abroad before the date of the claim for income support, on the date of that claim;
- (ii) in any other case, on the day which immediately follows the day on which he went abroad; or]
- (b) has been an in-patient or in [^{F215}accommodation ^{F216}...] for a continuous period of more than 12 weeks commencing—
 - (i) [^{F217}subject to paragraph (5A),] 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,and, in either case, has not been in regular contact with either the claimant or any member of the claimant's household; or
- [^{F218}(c) is being looked after by a local authority under a relevant enactment; or
- (d) has been placed 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.

[^{F219}(5A) Sub-paragraphs (a)(i), (aa)(i) and (b)(i) of paragraph (5) shall not apply in a case where immediately before the date of claim for income support the claimant was entitled to an income-based jobseeker's allowance.]

(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—

- [^{F220}(za) “accommodation” means accommodation provided by a local authority in a home owned or managed by that local authority—
 - (i) under sections 21 to 24 of the National Assistance Act 1948 (provision of accommodation),
 - (ii) in Scotland, under section 13B or 59 of the Social Work (Scotland) Act 1968 (provision of residential or other establishment), or
 - (iii) under section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (care and support services etc.),

where the accommodation is provided for a person whose stay in that accommodation has become other than temporary;]

- [^{F221}(a) “relevant enactment” means the Army Act 1955, the Social Work (Scotland) Act 1968, the Matrimonial Causes Act 1973, the Adoption (Scotland) Act 1978, the Family Law Act 1986 and the Children Act 1989]

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- (b) “voluntary organisation” has the meaning assigned to it in the [^{F222}Children Act 1989] or, in Scotland, the Social Work (Scotland) Act 1968.

Textual Amendments

- F197** 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)**
- F198** Words in reg. 16(1) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 4\) Regulations 1993 \(S.I. 1993/2119\)](#), regs. 1(1)(a), **6(2)**
- F199** Reg. 16(2) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 4\) Regulations 1993 \(S.I. 1993/2119\)](#), regs. 1(1)(a), **6(3)**
- F200** 1977 c. 49; section 4 was amended by section 148, Schedule 4, paragraph 47 of the [Mental Health Act 1983 \(c. 20\)](#).
- F201** Words in reg. 16(3)(a) substituted (2.10.2006) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 2006 \(S.I. 2006/2378\)](#), regs. 1(3), **5(2)**
- F202** Words in reg. 16(3)(a) substituted (E.W.) (5.10.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/2078\)](#), art. 1(1), **Sch. 2 para. 3(3)**; and (S.) (5.10.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Modification of Subordinate Legislation\) Order 2005 \(S.S.I. 2005/445\)](#), arts. 1, 2, **sch. para. 3(2)**
- F203** Reg. 16(3)(b) substituted (with effect in accordance with reg. 1(6) of the amending S.I.) by [The Income-related Benefits Schemes and Social Fund \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/1944\)](#), regs. 1(1)(a), **6(5)** (with reg. 13)
- F204** Reg. 16(3)(c) omitted (1.4.1993) by virtue of [The Social Security Benefits \(Amendments Consequential Upon the Introduction of Community Care\) Regulations 1992 \(S.I. 1992/3147\)](#), reg. 1(1), **Sch. 1 para. 1**
- F205** Words in reg. 16(3)(e) substituted (24.10.2005) by [The Social Security \(Care Homes and Independent Hospitals\) Regulations 2005 \(S.I. 2005/2687\)](#), reg. 1, **Sch. 1 para. 3(a)**
- F206** Reg. 16(4)(a)(b) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1992 \(S.I. 1992/468\)](#), reg. 1(1), **Sch. para. 3(a)** (with **Sch. para. 11**)
- F207** S.I. 1983/1964.
- F208** S.I. 1984/988.
- F209** 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)**
- F210** Words in reg. 16(5)(a) inserted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1990 \(S.I. 1990/547\)](#), regs. 1(1)(b), **7(a)**
- F211** Words in reg. 16(5)(a)(i) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income Support \(General\) \(Jobseeker’s Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), **regs. 1(1), 8(2)**
- F212** Words in reg. 16(5)(a) substituted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1990 \(S.I. 1990/547\)](#), regs. 1(1)(b), **7(a)**
- F213** Reg. 16(5)(aa) inserted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1990 \(S.I. 1990/547\)](#), regs. 1(1)(b), **7(b)**
- F214** Words in reg. 16(5)(aa)(i) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income Support \(General\) \(Jobseeker’s Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), regs. 1(1), **8(2)**
- F215** 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)**
- F216** Words in reg. 16(5)(b) omitted (24.10.2005) by virtue of [The Social Security \(Care Homes and Independent Hospitals\) Regulations 2005 \(S.I. 2005/2687\)](#), reg. 1, **Sch. 1 para. 3(b)**

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- F217** Words in reg. 16(5)(b)(i) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Income Support (General) (Jobseeker’s Allowance Consequential Amendments) Regulations 1996 (S.I. 1996/206), regs. 1(1), **8(2)**
- F218** Reg. 16(5)(c)(d) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Income Support (General) Amendment Regulations 1992 (S.I. 1992/468), reg. 1(1), **Sch. para. 3(b)** (with **Sch. para. 11**)
- F219** Reg. 16(5A) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Income Support (General) (Jobseeker’s Allowance Consequential Amendments) Regulations 1996 (S.I. 1996/206), regs. 1(1), **8(3)**
- F220** Reg. 16(8)(za) inserted (24.10.2005) by The Social Security (Care Homes and Independent Hospitals) Regulations 2005 (S.I. 2005/2687), reg. 1, **Sch. 1 para. 3(c)**
- F221** Reg. 16(8)(a) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Income Support (General) Amendment Regulations 1992 (S.I. 1992/468), reg. 1(1), **Sch. para. 3(c)(i)** (with **Sch. para. 11**)
- F222** Words in reg. 16(8)(b) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Income Support (General) Amendment Regulations 1992 (S.I. 1992/468), reg. 1(1), **Sch. para. 3(c)(ii)** (with **Sch. para. 11**)

Commencement Information

I16 Reg. 16 in force at 11.4.1988, see reg. 1

PART IV

APPLICABLE AMOUNTS

Applicable amounts

17.—(1) Subject to regulations [^{F223}18 to 22A] 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) [^{F224}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, [^{F225}except as provided in regulation 44(1) (modifications in respect of children and young persons)], would exceed £3,000;]
- ^{F226}(bb)
- (c) [^{F224}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.

[^{F227}(f) any amounts determined in accordance with [^{F228}paragraphs (2) to (7)].]

^{F229}(g)

Status: Point in time view as at 14/04/2008.

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)

[^{F230}(2) Where —

- (a) a claimant has throughout the period beginning on 11th April 1988 and ending immediately before the coming into force of paragraphs 25 to 28 of Schedule 10 (capital to be disregarded) failed to satisfy the capital condition in section 22(6) of the Act (no entitlement to benefit if capital exceeds prescribed amount); and
- (b) as a consequence he is not entitled to any transitional addition, special transitional addition or personal expenses addition under Part II of the Transitional Regulations; and
- (c) had those paragraphs been in force on 11th April 1988 he would have satisfied that condition and been entitled to any such addition,

the amount applicable under this paragraph shall, subject to paragraph (3), be equal to the amount of any transitional addition, special transitional addition and personal expenses addition to which he would be entitled under Part II of the Transitional Regulations had he been entitled to any such addition in the week commencing 11th April 1988.]

[^{F230}(3) For the purposes of paragraph (2), in determining a claimant's total benefit income in his second benefit week for the purpose of calculating the amount of any transitional addition to which he would have been entitled, no account shall be taken of any payment referred to in paragraph (1) (j) of regulation 9 of the Transitional Regulations (total benefit income) which is made in respect of that week to compensate for the loss of entitlement to income support.]

[^{F230}(4) Subject to paragraph (6), where —

- (a) the claimant or any member of his family was temporarily absent from his home in the claimant's first or second benefit week (or both), because he was —
 - (i) a patient; or
 - (ii) outside Great Britain for the purpose of receiving treatment for any disease or bodily or mental disablement or for the purpose of accompanying a child or young person who is outside Great Britain for the purpose of receiving such treatment; or
 - [^{F231}(iii) in a care home, an Abbeyfield Home or an independent hospital; or]
 - (iv) in the care of a local authority under a relevant enactment; or
 - (v) staying with a person who was contributing to his maintenance; and
- (b) as a result —
 - (i) in the claimant's first benefit week his requirements for the purpose of calculating his entitlement to supplementary benefit were increased or reduced or he was not entitled to that benefit; or
 - (ii) in the claimant's second benefit week his applicable amount was increased or reduced or he was not entitled to income support; and
- (c) the period during which his requirements were, or his applicable amount was, increased or reduced, or he was not entitled to benefit, or any one or more of those circumstances existed, did not exceed 8 weeks,

the amount applicable under this paragraph shall be equal to the amount determined under paragraph (5).]

[^{F230}(5) The amount for the purposes of paragraph (4) shall be an amount equal to the difference between —

- (a) the amount that his total benefit income in his first benefit week would have been had he been entitled in respect of that week to supplementary benefit calculated on the basis that he or any member of his family had not been absent from the home; and, if less,

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- (b) the amount of his total benefit income in the first complete week after the period of temporary absence ends; but for the purpose of calculating his total benefit income in that week —
- (i) no account shall be taken of any payment referred to in paragraph (1)(j) of regulation 9 of the Transitional Regulations which is made in respect of that week to compensate for the loss (in whole or in part) of entitlement to income support; and
 - (ii) if the period of temporary absence ends after the coming into force of paragraph (4), the amount of income support to be taken into account shall, notwithstanding regulation 9(6) of the Transitional Regulations, be calculated as if that paragraph were not in force.]

[^{F230}(6) The amount under paragraph (4) shall cease to be applicable to a claimant if he ceases to be entitled to income support for a period exceeding [^{F232}the permitted period determined in accordance with regulation 3A (permitted period)].]

[^{F233}(6A) For the purposes of paragraph (6), where a claimant has ceased to be entitled to income support because he or his partner is participating in arrangements for training made under section 2 of the Employment and Training Act 1973 [^{F234}or section 2 of the Enterprise and New Towns (Scotland) Act 1990] or attending a course at an employment rehabilitation centre established under that section [^{F235}of the 1973 Act], he shall be treated as if he had been entitled to income support for the period during which he or his partner is participating in such arrangements or attending such a course.]

[^{F230}(7) In this Regulation —

“first benefit week” and “second benefit week” have the meanings given to those expressions in regulations 2(1) of the Transitional Regulations and shall also include the week which would have been the claimant’s “first benefit week” or, as the case may be, “second benefit week” had he been entitled to supplementary benefit or, as the case may be, income support in that week; “total benefit income” has, subject to paragraphs (3) and (5)(b), the same meaning as in regulation 9 of the Transitional Regulations;

“Transitional Regulations” means the Income Support (Transitional) Regulations 1987.]

Textual Amendments

- F223** Words in [reg. 17\(1\)](#) substituted (with effect in accordance with [reg. 1\(2\)](#) of the amending S.I.) by [The Income Support \(General\) \(Jobseeker’s Allowance Consequential Amendments\) Regulations 1996](#) (S.I. 1996/206), [regs. 1\(1\), 9](#)
- F224** [Reg. 17\(1\)\(b\)\(c\)](#) omitted (for specified purposes and with effect in accordance with [reg. 1\(2\)-\(5\)](#) of the amending S.I.) by virtue of [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003](#) (S.I. 2003/455), [Sch. 1 para. 2\(a\)](#)
- F225** Words in [reg. 17\(1\)\(b\)](#) substituted (with effect in accordance with [reg. 1\(2\)](#) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 4\) Regulations 1993](#) (S.I. 1993/2119), [regs. 1\(1\)\(a\), 7](#)
- F226** [Reg. 17\(1\)\(bb\)](#) omitted (6.10.2003) by virtue of [The Social Security \(Removal of Residential Allowance and Miscellaneous Amendments\) Regulations 2003](#) (S.I. 2003/1121), [reg. 1, Sch. 1 para. 2](#)
- F227** [Reg. 17\(f\)](#) added (30.5.1988) by [The Income Support \(General\) Amendment No. 2 Regulations 1988](#) (S.I. 1988/910), [regs. 1\(1\), 2](#)
- F228** Words in [reg. 17\(1\)\(f\)](#) substituted (10.4.1989) by [The Income Support \(General\) Amendment No. 4 Regulations 1988](#) (S.I. 1988/1445), [reg. 1\(1\)\(c\), Sch. 1 para. 11\(a\)](#) (with [reg. 28](#))
- F229** [Reg. 17\(1\)\(g\)](#) revoked (3.4.2006) by [The Social Security \(Miscellaneous Amendments\) Regulations 2006](#) (S.I. 2006/588), [regs. 1\(5\), 2\(4\)\(a\)](#)
- F230** [Reg. 17\(2\)-\(7\)](#) added (30.5.1988) by [The Income Support \(General\) Amendment No. 2 Regulations 1988](#) (S.I. 1988/910), [regs. 1\(1\), 2](#)

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- F231** Reg. 17(4)(a)(iii) substituted (24.10.2005) by The Social Security (Care Homes and Independent Hospitals) Regulations 2005 (S.I. 2005/2687), reg. 1, **Sch. 1 para. 4**
- F232** Words in reg. 17(6) substituted (9.10.1989) by The Income Support (General) Amendment No. 3 Regulations 1989 (S.I. 1989/1678), regs. 1(1)(a), **4(a)**
- F233** Reg. 17(6A) inserted (9.10.1989) by The Income Support (General) Amendment No. 3 Regulations 1989 (S.I. 1989/1678), regs. 1(1)(a), **4(b)**
- F234** Words in reg. 17(6A) inserted (1.4.1991) by The Enterprise (Scotland) Consequential Amendments Order 1991 (S.I. 1991/387), arts. 1, 2, **Sch.**
- F235** Words in reg. 17(6A) inserted (1.4.1991) by The Enterprise (Scotland) Consequential Amendments Order 1991 (S.I. 1991/387), arts. 1, **9(c)**

Modifications etc. (not altering text)

- C6** Reg. 17 applied (with modifications) (S.) (6.10.2003) by The National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (S.S.I. 2003/460), reg. 1, **sch. Pt. II** Table B (with reg. 13)
- C7** Reg. 17(1)(b): sum confirmed (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by The Social Security Benefits Up-rating Order 2008 (S.I. 2008/632), **art. 16(2)(a)**

Commencement Information

- I17** Reg. 17 in force at 11.4.1988, see **reg. 1**

Polygamous marriages

18.—^{F236}(1) ^{F237}Subject to paragraph (2) and^{F238}regulations 21^{F239}to 22A] 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 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 ^{F240}sub-paragraphs (3)(d)^{F241}and (1)(e)] of paragraph 1 of Schedule 2 in respect of each of his other partners;
- (c) ^{F242}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, ^{F243}except as provided in regulation 44(1) (modifications in respect of children and young persons)], would exceed £3,000;]

^{F244}(cc)

- (d) ^{F245}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.

^{F246}(g) any amount determined in accordance with regulation 17(1)(f) (applicable amounts);]

^{F247}(h)

[^{F248}(2) In the case of a partner who is aged less than 18, the amount which applies in respect of that partner shall be nil unless—

(a) that partner is treated as responsible for a child, or

[^{F249}(b) that partner is a person who—

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

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

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

Textual Amendments

- F236** Reg. 18 renumbered as reg. 18(1) (12.9.1988) by [The Income Support \(General\) Amendment No. 3 Regulations 1988 \(S.I. 1988/1228\)](#), regs. 1(1)(b), **5(a)**
- F237** Words in reg. 18(1) substituted (12.9.1988) by [The Income Support \(General\) Amendment No. 3 Regulations 1988 \(S.I. 1988/1228\)](#), regs. 1(1)(b), **5(a)**
- F238** Words in reg. 18(1) substituted (8.4.2002) by [The Social Security Amendment \(Residential Care and Nursing Homes\) Regulations 2001 \(S.I. 2001/3767\)](#), reg. 1, **Sch. Pt. 1 para. 4**
- F239** Words in reg. 18(1) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income Support \(General\) \(Jobseeker's Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), regs. 1(1), **10(2)(a)**
- F240** Words in reg. 18(1)(b) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income Support \(General\) \(Jobseeker's Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), regs. 1(1), **10(2)(b)**
- F241** Words in reg. 18(1)(b) substituted (10.7.1989) by [The Family Credit and Income Support \(General\) Amendment Regulations 1989 \(S.I. 1989/1034\)](#), regs. 1(1)(a), **5**
- F242** Reg. 18(1)(c) omitted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by virtue of [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), **Sch. 1 para. 3(a)**
- F243** Words in reg. 18(1)(c) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 4\) Regulations 1993 \(S.I. 1993/2119\)](#), regs. 1(1)(a), **8**
- F244** Reg. 18(1)(cc) omitted (6.10.2003) by virtue of [The Social Security \(Removal of Residential Allowance and Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/1121\)](#), reg. 1, **Sch. 1 para. 3**
- F245** Reg. 18(1)(d) omitted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by virtue of [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), **Sch. 1 para. 3(a)**
- F246** Reg. 18(1)(g) added (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **6**
- F247** Reg. 18(1)(h) revoked (3.4.2006) by [The Social Security \(Miscellaneous Amendments\) Regulations 2006 \(S.I. 2006/588\)](#), regs. 1(5), **2(4)(b)**
- F248** Reg. 18(2) added (12.9.1988) by [The Income Support \(General\) Amendment No. 3 Regulations 1988 \(S.I. 1988/1228\)](#), regs. 1(1)(b), **5(c)**
- F249** Reg. 18(2)(b) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income Support \(General\) \(Jobseeker's Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), regs. 1(1), **10(3)**

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Modifications etc. (not altering text)

- C8** Reg. 18 applied (with modifications) (S.) (6.10.2003) by [The National Health Service \(Travelling Expenses and Remission of Charges\) \(Scotland\) \(No. 2\) Regulations 2003 \(S.S.I. 2003/460\)](#), reg. 1, **sch. Pt. II** Table B (with reg. 13)
- C9** Reg. 18(1)(c): sum confirmed (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2008 \(S.I. 2008/632\)](#), **art. 16(2)(a)**

Commencement Information

- I18** Reg. 18 in force at 11.4.1988, see [reg. 1](#)

Applicable amounts for persons in residential care and nursing homes

^{F250}**19.**

Textual Amendments

- F250** Reg. 19 omitted (8.4.2002) by virtue of [The Social Security Amendment \(Residential Care and Nursing Homes\) Regulations 2001 \(S.I. 2001/3767\)](#), reg. 1, **Sch. Pt. I para. 5**

Applicable amounts for persons in board and lodging accommodation and hostels

^{F251}**20.**

Textual Amendments

- F251** Reg. 20 omitted (with effect in accordance with reg. 1(1)(c) of the amending S.I.) by virtue of [The Income Support \(General\) Amendment Regulations 1989 \(S.I. 1989/534\)](#), reg. 1(1), **Sch. 1 para. 4**

Commencement Information

- I19** Reg. 20 in force at 11.4.1988, see [reg. 1](#)

Special cases

21.—(1) Subject to [^{F252}paragraph (1B)], [^{F253}^{F254}regulation 21ZB] (treatment of refugees) and [^{F255}regulation 22A] (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 [^{F256}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, [^{F257}except as provided in regulation 44(1) (modifications in respect of children and young persons)], would exceed £3,000].

[^{F258}(1A) Except where the amount prescribed in Schedule 7 in respect of a person to whom paragraph (1) applies includes an amount applicable under regulation 17(1)(d) or 18(1)(e), a person to whom paragraph (1) applies shall be treated as not being severely disabled.]

^{F259}(1B)

^{F260}(2)

(3) [^{F261}In Schedule 7] —

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[^{F262}“partner of a person subject to immigration control” means a person—

- (i) who is not subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act; or
- (ii) to whom section 115 of that Act does not apply by virtue of regulation 2 of the Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000; and
- (iii) who is a member of a couple and [^{F263}the member's] partner is subject to immigration control within the meaning of section 115(9) of that Act and section 115 of that Act applies to [^{F264}the partner] for the purposes of exclusion from entitlement to income support;]

^{F265} ...

“patient” means a person (other than a prisoner) who is regarded as receiving free in-patient treatment within the meaning of [^{F266}regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005].

[^{F267}“person from abroad” has the meaning given in regulation 21AA;]

[^{F268}“prisoner” means a person who—

- (a) is detained in custody pending trial or sentence upon conviction or under a sentence imposed by a court; or
- (b) is on temporary release in accordance with the provisions of the Prison Act 1952 or the Prisons (Scotland) Act 1989,

other than a person [^{F269}who is detained in hospital under the provisions of the Mental Health Act 1983, or, in Scotland, under the provisions of the [^{F270}Mental Health (Care and Treatment) (Scotland) Act 2003] or the Criminal Procedure (Scotland) Act 1995,]]

^{F271} ...

- ^{F272}(3A)
- ^{F272}(3B)
- ^{F272}(3C)
- ^{F272}(3D)
- ^{F272}(3E)
- ^{F273}(3F)
- ^{F273}(3G)
- ^{F274}(4)
- ^{F274}(4A)
- ^{F274}(4B)

(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

F252 Words in [reg. 21\(1\)](#) inserted (8.4.2002) by [The Social Security Amendment \(Residential Care and Nursing Homes\) Regulations 2001 \(S.I. 2001/3767\)](#), [reg. 1](#), [Sch. Pt. I para. 6\(a\)](#)

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- F253** Words in reg. 21(1) inserted (15.10.1996) by The Income Support and Social Security (Claims and Payments) (Miscellaneous Amendments) Regulations 1996 (S.I. 1996/2431), regs. 1(1), **2**
- F254** Words in reg. 21(1) substituted (3.4.2000) by The Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000 (S.I. 2000/636), regs. 1(1), **3(4)(a)** (with reg. 12(2)(a))
- F255** Words in reg. 21(1) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Income Support (General) (Jobseeker's Allowance Consequential Amendments) Regulations 1996 (S.I. 1996/206), regs. 1(1), **12**
- F256** Words in reg. 21(1) omitted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by virtue of The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), **Sch. 1 para. 4(a)**
- F257** Words in reg. 21(1) substituted (with effect in accordance with reg. 1(3) of the amending S.I.) by The Income-related Benefits Schemes (Miscellaneous Amendments) Regulations 1994 (S.I. 1994/527), regs. 1(1)(b), **3**
- F258** Reg. 21(1A) inserted (20.5.1991) by The Income Support (General) Amendment (No. 3) Regulations 1991 (S.I. 1991/1033), regs. 1(1), **3**
- F259** Reg. 21(1B) omitted (6.10.2003) by virtue of The Social Security (Third Party Deductions and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2325), regs. 1, **3(a)**
- F260** Reg. 21(2) omitted (for specified purposes and with effect in accordance with reg. 1(c) of the amending S.I.) by virtue of The Social Security (Hospital In-Patients) Regulations 2005 (S.I. 2005/3360), **reg. 4(2)(a)**
- F261** Words in reg. 21(3) substituted (30.4.2006) by The Social Security (Persons from Abroad) Amendment Regulations 2006 (S.I. 2006/1026), regs. 1, **6(2)(a)(i)** (with reg. 11(2))
- F262** Words in reg. 21(3) inserted (3.4.2000) by The Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000 (S.I. 2000/636), regs. 1(1), **3(4)(c)**
- F263** Words in reg. 21(3) substituted (5.12.2005) by The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877), art. 1, **Sch. 3 para. 13(3)(a)** (with art. 3)
- F264** Words in reg. 21(3) substituted (5.12.2005) by The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877), art. 1, **Sch. 3 para. 13(3)(b)** (with art. 3)
- F265** Words in reg. 21(3) omitted (3.4.2000) by virtue of The Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000 (S.I. 2000/636), regs. 1(1), **3(4)(b)**
- F266** Words in reg. 21(3) substituted (for specified purposes and with effect in accordance with reg. 1(c) of the amending S.I.) by The Social Security (Hospital In-Patients) Regulations 2005 (S.I. 2005/3360), **reg. 4(2)(b)**
- F267** Words in reg. 21(3) substituted (30.4.2006) by The Social Security (Persons from Abroad) Amendment Regulations 2006 (S.I. 2006/1026), regs. 1, **6(2)(a)(ii)** (with reg. 11(2))
- F268** Words in reg. 21(3) substituted (10.4.1995) by The Income-related Benefits Schemes (Miscellaneous Amendments) Regulations 1995 (S.I. 1995/516), regs. 1(1)(a), **21(a)(i)** (with reg. 1(2))
- F269** Words in reg. 21(3) substituted (coming into force in accordance with reg. 1(2)(3) of the amending S.I.) by The Social Security (Miscellaneous Amendments) Regulations 1998 (S.I. 1998/563), regs. 1(2), **8(1)(2)(c)(i)**
- F270** Words in reg. 21(3) substituted (E.W.) (5.10.2005) by The Mental Health (Care and Treatment) (Scotland) Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/2078), art. 1(1), **Sch. 2 para. 3(4)(a)(i)**; and (S.) (5.10.2005) by The Mental Health (Care and Treatment) (Scotland) Act 2003 (Modification of Subordinate Legislation) Order 2005 (S.S.I. 2005/445), arts. 1, 2, **sch. para. 3(3)(a)(i)**
- F271** Words in reg. 21(3) omitted (24.10.2005) by virtue of The Social Security (Care Homes and Independent Hospitals) Regulations 2005 (S.I. 2005/2687), reg. 1, **Sch. 1 para. 5(a)**
- F272** Reg. 21(3A)-(3E) omitted (24.10.2005) by virtue of The Social Security (Care Homes and Independent Hospitals) Regulations 2005 (S.I. 2005/2687), reg. 1, **Sch. 1 para. 5(b)**
- F273** Reg. 21(3F)(3G) omitted (30.4.2006) by virtue of The Social Security (Persons from Abroad) Amendment Regulations 2006 (S.I. 2006/1026), regs. 1, **6(2)(b)** (with reg. 11(2))

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F274 Reg. 21(4)-(4B) omitted (24.10.2005) by virtue of The Social Security (Care Homes and Independent Hospitals) Regulations 2005 (S.I. 2005/2687), reg. 1, **Sch. 1 para. 5(b)**

Modifications etc. (not altering text)

C10 Reg. 21 applied (with modifications) (S.) (6.10.2003) by The National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (S.S.I. 2003/460), reg. 1, **sch. Pt. II** Table B (with reg. 13)

C11 Reg. 21(1): sum confirmed (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by The Social Security Benefits Up-rating Order 2008 (S.I. 2008/632), **art. 16(2)(a)**

Commencement Information

I20 Reg. 21 in force at 11.4.1988, see reg. 1

[^{F275}Special cases: supplemental – persons from abroad

21AA.—(1) "Person from abroad" means, subject to the following provisions of this regulation, a claimant who is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland.

(2) No claimant shall be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland unless he has a right to reside in (as the case may be) the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland other than a right to reside which falls within paragraph (3).

(3) A right to reside falls within this paragraph if it is one which exists by virtue of, or in accordance with, one or more of the following—

- (a) regulation 13 of the Immigration (European Economic Area) Regulations 2006;
- (b) regulation 14 of those Regulations, but only in a case where the right exists under that regulation because the claimant is—
 - (i) a jobseeker for the purpose of the definition of "qualified person" in regulation 6(1) of those Regulations, or
 - (ii) a family member (within the meaning of regulation 7 of those Regulations) of such a jobseeker;
- (c) Article 6 of Council Directive No.2004/38/EC; or
- (d) Article 39 of the Treaty establishing the European Community (in a case where the claimant is a person seeking work in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland).

(4) A claimant is not a person from abroad if he is—

- (a) a worker for the purposes of Council Directive No.2004/38/EC;
- (b) a self-employed person for the purposes of that Directive;
- (c) a person who retains a status referred to in sub-paragraph (a) or (b) pursuant to Article 7(3) of that Directive;
- (d) a person who is a family member of a person referred to in sub-paragraph (a), (b) or (c) within the meaning of Article 2 of that Directive;
- (e) a person who has a right to reside permanently in the United Kingdom by virtue of Article 17 of that Directive;
- [^{F276}(f) a person who is treated as a worker for the purpose of the definition of "qualified person" in regulation 6(1) of the Immigration (European Economic Area) Regulations 2006 pursuant to—

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- (i) regulation 5 of the Accession (Immigration and Worker Registration) Regulations 2004 (application of the 2006 Regulations in relation to a national of the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Poland, Slovenia or the Slovak Republic who is an “accession State worker requiring registration”), or
- (ii) regulation 6 of the Accession (Immigration and Worker Authorisation) Regulations 2006 (right of residence of a Bulgarian or Romanian who is an “accession State national subject to worker authorisation”);]
- (g) a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967;
- [^{F277}(h) a person who has exceptional leave to enter or remain in the United Kingdom granted outside the rules made under section 3(2) of the Immigration Act 1971;
- (hh) a person who has humanitarian protection granted under those rules;]
- (i) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom; [^{F278}or]
- (j) a person in Great Britain who left the territory of Montserrat after 1st November 1995 because of the effect on that territory of a volcanic eruption[^{F279}; or
- (k) a person in Great Britain who left Lebanon on or after 12th July 2006 because of the armed conflict there.]]

Textual Amendments

- F275** Reg. 21AA inserted (30.4.2006) by The Social Security (Persons from Abroad) Amendment Regulations 2006 (S.I. 2006/1026), regs. 1, **6(3)** (with reg. 11(2))
- F276** Reg. 21AA(4)(f) substituted (1.1.2007) by The Social Security (Bulgaria and Romania) Amendment Regulations 2006 (S.I. 2006/3341), regs. 1, **2(2)**
- F277** Reg. 21AA(4)(hh) substituted for reg. 21AA(4)(h) (9.10.2006) by The Social Security (Persons from Abroad) Amendment (No. 2) Regulations 2006 (S.I. 2006/2528), regs. 1, **2(2)**
- F278** Word in reg. 21AA(4)(i) omitted (temp. until 31.1.2007) (25.7.2006) by virtue of The Social Security (Lebanon) Amendment Regulations 2006 (S.I. 2006/1981), regs. 1(1)(2), **2(2)**
- F279** Reg. 21AA(4)(k) and word inserted (temp. until 31.1.2007) (25.7.2006) by The Social Security (Lebanon) Amendment Regulations 2006 (S.I. 2006/1981), regs. 1(1)(2), **2(3)**

Modifications etc. (not altering text)

- C12** Reg. 21AA(4)(a)-(e) applied (with modifications) (30.4.2006) by The Social Security (Persons from Abroad) Amendment Regulations 2006 (S.I. 2006/1026), regs. 1, **10(e)** (with reg. 11(2))

Treatment of refugees

^{F280}**21ZB.**

Textual Amendments

- F280** Reg. 21ZB ceases to have effect (14.6.2007) by virtue of Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), ss. **12(2)(a)(i)**, 48(3)(c); S.I. 2007/1602, art. 2(1) (with art. 2(3))

Reductions in applicable amounts in certain cases of failure to attend courses

^{F281}21A.

Textual Amendments

F281 Reg. 21A revoked (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income Support \(General\) \(Jobseeker's Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), reg. 1(1), [Sch. 3](#)

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

^{F282}22.

Textual Amendments

F282 Reg. 22 revoked (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income Support \(General\) \(Jobseeker's Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), reg. 1(1), [Sch. 3](#)

Commencement Information

I21 Reg. 22 in force at 11.4.1988, see [reg. 1](#)

^{F283}Reduction in applicable amount where the claimant is appealing against a decision ^{F284}which embodies a determination] that he is not incapable of work

22A.—(1) Subject to paragraph (3), where a claimant falls within paragraph 25 of Schedule 1B (persons appealing against a decision [^{F285}which embodies a determination] that they are not incapable of work under the [^{F286}personal capability assessment]), and none of the other paragraphs of that Schedule applies to him, his applicable amount shall be reduced by a sum equivalent to 20 per cent. of the following amount—

- (a) in the case of a person to whom regulation 17 or 18 or paragraphs 6, 9 to 12^{F287} ... of Schedule 7 applies—
 - (i) where he is a single claimant aged less than 18 or a member of a couple or a polygamous marriage where all the members, in either case, are less than 18, the amount specified in paragraph 1(1)(a), (b) or (c), as the case may be, of Schedule 2 (applicable amounts);
 - (ii) where he is a single claimant aged not less than 18 but less than 25 or a member of a couple or a polygamous marriage where one member is aged not less than 18 but less than 25 and the other member, or in the case of a polygamous marriage each other member, is a person under 18 who—
 - (aa) does not qualify for income support under regulation 4ZA, or who would not so qualify if he were to make a claim; and
 - (bb) does not satisfy the requirements of section 3(1)(f)(iii) of the Jobseekers Act 1995 (prescribed circumstances for persons aged 16 but less than 18); and
 - (cc) is not the subject of a direction under section 16 of the Jobseekers Act 1995 (persons under 18: severe hardship),
- the amount specified in paragraph 1(1)(d) of that Schedule;

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- (iii) where he is a single claimant aged not less than 25 or a member of a couple or a polygamous marriage (other than a member of a couple or a polygamous marriage to whom head (ii) of this sub-paragraph applies) at least one of whom is aged not less than 18, the amount specified in paragraph 1(1)(e) of that Schedule;

^{F288}(b)

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

(3) Paragraph (1) shall not apply to a claimant who is appealing against a decision [^{F289}which embodies a determination] that he is not incapable of work under the [^{F290}personal capability assessment] where that [^{F291}determination] was [^{F292}the first determination made in accordance with, the all work test before 3rd April 2000 or, after that date, the personal capability assessment, in relation to the claimant], and the claimant was, immediately prior to 13th April 1995, either—

- (a) in receipt of invalidity pension under Part II of the Contributions and Benefits Act as then in force, or severe disablement allowance; or
- (b) incapable of work in accordance with paragraph 5 of Schedule 1 as in force on 12th April 1995 and had been so for a continuous period of 28 weeks.]

Textual Amendments

- F283** Reg. 22A inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Income Support (General) (Jobseeker’s Allowance Consequential Amendments) Regulations 1996 (S.I. 1996/206), regs. 1(1), **13**
- F284** Words in reg. 22A heading inserted (6.9.1999) by The Social Security Act 1998 (Commencement No. 9, and Savings and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/2422), art. 3(1), **Sch. 6 para. 1(a)**
- F285** Words in reg. 22A(1) inserted (6.9.1999) by The Social Security Act 1998 (Commencement No. 9, and Savings and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/2422), art. 3(1), **Sch. 6 para. 1(a)**
- F286** Words in reg. 22A(1) substituted (3.4.2000) by The Social Security (Incapacity for Work) Miscellaneous Amendments Regulations 1999 (S.I. 1999/3109), regs. 1(1), **6**
- F287** Words in reg. 22A(1)(a) omitted (1.10.2007) by virtue of The Social Security (Miscellaneous Amendments) (No. 5) Regulations 2007 (S.I. 2007/2618), regs. 1(1), **5(4)**
- F288** Reg. 22A(1)(b) omitted (8.4.2002) by virtue of The Social Security Amendment (Residential Care and Nursing Homes) Regulations 2001 (S.I. 2001/3767), reg. 1, **Sch. Pt. I para. 7**
- F289** Words in reg. 22A(3) inserted (6.9.1999) by The Social Security Act 1998 (Commencement No. 9, and Savings and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/2422), art. 3(1), **Sch. 6 para. 1(a)**
- F290** Words in reg. 22A(3) substituted (3.4.2000) by The Social Security (Incapacity for Work) Miscellaneous Amendments Regulations 1999 (S.I. 1999/3109), regs. 1(1), **6**
- F291** Word in reg. 22A(3) substituted (6.9.1999) by The Social Security Act 1998 (Commencement No. 9, and Savings and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/2422), art. 3(1), **Sch. 6 para. 1(b)**
- F292** Words in reg. 22A(3) substituted (3.4.2000) by The Social Security (Incapacity) Miscellaneous Amendments Regulations 2000 (S.I. 2000/590), regs. 1(b), **5**

Modifications etc. (not altering text)

- C13** Reg. 22A(1) excluded (with effect in accordance with reg. 1(2) of the amending S.I.) by The Income Support (General) (Jobseeker’s Allowance Consequential Amendments) Regulations 1996 (S.I. 1996/206), regs. 1(1), **27(3)**

C14 Reg. 22A(1): sum confirmed (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by The Social Security Benefits Up-rating Order 2008 (S.I. 2008/632), art. 16(8), **Sch. 5**

PART V

INCOME AND CAPITAL

Modifications etc. (not altering text)

C15 Pt. V applied (with modifications) (S.) (6.10.2003) by The National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (S.S.I. 2003/460), reg. 1, **sch. Pt. I** Table A (with reg. 13)

CHAPTER I

general

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

23.—(1) [^{F293}^{F294}Subject to paragraphs (2) and (4) and to regulation 44 (modifications in respect of children and young persons), the income and capital of a claimant's partner and] the income of a child or young person which by virtue of section 22(5) of the Act][^{F294}Subject to paragraph (4), the income and capital of a claimant's partner which by virtue of section 136(1) of the Contributions and Benefits Act] 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 [^{F295}or that child or young person].

[^{F296}Subject to the following provisions of this Part, the income paid to, or in respect of, and capital of, a child or young person who is a member of the claimant's family shall not be treated as the income or capital of the claimant.]

(3) [^{F297}Subject to paragraph (5)] 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 [^{F298}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 [^{F299}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 [^{F299}or, as the case may be, as for any child or young person who is a member of his family].

[^{F300}(4) Where at least one member of a couple is aged less than 18 and the applicable amount of the couple falls to be determined under [^{F301}paragraphs 1(3)(b), (c), (f) or (g)] of Schedule 2 (applicable amounts), the income of the claimant's partner shall not be treated as the income of the claimant to the extent that—

- (a) in the case of a couple where both members are aged less than 18, the amount specified in paragraph 1(3)(a) of that Schedule exceeds the amount specified in [^{F302}paragraph 1(3)(c)] of that Schedule; and

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- (b) in the case of a couple where only one member is aged less than 18, the amount specified in paragraph 1(3)(d) of that Schedule exceeds the amount which applies in that case which is specified in [^{F303}paragraph 1(3)(f) or (g)] of that Schedule.]

[^{F300}(5) Where a member of a polygamous marriage is a partner aged less than 18 and the amount which applies in respect of him under regulation 18(2) (polygamous marriages) is nil, the claimant shall not be treated as possessing the income of that partner to the extent that an amount in respect of him would have been included in the applicable amount if he had fallen within the circumstances set out in regulation 18(2)(a) or (b).]

Textual Amendments

- F293** Words in reg. 23(1) substituted (12.9.1988) by [The Income Support \(General\) Amendment No. 3 Regulations 1988 \(S.I. 1988/1228\)](#), regs. 1(1)(b), **6(1)(a)**
- F294** Words in reg. 23(1) substituted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), **Sch. 1 para. 6(a)(i)**
- F295** Words in reg. 23(1) omitted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by virtue of [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), **Sch. 1 para. 6(a)(ii)**
- F296** Reg. 23(2) substituted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), **Sch. 1 para. 6(b)**
- F297** Words in reg. 23(3) inserted (12.9.1988) by [The Income Support \(General\) Amendment No. 3 Regulations 1988 \(S.I. 1988/1228\)](#), regs. 1(1)(b), **6(1)(b)**
- F298** Words in reg. 23(3)(a) omitted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by virtue of [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), **Sch. 1 para. 6(c)**
- F299** Words in reg. 23(3)(b) omitted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by virtue of [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), **Sch. 1 para. 6(d)**
- F300** Reg. 23(4)(5) inserted (12.9.1988) by [The Income Support \(General\) Amendment No. 3 Regulations 1988 \(S.I. 1988/1228\)](#), regs. 1(1)(b), **6(1)(e)**
- F301** Words in reg. 23(4) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income Support \(General\) \(Jobseeker's Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), **regs. 1(1), 14(2)**
- F302** Words in reg. 23(4)(a) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income Support \(General\) \(Jobseeker's Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), regs. 1(1), **14(3)**
- F303** Words in reg. 23(4)(b) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income Support \(General\) \(Jobseeker's Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), regs. 1(1), **14(4)**

Commencement Information

- I22** Reg. 23 in force at 11.4.1988, see [reg. 1](#)

[^{F304}**Income of participants in the self-employment route**^{F305} ...

23A. Chapters II, III, IV, V, VII and VIIA of this Part and regulations 62 to 66A, 68 and 69 shall not apply to any income which is to be calculated in accordance with Chapter IVA of this Part (participants in the self-employment route^{F306} ...).]

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Textual Amendments

- F304** Reg. 23A inserted (1.6.1998) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 1998 \(S.I. 1998/1174\)](#), regs. 1(1), **6(2)**
- F305** Words in reg. 23A heading omitted (27.11.2000) by virtue of [The Social Security Amendment \(Employment Zones\) \(No. 2\) Regulations 2000 \(S.I. 2000/2910\)](#), regs. 1(1), **5(1)(a)**
- F306** Words in reg. 23A omitted (27.11.2000) by virtue of [The Social Security Amendment \(Employment Zones\) \(No. 2\) Regulations 2000 \(S.I. 2000/2910\)](#), regs. 1(1), **5(1)(a)**

Treatment of charitable or voluntary payments

^{F307}24.

Textual Amendments

- F307** Reg. 24 omitted (12.12.1988) by virtue of [The Income Support \(General\) Amendment No. 5 Regulations 1988 \(S.I. 1988/2022\)](#), regs. 1(1)(a), **5**

Commencement Information

- I23** Reg. 24 in force at 11.4.1988, see [reg. 1](#)

Liable relative payments

25. Regulations 29 to [^{F308}44][^{F308}42], 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).

Textual Amendments

- F308** Word in [reg. 25](#) substituted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), **Sch. 1 para. 7**

Commencement Information

- I24** Reg. 25 in force at 11.4.1988, see [reg. 1](#)

[^{F309}Child support

25A. Regulations 29, 31, 32, 40 and 42 and Chapter VII of this Part shall not apply to any payment which is to be calculated in accordance with Chapter VIIA of this Part (child support).]

Textual Amendments

- F309** [Reg. 25A](#) inserted (19.4.1993) by [The Social Security \(Miscellaneous Provisions\) Amendment Regulations 1993 \(S.I. 1993/846\)](#), regs. 1(1), **2** (with [reg. 1\(2\)](#))

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Calculation of income and capital of students

26. The provisions of Chapters II to VI of this Part (income and capital) shall ^[F310]have effect in relation to students and their partners subject to the modifications set out in Chapter VIII thereof (students)].

Textual Amendments

F310 Words in [reg. 26](#) substituted (29.3.2001) by [The Income Support \(General\) Amendment Regulations 2001 \(S.I. 2001/721\)](#), regs. 1, **2(a)**

Commencement Information

I25 [Reg. 26](#) in force at 11.4.1988, see [reg. 1](#)

^[F311]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

F311 [Reg. 27](#) substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **13**

Commencement Information

I26 [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).

^[F312](2) For the purposes of paragraph (1) “income” includes capital treated as income under regulation 41 (capital treated as income) and income which a claimant is treated as possessing under regulation 42 (notional income).]

Textual Amendments

F312 [Reg. 28\(2\)](#) substituted (7.10.1991) by [The Income Support \(General\) Amendment No. 4 Regulations 1991 \(S.I. 1991/1559\)](#), regs. 1(1)(c), **7** (with [reg. 1\(2\)](#))

Commencement Information

I27 [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) ^{F313}... 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 [^{F314}the following provisions of this regulation], the period over which a payment is to be taken into account shall be—

- [^{F315}(a) where the payment is monthly, a period equal to the number of weeks from the date on which the payment is treated as paid to the date immediately before the date on which the next monthly payment would have been so treated as paid whether or not the next monthly payment is actually paid;
- (aa) where the payment is in respect of a period which is not monthly, a period equal to the length of the period for which payment is made;]
- (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 [^{F316}less any amount paid by way of tax on that income which is disregarded under paragraph 1 of Schedule 9 (income other than earnings to be disregarded)] 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 [^{F317}(earnings to be disregarded) or, as the case maybe, any paragraph of Schedule 9 other than paragraph 1 of that Schedule,] 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).

[^{F318}(2A) The period over which a Career Development Loan, which is paid pursuant to section 2 of the Employment and Training Act 1973, shall be taken into account shall be the period of education and training intended to be supported by that loan.

(2B) Where grant income as defined in Chapter VIII of this Part has been paid to a person who ceases to be a [^{F319}full-time student] before the end of the period in respect of which that income is payable and, as a consequence, the whole or part of that income falls to be repaid by that person, that income shall be taken into account over the period beginning on the date on which that income is treated as paid under regulation 31 and ending—

- (a) on the date on which repayment is made in full; or
- [where the grant is paid in instalments, on the day before the next instalment would have
- ^{F320}(aa) been paid had the claimant remained a [^{F319}full-time student]; or]
- (b) on the last date of the academic term or vacation during which that person ceased to be a [^{F319}full-time student],

whichever shall first occur.]

(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).

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[^{F321}(4) In a case to which paragraph (3) applies, earnings under regulation 35 (earnings of employed earners) shall be taken into account in the following order of priority—

- (a) earnings normally derived from the employment;
- (b) any payment to which paragraph (1)(b) or (c) of that regulation applies;
- (c) any payment to which paragraph (1)(i) of that regulation applies;
- (d) any payment to which paragraph (1)(d) of that regulation applies.]

[^{F322}(4A) Where earnings to which regulation 35(1)(b) to (d) (earnings of employed earners) applies are paid in respect of part of a day, those earnings shall be taken into account over a period equal to a day.]

^{F323}(4B)

[^{F324}(4C) Any earnings to which regulation 35(1)(i)(ii) applies which are paid in respect of or on the termination of part-time employment, shall be taken into account over a period equal to one week.]

[^{F324}(4D) In this regulation—

- (a) “part-time employment” means employment in which a person is not to be treated as engaged in remunerative work under regulation 5 or [^{F325}6(1)][^{F326}and (4)] (persons treated, or not treated, as engaged in remunerative work);]

^{F327}(b)

(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.

Textual Amendments

- F313** Words in reg. 29(1) omitted (12.12.1988) by virtue of [The Income Support \(General\) Amendment No. 5 Regulations 1988 \(S.I. 1988/2022\)](#), regs. 1(1)(a), **7(a)**
- F314** Words in reg. 29(2) substituted (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits and Jobseeker’s Allowance \(Miscellaneous Amendments\) Regulations 1997 \(S.I. 1997/65\)](#), regs. 1(1)(2), **5(1)(a)**
- F315** Reg. 29(2)(a)(aa) substituted for reg. 29(2)(a) (14.4.2008) by [The Social Security \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/698\)](#), regs. 1(1), **2(5)(a)**
- F316** Words in reg. 29(2)(b) inserted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1990 \(S.I. 1990/547\)](#), regs. 1(1)(b), **10(a)**
- F317** Words in reg. 29(2)(b) substituted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1990 \(S.I. 1990/547\)](#), regs. 1(1)(b), **10(b)**
- F318** Reg. 29(2A)(2B) inserted (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits and Jobseeker’s Allowance \(Miscellaneous Amendments\) Regulations 1997 \(S.I. 1997/65\)](#), regs. 1(1)(2), **5(1)(b)**
- F319** Words in reg. 29(2B) substituted (31.7.2000) by [The Social Security Amendment \(Students\) Regulations 2000 \(S.I. 2000/1981\)](#), regs. 1(1), 5(5), **Sch.**
- F320** Reg. 29(2B)(aa) inserted (coming into force in accordance with reg. 1(2)(3) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) Regulations 1998 \(S.I. 1998/563\)](#), regs. 1(2), **12**
- F321** Reg. 29(4) substituted (9.10.1989) by [The Income Support \(General\) Amendment No. 2 Regulations 1989 \(S.I. 1989/1323\)](#), regs. 1(1)(b), **9(b)**
- F322** Reg. 29(4A) inserted (12.12.1988) by [The Income Support \(General\) Amendment No. 5 Regulations 1988 \(S.I. 1988/2022\)](#), regs. 1(1)(a), **7(c)**
- F323** Reg. 29(4B) omitted (14.4.2008) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/698\)](#), regs. 1(1), **2(5)(b)**

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- F324** Reg. 29(4B)-(4D) inserted (9.10.1989) by The Income Support (General) Amendment No. 2 Regulations 1989 (S.I. 1989/1323), regs. 1(1)(b), **9(c)**
- F325** Word in reg. 29(4D)(a) substituted (4.10.1999) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 1999 (S.I. 1999/2556), regs. 1, **2(4)**
- F326** Words in reg. 29(4D)(a) inserted (3.4.2000) by The Social Security (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/681), regs. 1(1)(c), **2(c)**
- F327** Reg. 29(4D)(b) omitted (14.4.2008) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2008 (S.I. 2008/698), regs. 1(1), **2(5)(b)**

Commencement Information

- I28** 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 [^{F328}one year]; 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 ^{F329} ... 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 [^{F330}any items to which paragraph (2A) applies] 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.

[^{F331}(2A) This paragraph applies to—

- (a) royalties;
- (b) sums paid periodically for or in respect of any copyright;
- (c) payments in respect of any book registered under the Public Lending Right Scheme 1982.]

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

Textual Amendments

- F328** Words in [reg. 30\(1\)\(a\)](#) substituted (with effect in accordance with [reg. 1\(2\)](#) of the amending S.I.) by The Income-related Benefits Schemes (Miscellaneous Amendments) (No. 4) Regulations 1993 (S.I. 1993/2119), regs. 1(1)(a), **11(a)**
- F329** Words in [reg. 30\(1\)\(b\)](#) omitted (with effect in accordance with [reg. 1\(2\)](#) of the amending S.I.) by virtue of The Income-related Benefits Schemes (Miscellaneous Amendments) (No. 4) Regulations 1993 (S.I. 1993/2119), regs. 1(1)(a), **11(b)**
- F330** Words in [reg. 30\(2\)](#) substituted (for specified purposes and with effect in accordance with [reg. 1\(2\)](#) of the amending S.I.) by The Social Security (Miscellaneous Amendments) Regulations 2008 (S.I. 2008/698), [reg. 2\(6\)\(a\)](#)
- F331** [Reg. 30\(2A\)](#) inserted (for specified purposes and with effect in accordance with [reg. 1\(2\)](#) of the amending S.I.) by The Social Security (Miscellaneous Amendments) Regulations 2008 (S.I. 2008/698), [reg. 2\(6\)\(b\)](#)

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Commencement Information

I29 Reg. 30 in force at 11.4.1988, see [reg. 1](#)

Date on which income is treated as paid

31.—(1) Except where paragraph (2) [^{F332}or (3)] 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, [^{F333}jobseeker's allowance], [^{F334}maternity allowance],[^{F335}short-term or long-term incapacity benefit], or severe disablement allowance ^{F336}... shall be treated as paid on the day of the benefit week in respect of which [^{F337}it is payable].

[^{F338}(3) Working tax credit or child tax credit shall be treated as paid—

- (a) where the award of that tax credit begins on the first day of a benefit week, on that day, or
- (b) on the first day of the benefit week that follows the date the award begins, or
- (c) on the first day of the first benefit week that follows the date an award of income support begins, if later,

until the last day of the last benefit week that coincides with or immediately follows the last day for which the award of that tax credit is made.]

Textual Amendments

F332 Words in [reg. 31\(1\)](#) inserted (3.4.2000) by [The Social Security \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/681\)](#), [regs. 1\(1\)\(c\)](#), **3(1)(a)**

F333 Words in [reg. 31\(2\)](#) substituted (with effect in accordance with [reg. 1\(2\)](#) of the amending S.I.) by [The Income Support \(General\) \(Jobseeker's Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), [regs. 1\(1\)](#), **15**

F334 Words in [reg. 31\(2\)](#) inserted (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), [regs. 1\(1\)\(b\)](#), **8**

F335 Words in [reg. 31\(2\)](#) substituted (13.4.1995) by [The Disability Working Allowance and Income Support \(General\) Amendment Regulations 1995 \(S.I. 1995/482\)](#), [regs. 1\(1\)](#), **10** (with [reg. 1\(4\)](#))

F336 Words in [reg. 31\(2\)](#) omitted (13.4.1995) by [The Disability Working Allowance and Income Support \(General\) Amendment Regulations 1995 \(S.I. 1995/482\)](#), [regs. 1\(1\)](#), **10** (with [reg. 1\(4\)](#))

F337 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**

F338 [Reg. 31\(3\)](#) substituted (8.8.2003) by [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) \(No. 3\) Regulations 2003 \(S.I. 2003/1731\)](#), [regs. 1\(1\)](#), **2(2)**

Commencement Information

I30 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 [^{F339}paragraphs (2) to (7)]^{F340} ..., 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;
 - (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) ^{F341} ..., [^{F342}maternity allowance,]^{F343} short-term or long-term incapacity benefit], or severe disablement allowance^{F343} ..., the amount to be taken into account for the relevant days shall be the amount of benefit [^{F344}payable] in respect of those days;
- (b) income support [^{F345}or jobseeker's allowance], 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);

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(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.

[^{F346}(6A) Where income is taken into account under paragraph (2B) of regulation 29 over the period specified in that paragraph, the amount of that income to be taken into account in respect of any week in that period shall be an amount equal to the amount of that income which would have been taken into account under regulation 62 had the person to whom that income was paid not ceased to be a [^{F347}full-time student].]

[^{F348}(7) Where any payment of earnings is taken into account under paragraph (4C) of regulation 29 (calculation of earnings derived from employed earner's employment and income other than earnings), over the period specified in that paragraph, the amount to be taken into account shall be equal to the amount of the payment.]

Textual Amendments

- F339** Words in reg. 32(1) substituted (9.10.1989) by [The Income Support \(General\) Amendment No. 2 Regulations 1989 \(S.I. 1989/1323\)](#), regs. 1(1)(b), **10(a)**
- F340** 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)**
- F341** Words in reg. 32(4)(a) omitted (with effect in accordance with reg. 1(2) of the amending S.I.) by virtue of [The Income Support \(General\) \(Jobseeker's Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), regs. 1(1), **16(a)**
- F342** Words in reg. 32(4)(a) inserted (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **8**
- F343** Words in reg. 32(4)(a) substituted (13.4.1995) by [The Disability Working Allowance and Income Support \(General\) Amendment Regulations 1995 \(S.I. 1995/482\)](#), regs. 1(1), **11** (with reg. 1(4))
- F344** 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)**
- F345** Words in reg. 32(4)(b) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income Support \(General\) \(Jobseeker's Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), regs. 1(1), **16(b)**
- F346** Reg. 32(6A) added (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits and Jobseeker's Allowance \(Miscellaneous Amendments\) Regulations 1997 \(S.I. 1997/65\)](#), regs. 1(1)(2), **6(1)**
- F347** Words in reg. 32(6A) substituted (31.7.2000) by [The Social Security Amendment \(Students\) Regulations 2000 \(S.I. 2000/1981\)](#), regs. 1(1), 5(5), **Sch.**
- F348** Reg. 32(7) added (9.10.1989) by [The Income Support \(General\) Amendment No. 2 Regulations 1989 \(S.I. 1989/1323\)](#), regs. 1(1)(b), **10(b)**

Commencement Information

- I31** Reg. 32 in force at 11.4.1988, see [reg. 1](#)

Weekly amount of charitable or voluntary payment

^{F349}**33.**

Textual Amendments

- F349** Reg. 33 omitted (12.12.1988) by virtue of [The Income Support \(General\) Amendment No. 5 Regulations 1988 \(S.I. 1988/2022\)](#), regs. 1(1)(a), **8**

Commencement Information

I32 Reg. 33 in force at 11.4.1988, see [reg. 1](#)

Incomplete weeks of benefit

^{F350}**34.**

Textual Amendments

F350 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

I33 Reg. 34 in force at 11.4.1988, see [reg. 1](#)

CHAPTER III
employed earners

Earnings of employed earners

35.—(1) [^{F351}Subject to paragraphs (2) and (3),] “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 ^{F352}...;
- (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 [^{F353}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 [^{F354}112(4) or 117(3)(a) of the Employment Rights Act 1996 (the remedies: orders and compensation, enforcement of order and compensation)];
- ^{F355}(gg) any payment or remuneration made under section 28, 34, 64, 68 or 70 of the Employment Rights Act 1996 (right to guarantee payments, remuneration on suspension on medical or maternity grounds, complaints to employment tribunals);]

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(h) any such sum as is referred to in section [F356]112(3) of the Contributions and Benefits Act] (certain sums to be earnings for social security purposes).

[F357] (i) where—

F358(i)

(ii) a payment of compensation is made in respect of employment which is part-time employment, the amount of the compensation.]

[F359] (j) the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person’s earnings in accordance with [F360]Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001].]

F361(1A)

(2) “Earnings” shall not include—

- (a) [F362]subject to paragraph (2A),] any payment in kind;
- (b) any remuneration paid by or on behalf of an employer to the claimant [F363]in respect of a period throughout which the claimant is on maternity leave[F364], paternity leave or adoption leave] or is absent from work because he is ill];
- (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.

[F365] (e) any lump sum payment made under the Iron and Steel Re-adaptation Benefits Scheme]

[F366] (2A) Paragraph (2)(a) shall not apply in respect of any non-cash voucher referred to in paragraph (1)(j).]

[F367] (3) In this regulation—

- (a) “compensation” means any payment made in respect of or on the termination of employment in a case where a person has not received or received only part of a payment in lieu of notice due or which would have been due to him had he not waived his right to receive it, other than—
 - (i) any payment specified in paragraph (1)(a) to (h);
 - (ii) any payment specified in paragraph (2)(a) to [F368] (e)];
 - (iii) any redundancy payment within the meaning of section [F369]135(1) of the Employment Rights Act 1996], and
 - (iv) any refund of contributions to which that person was entitled under an occupational pension scheme within the meaning of section 66(1) of the Social Security Pensions Act 1975;

[any compensation payable by virtue of section 173 or section 178(3) or (4) of the F370(v) Education Reform Act 1988.]

F371(b)

(c) “part-time employment” means employment in which a person is not to be treated as engaged in remunerative work under regulation 5 or [F372]6(1)][F373] and (4)] (persons treated, or not treated, as engaged in remunerative work).]

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Textual Amendments

- F351** Words in reg. 35(1) substituted (9.10.1989) by [The Income Support \(General\) Amendment No. 2 Regulations 1989 \(S.I. 1989/1323\)](#), regs. 1(1)(b), **11(a)(i)**
- F352** Words in reg. 35(1)(c) omitted (9.10.1989) by virtue of [The Income Support \(General\) Amendment No. 2 Regulations 1989 \(S.I. 1989/1323\)](#), regs. 1(1)(b), **11(a)(ii)**
- F353** 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**
- F354** Words in reg. 35(1)(g) substituted (1.10.2007) by [The Social Security \(Miscellaneous Amendments\) \(No. 5\) Regulations 2007 \(S.I. 2007/2618\)](#), regs. 1(1), **5(6)(a)(i)**
- F355** Reg. 35(1)(gg) inserted (1.10.2007) by [The Social Security \(Miscellaneous Amendments\) \(No. 5\) Regulations 2007 \(S.I. 2007/2618\)](#), regs. 1(1), **5(6)(a)(ii)**
- F356** Words in reg. 35(1)(h) substituted (1.10.2007) by [The Social Security \(Miscellaneous Amendments\) \(No. 5\) Regulations 2007 \(S.I. 2007/2618\)](#), regs. 1(1), **5(6)(a)(iii)**
- F357** Reg. 35(1)(i) added (9.10.1989) by [The Income Support \(General\) Amendment No. 2 Regulations 1989 \(S.I. 1989/1323\)](#), regs. 1(1)(b), **11(a)(iii)**
- F358** Reg. 35(1)(i)(i) omitted (14.4.2008) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/698\)](#), regs. 1(1), **2(7)**
- F359** Reg. 35(1)(j) added (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Social Security Amendment \(Non-Cash Vouchers\) Regulations 1999 \(S.I. 1999/1509\)](#), regs. 1(1), **2(5)(a)**
- F360** Words in reg. 35(1)(j) substituted (2.10.2006) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 2006 \(S.I. 2006/2378\)](#), regs. 1(3), **5(3)**
- F361** Reg. 35(1A) omitted (14.4.2008) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/698\)](#), regs. 1(1), **2(7)**
- F362** Words in reg. 35(2)(a) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Social Security Amendment \(Non-Cash Vouchers\) Regulations 1999 \(S.I. 1999/1509\)](#), regs. 1(1), **2(5)(b)**
- F363** Words in reg. 35(2)(b) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 4\) Regulations 1993 \(S.I. 1993/2119\)](#), regs. 1(1)(a), **12**
- F364** Words in reg. 35(2)(b) inserted (8.12.2002) by [The Social Security \(Paternity and Adoption\) Amendment Regulations 2002 \(S.I. 2002/2689\)](#), regs. 1(1)(b), **2(4)**
- F365** Reg. 35(2)(e) added (7.4.1997) by [The Social Security \(Miscellaneous Amendments\) Regulations 1997 \(S.I. 1997/454\)](#), regs. 1(c), **7(a)**
- F366** Reg. 35(2A) added (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Social Security Amendment \(Non-Cash Vouchers\) Regulations 1999 \(S.I. 1999/1509\)](#), regs. 1(1), **2(5)(c)**
- F367** Reg. 35(3) added (9.10.1989) by [The Income Support \(General\) Amendment No. 2 Regulations 1989 \(S.I. 1989/1323\)](#), regs. 1(1)(b), **11(b)**
- F368** Word in reg. 35(3)(a)(ii) substituted (7.4.1997) by [The Social Security \(Miscellaneous Amendments\) Regulations 1997 \(S.I. 1997/454\)](#), regs. 1(c), **7(b)**
- F369** Words in reg. 35(3)(a)(iii) substituted (1.10.2007) by [The Social Security \(Miscellaneous Amendments\) \(No. 5\) Regulations 2007 \(S.I. 2007/2618\)](#), regs. 1(1), **5(6)(b)**
- F370** Words in reg. 35(3)(a) inserted (1.4.1990) by [The Education \(Inner London Education Authority\) \(Transitional and Supplementary Provisions\) \(No. 2\) Order 1990 \(S.I. 1990/774\)](#), arts. 1, **2**
- F371** Reg. 35(3)(b) omitted (14.4.2008) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/698\)](#), regs. 1(1), **2(7)**
- F372** Word in reg. 35(3)(c) substituted (4.10.1999) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 1999 \(S.I. 1999/2556\)](#), regs. 1, **2(4)**
- F373** Words in reg. 35(3)(c) inserted (3.4.2000) by [The Social Security \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/681\)](#), regs. 1(1)(c), **2(c)**

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Modifications etc. (not altering text)

C16 Reg. 35 applied (S.) (29.3.2004) by [The Individual Learning Account \(Scotland\) Regulations 2004 \(S.S.I. 2004/83\)](#), regs. 1(1), **3(9)**

Commencement Information

I34 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 [^{F374}or 15A] of Schedule 8.

(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^{F375}; and
- (b) one-half of any sum paid by the claimant [^{F376}in respect of a pay period] by way of a contribution towards an occupational or personal pension scheme.

Textual Amendments

F374 Words in [reg. 36\(2\)](#) substituted (25.10.2004) by [The Social Security \(Back to Work Bonus and Lone Parent Run-on\) \(Amendment and Revocation\) Regulations 2003 \(S.I. 2003/1589\)](#), regs. 1(1), **2(b)**

F375 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.

F376 Words in [reg. 36\(3\)\(b\)](#) inserted (with effect in accordance with [reg. 1\(2\)](#) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No.5\) Regulations 1994 \(S.I. 1994/2139\)](#), regs. 1(1)(a), **26**

Commencement Information

I35 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 ^{F377} ^{F378} or section 2 of the Enterprise and New Towns (Scotland) Act 1990] to the claimant for the purpose of assisting him in carrying on his business.

^{F379}(2) “Earnings” shall not include—

(a) where a claimant is involved in providing board and lodging accommodation for which a charge is payable, any payment by way of such a charge;]

^{F380}(b) any payment to which paragraph 26 or 27 of Schedule 9 refers (payments in respect of a person accommodated with the claimant under an arrangement made by a local authority or voluntary organisation and payments made to the claimant by a health authority, local authority or voluntary organisation in respect of persons temporarily in the claimant’s care).]

^{F381}(c) any sports award.]

Textual Amendments

F377 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 \(c. 57\)](#).

F378 Words in reg. 37(1) inserted (1.4.1991) by [The Enterprise \(Scotland\) Consequential Amendments Order 1991 \(S.I. 1991/387\)](#), arts. 1, 2, [Sch.](#)

F379 Reg. 37(2) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 3\) Regulations 1992 \(S.I. 1992/2155\)](#), regs. 1(1), [16](#)

F380 Reg. 37(2)(b) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No.5\) Regulations 1994 \(S.I. 1994/2139\)](#), regs. 1(1)(a), [27](#)

F381 Reg. 37(2)(c) added (23.8.1999) by [The Social Security Amendment \(Sports Awards\) Regulations 1999 \(S.I. 1999/2165\)](#), regs. 1(1), [6\(3\)](#)

Modifications etc. (not altering text)

C17 Reg. 37 applied (S.) (29.3.2004) by [The Individual Learning Account \(Scotland\) Regulations 2004 \(S.S.I. 2004/83\)](#), regs. 1(1), [3\(9\)](#)

Commencement Information

I36 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;

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- (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^{F382}, 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) [^{F383}one half of any premium paid [^{F384}in the period that is relevant under regulation 30] in respect of ^{F385}... a personal pension scheme].
- (2) There shall be disregarded from a claimant's net profit any sum, where applicable, specified in paragraphs 1 to 13 ^{F386}... 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) [^{F383}one half of any premium paid [^{F387}in the period that is relevant under regulation 30] in respect of ^{F388}... a personal pension scheme].
- (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.
- (7) [^{F389}The Secretary of State] 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) [^{F383}one half of any premium paid in respect of ^{F390}... a personal pension scheme].
- (10) Notwithstanding regulation 30 (calculation of earnings of self-employed earners) and the foregoing paragraphs, [^{F391}the Secretary of State] 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.

^{F392}(12)

Textual Amendments

- F382** S.I. 1975/529.
- F383** Words in reg. 38 substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 4\) Regulations 1993](#) (S.I. 1993/2119), regs. 1(1)(a), **13(2)**
- F384** Words in reg. 38(1)(b)(ii) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No.5\) Regulations 1994](#) (S.I. 1994/2139), regs. 1(1)(a), **28**
- F385** Words in reg. 38(1)(b)(ii) omitted (16.7.2007) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2007](#) (S.I. 2007/1749), regs. 1, **2(3)**
- F386** Words in reg. 38(2) omitted (25.10.2004) by virtue of [The Social Security \(Back to Work Bonus and Lone Parent Run-on\) \(Amendment and Revocation\) Regulations 2003](#) (S.I. 2003/1589), regs. 1(1), **2(c)**
- F387** Words in reg. 38(3)(c) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No.5\) Regulations 1994](#) (S.I. 1994/2139), regs. 1(1)(a), **28**
- F388** Words in reg. 38(3)(c) omitted (16.7.2007) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2007](#) (S.I. 2007/1749), regs. 1, **2(3)**

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- F389** Words in reg. 38(7) substituted (29.11.1999) by The Social Security Act 1998 (Commencement No. 12 and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/3178), reg. 3(1)(a), **Sch. 5 para. 2(a)** (with reg. 3(1)(b), Schs. 21-23)
- F390** Words in reg. 38(9)(b) omitted (16.7.2007) by virtue of The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2007 (S.I. 2007/1749), regs. 1, **2(3)**
- F391** Words in reg. 38(10) substituted (29.11.1999) by The Social Security Act 1998 (Commencement No. 12 and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/3178), reg. 3(1)(a), **Sch. 5 para. 2(b)** (with reg. 3(1)(b), Schs. 21-23)
- F392** Reg. 38(12) omitted (with effect in accordance with reg. 1(4) of the amending S.I.) by virtue of The Income-related Benefits Schemes and Social Security (Claims and Payments) (Miscellaneous Amendments) Regulations 1995 (S.I. 1995/2303), regs. 1(1)(a), **6(3)** (with reg. 8)

Commencement Information

- I37** 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 [^{F393}the [^{F394}starting rate] or, as the case may be, the [^{F394}starting rate] and the basic rate of tax] less only the [^{F395}personal allowance] to which the claimant is entitled under [^{F396}section 257(1) of the Income and Corporation Taxes Act 1988] ([^{F395}personal allowance]) 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, [^{F397}the earnings to which the [^{F394}starting rate]^{F398}... of tax is to be applied and] the amount of the [^{F395}personal allowance] 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—

[^{F399}(a) the amount of Class 2 contributions payable under section 11(1) or, as the case may be, 11(3) of the Contributions and Benefits Act at the rate applicable at the date of claim except where the claimant’s chargeable income is less than the amount specified in section 11(4) of that Act (small earnings exception) for the tax year in which the date of claim falls; but if the assessment period is less than a year, the amount specified for that tax year shall be reduced pro rata; and]

[^{F399}(b) the amount of Class 4 contributions (if any) which would be payable under section 15 of that Act (Class 4 contributions recoverable under the Income Tax Acts) at the percentage rate applicable at the date of claim on so much of the chargeable income as exceeds the lower limit but does not exceed the upper limit of profits and gains applicable for the tax year in which the date of claim falls; but if the assessment period is less than a year, those limits shall be reduced pro rata.]

(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

- F393** Words in reg. 39(1) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 3\) Regulations 1992 \(S.I. 1992/2155\)](#), regs. 1(1), **17(a)**
- F394** Words in reg. 39(1) substituted (1.10.2007) by [The Social Security \(Miscellaneous Amendments\) \(No. 5\) Regulations 2007 \(S.I. 2007/2618\)](#), regs. 1(1), **5(7)**
- F395** Words in reg. 39(1) substituted (16.7.2007) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2007 \(S.I. 2007/1749\)](#), regs. 1, **2(4)(a)**
- F396** Words in reg. 39(1) substituted (16.7.2007) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2007 \(S.I. 2007/1749\)](#), regs. 1, **2(4)(b)**
- F397** Words in reg. 39(1) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 3\) Regulations 1992 \(S.I. 1992/2155\)](#), regs. 1(1), **17(b)**
- F398** Words in reg. 39(1) omitted (with effect in accordance with reg. 1(2) of the amending S.I.) by virtue of [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No.5\) Regulations 1994 \(S.I. 1994/2139\)](#), regs. 1(1)(a), **29**
- F399** Reg. 39(2)(a)(b) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 4\) Regulations 1993 \(S.I. 1993/2119\)](#), regs. 1(1)(a), **14**

Commencement Information

- I38** Reg. 39 in force at 11.4.1988, see [reg. 1](#)

[^{F400}CHAPTER IVA

PARTICIPANTS IN THE SELF-EMPLOYMENT ROUTE^{F401} ...

Textual Amendments

- F400** Pt. V Ch. IVA added (1.6.1998) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 1998 \(S.I. 1998/1174\)](#), regs. 1(1), **6(3)**
- F401** Words in Pt. V Ch. IVA heading omitted (27.11.2000) by virtue of [The Social Security Amendment \(Employment Zones\) \(No. 2\) Regulations 2000 \(S.I. 2000/2910\)](#), regs. 1(1), **5(1)(c)**

Interpretation

39A. In this Chapter—

^{F402}
...

“special account” means, where a person was carrying on a commercial activity in respect of which assistance is received under the self-employment route, the account into which the gross receipts from that activity were payable during the period in respect of which such assistance was received.

Textual Amendments

- F402** Words in [reg. 39A](#) omitted (27.11.2000) by virtue of [The Social Security Amendment \(Employment Zones\) \(No. 2\) Regulations 2000 \(S.I. 2000/2910\)](#), regs. 1(1), **5(1)(b)**

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Modifications etc. (not altering text)

- C18** Reg. 39A modified (temp. until 27.11.2001) (28.11.2000) by The Social Security (New Deal Pilot) Regulations 2000 (S.I. 2000/3134), regs. 1(1)(b), **18(1)(c)** (with regs. 1(2), 11, 19)
- C19** Reg. 39A modified (temp. until 27.11.2001) (28.11.2000) by The Social Security (New Deal Pilot) Regulations 2000 (S.I. 2000/3134), regs. 1(1)(b), **18(1)(b)** (with regs. 1(2), 11, 19)
- C20** Reg. 39A modified (temp. until 27.11.2001) (28.11.2000) by The Social Security (New Deal Pilot) Regulations 2000 (S.I. 2000/3134), regs. 1(1)(b), **18(1)(a)** (with regs. 1(2), 11, 19)

Treatment of gross receipts of participants in the self-employment route^{F403}...

39B. The gross receipts of a commercial activity carried on by a person in respect of which assistance is received under the self-employment route, shall be taken into account in accordance with the following provisions of this Chapter.

Textual Amendments

- F403** Words in reg. 39B heading omitted (27.11.2000) by virtue of The Social Security Amendment (Employment Zones) (No. 2) Regulations 2000 (S.I. 2000/2910), regs. 1(1), **5(1)(c)**

Calculation of income of participants in the self-employment route^{F404}...

39C.—(1) The income of a person who has received assistance under the self-employment route shall be calculated by taking into account the whole of the monies in the special account at the end of the last day upon which such assistance was received and deducting from those monies—

- (a) an amount in respect of income tax calculated in accordance with regulation 39D (deduction in respect of tax for participants in the self-employment route^{F405}...); and
- (b) any sum to which paragraph (4) refers.

(2) Income calculated pursuant to paragraph (1) shall be apportioned equally over a period which starts on the date the income is treated as paid under paragraph (3) and is equal in length to the period beginning with the day upon which assistance was first received under the self-employment route and ending on the last day upon which such assistance was received.

(3) Income calculated pursuant to paragraph (1) shall be treated as paid—

- (a) in the case where it is due to be paid before the first benefit week in respect of which the participant or his partner first claims income support following the last day upon which assistance was received under the self-employment route, 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.

(4) This paragraph refers, where applicable in each benefit week in respect of which income calculated pursuant to paragraph (1) is taken into account pursuant to paragraphs (2) and (3), to the sums which would have been disregarded under paragraphs 4 to 6B and 9 of Schedule 8 had the income been earnings.

Textual Amendments

- F404** Words in reg. 39C heading omitted (27.11.2000) by virtue of The Social Security Amendment (Employment Zones) (No. 2) Regulations 2000 (S.I. 2000/2910), regs. 1(1), **5(1)(c)**
- F405** Words in reg. 39C(1)(a) omitted (27.11.2000) by virtue of The Social Security Amendment (Employment Zones) (No. 2) Regulations 2000 (S.I. 2000/2910), regs. 1(1), **5(1)(c)**

Deduction in respect of tax for participants in the self-employment route^{F406}...

39D.—(1) The amount to be deducted in respect of income tax under regulation 39C(1)(a) (calculation of income of participants in the self-employment route^{F407} ...) in respect of the period determined under regulation 39C(2) shall be calculated as if—

- (a) the chargeable income is the only income chargeable to tax;
- ^{F408}(b) the personal allowance applicable to the person receiving assistance under the self-employment route by virtue of section 257(1) of the Income and Corporation Taxes Act 1988 (personal allowance) is allowable against that income;
- (c) the rate at which the chargeable income less the personal relief is assessable to income tax is the [^{F409}starting rate] of tax or, as the case may be, the [^{F409}starting rate] and the basic rate of tax.

(2) For the purpose of paragraph (1), the [^{F410}starting rate] of tax to be applied and the amount of the [^{F411}personal allowance] deductible shall, where the period determined under regulation 39C(2) is less than a year, be calculated on a pro rata basis.

(3) In this regulation, “chargeable income” means the monies in the special account at the end of the last day upon which assistance was received under the self-employment route.]

Textual Amendments

- F406** Words in reg. 39D heading omitted (27.11.2000) by virtue of [The Social Security Amendment \(Employment Zones\) \(No. 2\) Regulations 2000 \(S.I. 2000/2910\)](#), regs. 1(1), **5(1)(e)**
- F407** Words in reg. 39D(1) omitted (27.11.2000) by virtue of [The Social Security Amendment \(Employment Zones\) \(No. 2\) Regulations 2000 \(S.I. 2000/2910\)](#), regs. 1(1), **5(1)(e)**
- F408** Reg. 39D(1)(b) substituted (16.7.2007) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2007 \(S.I. 2007/1749\)](#), regs. 1, **2(5)(a)**
- F409** Words in reg. 39D(1)(c) substituted (1.10.2007) by [The Social Security \(Miscellaneous Amendments\) \(No. 5\) Regulations 2007 \(S.I. 2007/2618\)](#), regs. 1(1), **5(8)**
- F410** Words in reg. 39D(2) substituted (1.10.2007) by [The Social Security \(Miscellaneous Amendments\) \(No. 5\) Regulations 2007 \(S.I. 2007/2618\)](#), regs. 1(1), **5(8)**
- F411** Words in reg. 39D(2) substituted (16.7.2007) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2007 \(S.I. 2007/1749\)](#), regs. 1, **2(5)(b)**

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 [^{F412}paragraphs (2) to (3B)], be his gross income and any capital treated as income under [^{F413}regulations ^{F414}... 41 and 44 (^{F414}... capital treated as income and modifications in respect of children and young persons)] [^{F413}regulation 41 (capital treated as income)].

(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 ^{F415} 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.

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[^{F416}(3A) Paragraph (3AA) applies where—

- (a) a relevant payment has been made to a person in an academic year; and
- (b) that person abandons, or is dismissed from, his course of study before the payment to him of the final instalment of the relevant payment.

(3AA) The amount of a relevant payment to be taken into account for the assessment period for the purposes of paragraph (1) in respect of a person to whom paragraph (3A) applies, shall be calculated by applying the formula—

$A(B \times C)D$

where—

A = the total amount of the relevant payment which that person would have received had he remained a student until the last day of the academic term in which he abandoned, or was dismissed from, his course, less any deduction under regulation 66A(5);

B = the number of benefit weeks from the benefit week immediately following that which includes the first day of that academic year to the benefit week immediately before that which includes the day on which the person abandoned, or was dismissed from, his course;

C = the weekly amount of the relevant payment, before the application of the £10 disregard, which would have been taken into account as income under regulation 66A(2) had the person not abandoned or been dismissed from, his course and, in the case of a person who was not entitled to income support immediately before he abandoned or was dismissed from his course, had that person, at that time, been entitled to income support;

D = the number of benefit weeks in the assessment period.

(3AB) In paragraphs (3A) and (3AA)—

“academic year” and “student loan” shall have the same meanings as for the purposes of Chapter VIII of this Part;

“assessment period” means the period beginning with the benefit week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the benefit week which includes the last day of the last quarter for which an instalment of the relevant payment was payable to that person and for the purposes of this definition, “quarter” shall have the same meaning as for the purposes of the Education (Student Support) Regulations 2001;

“relevant payment” means either a student loan or an amount intended for the maintenance of dependants referred to in regulation 62(3B) or both.]

[^{F417}(3B) In the case of income to which regulation 29(2B) applies (calculation of income of former students), the amount of income to be taken into account for the purposes of paragraph (1) shall be the amount of that income calculated in accordance with regulation 32(6A) and on the basis that none of that income has been repaid.]

(4) [^{F418}Subject to paragraph (5)] for the avoidance of doubt there shall be included as income to be taken into account under paragraph (1)[^{F419}—

- (a) any payment to which regulation 35(2) or 37(2) (payments not earnings) applies; or
- (b) in the case of a claimant who is receiving support provided under section 95 or 98 of the Immigration and Asylum Act including support provided by virtue of regulations made under Schedule 9 to that Act, the amount of such support provided in respect of essential living needs of the claimant and his [^{F420}dependants][^{F420}partner] (if any) as is specified in regulations made under paragraph 3 of Schedule 8 to the Immigration and Asylum Act;]

[^{F421}(5) In the case of a claimant who is the partner of a person subject to immigration control and whose partner is receiving support provided under section 95 or 98 of the Immigration and Asylum Act including support provided by virtue of regulations made under Schedule 9 to that Act, there

shall not be included as income to be taken into account under paragraph (1) the amount of support provided in respect of essential living needs of the partner of the claimant and his dependants (if any) as is specified in regulations made under paragraph 3 of Schedule 8 to the Immigration and Asylum Act.]

Textual Amendments

- F412** Words in [reg. 40\(1\)](#) substituted (coming into force in accordance with [reg. 1\(2\)\(3\)](#) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) Regulations 1998 \(S.I. 1998/563\)](#), [regs. 1\(2\)](#), [13\(1\)\(a\)](#)
- F413** Words in [reg. 40\(1\)](#) substituted (for specified purposes and with effect in accordance with [reg. 1\(2\)-\(5\)](#) of the amending S.I.) by [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), [Sch. 1 para. 8\(a\)](#)
- F414** Words in [reg. 40\(1\)](#) omitted (12.12.1988) by virtue of [The Income Support \(General\) Amendment No. 5 Regulations 1988 \(S.I. 1988/2022\)](#), [regs. 1\(1\)\(a\)](#), [9](#)
- F415** The benefit Acts are specified in section 84(1) of the [Social Security Act 1986 \(c. 50\)](#).
- F416** [Reg. 40\(3A\)\(3AA\)\(3AB\)](#) substituted for [reg. 40\(3A\)](#) (1.8.2001) by [The Social Security Amendment \(Students and Income-related Benefits\) Regulations 2001 \(S.I. 2001/2319\)](#), [regs. 1\(1\)\(a\)](#), [5\(1\)](#)
- F417** [Reg. 40\(3B\)](#) inserted (for specified purposes and with effect in accordance with [reg. 1\(2\)](#) of the amending S.I.) by [The Income-related Benefits and Jobseeker's Allowance \(Miscellaneous Amendments\) Regulations 1997 \(S.I. 1997/65\)](#), [regs. 1\(1\)\(2\)](#), [7\(1\)](#)
- F418** Words in [reg. 40\(4\)](#) inserted (3.4.2000) by [The Social Security \(Immigration and Asylum\) Consequential Amendments Regulations 2000 \(S.I. 2000/636\)](#), [regs. 1\(1\)](#), [3\(6\)\(a\)](#)
- F419** [Reg. 40\(4\)\(a\)\(b\)](#) substituted for words (3.4.2000) by [The Social Security \(Immigration and Asylum\) Consequential Amendments Regulations 2000 \(S.I. 2000/636\)](#), [regs. 1\(1\)](#), [3\(6\)\(b\)](#)
- F420** Word in [reg. 40\(4\)\(b\)](#) substituted (for specified purposes and with effect in accordance with [reg. 1\(2\)-\(5\)](#) of the amending S.I.) by [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), [Sch. 1 para. 8\(b\)](#)
- F421** [Reg. 40\(5\)](#) added (3.4.2000) by [The Social Security \(Immigration and Asylum\) Consequential Amendments Regulations 2000 \(S.I. 2000/636\)](#), [regs. 1\(1\)](#), [3\(6\)\(c\)](#)

Commencement Information

- I39** [Reg. 40](#) in force at 11.4.1988, see [reg. 1](#)

Capital treated as income

41.—^{F422}(1) Capital which is payable by instalments which are outstanding on—

- (a) the first day in respect of which income support is payable or the date of the determination of the claim, whichever is earlier; or
- (b) in the case of a supersession, the date of that supersession,

shall be treated as income 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^{F423} ... £16,000.]

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

(3) ^{F424}In the case of a person to whom section 23 of the Act (trade disputes) applies ^{F425}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 ^{F426}^{F427}section 17, 23B, 23C or 24A of the Children Act 1989] or, as the case may be, ^{F428}section 12 of the Social Work (Scotland) Act 1968 or sections 29 or 30 of the Children (Scotland) Act 1995]

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(local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) shall be treated as income.]

[^{F429}(4) In the case of a person to whom section 20(3) of the Act (conditions of entitlement to income support) has effect as modified by section 23A(b) of that Act (effect of return to work), any amount by way of repayment of income tax deducted from his emoluments in pursuance of section 203 of the Income and Corporation Taxes Act 1988, shall be treated as income.]

[^{F430}(5) Any earnings to the extent that they are not a payment of income shall be treated as income.]

[^{F431}(6) Any Career Development Loan paid pursuant to section 2 of the Employment and Training Act 1973 shall be treated as income.]

[^{F432}(7) Where an agreement or court order provides that payments shall be made to the claimant in consequence of any personal injury to the claimant and that such payments are to be made, wholly or partly, by way of periodical payments, any such periodical payments received by the claimant (but not a payment which is treated as capital by virtue of this Part), shall be treated as income.]

Textual Amendments

- F422** Reg. 41(1) substituted (29.11.1999) by [The Social Security Act 1998 \(Commencement No. 12 and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/3178\)](#), reg. 3(1)(a), **Sch. 5 para. 3** (with reg. 3(1)(b), Schs. 21-23)
- F423** Words in reg. 41(1) omitted (with effect in accordance with reg. 1(6) of the amending S.I.) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2005 \(S.I. 2005/2465\)](#), regs. 1(6)(a), **2(2)**
- F424** Reg. 41(3) omitted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by virtue of [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), **Sch. 1 para. 9**
- F425** 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**
- F426** Words in reg. 41(3) substituted (10.7.1989) by [The Family Credit and Income Support \(General\) Amendment Regulations 1989 \(S.I. 1989/1034\)](#), regs. 1(1)(a), **7**
- F427** Words in reg. 41(3) substituted (1.10.2001) by [The Children \(Leaving Care\) Act 2000 \(Commencement No. 2 and Consequential Provisions\) Order 2001 \(S.I. 2001/3070\)](#), art. 3(1), **Sch. 1 (c)(i)**
- F428** Words in reg. 41(3) substituted (12.5.2004) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2004 \(S.I. 2004/1141\)](#), regs. 1(1), **5**
- F429** Reg. 41(4) added (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **9**
- F430** Reg. 41(5) added (9.10.1989) by [The Income Support \(General\) Amendment No. 2 Regulations 1989 \(S.I. 1989/1323\)](#), regs. 1(1)(b), **13**
- F431** Reg. 41(6) added (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits and Jobseeker's Allowance \(Miscellaneous Amendments\) Regulations 1997 \(S.I. 1997/65\)](#), regs. 1(1)(2), **3(3)(e)**
- F432** Reg. 41(7) added (28.10.2002) by [The Social Security Amendment \(Personal Injury Payments\) Regulations 2002 \(S.I. 2002/2442\)](#), regs. 1(1), **2(c)**

Commencement Information

- I40** 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;

[^{F433}(c) jobseeker's allowance;]

[^{F434}(d) [^{F435}child benefit to which paragraph (2D) refers;]]

(e) [^{F436}working tax credit];

(f) [^{F437}child tax credit],

[^{F438}(g) a personal pension scheme^{F439}, occupational pension scheme^{F440} [^{F441}... or a payment made by the Board of the Pension Protection Fund] where the claimant is aged under 60,]

^{F442}(h)

[^{F443}(i) any sum to which paragraph 44(2)(a) of Schedule 10 (capital to be disregarded) applies which is administered in the way referred to in paragraph 44(1)(a);

(ia) any sum to which paragraph 45(a) of Schedule 10 refers; or]

[^{F444}(j) rehabilitation allowance made under section 2 of the Employment and Training Act 1973.]

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 [^{F445}it could be expected to be acquired were an application made].

[^{F446}(2ZA) A claimant who has attained the age of 60 shall be treated as possessing—

(a) the amount of any income from an occupational pension scheme, [^{F447}a personal pension scheme^{F448}... or the Board of the Pension Protection Fund]—

(i) for which no claim has been made, and

(ii) to which he might expect to be entitled if a claim for it were made;

(b) income from an occupational pension scheme which the claimant elected to defer,

but only from the date on which it could be expected to be acquired were an application for it to be made.]

[^{F449}(2A) This paragraph applies where a person aged not less than 60—

(a) is entitled to money purchase benefits under an occupational pension scheme or a personal pension scheme;

(b) fails to purchase an annuity with the funds available in that scheme; and

(c) either—

(i) defers in whole or in part the payment of any income which would have been payable to him by his pension fund holder, or

(ii) fails to take any necessary action to secure that the whole of any income which would be payable to him by his pension fund holder upon his applying for it, is so paid, or

(iii) income withdrawal is not available to him under that scheme.

(2AA) Where paragraph (2A) applies, the amount of any income foregone shall be treated as possessed by that person, but only from the date on which it could be expected to be acquired were an application for it to be made.]

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[^{F450}(2B) The amount of any income foregone in a case [^{F451}where paragraph (2A)(c)(i) or (ii)] applies shall be the maximum amount of income which may be withdrawn from the fund and shall be determined by the [^{F452}Secretary of State] who shall take account of information provided by the pension fund holder in accordance with regulation 7(5) of the Social Security (Claims and Payments) Regulations 1987.

(2C) The amount of any income foregone in a case [^{F453}where paragraph (2A)(c)(iii)] applies shall be the income that the [^{F454}person] could have received without purchasing an annuity had the funds held under the [^{F455}relevant occupational or personal pension scheme]^{F456}... been held [^{F457}under a scheme] where income withdrawal was available and shall be determined in the manner specified in paragraph (2B).]

[^{F458}(2CA) In paragraph (2A), “money purchase benefits” has the meaning it has in the Pension Schemes Act 1993.]

[^{F459}(2D) [^{F460}This paragraph refers to child benefit payable in accordance with regulation 2(1)(a)(ii) of the Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations 1976 (weekly rate for only, elder or eldest child of a lone parent) but only to the extent that it exceeds the amount specified in regulation 2(1)(a)(i) of those Regulations.]]

(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 [^{F461}8 or 9] of the Social Security (Payments on Account, Overpayment and Recovery) Regulations [^{F461}1988] (duplication and prescribed payments or maintenance payments) and not made on or before the date prescribed in relation to it,

shall [^{F462}except for any amount to which paragraph (3A)^{F463}, (3B) or (3C)] applies] be treated as possessed by the claimant.

[^{F464}(3A) This paragraph applies to an amount which is due to be paid to the claimant under an occupational pension scheme but which is not paid because the trustees or managers of the scheme have suspended or ceased payments ^{F465}... due to an insufficiency of resources.]

[^{F464}(3B) This paragraph applies to any amount by which a payment made to the claimant from an occupational pension scheme falls short of the payment to which he was due under the scheme where the shortfall arises because the trustees or managers of the scheme have insufficient resources available to them to meet in full the scheme’s liabilities^{F466}....]

[^{F467}(3C) This paragraph applies to any earnings which are due to an employed earner on the termination of his employment by reason of redundancy but which have not been paid to him.]

[^{F468}(4) [^{F469}Any payment of income, other than a payment of income specified in paragraph (4ZA)], made—

- (a) to a third party in respect of a single claimant or [^{F470}in respect of a member of the family][^{F470}his partner] (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, [^{F471}a payment from the Armed Forces and Reserve Forces Compensation Scheme,] a war disablement pension^{F472}, war widow’s pension [^{F473}or war widower’s pension] or a pension payable to a person as a [^{F474}widow, widower or surviving civil partner] under the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983 insofar as that Order is made under the Naval and Marine Pay and Pensions Act 1865 [^{F475}or the Pensions and Yeomanry Pay

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Act 1884], or is made only under section 12(1) of the Social Security (Miscellaneous Provisions) Act 1977 and any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown,] as possessed by that single claimant, if it is paid to him, [^{F476}or by that member, if it is paid to any member of that family][^{F476}or by his partner, if it is paid to his partner];

- [^{F477}(ia) in a case where that payment is a payment of an occupational pension[^{F478}, a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund], as possessed by that single claimant or, as the case may be, by [^{F479}that member][^{F479}the claimant's partner];]
- (ii) in any other case, as possessed by that single claimant [^{F480}or by that member][^{F480}or his partner] to the extent that it is used for the food, ordinary clothing or footwear, household fuel, rent ^{F481}... for which housing benefit is payable, [^{F482}or][^{F483}... any housing costs to the extent that they are met under regulations 17(1)(e) or 18(1) (f) (housing costs) ^{F484}... ^{F485}... ^{F486}...), of that single claimant or, as the case may be, [^{F480}of any member of that family][^{F480}of his partner][^{F487}, or is used for any [^{F488}council tax] or water charges for which that claimant or [^{F480}member is liable][^{F480}partner is liable];]
- (b) [^{F489}to a single claimant or his partner in respect of a third party (but not in respect of another member of his family) shall be treated as possessed by that single claimant or, as the case may be, his partner, to the extent that it is kept or used by him or used by or on behalf of his partner;]

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 [^{F490}to the third party].]

[^{F491}(4ZA) Paragraph (4) shall not apply in respect of a payment of income made—

- (a) under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No.2) Trust, the Fund, the Eileen Trust or the Independent Living Funds;
- (b) pursuant to section 19(1)(a) of the Coal Industry Act 1994 (concessionary coal); or
- (c) pursuant to section 2 of the Employment and Training Act 1973 in respect of a person's participation—
- (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations 1996;
- (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations; or
- [in the Intensive Activity Period specified in regulation 75(1)(a)(iv) of those
- ^{F492}(ia) Regulations^{F493}...; or]
- (iii) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations.]

[^{F494}(d) under an occupational pension scheme[^{F495}, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund] where—

- (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to

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sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;

- (ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
- (iii) the person referred to in (i) and [^{F496}any member of his family][^{F496}his partner (if any)] does not possess, or is not treated as possessing, any other income apart from that payment.]

[^{F497}(4A) Where the claimant [^{F498}resides in a care home, an Abbeyfield Home or an independent hospital, or is temporarily absent from such a home or hospital], any payment made by a person other than the claimant or a member of his family in respect of some or all of the cost of maintaining the claimant [^{F499}or a member of his family in that home shall be treated as possessed by the claimant or by that member of his family][^{F499}or his partner in that home shall be treated as possessed by the claimant or his partner].]

(5) Where a claimant's earnings are not ascertainable at the time of the determination of the claim or of any [^{F500}revision or supersession the Secretary of State] 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.

[^{F501}(5A) Where the amount of a subsistence allowance paid to a claimant in a benefit week is less than the amount of income-based jobseeker's allowance that person would have received in that benefit week had it been payable to him, less 50p, he shall be treated as possessing the amount which is equal to the amount of income-based jobseeker's allowance which he would have received in that week, less 50p.]

(6) [^{F502}Subject to paragraph (6A),] 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 [^{F503}Secretary of State] 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^{F504}

[^{F505}(6A) Paragraph (6) shall not apply—

- (a) to a claimant who is engaged by a charitable or voluntary organisation or who is a volunteer if the [^{F506}Secretary of State] is satisfied in any of those cases that it is reasonable for him to provide the service free of charge;

[^{F507}(b) in a case where the service is performed in connection with—

- (i) the claimant's participation in an employment or training programme in accordance with regulation 19(1)(q) of the Jobseeker's Allowance Regulations 1996[^{F508}, other than where the service is performed in connection with the claimant's participation in the Intensive Activity Period specified in regulation 75(1)(a)(iv) of those Regulations^{F509}...]; or
- (ii) the claimant's or the claimant's partner's participation in an employment or training programme as defined in regulation 19(3) of those Regulations for which a training allowance is not payable or, where such an allowance is payable, it is payable for the sole purpose of reimbursement of travelling or meal expenses to the person participating in that programme; or]

(c) to a claimant who is engaged in work experience whilst participating in—

- (i) the New Deal for Lone Parents; or

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(ii) a scheme which has been approved by the Secretary of State as supporting the objectives of the New Deal for Lone Parents^{F510}...^{F511}; or

(d) to a claimant who is participating in a work placement approved by the Secretary of State (or a person providing services to the Secretary of State) before the placement starts.]

[^{F511}(6AA) In paragraph (6A)(d) “work placement” means practical work experience which is not undertaken in expectation of payment.]

^{F512}(6B)

^{F512}(6C)]

(7) Where a claimant is treated as possessing any income under any of ^{F513}paragraphs (1) to (4A)] 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 ^{F514}the ^{F515}starting rate] or, as the case may be, the ^{F515}starting rate] and the basic rate of tax] in the year of assessment less only the ^{F516}personal allowance] to which the claimant is entitled under ^{F517}section 257(1) of the Income and Corporation Taxes Act 1988] (^{F516}personal allowance]) 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, ^{F518}the earnings to which the ^{F515}starting rate]^{F519} ... of tax is to be applied and] the amount of the ^{F516}personal allowance] deductible under this paragraph shall be calculated on a pro rata basis;

^{F520}(b) where the weekly amount of those earnings equals or exceeds the lower earnings limit, an amount representing primary Class 1 contributions under the Contributions and Benefits Act, calculated by applying to those earnings the initial and main primary percentages in accordance with section 8(1) (a) and (b) of that Act; and]

(c) one-half of any sum payable by the claimant ^{F521}in respect of a pay period] by way of a contribution towards an occupational or personal pension scheme.

^{F522}(8A) In paragraphs (3A) and (3B) the expression “resources” has the same meaning as in the Social Security Pensions Act 1975 by virtue of section 66(1) of that Act.]

^{F523}(9) In paragraph (4) the expression “ordinary clothing or footwear” means clothing or footwear for normal daily use, but does not include school uniforms, or clothing or footwear used solely for sporting activities.]

Textual Amendments

F433 Reg. 42(2)(c) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income Support \(General\) \(Jobseeker’s Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), regs. 1(1), 17

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- F434** Reg. 42(2)(d) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Child Benefit, Child Support and Social Security (Miscellaneous Amendments) Regulations 1996 (S.I. 1996/1803), regs. 1(1)(b), **37(a)**
- F435** Reg. 42(2)(d) omitted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by virtue of The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), **Sch. 1 para. 10(a)**
- F436** Words in reg. 42(2)(e) substituted (for specified purposes and with effect in accordance with reg. 1(5)(a) of the amending S.I.) by The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), **Sch. 1 para. 10(b)**
- F437** Words in reg. 42(2)(f) substituted (for specified purposes and with effect in accordance with reg. 1(5)(a) of the amending S.I.) by The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), **Sch. 1 para. 10(c)**
- F438** Reg. 42(2)(g) inserted (with effect in accordance with reg. 1(4) of the amending S.I.) by The Income-related Benefits Schemes and Social Security (Claims and Payments) (Miscellaneous Amendments) Regulations 1995 (S.I. 1995/2303), regs. 1(1)(a), **6(4)(a)** (with reg. 8)
- F439** Words in reg. 42(2)(g) inserted (6.4.2006) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2005 (S.I. 2005/2465), regs. 1(5)(a), **2(3)(a)**
- F440** Words in reg. 42(2)(g) omitted (16.7.2007) by virtue of The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2007 (S.I. 2007/1749), regs. 1, **2(6)(a)**
- F441** Words in reg. 42(2)(g) substituted (6.4.2006) by The Social Security (Miscellaneous Amendments) Regulations 2006 (S.I. 2006/588), regs. 1(9), **2(2)(a)**
- F442** Reg. 42(2)(h) omitted (4.4.2005) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/574), regs. 1(1), **3(3)(a)**
- F443** Reg. 42(2)(i)(ia) substituted for reg. 42(2)(i) (2.4.2007) by The Social Security (Miscellaneous Amendments) Regulations 2007 (S.I. 2007/719), regs. 1(2), **2(3)**
- F444** Reg. 42(2)(j) and word inserted (coming into force in accordance with reg. 1(2)(3) of the amending S.I.) by The Social Security (Miscellaneous Amendments) Regulations 1998 (S.I. 1998/563), regs. 1(2), **6(1)(2)(e)**
- F445** 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)**
- F446** Reg. 42(2ZA)(2A) substituted for reg. 42(2A) (6.4.2006) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2005 (S.I. 2005/2465), regs. 1(5)(a), **2(3)(b)**
- F447** Words in reg. 42(2ZA)(a) substituted (6.4.2006) by The Social Security (Miscellaneous Amendments) Regulations 2006 (S.I. 2006/588), regs. 1(9), **2(2)(b)**
- F448** Words in reg. 42(2ZA)(a) omitted (16.7.2007) by virtue of The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2007 (S.I. 2007/1749), regs. 1, **2(6)(b)**
- F449** Reg. 42(2A)(2AA) substituted for reg. 42(2A) (16.7.2007) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2007 (S.I. 2007/1749), regs. 1, **2(6)(c)**
- F450** Reg. 42(2A)-(2C) inserted (with effect in accordance with reg. 1(5) of the amending S.I.) by The Income-related Benefits Schemes and Social Security (Claims and Payments) (Miscellaneous Amendments) Regulations 1995 (S.I. 1995/2303), regs. 1(1)(a), **6(4)(b)** (with reg. 8)
- F451** Words in reg. 42(2B) substituted (16.7.2007) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2007 (S.I. 2007/1749), regs. 1, **2(6)(d)**
- F452** Words in reg. 42(2B) substituted (29.11.1999) by The Social Security Act 1998 (Commencement No. 12 and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/3178), reg. 3(1)(a), **Sch. 5 para. 4(a)** (with reg. 3(1)(b), Schs. 21-23)
- F453** Words in reg. 42(2C) substituted (16.7.2007) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2007 (S.I. 2007/1749), regs. 1, **2(6)(e)(i)**
- F454** Word in reg. 42(2C) substituted (6.10.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(b), **29(2)**
- F455** Words in reg. 42(2C) substituted (6.4.2006) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2005 (S.I. 2005/2465), regs. 1(5)(a), **2(3)(c)(i)**

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- F456** Words in reg. 42(2C) omitted (16.7.2007) by virtue of The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2007 (S.I. 2007/1749), regs. 1, **2(6)(e)(ii)**
- F457** Words in reg. 42(2C) substituted (6.4.2006) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2005 (S.I. 2005/2465), regs. 1(5)(a), **2(3)(c)(ii)**
- F458** Reg. 42(2CA) inserted (6.4.2006) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2005 (S.I. 2005/2465), regs. 1(5)(a), **2(3)(d)**
- F459** Reg. 42(2D) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Child Benefit, Child Support and Social Security (Miscellaneous Amendments) Regulations 1996 (S.I. 1996/1803), regs. 1(1)(b), **37(b)**
- F460** Reg. 42(2D) omitted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by virtue of The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), **Sch. 1 para. 10(d)**
- F461** Words in reg. 42(3)(b) substituted (coming into force in accordance with reg. 1(3) of the amending S.I.) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2001 (S.I. 2001/859), regs. 1(3), **3(2)**
- F462** Words in reg. 42(3) inserted (22.5.1992) by The Income Support (General) Amendment (No.2) Regulations 1992 (S.I. 1992/1198), regs. 1, **2(a)**
- F463** Words in reg. 42(3) substituted (7.1.2000) by The Income Support (General) and Jobseeker's Allowance Amendment (No. 2) Regulations 1999 (S.I. 1999/3324), regs. 1, **2(a)**
- F464** Reg. 42(3A)(3B) inserted (22.5.1992) by The Income Support (General) Amendment (No.2) Regulations 1992 (S.I. 1992/1198), regs. 1, **2(b)**
- F465** Words in reg. 42(3A) omitted (with effect in accordance with reg. 1(2) of the amending S.I.) by virtue of The Income-related Benefits Schemes (Miscellaneous Amendments) Regulations 1993 (S.I. 1993/315), regs. 1(1)(c), **6(a)**
- F466** Words in reg. 42(3B) omitted (with effect in accordance with reg. 1(2) of the amending S.I.) by virtue of The Income-related Benefits Schemes (Miscellaneous Amendments) Regulations 1993 (S.I. 1993/315), regs. 1(1)(c), **6(b)**
- F467** Reg. 42(3C) inserted (7.1.2000) by The Income Support (General) and Jobseeker's Allowance Amendment (No. 2) Regulations 1999 (S.I. 1999/3324), regs. 1, **2(b)**
- F468** Reg. 42(4) substituted (12.9.1988) by The Income Support (General) Amendment No. 4 Regulations 1988 (S.I. 1988/1445), regs. 1(1)(b), **10(a)**
- F469** Words in reg. 42(4) substituted (24.9.1998) by The Social Security Amendment (New Deal) (No.2) Regulations 1998 (S.I. 1998/2117), **regs. 1(1), 2(2)(a)**
- F470** Words in reg. 42(4)(a) substituted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), **Sch. 1 para. 10(e)(i)**
- F471** Words in reg. 42(4)(a)(i) inserted (4.4.2005) by The Social Security (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/574), regs. 1(1), **2(5)**
- F472** Words in reg. 42(4) substituted (28.10.1995) by The Income-related Benefits Schemes Amendment (No. 2) Regulations 1995 (S.I. 1995/2792), regs. 1, **6(2)**
- F473** Words in reg. 42(4)(a)(i) inserted (8.4.2002) by The Social Security (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/841), regs. 1(1), **2(2)**
- F474** Words in reg. 42(4)(a)(i) substituted (5.12.2005) by The Social Security (Civil Partnership) (Consequential Amendments) Regulations 2005 (S.I. 2005/2878), regs. 1, **4(2)**
- F475** Words in reg. 42(4) inserted (20.12.1995) by The Income-related Benefits Schemes (Widows' etc. Pensions Disregards) Amendment Regulations 1995 (S.I. 1995/3282), regs. 1, **2(1)(d)**
- F476** Words in reg. 42(4)(a)(i) substituted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), **Sch. 1 para. 10(e)(ii)**
- F477** Reg. 42(4)(a)(ia) inserted (15.11.1999) by The Social Security Amendment (Notional Income and Capital) Regulations 1999 (S.I. 1999/2640), regs. 1(1), **2(1)(a)**
- F478** Words in reg. 42(4)(a)(ia) substituted (6.4.2006) by The Social Security (Miscellaneous Amendments) Regulations 2006 (S.I. 2006/588), regs. 1(2), **2(2)(c)**

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- F479** Words in reg. 42(4)(a)(ia) substituted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), **Sch. 1 para. 10(e)(iii)**
- F480** Words in reg. 42(4)(a)(ii) substituted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), **Sch. 1 para. 10(e)(iv)**
- F481** Words in reg. 42(4)(a)(ii) omitted (4.4.2005) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/574), regs. 1(1), **3(3)(b)**
- F482** Word in reg. 42(4)(a)(ii) inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by The Income-related Benefits Schemes (Miscellaneous Amendments) Regulations 1994 (S.I. 1994/527), regs. 1(1)(b), **4(2)(a)**
- F483** Words in reg. 42(4)(a)(ii) omitted (7.10.1991) by virtue of The Income Support (General) Amendment No. 4 Regulations 1991 (S.I. 1991/1559), regs. 1(1)(c), **8(a)** (with reg. 1(2))
- F484** Words in reg. 42(4)(a)(ii) omitted (with effect in accordance with reg. 1(3) of the amending S.I.) by virtue of The Income-related Benefits Schemes (Miscellaneous Amendments) Regulations 1994 (S.I. 1994/527), regs. 1(1)(b), **4(2)(b)**
- F485** Words in reg. 42(4)(a)(ii) omitted (10.4.1989) by virtue of The Income Support (General) Amendment No. 4 Regulations 1988 (S.I. 1988/1445), reg. 1(1)(c), **Sch. 1 para. 4** (with reg. 28)
- F486** Words in reg. 42(4)(a)(ii) omitted (with effect in accordance with reg. 1(1)(c) of the amending S.I.) by virtue of The Income Support (General) Amendment Regulations 1989 (S.I. 1989/534), reg. 1(1), **Sch. 1 para. 7**
- F487** Words in reg. 42(4)(a)(ii) added (7.10.1991) by The Income Support (General) Amendment No. 4 Regulations 1991 (S.I. 1991/1559), regs. 1(1)(c), **8(b)** (with reg. 1(2))
- F488** Words in reg. 42(4)(a)(ii) substituted (1.4.1993) by The Income-related Benefits Schemes (Miscellaneous Amendments) Regulations 1993 (S.I. 1993/315), reg. 1(1)(b), **Sch. para. 2**
- F489** Reg. 42(4)(b) substituted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), **Sch. 1 para. 10(f)**
- F490** Words in reg. 42(4) inserted (3.10.2005) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2005 (S.I. 2005/2465), regs. 1(2), **2(3)(e)**
- F491** Reg. 42(4ZA) inserted (24.9.1998) by The Social Security Amendment (New Deal) (No.2) Regulations 1998 (S.I. 1998/2117), regs. 1(1), **2(2)(b)**
- F492** Reg. 42(4ZA)(c)(iia) inserted (9.4.2001) by The Social Security Amendment (New Deal) Regulations 2001 (S.I. 2001/1029), regs. 1(1), **15(4)(5)(c)**
- F493** Words in reg. 42(4ZA)(c)(iia) omitted (14.4.2008) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2008 (S.I. 2008/698), regs. 1(1), **2(8)(a)**
- F494** Reg. 42(4ZA)(d) added (15.11.1999) by The Social Security Amendment (Notional Income and Capital) Regulations 1999 (S.I. 1999/2640), regs. 1(1), **2(3)(c)**
- F495** Words in reg. 42(4ZA)(d) substituted (6.4.2006) by The Social Security (Miscellaneous Amendments) Regulations 2006 (S.I. 2006/588), regs. 1(2), **2(2)(d)**
- F496** Words in reg. 42(4ZA)(d)(iii) substituted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), **Sch. 1 para. 10(g)**
- F497** Reg. 42(4A) inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by The Income-related Benefits Schemes (Miscellaneous Amendments) Regulations 1994 (S.I. 1994/527), regs. 1(1)(b), **4(3)**
- F498** Words in reg. 42(4A) substituted (24.10.2005) by The Social Security (Care Homes and Independent Hospitals) Regulations 2005 (S.I. 2005/2687), reg. 1, **Sch. 1 para. 6**
- F499** Words in reg. 42(4A) substituted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), **Sch. 1 para. 10(h)**

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- F500** Words in reg. 42(5) substituted (29.11.1999) by The Social Security Act 1998 (Commencement No. 12 and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/3178), reg. 3(1)(a), **Sch. 5 para. 4(b)** (with reg. 3(1)(b), Schs. 21-23)
- F501** Reg. 42(5A) inserted (3.4.2000) by The Social Security Amendment (Employment Zones) Regulations 2000 (S.I. 2000/724), regs. 1(1), **3(1)(a)**
- F502** Words in reg. 42(6) inserted (4.10.1999) by Income Support (General) Amendment Regulations 1999 (S.I. 1999/2554), regs. 1(a), **2(2)(a)(i)**
- F503** Words in reg. 42(6) substituted (29.11.1999) by The Social Security Act 1998 (Commencement No. 12 and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/3178), reg. 3(1)(a), **Sch. 5 para. 4(a)** (with reg. 3(1)(b), Schs. 21-23)
- F504** Words in reg. 42(6) omitted (4.10.1999) by virtue of Income Support (General) Amendment Regulations 1999 (S.I. 1999/2554), regs. 1(a), **2(2)(a)(ii)**
- F505** Reg. 42(6A)(6B)(6C) inserted (4.10.1999) by Income Support (General) Amendment Regulations 1999 (S.I. 1999/2554), regs. 1(a), **2(2)(b)**
- F506** Words in reg. 42(6A)(a) substituted (29.11.1999) by Income Support (General) Amendment Regulations 1999 (S.I. 1999/2554), regs. 1(b), **2(2)(c)**
- F507** Reg. 42(6A)(b) substituted (3.4.2000) by The Social Security (Approved Work) Regulations 2000 (S.I. 2000/678), regs. 1, **2(2)(a)**
- F508** Words in reg. 42(6A)(b)(i) added (9.4.2001) by The Social Security Amendment (New Deal) Regulations 2001 (S.I. 2001/1029), regs. 1(1), **15(6)(7)(c)**
- F509** Words in reg. 42(6A)(b)(i) omitted (14.4.2008) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2008 (S.I. 2008/698), regs. 1(1), **2(8)(a)**
- F510** Words in reg. 42(6A)(c) omitted (4.10.2004) by virtue of The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2004 (S.I. 2004/2308), regs. 1(1), **5(2)(a)**
- F511** Reg. 42(6A)(d)(6AA) and word added (1.10.2007) by The Social Security (Miscellaneous Amendments) (No. 5) Regulations 2007 (S.I. 2007/2618), regs. 1(1), **5(9)(a)**
- F512** Reg. 42(6B)(6C) omitted (4.10.2004) by virtue of The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2004 (S.I. 2004/2308), regs. 1(1), **5(2)(b)**
- F513** Words in reg. 42(7) substituted (coming into force in accordance with reg. 1(2)(3) of the amending S.I.) by The Social Security (Miscellaneous Amendments) Regulations 1998 (S.I. 1998/563), regs. 1(2), **13(1)(b)**
- F514** Words in reg. 42(8)(a) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Income-related Benefits Schemes (Miscellaneous Amendments) (No. 3) Regulations 1992 (S.I. 1992/2155), regs. 1(1), **18(a)**
- F515** Words in reg. 42(8)(a) substituted (1.10.2007) by The Social Security (Miscellaneous Amendments) (No. 5) Regulations 2007 (S.I. 2007/2618), regs. 1(1), **5(9)(b)**
- F516** Words in reg. 42(8)(a) substituted (16.7.2007) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2007 (S.I. 2007/1749), regs. 1, **2(6)(f)(i)**
- F517** Words in reg. 42(8)(a) substituted (16.7.2007) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2007 (S.I. 2007/1749), regs. 1, **2(6)(f)(ii)**
- F518** Words in reg. 42(8)(a) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Income-related Benefits Schemes (Miscellaneous Amendments) (No. 3) Regulations 1992 (S.I. 1992/2155), regs. 1(1), **18(b)**
- F519** Words in reg. 42(8)(a) omitted (with effect in accordance with reg. 1(2) of the amending S.I.) by virtue of The Income-related Benefits Schemes (Miscellaneous Amendments) (No.5) Regulations 1994 (S.I. 1994/2139), regs. 1(1)(a), **29**
- F520** Reg. 42(8)(b) substituted (with effect in accordance with reg. 1(3) of the amending S.I.) by The Income-related Benefits Schemes (Miscellaneous Amendments) Regulations 1994 (S.I. 1994/527), regs. 1(1)(b), **4(4)**
- F521** Words in reg. 42(8)(c) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Income-related Benefits Schemes (Miscellaneous Amendments) (No.5) Regulations 1994 (S.I. 1994/2139), regs. 1(1)(a), **26**

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F522 Reg. 42(8A) inserted (22.5.1992) by [The Income Support \(General\) Amendment \(No.2\) Regulations 1992 \(S.I. 1992/1198\)](#), regs. 1, **2(c)**

F523 Reg. 42(9) added (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **10(b)**

Modifications etc. (not altering text)

C21 Reg. 42(4) applied with modifications (1.4.1993) by [The National Assistance \(Assessment of Resources\) Regulations 1992 \(S.I. 1992/2977\)](#), regs. 1, **17(3)**

Commencement Information

I41 Reg. 42 in force at 11.4.1988, see [reg. 1](#)

Notional earnings of seasonal workers

^{F524}**43.**

Textual Amendments

F524 Reg. 43 revoked (9.10.1989) by [The Income Support \(General\) Amendment No. 2 Regulations 1989 \(S.I. 1989/1323\)](#), regs. 1(1)(b), **14**

Commencement Information

I42 Reg. 43 in force at 11.4.1988, see [reg. 1](#)

Modifications in respect of children and young persons

44.—^{F525}^{F526}(1) Any capital of a child or young person payable by instalments which are outstanding on—

- (a) the first day in respect of which income support is payable or at the date of the determination of the claim, whichever is the earlier; or
- (b) in the case of a supersession, the date of that supersession,

shall be treated as income 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 would exceed £3,000.]

(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 ^{F527}personal allowance, any disabled child premium and any enhanced disability premium] 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 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 ^{F528} (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 ^{F529} (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 [^{F527}personal allowance, any disabled child premium and any enhanced disability premium] 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 [^{F530}Chapters I to V] of this Part exceeds the amount of the [^{F527}personal allowance, any disabled child premium and any enhanced disability premium] 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, [^{F531}except as provided in paragraph (1)], 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.

[^{F532}(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

- F525** Reg. 44 omitted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by virtue of [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003](#) (S.I. 2003/455), **Sch. 1 para. 11**
- F526** Reg. 44(1) substituted (29.11.1999) by [The Social Security Act 1998](#) (Commencement No. 12 and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/3178), reg. 3(1)(a), **Sch. 5 para. 5** (with reg. 3(1)(b), Schs. 21-23)
- F527** Words in reg. 44 substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Social Security Amendment \(Enhanced Disability Premium\) Regulations 2000](#) (S.I. 2000/2629), regs. 1(1)(c), **2(a)**
- F528** 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.
- F529** 1980 c. 44 section 50 was amended by the [Education \(Scotland\) Act 1981](#) (c. 58) section 2.

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- F530** Words in reg. 44(4) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Income-related Benefits Schemes (Miscellaneous Amendments) (No. 4) Regulations 1993 (S.I. 1993/2119), regs. 1(1)(a), **15(3)**
- F531** Words in reg. 44(5) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Income-related Benefits Schemes (Miscellaneous Amendments) (No. 4) Regulations 1993 (S.I. 1993/2119), regs. 1(1)(a), **15(4)**
- F532** 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

- I43** Reg. 44 in force at 11.4.1988, see reg. 1

CHAPTER VI

capital

Modifications etc. (not altering text)

- C22** Pt. V Ch. VI applied (with modifications) (S.) (6.10.2003) by The National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (S.S.I. 2003/460), reg. 1, **sch. Pt. I** Table A (with reg. 13)

[^{F533}Capital limit

45. For the purposes of section 134(1) of the Contributions and Benefits Act as it applies to income support (no entitlement to benefit if capital exceeds prescribed amount), the prescribed amount is £16,000.]

Textual Amendments

- F533** Reg. 45 substituted (with effect in accordance with reg. 1(6) of the amending S.I.) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2005 (S.I. 2005/2465), regs. 1(6)(a), **2(4)**

Modifications etc. (not altering text)

- C23** Reg. 45 applied (with modifications) (1.5.2006) by S.I. 2003/2382 (as amended (E.) by The National Health Service (Travel Expenses and Remission of Charges) Amendment Regulations 2006 (S.I. 2006/1065), regs. 1(1), **2(2)(a)**)
- C24** Reg. 45 applied (with modifications) (1.5.2007) by S.I. 2003/2382 (as amended (E.) by The National Health Service (Travel Expenses and Remission of Charges) Amendment Regulations 2007 (S.I. 2007/988), regs. 1(1), **2(2)(a)**)

Commencement Information

- I44** 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 [^{F534}regulation 48 (income treated as capital).]

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

Textual Amendments

F534 Words in reg. 46(1) substituted (12.12.1988) by [The Income Support \(General\) Amendment No. 5 Regulations 1988 \(S.I. 1988/2022\)](#), regs. 1(1)(a), **10**

Commencement Information

I45 Reg. 46 in force at 11.4.1988, see [reg. 1](#)

Disregard of capital of child or young person

47. ^{F535}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.]

Textual Amendments

F535 [Reg. 47](#) omitted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by virtue of [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), **Sch. 1 para. 11**

Commencement Information

I46 Reg. 47 in force at 11.4.1988, see [reg. 1](#)

Income treated as capital

48.—(1) Any ^{F536}... bounty derived from employment to which paragraph 7 of Schedule 8 applies ^{F537}and paid at intervals of at least one year] 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) ^{F538}or regulation 41(4) (capital treated as income)] 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, ^{F539}12 ^{F540}, 25 to 28, 44 or 45]] 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.

^{F541}(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 ^{F542}(payments for discharged prisoners) or allowance under section 17 of the Prisons (Scotland) Act 1952 ^{F543}(allowances to prisoners on discharge) shall be treated as capital.

^{F544}(8) ^{F545}Any payment made by a local authority, which represents arrears of payments under—

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- (a) paragraph 15 of Schedule 1 to the Children Act 1989 (power of a local authority to make contributions to a person with whom a child lives as a result of a residence order); or
- (b) section 34(6) or as the case may be, section 50 of the Children Act 1975 (payments towards maintenance for children),

shall be treated as capital.]

(8A) [^{F546}Any payment made by an authority, as defined in Article 2 of the Children Order which represents arrears of payments under Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to child's maintenance), shall be treated as capital.]]

[^{F547}(9) Any charitable or voluntary payment which is not made or not due to be made at regular intervals, other than one to which paragraph (10) applies, shall be treated as capital.]

[^{F547}(10) This paragraph applies to a payment—

- (a) which is made 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) [^{F548}or to a member of the family][^{F548}or to the partner] of such a person;
- (b) [^{F549}to which regulation 44(2) (modification in respect of children and young persons) applies; or]
- (c) which is made under the Macfarlane Trust^{F550}, the Macfarlane (Special Payments) Trust][^{F551}, the Macfarlane (Special Payments) (No. 2) Trust][^{F552}, the Fund^{F553}, the Eileen Trust]] or [^{F554}the Independent Living Funds].]

^{F555}(11)

[^{F556}(12) Any arrears of subsistence allowance which are paid to a claimant as a lump sum shall be treated as capital.]

Textual Amendments

F536 Word in reg. 48(1) omitted (12.9.1988) by virtue of [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **11(a)**

F537 Words in reg. 48(1) inserted (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **11(a)**

F538 Words in reg. 48(2) inserted (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **11(b)**

F539 Words in reg. 48(4) substituted (12.12.1988) by [The Income Support \(General\) Amendment No. 5 Regulations 1988 \(S.I. 1988/2022\)](#), regs. 1(1)(a), **11(a)**

F540 Words in reg. 48(4) substituted (for specified purposes and with effect in accordance with reg. 1(4) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 2006 \(S.I. 2006/2378\)](#), **reg. 5(4)**

F541 Reg. 48(6) substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **21**

F542 1952 c. 52; section 30 was substituted by section 66 (3) of the [Criminal Justice Act 1967 \(c. 80\)](#).

F543 1952 c. 61.

F544 Reg. 48(8)(8A) substituted for reg. 48(8) (coming into force in accordance with reg. 1(2)(3) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) Regulations 1998 \(S.I. 1998/563\)](#), regs. 1(2), **14(1)**

F545 Reg. 48(8) omitted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by virtue of [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), **Sch. 1 para. 12(a)**

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- F546** Reg. 48(8A) omitted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by virtue of The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), **Sch. 1 para. 12(a)**
- F547** Reg. 48(9)(10) added (12.12.1988) by The Income Support (General) Amendment No. 5 Regulations 1988 (S.I. 1988/2022), regs. 1(1)(a), **11(b)**
- F548** Words in reg. 48(10)(a) substituted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), **Sch. 1 para. 12(b)**
- F549** Reg. 48(10)(b) omitted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by virtue of The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), **Sch. 1 para. 12(a)**
- F550** Words in reg. 48(10)(c) inserted (31.1.1990) by The Income-related Benefits Schemes Amendment Regulations 1990 (S.I. 1990/127), regs. 1(1), **3(3)(b)**
- F551** Words in reg. 48(10)(c) inserted (11.5.1991) by The Income-related Benefits Schemes and Social Security (Recoupment) Amendment Regulations 1991 (S.I. 1991/1175), regs. 1(1), **5(4)**
- F552** Words in reg. 48(10)(c) inserted (7.5.1992) by The Income-related Benefits Schemes and Social Security (Recoupment) Amendment Regulations 1992 (S.I. 1992/1101), regs. 1(1), **6(4)**
- F553** Words in reg. 48(10)(c) inserted (14.5.1993) by The Income-related Benefits Schemes and Social Security (Recoupment) Amendment Regulations 1993 (S.I. 1993/1249), regs. 1(1)(a), **4(3)(b)**
- F554** Words in reg. 48(10)(c) substituted (22.4.1993) by The Social Security Benefits (Miscellaneous Amendments) (No. 2) Regulations 1993 (S.I. 1993/963), regs. 1, **2(3)(4)**
- F555** Reg. 48(11) omitted (14.4.2008) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2008 (S.I. 2008/698), regs. 1(1), **2(9)**
- F556** Reg. 48(12) added (3.4.2000) by The Social Security Amendment (Employment Zones) Regulations 2000 (S.I. 2000/724), regs. 1(1), **3(2)(c)**

Commencement Information

- I47** Reg. 48 in force at 11.4.1988, see [reg. 1](#)

[^{F557} Calculation of capital in the United Kingdom

49. Capital which a claimant possesses in the United Kingdom shall be calculated at its current market or surrender value less—

- (a) where there would be expenses attributable to sale, 10 per cent; and
- (b) the amount of any incumbrance secured on it.]

Textual Amendments

- F557** Reg. 49 substituted (1.10.2007) by The Social Security (Miscellaneous Amendments) (No. 5) Regulations 2007 (S.I. 2007/2618), regs. 1(1), **5(10)**

Commencement Information

- I48** 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—

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- (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;
- (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

I49 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 ^[F558]except—

- (a) where that capital is derived from a payment made in consequence of any personal injury and is placed on trust for the benefit of the claimant; or
- (b) to the extent that the capital which he is treated as possessing is reduced in accordance with regulation 51A (diminishing notional capital rule) ^[F559]or
- ^[F560](c) any sum to which paragraph 44(2)(a) of Schedule 10 (capital to be disregarded) applies which is administered in the way referred to in paragraph 44(1)(a);
- (d) any sum to which paragraph 45(a) of Schedule 10 refers.]
- (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, ^[F561]or
 - (d) a personal pension scheme ^{F562}...^[F563]or
 - ^[F564](da) an occupational pension scheme ^[F565]or a payment made by the Board of the Pension Protection Fund] where the claimant is aged under 60; or]
 - ^[F566](e) any sum to which paragraph 44(2)(a) of Schedule 10 (capital to be disregarded) applies which is administered in a way referred to in paragraph 44(1)(a); or
 - (f) any sum to which paragraph 45(a) of Schedule 10 refers.]

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 ^[F567]it could be expected to be acquired were an application made]

^[F568](3) ^[F569]Any payment of capital, other than a payment of capital specified in paragraph (3A)], made—

- (a) to a third party in respect of a single claimant or ^[F570]in respect of a member of the family^[F570]his partner] (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, ^[F571]a payment from the Armed Forces and Reserve Forces

Compensation Scheme,] a war disablement pension^{F572}, war widow's pension ^{F573}or war widower's pension] or a pension payable to a person as a ^{F574}widow, widower or surviving civil partner] under the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983 in so far as that Order is made under the Naval and Marine Pay and Pensions Act 1865 or the Pensions and Yeomanry Pay Act 1884, or is made only under section 12(1) of the Social Security (Miscellaneous Provisions) Act 1977 and any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or who have died in consequence of service as members of the armed forces of the Crown,] as possessed by that single claimant, if it is paid to him, ^{F575}or by that member if it is paid to any member of the family^{F575} or by his partner, if it is paid to his partner];

- ^{F576}(ia) in a case where that payment is a payment of an occupational pension ^{F577}, a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund], as possessed by that single claimant or, as the case may be, by ^{F578}that member^{F578} or ^{F578}the claimant's partner];
- (ii) in any other case, as possessed by that single claimant ^{F579}or by that member^{F579} or his partner] to the extent that it is used for the food, ordinary clothing or footwear, household fuel, rent ^{F580}... for which housing benefit ^{F581}is payable or^{F582}... any housing costs to the extent that they are met under regulation 17(1)(e) and 18(1)(f) (housing costs) ^{F583}..., of that single claimant or, as the case may be, ^{F579}of any member of that family^{F579} or of his partner^{F584}, or is used for any ^{F585}council tax] or water charges for which that claimant or ^{F579}member is liable^{F579} or partner is liable];
- (b) ^{F586}to a single claimant or his partner in respect of a third party (but not in respect of another member of his family) shall be treated as possessed by that single claimant or, as the case may be, his partner, to the extent that it is kept or used by him or used by or on behalf of his partner.]
- ^{F587}(3A) Paragraph (3) shall not apply in respect of a payment of capital made—
- (a) under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No.2) Trust, the Fund, the Eileen Trust^{F588}, the Independent Living Funds^{F589}, the Skipton Fund or the London Bombings Relief Charitable Fund];
- (b) pursuant to section 2 of the Employment and Training Act 1973 in respect of a person's participation—
- (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations 1996;
- (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations; or
[in the Intensive Activity Period specified in regulation 75(1)(a)(iv) of those
- ^{F590}(ia) Regulations^{F591}...; or]
- (iii) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations.]
- ^{F592}(c) under an occupational pension scheme^{F593}, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund] where—
- (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to

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sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;

- (ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
- (iii) the person referred to in (i) and [^{F594}any member of his family][^{F594}his partner (if any)] does not possess, or is not treated as possessing, any other income apart from that payment.]

(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.

(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.

[^{F595}(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.]

[^{F596}(8) In paragraph (3) the expression “ordinary clothing or footwear” means clothing or footwear for normal daily use, but does not include school uniforms, or clothing or footwear used solely for sporting activities.]

Textual Amendments

- F558** Words in reg. 51(1) substituted (1.10.1990) by [The Income Support \(General\) Amendment No. 3 Regulations 1990 \(S.I. 1990/1776\)](#), regs. 1(1)(a), **5(a)** (with reg. 1(2))
- F559** Reg. 51(1)(c) and word added (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Income-related Benefits and Jobseeker's Allowance \(Amendment\) \(No. 2\) Regulations 1997 \(S.I. 1997/2197\)](#), regs. 1(2), **5(4)**
- F560** Reg. 51(1)(c)(d) substituted for reg. 51(1)(c) (2.4.2007) by [The Social Security \(Miscellaneous Amendments\) Regulations 2007 \(S.I. 2007/719\)](#), regs. 1(2), **2(4)(a)**
- F561** Reg. 51(2)(d) added (with effect in accordance with reg. 1(4) of the amending S.I.) by [The Income-related Benefits Schemes and Social Security \(Claims and Payments\) \(Miscellaneous Amendments\) Regulations 1995 \(S.I. 1995/2303\)](#), regs. 1(1)(a), **6(5)** (with reg. 8)
- F562** Words in reg. 51(2)(d) omitted (16.7.2007) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2007 \(S.I. 2007/1749\)](#), regs. 1, **2(7)**
- F563** Reg. 51(2)(e) and word added (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Income-related Benefits and Jobseeker's Allowance \(Amendment\) \(No. 2\) Regulations 1997 \(S.I. 1997/2197\)](#), regs. 1(2), **5(4)**
- F564** Reg. 51(2)(da) inserted (6.4.2006) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2005 \(S.I. 2005/2465\)](#), regs. 1(5)(a), **2(5)**
- F565** Words in reg. 51(2)(da) inserted (6.4.2006) by [The Social Security \(Miscellaneous Amendments\) Regulations 2006 \(S.I. 2006/588\)](#), regs. 1(9), **2(3)(a)**

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- F566** Reg. 51(2)(e)(f) substituted for reg. 51(2)(e) (2.4.2007) by The Social Security (Miscellaneous Amendments) Regulations 2007 (S.I. 2007/719), regs. 1(2), **2(4)(b)**
- F567** 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)**
- F568** Reg. 51(3) substituted (12.9.1988) by The Income Support (General) Amendment No. 4 Regulations 1988 (S.I. 1988/1445), regs. 1(1)(b), **12(a)**
- F569** Words in reg. 51(3) substituted (24.9.1998) by The Social Security Amendment (New Deal) (No.2) Regulations 1998 (S.I. 1998/2117), regs. 1(1), **3(2)(a)(3)(c)**
- F570** Words in reg. 51(3)(a) substituted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), **Sch. 1 para. 13(a)(i)**
- F571** Words in reg. 51(3)(a)(i) inserted (4.4.2005) by The Social Security (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/574), regs. 1(1), **2(5)**
- F572** Words in reg. 51(3)(a)(i) substituted (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by The Income-related Benefits and Jobseeker's Allowance (Miscellaneous Amendments) Regulations 1997 (S.I. 1997/65), regs. 1(1)(2), **9**
- F573** Words in reg. 51(3)(a)(i) inserted (8.4.2002) by The Social Security (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/841), regs. 1(1), **2(3)**
- F574** Words in reg. 51(3)(a)(i) substituted (5.12.2005) by The Social Security (Civil Partnership) (Consequential Amendments) Regulations 2005 (S.I. 2005/2878), regs. 1, **4(3)**
- F575** Words in reg. 51(3)(a)(i) substituted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), **Sch. 1 para. 13(a)(ii)**
- F576** Reg. 51(3)(a)(ia) inserted (15.11.1999) by The Social Security Amendment (Notional Income and Capital) Regulations 1999 (S.I. 1999/2640), regs. 1(1), **2(1)(a)**
- F577** Words in reg. 51(3)(a)(ia) substituted (6.4.2006) by The Social Security (Miscellaneous Amendments) Regulations 2006 (S.I. 2006/588), regs. 1(2), **2(3)(b)**
- F578** Words in reg. 51(3)(a)(ia) substituted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), **Sch. 1 para. 13(a)(iii)**
- F579** Words in reg. 51(3)(a)(ii) substituted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), **Sch. 1 para. 13(a)(iv)**
- F580** Words in reg. 51(3)(a)(ii) omitted (4.4.2005) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/574), regs. 1(1), **3(4)**
- F581** Words in reg. 51(3)(a)(ii) substituted (8.4.2002) by The Social Security Amendment (Residential Care and Nursing Homes) Regulations 2001 (S.I. 2001/3767), **Sch. Pt. 1 para. 8(a)(i)**
- F582** Words in reg. 51(3)(a)(ii) omitted (7.10.1991) by virtue of The Income Support (General) Amendment No. 4 Regulations 1991 (S.I. 1991/1559), regs. 1(1)(c), **9(a)** (with reg. 1(2))
- F583** Words in reg. 51(3)(a)(ii) omitted (8.4.2002) by virtue of The Social Security Amendment (Residential Care and Nursing Homes) Regulations 2001 (S.I. 2001/3767), **Sch. Pt. 1 para. 8(a)(ii)**
- F584** Words in reg. 51(3)(a)(ii) added (7.10.1991) by The Income Support (General) Amendment No. 4 Regulations 1991 (S.I. 1991/1559), regs. 1(1)(c), **9(b)** (with reg. 1(2))
- F585** Words in reg. 51(3)(a)(ii) substituted (1.4.1993) by The Income-related Benefits Schemes (Miscellaneous Amendments) Regulations 1993 (S.I. 1993/315), reg. 1(1)(b), **Sch. para. 3**
- F586** Reg. 51(3)(b) substituted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), **Sch. 1 para. 13(b)**
- F587** Reg. 51(3A) inserted (24.9.1998) by The Social Security Amendment (New Deal) (No.2) Regulations 1998 (S.I. 1998/2117), regs. 1(1), **3(2)(b)(3)(c)**
- F588** Words in reg. 51(3A)(a) substituted (4.10.2004) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2004 (S.I. 2004/2308), regs. 1(1), **3(1)(2)(a)**

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- F589** Words in reg. 51(3A)(a) substituted (12.12.2005) by [The Income-related Benefits \(Amendment\) \(No. 2\) Regulations 2005 \(S.I. 2005/3391\)](#), regs. 1, **2(3)**
- F590** Reg. 51(3A)(b)(ia) inserted (9.4.2001) by [The Social Security Amendment \(New Deal\) Regulations 2001 \(S.I. 2001/1029\)](#), regs. 1(1), **15(8)(9)(c)**
- F591** Words in reg. 51(3A)(b)(ia) omitted (14.4.2008) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/698\)](#), regs. 1(1), **2(8)(b)**
- F592** Reg. 51(3A)(c) added (15.11.1999) by [The Social Security Amendment \(Notional Income and Capital\) Regulations 1999 \(S.I. 1999/2640\)](#), regs. 1(1), **2(3)(c)**
- F593** Words in reg. 51(3A)(c) substituted (6.4.2006) by [The Social Security \(Miscellaneous Amendments\) Regulations 2006 \(S.I. 2006/588\)](#), regs. 1(2), **2(3)(c)**
- F594** Words in reg. 51(3A)(c)(iii) substituted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), **Sch. 1 para. 13(c)**
- F595** Reg. 51(7) added (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **22(c)**
- F596** Reg. 51(8) added (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **12(b)**

Modifications etc. (not altering text)

- C25** Reg. 51(2) applied with modifications (1.4.1993) by [The National Assistance \(Assessment of Resources\) Regulations 1992 \(S.I. 1992/2977\)](#), regs. 1, **25(3)(a)**
- C26** Reg. 51(3)(a)(ii) applied with modifications (1.4.1993) by [The National Assistance \(Assessment of Resources\) Regulations 1992 \(S.I. 1992/2977\)](#), regs. 1, **25(3)(b)**

Commencement Information

- I50** Reg. 51 in force at 11.4.1988, see [reg. 1](#)

[^{F597}Diminishing notional capital rule

51A.—(1) Where a claimant is treated as possessing capital under regulation 51(1) (notional capital), the amount which he is treated as possessing—

- (a) in the case of a week that is subsequent to—
- (i) the relevant week in respect of which the conditions set out in paragraph (2) are satisfied, or
 - (ii) a week which follows that relevant week and which satisfies those conditions,

shall be reduced by an amount determined under paragraph (2);

- (b) in the case of a week in respect of which paragraph (1)(a) does not apply but where—
- (i) that week is a week subsequent to the relevant week, and
 - (ii) that relevant week is a week in which the condition in paragraph (3) is satisfied,
- shall be reduced by the amount determined under paragraph (3).

(2) This paragraph applies to a benefit week or part week where the claimant satisfies the conditions that—

- (a) he is in receipt of income support; and
- (b) but for regulation 51(1), he would have received an additional amount of income support in that benefit week or, as the case may be, that part week;

and in such a case, the amount of the reduction for the purposes of paragraph (1)(a) shall be equal to that additional amount.

(3) Subject to paragraph (4), for the purposes of paragraph (1)(b) the condition is that the claimant would have been entitled to income support in the relevant week, but for regulation 51(1), and in such a case the amount of the reduction shall be equal to the aggregate of—

- (a) the amount of income support to which the claimant would have been entitled in the relevant week but for regulation 51(1); and for the purposes of this sub-paragraph if the relevant week is a part-week that amount shall be determined by dividing the amount of income support to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient by 7;
- (b) the amount of housing benefit (if any) equal to the difference between his maximum housing benefit and the amount (if any) of housing benefit which he is awarded in respect of the benefit week, within the meaning of regulation 2(1) of [^{F598}the Housing Benefit Regulations 2006] (interpretation), which includes the last day of the relevant week;
- (c) the amount of community charge benefit (if any) equal to the difference between his maximum community charge benefit and the amount (if any) of community charge benefit which he is awarded in respect of the benefit week, within the meaning of regulation 2(1) of the Community Charge Benefits (General) Regulations 1989 (interpretation) which includes the last day of the relevant week.

[the amount of council tax benefit (if any) equal to the difference between his maximum
^{F599}(d) council tax benefit and the amount (if any) of council tax benefit which he is awarded in respect of the benefit week which includes the last day of the relevant week, and for this purpose “benefit week” has the same meaning as in [^{F600}regulation 2(1) of the Council Tax Benefit Regulations 2006] (interpretation).]

(4) The amount determined under paragraph (3) shall be re-determined under that paragraph if the claimant makes a further claim for income support and the conditions in paragraph (5) are satisfied, and in such a case—

- (a) sub-paragraphs [^{F601}(a) to (d)] of paragraph (3) shall apply as if for the words “relevant week” there were substituted the words “relevant subsequent week”; and
- (b) subject to paragraph (6), the amount as re-determined shall have effect from the first week following the relevant subsequent week in question.

(5) The conditions are that—

- (a) a further claim is made 26 or more weeks after—
 - (i) the date on which the claimant made a claim for income support in respect of which he was first treated as possessing the capital in question under regulation 51(1); or
 - (ii) in a case where there has been at least one re-determination in accordance with paragraph (4), the date on which he last made a claim for income support which resulted in the weekly amount being re-determined; or
 - (iii) the date on which he last ceased to be in receipt of income support; whichever last occurred; and
- (b) the claimant would have been entitled to income support but for regulation 51(1).

(6) The amount as re-determined pursuant to paragraph (4) shall not have effect if it is less than the amount which applied in that case immediately before the re-determination and in such a case the higher amount shall continue to have effect.

(7) For the purpose of this regulation—

- (a) “part-week” means a period to which sub-section (1A) of section 21 of the Act (amount etc. of income support) applies;
- (b) “relevant week” means the benefit week or part-week in which the capital in question of which the claimant has deprived himself within the meaning of regulation 51(1)—

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- (i) was first taken into account for the purpose of determining his entitlement to income support; or
 - (ii) was taken into account on a subsequent occasion for the purpose of determining or re-determining his entitlement to income support on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, income support;
- and where more than one benefit week or part-week is identified by reference to heads (i) and (ii) of this sub-paragraph the later or latest such benefit week or, as the case may be, the later or latest such part-week;
- (c) “relevant subsequent week” means the benefit week or part-week which includes the day on which the further claim or, if more than one further claim has been made, the last such claim was made.]

Textual Amendments

- F597** Reg. 51A inserted (1.10.1990) by [The Income Support \(General\) Amendment No. 3 Regulations 1990 \(S.I. 1990/1776\)](#), regs. 1(1)(a), **6** (with reg. 1(2))
- F598** Words in reg. 51A(3)(b) substituted (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 1(3)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F599** Reg. 51A(3)(d) added (1.4.1993) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1993 \(S.I. 1993/315\)](#), reg. 1(1)(b), **Sch. para. 4**
- F600** Words in reg. 51A(3)(d) substituted (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 1(4)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F601** Words in reg. 51A(4)(a) substituted (9.4.2001 in so far as not already in force) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2001 \(S.I. 2001/859\)](#), regs. 1(1)(c), **6(2)**

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 [^{F602}to the whole beneficial interest therein in an equal share and the foregoing provisions of this Chapter shall apply for the purposes of calculating the amount of capital which the claimant is treated as possessing as if it were actual capital which the claimant does possess].

Textual Amendments

- F602** Words in reg. 52 substituted (12.10.1998) by [The Social Security Amendment \(Capital\) Regulations 1998 \(S.I. 1998/2250\)](#), regs. 1, **2(1)(2)(e)**

Commencement Information

- I51** Reg. 52 in force at 11.4.1988, see [reg. 1](#)

Calculation of tariff income from capital

53.—(1) [^{F603}Except where the circumstances prescribed in paragraph ^{F604}... (1B) apply to the claimant,] where the claimant's capital calculated in accordance with this Part exceeds [^{F605}£6,000]

it shall be treated as equivalent to a weekly income of £1 for each complete £250 in excess of [^{F605}£6,000] but not exceeding [^{F606}£16,000].

^{F607}(1ZA)

^{F608}(1A) Where the circumstances prescribed in paragraph (1B) apply to the claimant and that claimant’s capital calculated in accordance with this Part exceeds £10,000, it shall be treated as equivalent to a weekly income of £1 for each complete £250 in excess of £10,000 but not exceeding £16,000.

(1B) For the purposes of paragraph (1A)^{F609}..., the prescribed circumstances are that the claimant lives permanently in—

- ^{F610}(a) a care home or an independent hospital;
- ^{F610}(b) an Abbeyfield Home;
- (c) accommodation provided under section 3 of, and Part II of the Schedule to, the Polish Resettlement Act 1947 (provision of accommodation in camps) where the claimant requires personal care [^{F611}by reason of old age, disablement, past or present dependence on alcohol or drugs, past or present mental disorder or a terminal illness and the care is provided in the home].

^{F612}(d)

(1C) For the purposes of paragraph (1B), a claimant shall be treated as living permanently in such home [^{F613}, hospital] or accommodation where he is absent—

- (a) from a home [^{F613}, hospital] or accommodation referred to in sub-paragraph [^{F614}(a) [^{F615} or (b)]] of paragraph (1B)—
 - (i) ^{F616}... in the case of a person over pensionable age, for a period not exceeding 52 weeks, and
 - (ii) in any other case, for a period not exceeding 13 weeks;
- (b) from accommodation referred to in sub-paragraph (c) of paragraph (1B), where the claimant, with the agreement of the manager of the accommodation, intends to return to the accommodation in due course.]

(2) Notwithstanding [^{F617}paragraphs (1)^{F618}... and (1A)], 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 [^{F617}paragraphs (1)^{F618}... and (1A)], capital includes any income treated as capital under regulations ^{F619}... 48 and 60 (^{F619}... income treated as capital and liable relative payments treated as capital).

^{F620}(4)

Textual Amendments

- F603** Words in reg. 53(1) inserted (8.4.1996) by The Income-related [Benefits Schemes \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/462\)](#), regs. 1(2), **12(1)(b)(i)**
- F604** Words in reg. 53(1) omitted (with effect in accordance with reg. 1(6) of the amending S.I.) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2005 \(S.I. 2005/2465\)](#), regs. 1(6)(a), **2(6)(a)(i)**
- F605** Word in reg. 53(1) substituted (with effect in accordance with reg. 1(6) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2005 \(S.I. 2005/2465\)](#), regs. 1(6)(a), **2(6)(a)(ii)**

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- F606** Word in reg. 53(1) substituted (with effect in accordance with reg. 1(6) of the amending S.I.) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2005 (S.I. 2005/2465), regs. 1(6)(a), **2(6)(a)(iii)**
- F607** Reg. 53(1ZA) omitted (with effect in accordance with reg. 1(6) of the amending S.I.) by virtue of The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2005 (S.I. 2005/2465), regs. 1(6)(a), **2(6)(b)**
- F608** Reg. 53(1A)-(1C) inserted (8.4.1996) by The Income-related Benefits Schemes (Miscellaneous Amendments) Regulations 1996 (S.I. 1996/462), regs. 1(2), **12(1)(b)(ii)**
- F609** Words in reg. 53(1B) omitted (with effect in accordance with reg. 1(6) of the amending S.I.) by virtue of The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2005 (S.I. 2005/2465), regs. 1(6)(a), **2(6)(c)**
- F610** Reg. 53(1B)(a)(b) substituted (24.10.2005) by The Social Security (Care Homes and Independent Hospitals) Regulations 2005 (S.I. 2005/2687), reg. 1, **Sch. 1 para. 7(a)(i)**
- F611** Words in reg. 53(1B)(c) substituted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by The Income-related Benefits and Jobseeker's Allowance (Amendment) (No. 2) Regulations 1997 (S.I. 1997/2197), regs. 1(2), **7(5)(6)(a)**
- F612** Reg. 53(1B)(d) omitted (24.10.2005) by virtue of The Social Security (Care Homes and Independent Hospitals) Regulations 2005 (S.I. 2005/2687), reg. 1, **Sch. 1 para. 7(a)(ii)**
- F613** Word in reg. 53(1C) inserted (24.10.2005) by The Social Security (Care Homes and Independent Hospitals) Regulations 2005 (S.I. 2005/2687), reg. 1, **Sch. 1 para. 7(b)(i)**
- F614** Words in reg. 53(1C)(a) substituted (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by The Income-related Benefits and Jobseeker's Allowance (Miscellaneous Amendments) Regulations 1997 (S.I. 1997/65), regs. 1(1)(2), **8(b)**
- F615** Words in reg. 53(1C)(a) substituted (24.10.2005) by The Social Security (Care Homes and Independent Hospitals) Regulations 2005 (S.I. 2005/2687), reg. 1, **Sch. 1 para. 7(b)(ii)**
- F616** Words in reg. 53(1C)(a)(i) omitted (8.4.2002) by virtue of The Social Security Amendment (Residential Care and Nursing Homes) Regulations 2001 (S.I. 2001/3767), reg. 1, **Sch. Pt. I para. 9**
- F617** Words in reg. 53(2)(3) substituted (8.4.1996) by The Income-related Benefits Schemes (Miscellaneous Amendments) Regulations 1996 (S.I. 1996/462), regs. 1(2), **12(1)(b)(iii)**
- F618** Word in reg. 53(2)(3) omitted (with effect in accordance with reg. 1(6) of the amending S.I.) by virtue of The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2005 (S.I. 2005/2465), regs. 1(6)(a), **2(6)(d)**
- F619** Words in reg. 53(3) omitted (12.12.1988) by virtue of The Income Support (General) Amendment No. 5 Regulations 1988 (S.I. 1988/2022), regs. 1(1)(a), **13**
- F620** Reg. 53(4) omitted (24.10.2005) by virtue of The Social Security (Care Homes and Independent Hospitals) Regulations 2005 (S.I. 2005/2687), reg. 1, **Sch. 1 para. 7(c)**

Modifications etc. (not altering text)

- C27** Reg. 53 applied (with modifications) (11.4.2005) by S.I. 2003/2382 (as amended (E.) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **19(2)(a)**)
- C28** Reg. 53 applied (with modifications) (11.4.2005) by S.I. 2003/2382 (as amended (E.) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **19(2)(b)**)
- C29** Reg. 53 applied (with modifications) (1.5.2006) by S.I. 2003/2382 (as amended (E.) by The National Health Service (Travel Expenses and Remission of Charges) Amendment Regulations 2006 (S.I. 2006/1065), regs. 1(1), **2(2)(b)**)
- C30** Reg. 53 applied (with modifications) (1.5.2006) by S.I. 2003/2382 (as amended (E.) by The National Health Service (Travel Expenses and Remission of Charges) Amendment Regulations 2006 (S.I. 2006/1065), regs. 1(1), **2(2)(c)**)
- C31** Reg. 53 applied (with modifications) (1.5.2007) by S.I. 2003/2382 (as amended (E.) by The National Health Service (Travel Expenses and Remission of Charges) Amendment Regulations 2007 (S.I. 2007/988), regs. 1(1), **2(2)(b)**)

Commencement Information

I52 Reg. 53 in force at 11.4.1988, see [reg. 1](#)

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 [^{F621}, former spouse, civil partner or former civil partner] 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 [^{F622}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; [^{F623}or]
 - (iii) [^{F624}any proceedings for separation, dissolution or nullity in relation to a civil partnership;]
- (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) [^{F625}to which regulation 44(2) applies (modifications in respect of children and young persons);]
- (e) made—

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- (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;
- (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 [^{F626}20] who makes a claim for income support.

Textual Amendments

- F621** Words in [reg. 54](#) substituted (5.12.2005) by [The Civil Partnership \(Pensions, Social Security and Child Support\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2877\)](#), art. 1, [Sch. 3 para. 13\(4\)\(a\)](#) (with art. 3)
- F622** Words in [reg. 54](#) substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), [23](#)
- F623** Word in [reg. 54](#) inserted (5.12.2005) by [The Civil Partnership \(Pensions, Social Security and Child Support\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2877\)](#), art. 1, [Sch. 3 para. 13\(4\)\(b\)\(i\)](#) (with art. 3)
- F624** Words in [reg. 54](#) inserted (5.12.2005) by [The Civil Partnership \(Pensions, Social Security and Child Support\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2877\)](#), art. 1, [Sch. 3 para. 13\(4\)\(b\)\(ii\)](#) (with art. 3)
- F625** Words in [reg. 54](#) omitted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by virtue of [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), [Sch. 1 para. 14](#)

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F626 Word in [reg. 54](#) substituted (10.4.2006) by [The Social Security \(Young Persons\) Amendment Regulations 2006 \(S.I. 2006/718\)](#), regs. 1(2)(a), **2(5)**

Commencement Information

I53 Reg. 54 in force at 11.4.1988, see [reg. 1](#)

Treatment of liable relative payments

55. [^{F627}Subject to regulation 55A and] 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.

Textual Amendments

F627 Words in [reg. 55](#) inserted (19.4.1996) by [The Social Security Benefits \(Maintenance Payments and Consequential Amendments\) Regulations 1996 \(S.I. 1996/940\)](#), **regs. 1(1), 6(2)**

Commencement Information

I54 Reg. 55 in force at 11.4.1988, see [reg. 1](#)

[^{F628}Disregard of payments treated as not relevant income

55A. Where the Secretary of State treats any payment as not being relevant income for the purposes of section 74A of the Social Security Administration Act 1992 (payment of benefit where maintenance payments collected by Secretary of State), that payment shall be disregarded in calculating a claimant's income.]

Textual Amendments

F628 [Reg. 55A](#) inserted (19.4.1996) by [The Social Security Benefits \(Maintenance Payments and Consequential Amendments\) Regulations 1996 \(S.I. 1996/940\)](#), **regs. 1(1), 6(3)**

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—

- (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).

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Commencement Information

I55 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 [^{F629}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][^{F629}by the aggregate]

[^{F630}(b) [^{F631}where the payment is in respect of one, or more than one, child or young person who is a member of the family, the lesser of the amount (or the aggregate of the amounts) prescribed under Schedule 2, in respect of—

(i) the personal allowance of the claimant and each such child or young person;

(ii) any family ^{F632}... premium;

[^{F633}(*ia*) any enhanced disability premium in respect of such a child or young person;]

(iii) any disabled child premium in respect of such a child; and

(iv) any carer premium if, but only if, that premium is payable because the claimant is in receipt, or is treated as being in receipt, of [^{F634}carer's allowance] by reason of the fact that he is caring for such a child or young person who is severely disabled;

and the aggregate of £2 and the amount of income support which would be payable had the payment not been made.]]

(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) [^{F635}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; [^{F636}or]

(b) [^{F637}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 ^{F638}... 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 [^{F639}referred to in sub-paragraph (a) or (b), as the case may be,][^{F639}as calculated under this paragraph] 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 [^{F640}sub-paragraph (a) or (b) of] paragraph (1), [^{F640}as the case may be];

- (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 [F641 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.

Textual Amendments

- F629** Words in [reg. 57\(1\)](#) substituted for [reg. 57\(1\)\(a\)](#) and word (for specified purposes and with effect in accordance with [reg. 1\(2\)-\(5\)](#) of the amending S.I.) by [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), [Sch. 1 para. 15\(a\)](#)
- F630** [Reg. 57\(1\)\(b\)](#) substituted (15.10.1990) by [The Income Support \(General\) Amendment No. 3 Regulations 1990 \(S.I. 1990/1776\)](#), [regs. 1\(1\)\(b\)](#), [7](#) (with [reg. 1\(2\)](#))
- F631** [Reg. 57\(1\)\(b\)](#) omitted (for specified purposes and with effect in accordance with [reg. 1\(2\)-\(5\)](#) of the amending S.I.) by virtue of [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), [Sch. 1 para. 15\(c\)](#)
- F632** Words in [reg. 57\(1\)\(b\)\(ii\)](#) omitted (with effect in accordance with [reg. 1\(2\)](#) of the amending S.I.) by virtue of [The Child Benefit, Child Support and Social Security \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/1803\)](#), [regs. 1\(1\)\(b\)](#), [38](#)
- F633** [Reg. 57\(1\)\(b\)\(iia\)](#) inserted (with effect in accordance with [reg. 1\(2\)](#) of the amending S.I.) by [The Social Security Amendment \(Enhanced Disability Premium\) Regulations 2000 \(S.I. 2000/2629\)](#), [regs. 1\(1\)\(c\)](#), [2\(b\)](#)
- F634** Words in [reg. 57](#) substituted (1.4.2003) by [The Social Security Amendment \(Carer's Allowance\) Regulations 2002 \(S.I. 2002/2497\)](#), [reg. 1\(b\)](#), [Sch. 2 paras. 1, 2](#)
- F635** Words in [reg. 57\(2\)](#) omitted (for specified purposes and with effect in accordance with [reg. 1\(2\)-\(5\)](#) of the amending S.I.) by virtue of [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), [Sch. 1 para. 15\(b\)](#)
- F636** Word in [reg. 57](#) omitted (for specified purposes and with effect in accordance with [reg. 1\(2\)-\(5\)](#) of the amending S.I.) by virtue of [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), [Sch. 1 para. 15\(c\)](#)
- F637** [Reg. 57\(2\)\(b\)](#) omitted (for specified purposes and with effect in accordance with [reg. 1\(2\)-\(5\)](#) of the amending S.I.) by virtue of [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), [Sch. 1 para. 15\(c\)](#)
- F638** Words in [reg. 57\(2\)\(b\)](#) omitted (with effect in accordance with [reg. 1\(2\)](#) of the amending S.I.) by virtue of [The Child Benefit, Child Support and Social Security \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/1803\)](#), [regs. 1\(1\)\(b\)](#), [38](#)
- F639** Words in [reg. 57\(2\)](#) substituted (for specified purposes and with effect in accordance with [reg. 1\(2\)-\(5\)](#) of the amending S.I.) by [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), [Sch. 1 para. 15\(b\)](#)
- F640** Words in [reg. 57\(3\)\(a\)](#) omitted (for specified purposes and with effect in accordance with [reg. 1\(2\)-\(5\)](#) of the amending S.I.) by virtue of [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), [Sch. 1 para. 15\(d\)](#)
- F641** Words in [reg. 57\(3\)\(b\)](#) omitted (for specified purposes and with effect in accordance with [reg. 1\(2\)-\(5\)](#) of the amending S.I.) by virtue of [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), [Sch. 1 para. 15\(d\)](#)

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Commencement Information

I56 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.

Modifications etc. (not altering text)

C32 Reg. 58(5) modified (1.4.1993) by [The National Assistance \(Assessment of Resources\) Regulations 1992 \(S.I. 1992/2977\)](#), regs. 1, **33(2)**

Commencement Information

I57 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—

- (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

I58 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

I59 Reg. 60 in force at 11.4.1988, see [reg. 1](#)

[^{F642}CHAPTER VIIA
CHILD SUPPORT

Textual Amendments

F642 Pt. V Ch. VIIA inserted (19.4.1993) by [The Social Security \(Miscellaneous Provisions\) Amendment Regulations 1993 \(S.I. 1993/846\)](#), regs. 1(1), **3** (with [reg. 1\(2\)](#))

Interpretation

60A. In this Chapter—

“child support maintenance” means such periodical payments as are referred to in section 3(6) of the Child Support Act 1991 [^{F643}and shall include any payments made by the Secretary of State in lieu of such payments];

“maintenance [^{F644}calculation]” has the same meaning as in the Child Support Act 1991 by virtue of section 54 of that Act.

Textual Amendments

F643 Words in [reg. 60A](#) added (3.3.2003 for specified purposes) by [The Social Security \(Child Maintenance Premium and Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/3176\)](#), regs. 1, **2(1)(a)**

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F644 Word in reg. 60A substituted (3.3.2003 for specified purposes) by The Child Support (Consequential Amendments and Transitional Provisions) Regulations 2001 (S.I. 2001/158), regs. 1(3), 6(2) (with reg. 10); S.I. 2003/192, art. 3(1), Sch.

Treatment of child support maintenance

60B. [^{F645}Subject to regulation 60E,] all payments of child support maintenance shall to the extent that they are not payments of income be treated as income and shall be taken into account on a weekly basis in accordance with the following provisions of this Chapter.

Textual Amendments

F645 Words in reg. 60B inserted (19.4.1996) by The Social Security Benefits (Maintenance Payments and Consequential Amendments) Regulations 1996 (S.I. 1996/940), regs. 1(1), 6(4)

Calculation of the weekly amount of payments of child support maintenance

60C.—(1) The weekly amount of child support maintenance shall be determined in accordance with the following provisions of this regulation.

(2) Where payments of child support maintenance are made weekly, the weekly amount shall be the amount of that payment.

(3) Where payments of child support maintenance are made monthly, the weekly amount shall be determined by multiplying the amount of the payment by 12 and dividing the product by 52.

(4) Where payments of child support are made at intervals and those intervals are not a week or a month, 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.

(5) Where a payment is made and that payment represents a commutation of child support maintenance the weekly amount shall be the weekly amount of the individual child support maintenance payments so commuted as calculated in accordance with paragraphs (2) to (4) as appropriate.

(6) Paragraph (2), (3) or, as the case may be, (4) shall apply to any payments made at the intervals specified in that paragraph whether or not—

- (a) the amount paid is in accordance with the maintenance [^{F646}calculation], and
- (b) the intervals at which the payments are made are in accordance with the intervals specified by the Secretary of State under regulation 4 of the Child Support (Collection and Enforcement) Regulations 1992.

Textual Amendments

F646 Word in reg. 60C(6)(a) substituted (3.3.2003 for specified purposes) by The Child Support (Consequential Amendments and Transitional Provisions) Regulations 2001 (S.I. 2001/158), regs. 1(3), 6(2) (with reg. 10); S.I. 2003/192, art. 3(1), Sch.

Date on which child support maintenance is to be treated as paid

60D.—[^{F647}(1) Subject to paragraph (2),] a payment of child support maintenance is to be treated as paid—

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(a) [^{F648}subject to sub-paragraph (aa),] in the case of a payment which is due to be paid 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;

[in the case of any amount of a payment which represents arrears of maintenance for a ^{F649}(aa) week prior to the first benefit week pursuant to a claim, on the day of the week in which it became due 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 [^{F650}it is due to be paid] or the first day of the first succeeding benefit week in which it is practicable to take it into account.]

[^{F651}(2) Where a payment to which paragraph (1)(b) refers is made to the Secretary of State and then transmitted to the person entitled to receive it, the payment shall be treated as paid on the first day of the benefit week in which it is transmitted or, where it is not practicable to take it into account in that week, the first day of the first succeeding benefit week in which it is practicable to take the payment into account.]

Textual Amendments

F647 Para. renumbered as (1) and words in [reg. 60D](#) inserted (with effect in accordance with [reg. 1\(6\)](#) of the amending S.I) by [The Income-related Benefits Schemes and Social Fund \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/1944\)](#), [regs. 1\(1\)\(a\), 6\(7\)\(a\)](#) (with [reg. 13](#))

F648 Words in [reg. 60D\(a\)](#) inserted (with effect in accordance with [reg. 1\(6\)](#) of the amending S.I) by [The Income-related Benefits Schemes and Social Fund \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/1944\)](#), [regs. 1\(1\)\(a\), 6\(7\)\(b\)](#) (with [reg. 13](#))

F649 [Reg. 60D\(aa\)](#) inserted (with effect in accordance with [reg. 1\(6\)](#) of the amending S.I) by [The Income-related Benefits Schemes and Social Fund \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/1944\)](#), [regs. 1\(1\)\(a\), 6\(7\)\(c\)](#) (with [reg. 13](#))

F650 Words in [reg. 60D\(b\)](#) substituted (with effect in accordance with [reg. 1\(6\)](#) of the amending S.I) by [The Income-related Benefits Schemes and Social Fund \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/1944\)](#), [regs. 1\(1\)\(a\), 6\(7\)\(d\)](#) (with [reg. 13](#))

F651 [Reg. 60D\(2\)](#) added (with effect in accordance with [reg. 1\(6\)](#) of the amending S.I) by [The Income-related Benefits Schemes and Social Fund \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/1944\)](#), [regs. 1\(1\)\(a\), 6\(7\)\(e\)](#) (with [reg. 13](#))

[^{F652}Disregard of payments treated as not relevant income

60E. Where the Secretary of State treats any payment of child support maintenance as not being relevant income for the purposes of section 74A of the Social Security Administration Act 1992 (payment of benefit where maintenance payments collected by Secretary of State), that payment shall be disregarded in calculating a claimant's income.]

Textual Amendments

F652 [Reg. 60E](#) inserted (19.4.1996) by [The Social Security Benefits \(Maintenance Payments and Consequential Amendments\) Regulations 1996 \(S.I. 1996/940\)](#), [regs. 1\(1\), 6\(5\)](#)

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CHAPTER VIII

[^{F653}STUDENTS]

Textual Amendments

F653 Pt. V Ch. VIII heading substituted (29.3.2001) by [The Income Support \(General\) Amendment Regulations 2001 \(S.I. 2001/721\)](#), regs. 1, **2(b)**

Interpretation

61.—[^{F654}(1)] In this Chapter, unless the context otherwise requires—

[^{F655}“academic year” means the period of twelve months beginning on 1st January, 1st April, 1st July or 1st September according to whether the course in question begins in the winter, the spring, the summer or the autumn respectively but if students are required to begin attending the course during August or September and to continue attending through the autumn, the academic year of the course shall be considered to begin in the autumn rather than the summer;]

[^{F656}“access funds” means—

- (a) grants made under section 7 of the Further and Higher Education Act 1992 and described as “learner support funds” or grants made under section 68 of that Act [^{F657}for the purpose of providing funds on a discretionary basis to be paid to students];
- (b) grants made under sections 73(a) and (c) and 74(1) of the Education (Scotland) Act 1980;
^{F658} ...
- (c) grants made under Article 30 of the Education and Libraries (Northern Ireland) Order 1993, or grants, loans or other payments made under Article 5 of the Further Education (Northern Ireland) Order 1997 in each case being grants, or grants, loans or other payments as the case may be, made for the purpose of assisting students in financial difficulties;]^{F659} ...
- (d) [^{F660}discretionary payments, known as “learner support funds”, which are made available to students in further education by institutions out of funds provided by the Learning and Skills Council for England under sections 5, 6 and 9 of the Learning and Skills Act 2000;]^{F661}or
- (e) Financial Contingency Funds made available by the National Assembly for Wales;]

[^{F662}“college of further education” means a college of further education within the meaning of Part I of the Further and Higher Education (Scotland) Act 1992;]

[^{F663}“contribution” means any contribution in respect of the income [^{F664}of a student or] of any other person which the Secretary of State[^{F665}, the Scottish Ministers] or an education authority takes into account in ascertaining the amount of the student’s grant [^{F666}or student loan], or any sums, which in determining the amount of a student’s allowance or bursary in Scotland under the Further and Higher Education (Scotland) Act 1992, the [^{F667}Scottish Ministers] or education authority takes into account being sums which the [^{F667}Scottish Ministers] or the education authority consider that the holder of the allowance or bursary, the holder’s parents and the holder’s spouse [^{F668}or civil partner] can reasonably be expected to contribute towards the holder’s expenses;]

[^{F663}“course of advanced education” means—

- (a) a course leading to a postgraduate degree or comparable qualification, a first degree or comparable qualification, a diploma of higher education or a higher national diploma; or
- (b) any other course which is of a standard above advanced GNVQ or equivalent, including a course which is of a standard above a general certificate of education (advanced level), ^{F669} a Scottish national qualification (higher or advanced higher)];

“covenant income” means the income ^{F670} ... 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 ^{F671} (interpretation), [^{F672} a local education authority as defined in section 123 of the Local Government (Scotland) Act 1973], an education and library board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986 ^{F673}, any body which is a research council for the purposes of the Science and Technology Act 1965 ^{F674} or any analogous government department, authority, board or body, of the Channel Islands, Isle of Man or any other country outside Great Britain.

^{F675} ...

[^{F662} “full-time course of advanced education” means a course of advanced education which is ^{F676} ...—

- (a) ^{F677} ... a full-time course of study which is not funded in whole or in part by [^{F678} the Learning and Skills Council for England or by the [^{F679} National Assembly for Wales]] or a full-time course of study which is not funded in whole or in part by the [^{F680} Scottish Ministers] at a college of further education or a full-time course of study which is a course of higher education and is funded in whole or in part by the [^{F680} Scottish Ministers];
- (b) [^{F681} a course of study which is funded in whole or in part by the Learning and Skills Council for England or by the [^{F679} National Assembly for Wales] if it involves more than 16 guided learning hours per week for the student in question, according to the number of guided learning hours per week for that student set out—
 - (i) in the case of a course funded by the Learning and Skills Council for England, in his learning agreement signed on behalf of the establishment which is funded by that Council for the delivery of that course; or
 - (ii) in the case of a course funded by the [^{F682} National Assembly for Wales], in a document signed on behalf of the establishment which is funded by that Council for the delivery of that course; or]
- (c) ^{F683} ... a course of study (not being higher education) which is funded in whole or in part by the [^{F680} Scottish Ministers] at a college of further education if it involves—
 - (i) more than 16 hours per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff according to the number of hours set out in a document signed on behalf of the college; or
 - (ii) 16 hours or less per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff and it involves additional hours using structured learning packages supported by the teaching staff where the combined total of hours exceeds 21 per week, according to the number of hours set out in a document signed on behalf of the college;]

[^{F662} “full-time course of study” means a full-time course of study which—

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- (a) is not funded in whole or in part by [^{F684}the Learning and Skills Council for England or by the [^{F685}National Assembly for Wales]] or a full-time course of study which is not funded in whole or in part by the [^{F686}Scottish Ministers] at a college of further education or a full-time course of study which is a course of higher education and is funded in whole or in part by the [^{F686}Scottish Ministers];
- (b) [^{F687}a course of study which is funded in whole or in part by the Learning and Skills Council for England or by the [^{F685}National Assembly for Wales] if it involves more than 16 guided learning hours per week for the student in question, according to the number of guided learning hours per week for that student set out—
 - (i) in the case of a course funded by the Learning and Skills Council for England, in his learning agreement signed on behalf of the establishment which is funded by that Council for the delivery of that course; or
 - (ii) in the case of a course funded by the [^{F688}National Assembly for Wales], in a document signed on behalf of the establishment which is funded by that Council for the delivery of that course; or]
- (c) is not higher education and is funded in whole or in part by the [^{F686}Scottish Ministers] at a college of further education if it involves—
 - (i) more than 16 hours per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff according to the number of hours set out in a document signed on behalf of the college; or
 - (ii) 16 hours or less per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff and it involves additional hours using structured learning packages supported by the teaching staff where the combined total of hours exceeds 21 per week, according to the number of hours set out in a document signed on behalf of the college;]

[^{F689}“full-time student” [^{F690}means a person who is not a qualifying young person or child within the meaning of section 142 of the Contributions and Benefits Act (child and qualifying young person) and] who is—

- (a) aged less than 19 and is attending or undertaking a full-time course of advanced education;
- (b) aged 19 or over but under pensionable age and is attending or undertaking a full-time course of study at an educational establishment; or
- (c) on a sandwich course;]

[^{F691}“grant” (except in the definition of “access funds”) means any kind of educational grant or award and includes any scholarship, studentship, exhibition, allowance or bursary but does not include a payment from access funds [^{F692}or any payment to which paragraph 11 of Schedule 9 or paragraph 63 of Schedule 10 applies];]

“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 [^{F693}paragraph 1, 2, 10, 11 or 12 of Schedule 1B] 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.

[^{F662}“higher education” means higher education within the meaning of Part II of the Further and Higher Education (Scotland) Act 1992;]

[^{F694}“last day of the course” means the date on which the last day of the final academic term falls in respect of the course in which the student is enrolled;]

“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 [^{F695}and ending with the last day of the course];
- (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, [^{F696}other than the final 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) [^{F697}the day before the start of the next year of the course in a case where the student's grant or loan is assessed at a rate appropriate to his studying throughout the year or, if he does not have a grant or loan, where a loan 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;
- (c) [^{F698}in the final year of a course of study of more than one year, the period beginning with that year's start and ending with the last day of the course;]

[^{F699}“periods of experience” means periods of work experience which form part of a sandwich course;]

[^{F691}“sandwich course” has the meaning prescribed in regulation 5(2) of the [^{F700}Education (Student Support) Regulations 2002], regulation 5(2) of the Education (Student Loans) (Scotland) Regulations 2000 or regulation 5(2) of the [^{F701}Education (Student Support) Regulations (Northern Ireland) 2001], as the case may be;]

[^{F663}“standard maintenance grant” means—]

- (a) except where paragraph (b) or (c) applies, in the case of a student attending [^{F702}or undertaking] 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 1995 (“the 1995 Regulations”) for such a student;
- (b) except where paragraph (c) applies, in the case of a student residing at his parent's home, the amount specified in paragraph 3(2) thereof;
- (c) [^{F703}in the case of a student receiving an allowance or bursary under the Education (Scotland) Act 1980, the amount of money specified as the “standard maintenance allowance” for the relevant year appropriate for the student set out in the Student Support in Scotland Guide issued by the Student Awards Agency for Scotland, or its nearest equivalent in the case of a bursary provided by a college of further education or a local education authority and paid under the Further and Higher Education (Scotland) Act 1992;]
- (d) in any other case, the amount specified in paragraph 2(2) of Schedule 2 to the 1995 Regulations other than in sub-paragraph (a) or (b) thereof;

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[^{F704}“student” means a person, other than a person in receipt of a training allowance, who is attending or undertaking a course of study at an educational establishment;]

[^{F705}“student loan” means a loan towards a student’s maintenance pursuant to any regulations made under section 22 of the Teaching and Higher Education Act 1998, section 73 of the Education (Scotland) Act 1980 or Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 [^{F706}and shall include, in Scotland, a young student’s bursary paid under regulation 4(1)(c) of the Students’ Allowances (Scotland) Regulations 1999];

^{F707}
...

[^{F708}(2) For the purposes of the definition of “full-time student” in paragraph (1), a person shall be regarded as attending or, as the case may be, undertaking a full-time course of study, a full-time course of advanced education or as being on a sandwich course—

- (a) subject to paragraph (3), in the case of a person attending or undertaking a part of a modular course which would be a full-time course of study for the purposes of this Part, for the period beginning on the day on which that part of the course starts and ending—
 - (i) on the last day on which he is registered with the educational establishment as attending or undertaking that part as a full-time course of study; or
 - (ii) on such earlier date (if any) as he finally abandons the course or is dismissed from it;
- (b) in any other case, throughout the period beginning on the date on which he starts attending or undertaking the course and ending on the last day of the course or on such earlier date (if any) as he finally abandons it or is dismissed from it.

(3) For the purpose of sub-paragraph (a) of paragraph (2), the period referred to in that sub-paragraph shall include—

- (a) where a person has failed examinations or has failed to successfully complete a module relating to a period when he was attending or undertaking a part of the course as a full-time course of study, any period in respect of which he attends or undertakes the course for the purpose of retaking those examinations or that module;
- (b) any period of vacation within the period specified in that paragraph or immediately following that period except where the person has registered with the educational establishment to attend or undertake the final module in the course and the vacation immediately follows the last day on which he is required to attend or undertake the course.

(4) In paragraph (2), “modular course” means a course of study which consists of two or more modules, the successful completion of a specified number of which is required before a person is considered by the educational establishment to have completed the course.]

Textual Amendments

F654 Reg. 61(1): reg. 61 renumbered reg. 61(1) (31.7.2000) by [The Social Security Amendment \(Students\) Regulations 2000 \(S.I. 2000/1981\)](#), regs. 1(1), **5(3)**

F655 Words in reg. 61(1) inserted (1.8.2001) by [The Social Security Amendment \(Students and Income-related Benefits\) Regulations 2001 \(S.I. 2001/2319\)](#), regs. 1(1)(a), **2(1)(a)(2)(c)**

F656 Words in reg. 61(1) inserted (for specified purposes and with effect in accordance with reg. 1(b)(i)(ii) of the amending S.I.) by [The Social Security Amendment \(Students and Income-related Benefits\) Regulations 2000 \(S.I. 2000/1922\)](#), regs. 1, **2(2)**

F657 Words in reg. 61(1) substituted (1.8.2001) by [The Social Security Amendment \(Students and Income-related Benefits\) Regulations 2001 \(S.I. 2001/2319\)](#), regs. 1(1)(a), **2(1)(b)(i)(2)(c)**

F658 Word in reg. 61(1) omitted (1.8.2001) by virtue of [The Social Security Amendment \(Students and Income-related Benefits\) Regulations 2001 \(S.I. 2001/2319\)](#), regs. 1(1)(a), **2(1)(b)(ii)(2)(c)**

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- F659** Word in reg. 61(1)(c) omitted (1.8.2002) by virtue of The Social Security Amendment (Students and Income-related Benefits) Regulations 2002 (S.I. 2002/1589), regs. 1(1)(a), **2(1)(a)(2)(c)**
- F660** Words in reg. 61(1) inserted (1.8.2001) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2001 (S.I. 2001/2319), regs. 1(1)(a), **2(1)(b)(ii)(2)(c)**
- F661** Reg. 61(1)(e) and word added (1.8.2002) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2002 (S.I. 2002/1589), regs. 1(1)(a), **2(1)(a)(2)(c)**
- F662** Words in reg. 61 inserted (with effect in accordance with reg. 1(6) of the amending S.I.) by The Income-related Benefits Schemes and Social Fund (Miscellaneous Amendments) Regulations 1996 (S.I. 1996/1944), regs. 1(1)(a), **6(8)(b)** (with reg. 13)
- F663** Words in reg. 61 substituted (with effect in accordance with reg. 1(6) of the amending S.I.) by The Income-related Benefits Schemes and Social Fund (Miscellaneous Amendments) Regulations 1996 (S.I. 1996/1944), regs. 1(1)(a), **6(8)(a)** (with reg. 13)
- F664** Words in reg. 61 inserted (coming into force in accordance with reg. 1(2)(3) of the amending S.I.) by The Social Security (Miscellaneous Amendments) Regulations 1998 (S.I. 1998/563), regs. 1(2), **4(1)(2)(e)**
- F665** Words in reg. 61(1) inserted (1.8.2001) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2001 (S.I. 2001/2319), regs. 1(1)(a), **2(1)(c)(i)(2)(c)**
- F666** Words in reg. 61 inserted (1.8.1999, 30.8.1999 in so far as not already in force) by The Social Security Amendment (Students) Regulations 1999 (S.I. 1999/1935), regs. 1(1)(b), **3(2)(a)**
- F667** Words in reg. 61(1) substituted (1.8.2001) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2001 (S.I. 2001/2319), regs. 1(1)(a), **2(1)(c)(ii)(2)(c)**
- F668** Words in reg. 61 inserted (5.12.2005) by The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877), art. 1, **Sch. 3 para. 13(5)** (with art. 3)
- F669** Words in reg. 61(1) substituted (coming into force in accordance with reg. 1(1)(b)(i)(ii) of the amending S.I.) by The Social Security (Students and Income-related Benefits) Amendment Regulations 2004 (S.I. 2004/1708), regs. 1(1)(b), **5(1)(a)**
- F670** Words in reg. 61 omitted (with effect in accordance with reg. 1(6) of the amending S.I.) by virtue of The Income-related Benefits Schemes and Social Fund (Miscellaneous Amendments) Regulations 1996 (S.I. 1996/1944), regs. 1(1)(a), **6(8)(c)(i)** (with reg. 13)
- F671** 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)**.
- F672** Words in reg. 61 substituted (with effect in accordance with reg. 1(6) of the amending S.I.) by The Income-related Benefits Schemes and Social Fund (Miscellaneous Amendments) Regulations 1996 (S.I. 1996/1944), regs. 1(1)(a), **6(8)(c)(ii)** (with reg. 13)
- F673** S.I. 1986/594 (NI 3).
- F674** 1965 c. 4.
- F675** Words in reg. 61(1) omitted (1.4.2001) by virtue of The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2001 (S.I. 2001/652), regs. 1(1)(b), **3(1)(a)**
- F676** Words in reg. 61(1) omitted (31.7.2000) by virtue of The Social Security Amendment (Students) Regulations 2000 (S.I. 2000/1981), regs. 1(1), **5(3)(a)(i)**
- F677** Word in reg. 61(1) omitted (31.7.2000) by virtue of The Social Security Amendment (Students) Regulations 2000 (S.I. 2000/1981), regs. 1(1), **5(3)(a)(ii)**
- F678** Words in reg. 61(1) substituted (1.4.2001) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2001 (S.I. 2001/652), regs. 1(1)(b), **3(3)(a)**
- F679** Words in reg. 61(1) substituted (1.4.2006) by The National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238 (W. 243)), art. 1(1), Sch. 2 para. 1(1)(a)(with art. 7)
- F680** Words in reg. 61(1) substituted (1.8.2001) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2001 (S.I. 2001/2319), regs. 1(1)(a), **2(3)(b)**
- F681** Words in reg. 61(1) substituted (1.4.2001) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2001 (S.I. 2001/652), regs. 1(1)(b), **3(3)(b)**

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- F682** Words in reg. 61(1) substituted (1.4.2006) by The National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238 (W. 243)), art. 1(1), Sch. 2 para. 1(1)(a)(with art. 7)
- F683** Word in reg. 61(1) omitted (31.7.2000) by virtue of The Social Security Amendment (Students) Regulations 2000 (S.I. 2000/1981), regs. 1(1), **5(3)(a)(iii)**
- F684** Words in reg. 61(1) substituted (1.4.2001) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2001 (S.I. 2001/652), regs. 1(1)(b), **3(1)(b)(i)**
- F685** Words in reg. 61(1) substituted (1.4.2006) by The National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238 (W. 243)), art. 1(1), Sch. 2 para. 1(1)(b)(with art. 7)
- F686** Words in reg. 61(1) substituted (1.8.2001) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2001 (S.I. 2001/2319), regs. 1(1)(a), **2(3)(a)**
- F687** Words in reg. 61(1) substituted (1.4.2001) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2001 (S.I. 2001/652), regs. 1(1)(b), **3(1)(b)(ii)**
- F688** Words in reg. 61(1) substituted (1.4.2006) by The National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238 (W. 243)), art. 1(1), Sch. 2 para. 1(1)(b)(with art. 7)
- F689** Words in reg. 61(1) inserted (31.7.2000) by The Social Security Amendment (Students) Regulations 2000 (S.I. 2000/1981), regs. 1(1), **5(3)(b)**
- F690** Words in reg. 61(1) substituted (10.4.2006) by The Social Security (Young Persons) Amendment Regulations 2006 (S.I. 2006/718), regs. 1(2)(a), **2(6)**
- F691** Words in reg. 61(1) substituted (for specified purposes and with effect in accordance with reg. 1(b)(i)(ii) of the amending S.I.) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2000 (S.I. 2000/1922), regs. 1, **2(2)**
- F692** Words in reg. 61(1) added (coming into force in accordance with reg. 1(1)(b)(i)(ii) of the amending S.I.) by The Social Security (Students and Income-related Benefits) Amendment Regulations 2004 (S.I. 2004/1708), regs. 1(1)(b), **5(1)(b)**
- F693** Words in reg. 61 substituted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by The Income-related Benefits and Jobseeker's Allowance (Amendment) (No. 2) Regulations 1997 (S.I. 1997/2197), regs. 1(2), **5(5)**
- F694** Words in reg. 61 inserted (5.8.1991) by The Income Support (General) Amendment No. 4 Regulations 1991 (S.I. 1991/1559), regs. 1(1)(a), **10(a)** (with reg. 1(2))
- F695** Words in reg. 61 substituted (5.8.1991) by The Income Support (General) Amendment No. 4 Regulations 1991 (S.I. 1991/1559), regs. 1(1)(a), **10(b)(i)** (with reg. 1(2))
- F696** Words in reg. 61 inserted (5.8.1991) by The Income Support (General) Amendment No. 4 Regulations 1991 (S.I. 1991/1559), regs. 1(1)(a), **10(b)(ii)** (with reg. 1(2))
- F697** Words in reg. 61(1) substituted (for specified purposes and with effect in accordance with reg. 1(b)(i)(ii) of the amending S.I.) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2000 (S.I. 2000/1922), regs. 1, **2(3)**
- F698** Words in reg. 61 inserted (5.8.1991) by The Income Support (General) Amendment No. 4 Regulations 1991 (S.I. 1991/1559), regs. 1(1)(a), **10(b)(iii)** (with reg. 1(2))
- F699** Words in reg. 61(1) substituted (1.8.2002) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2002 (S.I. 2002/1589), regs. 1(1)(a), **2(1)(b)(2)(c)**
- F700** Words in reg. 61(1) substituted (1.8.2002) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2002 (S.I. 2002/1589), regs. 1(1)(a), **2(1)(c)(i)(2)(c)**
- F701** Words in reg. 61(1) substituted (1.8.2002) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2002 (S.I. 2002/1589), regs. 1(1)(a), **2(1)(c)(ii)(2)(c)**
- F702** Words in reg. 61(1) inserted (31.7.2000) by The Social Security Amendment (Students) Regulations 2000 (S.I. 2000/1981), regs. 1(1), **5(3)(c)**
- F703** Words in reg. 61(1) substituted (1.8.2001) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2001 (S.I. 2001/2319), regs. 1(1)(a), **2(1)(d)(2)(c)**
- F704** Words in reg. 61(1) substituted (31.7.2000) by The Social Security Amendment (Students) Regulations 2000 (S.I. 2000/1981), regs. 1(1), **5(3)(d)**

- F705** Words in reg. 61 substituted (1.8.1999, 30.8.1999 in so far as not already in force) by The Social Security Amendment (Students) Regulations 1999 (S.I. 1999/1935), regs. 1(1)(b), **3(2)(b)**
- F706** Words in reg. 61(1) added (1.8.2001) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2001 (S.I. 2001/2319), regs. 1(1)(a), **2(1)(e)(2)(c)**
- F707** Words in reg. 61(1) omitted (1.8.2001) by virtue of The Social Security Amendment (Students and Income-related Benefits) Regulations 2001 (S.I. 2001/2319), regs. 1(1)(a), **2(1)(f)(2)(c)**
- F708** Reg. 61(2)(3)(4) inserted (31.7.2000) by The Social Security Amendment (Students) Regulations 2000 (S.I. 2000/1981), regs. 1(1), **5(4)**

Modifications etc. (not altering text)

- C33** Reg. 61 applied (S.) (5.8.2003) by The National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Regulations 2003 (S.S.I. 2003/376), regs. 1, 9(9), **sch. 2**

Commencement Information

- I60** 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 paragraphs [^{F709}(2) and (2A)], 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;
- ^{F710}(b)
- (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 ^{F711}... is not met by housing benefit;
- (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 ^{F712}... ^{F713}...;
- (h) intended to meet travel expenses incurred as a result of his attendance on the course.
- [^{F714}(i) intended for the maintenance ^{F715}... of a child dependant.]
- [^{F716}(j) intended for the child care costs of a child dependant.]

[^{F717}(2A) Where a student does not have a student loan and is not treated as possessing such a loan, there shall be excluded from the student's grant income—

- (a) the sum of [^{F718}£290 per academic year] in respect of travel costs; and
- [^{F719}(b) the sum of [^{F720}£370 per academic year] towards the costs of books and equipment,]

whether or not any such costs are incurred.]

^{F721}(2B)

(3) [^{F722}Subject to paragraph (3B), a student's grant income except any amount intended for the maintenance of [^{F723}adult] dependants under Part III of Schedule 2 to the Education (Mandatory

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Awards) Regulations 1999 [^{F724}or intended for an older student under Part IV 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 [^{F725}in the period beginning with the benefit week, the first day of which coincides with, or immediately follows, the first day of the period of study and ending with the benefit week, the last day of which coincides with, or immediately precedes, the last day of the period of study];
- (b) in any other case, equally between the weeks in the period [^{F726}beginning with the benefit week, the first day of which coincides with, or immediately follows, the first day of the period for which it is payable and ending with the benefit week, the last day of which coincides with, or immediately precedes, the last day of the period for which it is payable].

[^{F727}(3A) [^{F728}Any grant in respect of [^{F729}dependants][^{F729}an adult dependant] paid under section 63(6) of the Health Services and Public Health Act 1968 (grants in respect of the provision of instruction to officers of hospital authorities) and] any amount intended for the maintenance of [^{F729}dependants][^{F729}an adult dependant]^{F730} ... 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.]

[^{F731}(3B) [^{F732}In a case where a student is in receipt of a student loan or where he could have acquired a student loan by taking reasonable steps but had not done so,] any amount intended for the maintenance of [^{F733}dependants][^{F733}an adult dependant] under provisions other than those referred to in paragraph (3) shall be apportioned over the same period as the student's loan is apportioned or [^{F734}, as the case may be, would have been apportioned].]

(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 [^{F735}the weeks in the period beginning with the benefit week, the first day of which immediately follows the last day of the period of experience and ending with the benefit week, the last day of which coincides with, or immediately precedes, the last day of the period of study].

Textual Amendments

- F709** Words in [reg. 62\(1\)](#) substituted (for specified purposes and with effect in accordance with [reg. 1\(b\)\(i\)\(ii\)](#) of the amending S.I.) by [The Social Security Amendment \(Students and Income-related Benefits\) Regulations 2000 \(S.I. 2000/1922\)](#), [regs. 1, 2\(4\)\(a\)](#)
- F710** [Reg. 62\(2\)\(b\)](#) omitted (with effect in accordance with [reg. 1\(6\)](#) of the amending S.I.) by virtue of [The Income-related Benefits Schemes and Social Fund \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/1944\)](#), [regs. 1\(1\)\(a\), 6\(9\)\(a\)](#) (with [reg. 13](#))
- F711** Words in [reg. 62\(2\)\(e\)](#) omitted (4.4.2005) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/574\)](#), [regs. 1\(1\), 3\(4\)](#)
- F712** Words in [reg. 62\(2\)\(g\)](#) omitted (with effect in accordance with [reg. 1\(6\)](#) of the amending S.I.) by virtue of [The Income-related Benefits Schemes and Social Fund \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/1944\)](#), [regs. 1\(1\)\(a\), 6\(9\)\(b\)](#) (with [reg. 13](#))
- F713** Words in [reg. 62\(2\)\(g\)](#) omitted (1.8.1999, 30.8.1999 in so far as not already in force) by virtue of [The Social Security Amendment \(Students\) Regulations 1999 \(S.I. 1999/1935\)](#), [regs. 1\(1\)\(b\), 3\(3\)\(a\)](#)
- F714** [Reg. 62\(2\)\(i\)](#) added (for specified purposes and with effect in accordance with [reg. 1\(2\)-\(5\)](#) of the amending S.I.) by [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), [Sch. 1 para. 16\(a\)](#)
- F715** Words in [reg. 62\(2\)\(i\)](#) deleted (coming into force in accordance with [reg. 1\(1\)\(b\)\(i\)\(ii\)](#) of the amending S.I.) by [The Social Security \(Students and Income-related Benefits\) Amendment Regulations 2004 \(S.I. 2004/1708\)](#), [regs. 1\(1\)\(b\), 3\(3\)\(a\)](#)

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- F716** Reg. 62(2)(j) added (coming into force in accordance with reg. 1(1)(b)(i)(ii) of the amending S.I.) by The Social Security (Students and Income-related Benefits) Amendment Regulations 2004 (S.I. 2004/1708), regs. 1(1)(b), **3(3)(b)**
- F717** Reg. 62(2A) substituted (1.8.1999, 30.8.1999 in so far as not already in force) by The Social Security Amendment (Students) Regulations 1999 (S.I. 1999/1935), regs. 1(1)(b), **3(3)(b)**
- F718** Sum in reg. 62(2A)(a) substituted (for specified purposes and with effect in accordance with reg. 1(3)(a)(b) of the amending S.I.) by The Social Security (Students and Income-related Benefits) Amendment Regulations 2007 (S.I. 2007/1632), **reg. 2(2)(a)**
- F719** Reg. 62(2A)(b) substituted (1.8.2001, 27.8.2001 in so far as not already in force) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2001 (S.I. 2001/2319), regs. 1(1)(b)(c), **3(2)(3)(c)**
- F720** Sum in reg. 62(2A)(b) substituted (for specified purposes and with effect in accordance with reg. 1(3)(a)(b) of the amending S.I.) by The Social Security (Students and Income-related Benefits) Amendment Regulations 2007 (S.I. 2007/1632), **reg. 2(2)(b)**
- F721** Reg. 62(2B) omitted (1.8.2006 for specified purposes and, 1.9.2006 in so far as not already in force) by virtue of The Social Security (Students and Income-related Benefits) Amendment Regulations 2006 (S.I. 2006/1752), regs. 1(2), **4(3)**
- F722** Words in reg. 62(3) substituted (for specified purposes and with effect in accordance with reg. 1(b)(i)(ii) of the amending S.I.) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2000 (S.I. 2000/1922), regs. 1, **2(4)(d)**
- F723** Word in reg. 62(3) inserted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), **Sch. 1 para. 16(c)**
- F724** Words in reg. 62(3) omitted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by virtue of The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), **Sch. 1 para. 16(c)**
- F725** Words in reg. 62(3)(a) substituted (1.8.2002, 26.8.2002 in so far as not already in force) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2002 (S.I. 2002/1589), regs. 1(1)(b), **4(3)(a)(4)(c)**
- F726** Words in reg. 62(3)(b) substituted (1.8.2002, 26.8.2002 in so far as not already in force) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2002 (S.I. 2002/1589), regs. 1(1)(b), **4(3)(b)(4)(c)**
- F727** Reg. 62(3A) inserted (11.4.1988) by The Income Support (General) Amendment Regulations 1988 (S.I. 1988/663), regs. 1(1), **24(b)**
- F728** Words in reg. 62(3A) inserted (1.8.2001, 27.8.2001 in so far as not already in force) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2001 (S.I. 2001/2319), regs. 1(1)(b)(c), **6(c)**
- F729** Words in reg. 62(3A) substituted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), **Sch. 1 para. 16(d)**
- F730** Words in reg. 62(3A) omitted (8.8.2003) by S.I. 2003/455, Sch. 2 para. 16(d) (as amended by The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) (No. 3) Regulations 2003 (S.I. 2003/1731), regs. 1(1), **6(5)(a)**)
- F731** Reg. 62(3B) inserted (for specified purposes and with effect in accordance with reg. 1(b)(i)(ii) of the amending S.I.) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2000 (S.I. 2000/1922), regs. 1, **2(4)(e)**
- F732** Words in reg. 62(3B) inserted (1.8.2002, 26.8.2002 in so far as not already in force) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2002 (S.I. 2002/1589), regs. 1(1)(b), **4(5)(a)(6)(c)**
- F733** Words in reg. 62(3B) substituted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), **Sch. 1 para. 16(e)**

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F734 Words in reg. 62(3B) substituted (1.8.2002, 26.8.2002 in so far as not already in force) by [The Social Security Amendment \(Students and Income-related Benefits\) Regulations 2002 \(S.I. 2002/1589\)](#), regs. 1(1)(b), **4(5)(b)(6)(c)**

F735 Words in reg. 62(4) substituted (1.8.2002, 26.8.2002 in so far as not already in force) by [The Social Security Amendment \(Students and Income-related Benefits\) Regulations 2002 \(S.I. 2002/1589\)](#), regs. 1(1)(b), **4(7)(8)(c)**

Modifications etc. (not altering text)

C34 Reg. 62 applied (with modifications) (1.9.2006) by S.I. 2003/2382 (as amended (E.) by [The National Health Service \(Travel Expenses and Remission of Charges\) Amendment \(No.2\) Regulations 2006 \(S.I. 2006/2171\)](#)), regs. 1(1), **2(2)**

C35 Reg. 62 applied (with modifications) (18.10.2006) by S.I. 1988/551 (as amended by [The National Health Service \(Travelling Expenses and Remission of Charges\) \(Amendment\) \(No. 2\) Regulations 2006 \(S.I. 2006/2791\)](#)), regs. 1(1), **2(2)**

Commencement Information

I61 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 [^{F736}regulation 62(2)(h) (calculation of grant income) falls short of the amount for the time being specified in paragraph 7(4)(i) of Schedule 2 to the Education (Mandatory Awards) Regulations 1991 (travel expenditure).]

Textual Amendments

F736 Words in reg. 63(3) substituted (6.4.1992) by [The Income Support \(General\) Amendment Regulations 1992 \(S.I. 1992/468\)](#), regs. 1(1), **5(3)** (with [reg. 1\(2\)](#))

Commencement Information

I62 Reg. 63 in force at 11.4.1988, see [reg. 1](#)

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

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and there shall be disregarded from the covenant income to be so apportioned the amount which would have been disregarded under [^{F737}regulation 62(2)(g) and (h) and (2A)] (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 [^{F737}regulation 62(2)(g) and (h) and (2A)].

Textual Amendments

F737 Words in reg. 64 substituted (6.4.1992) by [The Income Support \(General\) Amendment Regulations 1992 \(S.I. 1992/468\)](#), regs. 1(1), **5(4)** (with reg. 1(2))

Commencement Information

I63 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) ^{F738}....

Textual Amendments

F738 Words in [reg. 65](#) omitted (for specified purposes and with effect in accordance with reg. 1(4) of the amending S.I.) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 2006 \(S.I. 2006/2378\)](#), **reg. 5(5)**

Commencement Information

I64 Reg. 65 in force at 11.4.1988, see [reg. 1](#)

Other amounts to be disregarded

66.—(1) For the purposes of ascertaining income [^{F739}other than grant income, covenant income and loans treated as income in accordance with regulation 66A], 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) [^{F740}and (2A)], 63(3)[^{F741}, 64(1)(a) or (b) and 66A(5) (calculation of grant income, covenant income and treatment of student loans)] 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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Textual Amendments

- F739** Words in [reg. 66\(1\)](#) substituted (with effect in accordance with [reg. 1\(3\)](#) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1994 \(S.I. 1994/527\)](#), [regs. 1\(1\)\(b\)](#), [5\(a\)](#)
- F740** Words in [reg. 66\(1\)](#) inserted (with effect in accordance with [reg. 1\(3\)](#) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1994 \(S.I. 1994/527\)](#), [regs. 1\(1\)\(b\)](#), [5\(b\)](#)
- F741** Words in [reg. 66\(1\)](#) substituted (1.8.1999, 30.8.1999 in so far as not already in force) by [The Social Security Amendment \(Students\) Regulations 1999 \(S.I. 1999/1935\)](#), [regs. 1\(1\)\(b\)](#), [3\(4\)](#)

Commencement Information

- I65** Reg. 66 in force at 11.4.1988, see [reg. 1](#)

[^{F742}Treatment of student loans

[^{F743}66A.—(1) A student loan shall be treated as income unless it is a hardship loan in which case it shall be disregarded.

(1A) For the purposes of paragraph (1), “hardship loan” means a loan made under regulation 21 of the Education (Student Support) Regulations 2000, regulation 12 of the Education (Student Loans) (Scotland) Regulations 2000 or regulation 21 of the Education (Student Support) Regulations (Northern Ireland) 2000.]

[^{F744}(2) In calculating the weekly amount of the loan to be taken into account as income—

[^{F745}(a) in respect of a course that is of a single academic year’s duration or less, a loan which is payable in respect of that period shall be apportioned equally between the weeks in the period beginning with—

- (i) except in a case where (ii) below applies, the benefit week, the first day of which coincides with, or immediately follows, the first day of the single academic year;
- (ii) where the student is required to start attending the course in August or where the course is of less than an academic year’s duration, the benefit week, the first day of which coincides with, or immediately follows, the first day of the course,

and ending with the benefit week, the last day of which coincides with, or immediately precedes, the last day of the course;]

[^{F746}(aa) in respect of an academic year of a course which starts other than on 1st September, a loan which is payable in respect of that academic year shall be apportioned equally between the weeks in the period beginning with the benefit week[^{F747}, the first day of which coincides with, or immediately follows, the first day of that academic year and ending with the benefit week, the last day of which coincides with, or immediately precedes,] the last day of that academic year but excluding any benefit weeks falling entirely within the quarter during which, in the opinion of the Secretary of State, the longest of any vacation is taken and for the purposes of this sub-paragraph, “quarter” shall have the same meaning as for the purposes of the Education (Student Support) Regulations 2001;]

(b) in respect of the final academic year of a course (not being a course of a single year’s duration), a loan which is payable in respect of that final academic year shall be apportioned equally between the weeks in the period beginning with^{F748} ...—

[^{F749}(i) except in a case where (ii) below applies, the benefit week, the first day of which coincides with, or immediately follows, the first day of that academic year;]

- [^{F749}(ii) where the final academic year starts on 1st September, the benefit week, the first day of which coincides with, or immediately follows, the earlier of 1st September or the first day of the autumn term;]
- and ending with [^{F750}the benefit week, the last day of which coincides with, or immediately precedes,] the last day of the course;
- (c) in any other case, the loan shall be apportioned equally between the weeks in the period beginning with the earlier of—
- (i) the first day of the first benefit week in September; or
 - (ii) [^{F751}the benefit week, the first day of which coincides with, or immediately follows, the first day of the autumn term,]
- and ending with [^{F752}the benefit week, the last day of which coincides with, or immediately precedes, the last day of June],
- and, in all cases, from the weekly amount so apportioned there shall be disregarded £10.]
- [^{F753}(3) A student shall be treated as possessing a student loan in respect of an academic year where—
- (a) a student loan has been made to him in respect of that year; or
 - (b) he could acquire such a loan in respect of that year by taking reasonable steps to do so.]]

[^{F753}(4) Where a student is treated as possessing a student loan under paragraph (3), the amount of the student loan to be taken into account as income shall be, subject to paragraph (5)—

 - (a) in the case of a student to whom a student loan is made in respect of an academic year, a sum equal to the maximum student loan he is able to acquire in respect of that year by taking reasonable steps to do so and either—
 - (i) in the case of a student other than one to whom head (ii) refers, any contribution whether or not it has been paid to him; or
 - (ii) in the case of a student to whom paragraph 1, 2, 10, 11 or 12 of Schedule 1B applies (lone parent or disabled student), any contribution which has actually been paid to him;
 - (b) in the case of a student to whom a student loan is not made in respect of an academic year, the maximum student loan that would be made to the student if—
 - (i) he took all reasonable steps to obtain the maximum student loan he is able to acquire in respect of that year; and
 - (ii) no deduction in that loan was made by virtue of the application of a means test.]

[^{F753}(5) There shall be deducted from the amount of income taken into account under paragraph (4)

—

 - (a) the sum of [^{F754}£290 per academic year] in respect of travel costs; and
 - [^{F755}(b) the sum of [^{F756}£370 per academic year] towards the costs of books and equipment,]

whether or not any such costs are incurred.]

Textual Amendments

F742 Reg. 66A inserted (1.9.1990) by [The Social Security Benefits \(Student Loans and Miscellaneous Amendments\) Regulations 1990 \(S.I. 1990/1549\)](#), regs. 1(1)(a), **5(7)** (with reg. 7(1))

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- F743** Reg. 66A(1)(1A) substituted for reg. 66A(1) (for specified purposes and with effect in accordance with reg. 1(b)(i)(ii) of the amending S.I.) by [The Social Security Amendment \(Students and Income-related Benefits\) Regulations 2000 \(S.I. 2000/1922\)](#), regs. 1, **2(5)(a)**
- F744** Reg. 66A(2) substituted (for specified purposes and with effect in accordance with reg. 1(b)(i)(ii) of the amending S.I.) by [The Social Security Amendment \(Students and Income-related Benefits\) Regulations 2000 \(S.I. 2000/1922\)](#), regs. 1, **2(5)(b)**
- F745** Reg. 66A(2)(a) substituted (1.8.2002, 26.8.2002 in so far as not already in force) by [The Social Security Amendment \(Students and Income-related Benefits\) Regulations 2002 \(S.I. 2002/1589\)](#), regs. 1(1)(b), **5(2)(6)(c)**
- F746** Reg. 66A(2)(aa) inserted (1.8.2001, 27.8.2001 in so far as not already in force) by [The Social Security Amendment \(Students and Income-related Benefits\) Regulations 2001 \(S.I. 2001/2319\)](#), regs. 1(1)(b)(c), **4**
- F747** Words in reg. 66A(2)(aa) substituted (1.8.2002, 26.8.2002 in so far as not already in force) by [The Social Security Amendment \(Students and Income-related Benefits\) Regulations 2002 \(S.I. 2002/1589\)](#), regs. 1(1)(b), **5(3)(6)(c)**
- F748** Words in reg. 66A(2)(b) omitted (1.8.2002, 26.8.2002 in so far as not already in force) by virtue of [The Social Security Amendment \(Students and Income-related Benefits\) Regulations 2002 \(S.I. 2002/1589\)](#), regs. 1(1)(b), **5(4)(a)(6)(c)**
- F749** Reg. 66A(2)(b)(i)(ii) substituted (1.8.2002, 26.8.2002 in so far as not already in force) by [The Social Security Amendment \(Students and Income-related Benefits\) Regulations 2002 \(S.I. 2002/1589\)](#), regs. 1(1)(b), **5(4)(b)(6)(c)**
- F750** Words in reg. 66A(2)(b) substituted (1.8.2002, 26.8.2002 in so far as not already in force) by [The Social Security Amendment \(Students and Income-related Benefits\) Regulations 2002 \(S.I. 2002/1589\)](#), regs. 1(1)(b), **5(4)(c)(6)(c)**
- F751** Reg. 66A(2)(c)(ii) substituted (1.8.2002, 26.8.2002 in so far as not already in force) by [The Social Security Amendment \(Students and Income-related Benefits\) Regulations 2002 \(S.I. 2002/1589\)](#), regs. 1(1)(b), **5(5)(a)(6)(c)**
- F752** Words in reg. 66A(2)(c) substituted (1.8.2002, 26.8.2002 in so far as not already in force) by [The Social Security Amendment \(Students and Income-related Benefits\) Regulations 2002 \(S.I. 2002/1589\)](#), regs. 1(1)(b), **5(5)(b)(6)(c)**
- F753** Reg. 66A(3)-(5) substituted for reg. 66A(3) (with effect in accordance with reg. 1(1)(b) of the amending S.I.) by [The Social Security Amendment \(Students\) Regulations 1999 \(S.I. 1999/1935\)](#), regs. 1(1)(b), **3(5)(b)**
- F754** Words in reg. 66A(5) substituted (for specified purposes and with effect in accordance with reg. 1(3)(a)(b) of the amending S.I.) by [The Social Security \(Students and Income-related Benefits\) Amendment Regulations 2007 \(S.I. 2007/1632\)](#), **reg. 2(3)(a)**
- F755** Reg. 66A(5)(b) substituted (1.8.2001, 27.8.2001 in so far as not already in force) by [The Social Security Amendment \(Students and Income-related Benefits\) Regulations 2001 \(S.I. 2001/2319\)](#), regs. 1(1)(b)(c), **3(2)(3)(c)**
- F756** Words in reg. 66A(5) substituted (for specified purposes and with effect in accordance with reg. 1(3)(a)(b) of the amending S.I.) by [The Social Security \(Students and Income-related Benefits\) Amendment Regulations 2007 \(S.I. 2007/1632\)](#), **reg. 2(3)(b)**

Modifications etc. (not altering text)

- C36** Reg. 66A applied (with modifications) (1.9.2006) by S.I. 2003/2382 (as amended (E.) by [The National Health Service \(Travel Expenses and Remission of Charges\) Amendment \(No.2\) Regulations 2006 \(S.I. 2006/2171\)](#)), regs. 1(1), **2(3)**
- C37** Reg. 66A applied (with modifications) (18.10.2006) by S.I. 1988/551 (as amended by [The National Health Service \(Travelling Expenses and Remission of Charges\) \(Amendment\) \(No. 2\) Regulations 2006 \(S.I. 2006/2791\)](#)), regs. 1(1), **2(3)**

[^{F757}Treatment of payments from access funds

66B.—(1) This regulation applies to payments from access funds that are not payments to which regulation 68(2) or (3) (income treated as capital) applies.

(2) A payment from access funds, other than a payment to which paragraph (3) of this regulation applies, shall be disregarded as income.

(3) Subject to paragraph (4) of this regulation and paragraph 36 of Schedule 9, any payments from access funds which are intended and used for food, ordinary clothing or footwear^{F758} ..., household fuel, rent for which housing benefit is payable [^{F759}or any housing costs] to the extent that they are met under regulation 17(1)(e) or 18(1)(f) (housing costs) ^{F760} ..., of a single claimant or, as the case may be, of [^{F761}any other member of his family][^{F761}his partner], and any payments from access funds which are used for any council tax or water charges for which that claimant or [^{F762}member is liable][^{F762}partner is liable] shall be disregarded as income to the extent of £20 per week.

[^{F763}(3A) In paragraph (3) “ordinary clothing or footwear” means clothing or footwear for normal daily use, but it does not include—

- (a) school uniforms, or
- (b) clothing or footwear used solely for sporting activities.]

(4) Where a payment from access funds is made—

- (a) on or after 1st September or the first day of the course, whichever first occurs, but before receipt of any student loan in respect of that year and that payment is intended for the purpose of bridging the period until receipt of the student loan; or
- (b) before the first day of the course to a person in anticipation of that person becoming a student,

that payment shall be disregarded as income.]

Textual Amendments

- F757** Reg. 66B inserted (for specified purposes and with effect in accordance with reg. 1(b)(i)(ii) of the amending S.I.) by [The Social Security Amendment \(Students and Income-related Benefits\) Regulations 2000 \(S.I. 2000/1922\)](#), regs. 1, **2(6)**
- F758** Words in reg. 66B(3) omitted (2.4.2007) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 2007 \(S.I. 2007/719\)](#), regs. 1(2), **2(5)(a)**
- F759** Words in reg. 66B(3) substituted (8.4.2002) by [The Social Security Amendment \(Residential Care and Nursing Homes\) Regulations 2001 \(S.I. 2001/3767\)](#), **Sch. Pt. 1 para. 10(a)**
- F760** Words in reg. 66B(3) omitted (8.4.2002) by virtue of [The Social Security Amendment \(Residential Care and Nursing Homes\) Regulations 2001 \(S.I. 2001/3767\)](#), **Sch. Pt. 1 para. 10(b)**
- F761** Words in reg. 66B(3) substituted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), **Sch. 1 para. 17(a)**
- F762** Words in reg. 66B(3) substituted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), **Sch. 1 para. 17(b)**
- F763** Reg. 66B(3A) inserted (2.4.2007) by [The Social Security \(Miscellaneous Amendments\) Regulations 2007 \(S.I. 2007/719\)](#), regs. 1(2), **2(5)(b)**

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^[F764] Treatment of fee loans

66C. A loan for fees, known as a fee loan or a fee contribution loan, made pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998, section 22 of the Teaching and Higher Education Act 1998 or section 73(f) of the Education (Scotland) Act 1980, shall be disregarded as income.]

Textual Amendments

F764 Reg. 66C inserted (1.8.2006 for specified purposes and, 1.9.2006 in so far as not already in force) by [The Social Security \(Students and Income-related Benefits\) Amendment Regulations 2006 \(S.I. 2006/1752\)](#), regs. 1(2), **4(4)**

Disregard of contribution

67. Where the claimant or his partner is a student and^[F765], for the purposes of assessing a contribution to the student's grant ^[F766]or student loan], the other partner's income has been taken into account, an amount equal to that contribution shall be disregarded for the purposes of assessing that other partner's income.]

Textual Amendments

F765 Words in reg. 67 substituted (8.4.1996) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/462\)](#), regs. 1(2), **10(1)(2)(a)**

F766 Words in reg. 67 inserted (1.8.1999, 30.8.1999 in so far as not already in force) by [The Social Security Amendment \(Students\) Regulations 1999 \(S.I. 1999/1935\)](#), regs. 1(1)(b), **3(6)**

Commencement Information

I66 Reg. 67 in force at 11.4.1988, see [reg. 1](#)

^[F767] Further disregard of student's income

67A. Where any part of a student's income has already been taken into account for the purposes of assessing his entitlement to a grant ^[F768]or student loan], the amount taken into account shall be disregarded in assessing that student's income.]

Textual Amendments

F767 Reg. 67A inserted (coming into force in accordance with reg. 1(2)(3) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) Regulations 1998 \(S.I. 1998/563\)](#), regs. 1(2), **4(3)(4)(e)**

F768 Words in reg. 67A inserted (1.8.1999, 30.8.1999 in so far as not already in force) by [The Social Security Amendment \(Students\) Regulations 1999 \(S.I. 1999/1935\)](#), regs. 1(1)(b), **3(7)**

Income treated as capital

68.—^[F769(1)] Any amount by way of a refund of tax deducted from a student's income shall be treated as capital.

^[F769(2)] An amount paid from access funds as a single lump sum shall be treated as capital.

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(3) An amount paid from access funds as a single lump sum which is intended and used for an item other than food, ordinary clothing or footwear^{F770} ..., household fuel, rent for which housing benefit is payable [^{F771}or any housing costs] to the extent that they are met under regulation 17(1)(e) or 18(1)(f) (housing costs)^{F772} ..., of a single claimant or, as the case may be, of [^{F773}any other member of his family][^{F773}his partner], or which is used for an item other than any council tax or water charges for which that claimant or [^{F774}member is liable][^{F774}partner is liable] shall be disregarded as capital but only for a period of 52 weeks from the date of the payment.]

[^{F775}(4) In paragraph (3) “ordinary clothing or footwear” means clothing or footwear for normal daily use, but it does not include—

- (a) school uniforms, or
- (b) clothing or footwear used solely for sporting activities.]

Textual Amendments

- F769** Reg 68 renumbered as reg. 68(1) and reg. 68(2)(3) added (for specified purposes and with effect in accordance with reg. 1(b)(i)(ii) of the amending S.I.) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2000 (S.I. 2000/1922), regs. 1, **2(7)**
- F770** Words in reg. 68(3) omitted (2.4.2007) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2007 (S.I. 2007/719), regs. 1(2), **2(6)(a)**
- F771** Words in reg. 68(3) substituted (8.4.2002) by The Social Security Amendment (Residential Care and Nursing Homes) Regulations 2001 (S.I. 2001/3767), reg. 1, **Sch. Pt. 1 para. 11(a)**
- F772** Words in reg. 68(3) omitted (8.4.2002) by virtue of The Social Security Amendment (Residential Care and Nursing Homes) Regulations 2001 (S.I. 2001/3767), **Sch. Pt. 1 para. 11(b)**
- F773** Words in reg. 68(3) substituted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), Sch. 1 para. 17(a)
- F774** Words in reg. 68(3) substituted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), Sch. 1 para. 17(a)
- F775** Reg. 68(4) inserted (2.4.2007) by The Social Security (Miscellaneous Amendments) Regulations 2007 (S.I. 2007/719), regs. 1(2), **2(6)(b)**

Commencement Information

- I67** 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 [^{F776}there shall be disregarded] 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.

Textual Amendments

- F776** Words in reg. 69 substituted (29.11.1999) by The Social Security Act 1998 (Commencement No. 12 and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/3178), reg. 3(1)(a), **Sch. 5 para. 7** (with reg. 3(1)(b), Schs. 21-23)

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Commencement Information

I68 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—

- [^{F777}(a) a claimant to whom paragraph (2A) applies (persons not excluded from income support under section 115 of the Immigration and Asylum Act);]
- (b) a claimant who is treated as possessing income under regulation 42(3) (notional income);
- ^{F778}(c)

[^{F779}(2A) This paragraph applies to a person not excluded from entitlement to income support under section 115 of the Immigration and Asylum Act by virtue of regulation 2 of the Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000 except for a person to whom paragraphs 3 and 4 of Part I of the Schedule to those Regulations applies.]

^{F780}(3)

^{F780}(3A)

^{F780}(3B)

(4) This regulation shall only apply to a person to whom paragraph (2)(b) [^{F781}applies, where the income he is treated as possessing by virtue of regulation 42(3) (notional income)] 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 [^{F782}Secretary of State] is satisfied that, unless the provisions of this Part are applied to the claimant, the claimant or his family will suffer hardship.

Textual Amendments

- F777** Reg. 70(2)(a) substituted (3.4.2000) by The Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000 (S.I. 2000/636), regs. 1(1), **3(7)(a)** (with reg. 12(3)(4)(5))
- F778** Reg. 70(2)(c) omitted (9.10.1989) by virtue of The Income Support (General) Amendment No. 2 Regulations 1989 (S.I. 1989/1323), regs. 1(1)(b), **16(a)**
- F779** Reg. 70(2A) inserted (3.4.2000) by The Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000 (S.I. 2000/636), regs. 1(1), **3(7)(b)** (with reg. 12(3)(4)(5))
- F780** Reg. 70(3)(3A)(3B) omitted (3.4.2000) by virtue of The Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000 (S.I. 2000/636), regs. 1(1), **3(7)(c)** (with reg. 12(3)(4)(5))
- F781** Words in reg. 70(4) substituted (9.10.1989) by The Income Support (General) Amendment No. 2 Regulations 1989 (S.I. 1989/1323), regs. 1(1)(b), **16(b)**

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)

F782 Words in reg. 70(4)(b) substituted (29.11.1999) by The Social Security Act 1998 (Commencement No. 12 and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/3178), reg. 3(1)(a), Sch. 5 para. 8 (with reg. 3(1)(b), Schs. 21-23)

Commencement Information

I69 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 [F783 sub-paragraph F784 ... (c) or (d),] applies, a claimant's 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); [F785 and where regulation 22A (reduction in applicable amount where the claimant is appealing against a decision [F786 which embodies a determination] that he is not incapable of work) applies, the reference in this head to 90 per cent. of the amount applicable shall be construed as a reference to 90 per cent. of the relevant amount under that regulation reduced by 20 per cent.];

(ii) [F787 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, [F788 except as provided in regulation 44(1) (modifications in respect of children and young person)], would exceed £3,000;]

(iii) the amount, if applicable, specified in [F789 Part [F790 II or] III of Schedule 2 (premiums)]; and

(iv) any amounts applicable under [F791 regulation 17(1)(e) or, as the case may be, 18(1) (f) (housing costs)]; [F792 and

[F793 (v)]

[F794 (vi)]

[F795 (b)]

[F796 (c)]

[F797 (d) except where sub-paragraph F784 ... (c) applies, in the case of a person to whom any paragraph, other than [F798 paragraph 16A], 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) [F799 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, [F788 except as provided in regulation 44(1) (modifications in respect of children and young person)], would exceed £3,000;]

(ii) any premium under [F800 Part [F801 II or] III of Schedule 2]; and

[F802 (iii) any amounts applicable under regulation 17(1)(e) or, as the case may be, 18(1)(f)]

[F803 (iv)]

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^{F804}(1A)

[^{F805}(2) In a case to which paragraph 1 of Part I of the Schedule to the Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000 applies, the period for which a claimant's weekly applicable amount is to be calculated in accordance with paragraph (1) shall be any period, or the aggregate of any periods, not exceeding 42 days during any one period of leave to which that paragraph of that Part of the Schedule to those Regulations applies.]

[^{F806}(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

- F783** 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)**
- F784** Words in reg. 71 omitted (8.4.2002) by S.I. 2001/3767, Sch. Pt. 1 para. 12(za)(bb) (as inserted by [The Social Security Amendment \(Residential Care and Nursing Homes\) Regulations 2002 \(S.I. 2002/398\)](#), regs. 1, **4(2)(a)**)
- F785** Words in reg. 71(1)(a)(i) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income Support \(General\) \(Jobseeker's Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), regs. 1(1), **18(2)**
- F786** Words in reg. 71(1) inserted (6.9.1999) by [The Social Security Act 1998 \(Commencement No. 9, and Savings and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/2422\)](#), art. 3(1), **Sch. 6 para. 2**
- F787** Reg. 71(1)(a)(ii) omitted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by virtue of [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), **Sch. 1 para. 18(a)**
- F788** Words in reg. 71(1) substituted (with effect in accordance with reg. 1(3) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1994 \(S.I. 1994/527\)](#), regs. 1(1)(b), **6**
- F789** Words in reg. 71(1)(a)(iii) substituted (10.7.1989) by [The Family Credit and Income Support \(General\) Amendment Regulations 1989 \(S.I. 1989/1034\)](#), regs. 1(1)(a), **9(a)**
- F790** Words in reg. 71(1)(a)(iii) omitted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by virtue of [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), **Sch. 1 para. 18(b)**
- F791** Words in reg. 71(1)(a)(iv) substituted (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **15(a)**
- F792** Reg. 71(1)(a)(v) and word inserted (10.4.1989) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), reg. 1(1)(c), **Sch. 1 para. 13(a)** (with reg. 28)
- F793** Reg. 71(1)(a)(v) revoked (3.4.2006) by [The Social Security \(Miscellaneous Amendments\) Regulations 2006 \(S.I. 2006/588\)](#), regs. 1(5), **2(4)(c)**
- F794** Reg. 71(1)(a)(vi) omitted (6.10.2003) by virtue of [The Social Security \(Removal of Residential Allowance and Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/1121\)](#), reg. 1, **Sch. 1 para. 5(a)(i)**
- F795** Reg. 71(1)(b) omitted (8.4.2002) by virtue of [The Social Security Amendment \(Residential Care and Nursing Homes\) Regulations 2001 \(S.I. 2001/3767\)](#), **Sch. Pt. 1 para. 12(a)**
- F796** Reg. 71(1)(c) omitted (6.10.2003) by virtue of [The Social Security \(Removal of Residential Allowance and Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/1121\)](#), reg. 1, **Sch. 1 para. 5(a)(ii)**
- F797** 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)**
- F798** Words in reg. 71(1)(d) substituted (3.4.2000) by [The Social Security \(Immigration and Asylum\) Consequential Amendments Regulations 2000 \(S.I. 2000/636\)](#), regs. 1(1), **3(8)(a)**

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- F799** Reg. 71(1)(d)(i) omitted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by virtue of The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), **Sch. 1 para. 18(a)**
- F800** Words in reg. 71(1)(d)(ii) substituted (10.7.1989) by The Family Credit and Income Support (General) Amendment Regulations 1989 (S.I. 1989/1034), regs. 1(1)(a), **9(b)**
- F801** Words in reg. 71(1)(d)(ii) omitted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by virtue of The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), **Sch. 1 para. 18(b)**
- F802** Reg. 71(1)(d)(iii) substituted (12.9.1988) by The Income Support (General) Amendment No. 4 Regulations 1988 (S.I. 1988/1445), regs. 1(1)(b), **15(b)**
- F803** Reg. 71(1)(d)(iv) revoked (3.4.2006) by The Social Security (Miscellaneous Amendments) Regulations 2006 (S.I. 2006/588), regs. 1(5), **2(4)(c)**
- F804** Reg. 71(1A) omitted (6.10.2003) by virtue of The Social Security (Removal of Residential Allowance and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/1121), reg. 1, **Sch. 1 para. 5(b)**
- F805** Reg. 71(2) substituted (coming into force in accordance with reg. 1(3) of the amending S.I.) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2001 (S.I. 2001/859), regs. 1(3), **3(3)**
- F806** Reg. 71(3) added (11.4.1988) by The Income Support (General) Amendment Regulations 1988 (S.I. 1988/663), regs. 1(1), **25(c)**

Modifications etc. (not altering text)

- C38** Reg. 71(1)(a)(i): sum confirmed (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by The Social Security Benefits Up-rating Order 2008 (S.I. 2008/632), art. 16(8), **Sch. 5**
- C39** Reg. 71(1)(a)(ii): sum confirmed (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by The Social Security Benefits Up-rating Order 2008 (S.I. 2008/632), **art. 16(2)(a)**
- C40** Reg. 71(1)(d): sum confirmed (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by The Social Security Benefits Up-rating Order 2008 (S.I. 2008/632), art. 16(8), **Sch. 5**
- C41** Reg. 71(1)(d)(i): sum confirmed (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by The Social Security Benefits Up-rating Order 2008 (S.I. 2008/632), **art. 16(2)(a)**

Commencement Information

- I70** 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—

- [^{F807}(a) any income other than—
- (i) a payment of income or income in kind made under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No.2) Trust, the Fund, the Eileen Trust or the Independent Living Funds; or
 - (ii) income to which paragraph 5, 7 (but only to the extent that a concessionary payment would be due under that paragraph for any non-payment of income support under regulation 70 of these Regulations or of jobseeker's allowance under regulation 147 of the Jobseeker's Allowance Regulations 1996 (urgent cases)), 31, 39(2), (3) or (4), 40, 42, 52 or 57 of Schedule 9 (disregard of income other than earnings) applies, 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;

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- (c) income treated as capital by virtue of [^{F808}regulation 48(1), (2), (3) and (9)] (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;

^{F809}(e)

(2) The claimant' 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 [^{F810}and, except to the extent that the arrears referred to in paragraph 7 consist of arrears of housing benefit payable under Part II of the Act or [^{F811}Part 7 of the Contributions and Benefits Act][^{F812}or any arrears of benefit due under regulation 70 of these Regulations or regulation 147 of the Jobseeker's Allowance Regulations 1996 (urgent cases)], 7, 9(b), 19, 30[^{F813}, 32 and 47 to 49] of Schedule 10] (capital to be disregarded) shall be taken into account in 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

- F807** Reg. 72(1)(a) substituted (coming into force in accordance with reg. 1(2)(3) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) Regulations 1998 \(S.I. 1998/563\)](#), regs. 1(2), **19(1)(a)**
- F808** Words in reg. 72(1)(c) substituted (12.12.1988) by [The Income Support \(General\) Amendment No. 5 Regulations 1988 \(S.I. 1988/2022\)](#), regs. 1(1)(a), **15(b)**
- F809** Reg. 72(1)(e) omitted (9.10.1989) by virtue of [The Income Support \(General\) Amendment No. 2 Regulations 1989 \(S.I. 1989/1323\)](#), regs. 1(1)(b), **17**
- F810** Words in reg. 72(2) substituted (12.12.1988) by [The Income Support \(General\) Amendment No. 5 Regulations 1988 \(S.I. 1988/2022\)](#), regs. 1(1)(a), **15(c)**
- F811** Words in reg. 72(2) substituted (14.4.2008) by [The Social Security \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/698\)](#), regs. 1(1), **2(10)**
- F812** Words in reg. 72(2) inserted (coming into force in accordance with reg. 1(2)(3) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) Regulations 1998 \(S.I. 1998/563\)](#), regs. 1(2), **19(1)(b)**
- F813** Words in reg. 72(2) substituted (15.10.1996) by [The Income Support and Social Security \(Claims and Payments\) \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/2431\)](#), regs. 1(1), **4(b)**

Commencement Information

- I71** Reg. 72 in force at 11.4.1988, see [reg. 1](#)

[^{F814}PART VII

CALCULATION OF INCOME SUPPORT FOR PART-WEEKS

Textual Amendments

- F814** 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,

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

^{F815}(2)

(3) In this Regulation—

“A”, ^{F816}... means the claimant’s weekly applicable amount in the relevant week;

“B” means the amount of any income support, [^{F817}jobseeker’s allowance], [^{F818}maternity allowance,]^{F819}short-term or long-term incapacity 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;

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

^{F820}(4)

^{F820}(5)

Textual Amendments

F815 Reg. 73(2) omitted (8.4.2002) by virtue of [The Social Security Amendment \(Residential Care and Nursing Homes\) Regulations 2001 \(S.I. 2001/3767\)](#), reg. 1, **Sch. Pt. I para. 13(b)**

F816 Words in reg. 73(3) omitted (8.4.2002) by virtue of [The Social Security Amendment \(Residential Care and Nursing Homes\) Regulations 2001 \(S.I. 2001/3767\)](#), reg. 1, **Sch. Pt. I para. 13(a)**

F817 Words in reg. 73(3) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income Support \(General\) \(Jobseeker’s Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), regs. 1(1), **19**

F818 Words in reg. 73(3) inserted (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **17**

F819 Words in reg. 73(3) substituted (13.4.1995) by [The Disability Working Allowance and Income Support \(General\) Amendment Regulations 1995 \(S.I. 1995/482\)](#), regs. 1(1), **12** (with reg. 1(4))

F820 Reg. 73(4)(5) omitted (8.4.2002) by virtue of [The Social Security Amendment \(Residential Care and Nursing Homes\) Regulations 2001 \(S.I. 2001/3767\)](#), reg. 1, **Sch. Pt. I para. 13(b)**

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.

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(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 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, [^{F821}jobseeker's allowance], [^{F822}maternity allowance],[^{F823}short-term or long-term incapacity benefit], or severe disablement allowance ^{F824}... 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, [^{F825}jobseeker's allowance], [^{F826}maternity allowance],[^{F827}short-term or long-term incapacity benefit] or severe disablement allowance^{F828} ...;
- (f) where regulation 74(2) applies, any payment of income which—

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- (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, [^{F829}jobseeker's allowance], [^{F830}maternity allowance,][^{F827}short-term or long-term incapacity benefit], or severe disablement allowance^{F828} ...;
- (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.

Textual Amendments

- F821** Words in [reg. 75\(b\)](#) substituted (with effect in accordance with [reg. 1\(2\)](#) of the amending S.I.) by [The Income Support \(General\) \(Jobseeker's Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), [regs. 1\(1\)](#), **20**
- F822** Words in [reg. 75\(b\)](#) inserted (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), [regs. 1\(1\)\(b\)](#), 17
- F823** Words in [reg. 75\(b\)](#) substituted (13.4.1995) by [The Disability Working Allowance and Income Support \(General\) Amendment Regulations 1995 \(S.I. 1995/482\)](#), [regs. 1\(1\)](#), **13** (with [reg. 1\(4\)](#))
- F824** Words in [reg. 75\(b\)](#) omitted (13.4.1995) by virtue of [The Disability Working Allowance and Income Support \(General\) Amendment Regulations 1995 \(S.I. 1995/482\)](#), [regs. 1\(1\)](#), **13** (with [reg. 1\(4\)](#))
- F825** Words in [reg. 75\(e\)](#) substituted (with effect in accordance with [reg. 1\(2\)](#) of the amending S.I.) by [The Income Support \(General\) \(Jobseeker's Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), [regs. 1\(1\)](#), **20**
- F826** Words in [reg. 75\(e\)](#) inserted (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), [regs. 1\(1\)\(b\)](#), 17
- F827** Words in [reg. 75\(e\)\(f\)](#) substituted (13.4.1995) by [The Disability Working Allowance and Income Support \(General\) Amendment Regulations 1995 \(S.I. 1995/482\)](#), [regs. 1\(1\)](#), **13** (with [reg. 1\(4\)](#))
- F828** Words in [reg. 75\(e\)\(f\)](#) omitted (13.4.1995) by virtue of [The Disability Working Allowance and Income Support \(General\) Amendment Regulations 1995 \(S.I. 1995/482\)](#), [regs. 1\(1\)](#), **13** (with [reg. 1\(4\)](#))
- F829** Words in [reg. 75\(f\)](#) substituted (with effect in accordance with [reg. 1\(2\)](#) of the amending S.I.) by [The Income Support \(General\) \(Jobseeker's Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), [regs. 1\(1\)](#), **20**
- F830** Words in [reg. 75\(f\)](#) inserted (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), [regs. 1\(1\)\(b\)](#), 17

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) [^{F831}in the case of a claimant to whom regulation 22A (reduction in applicable amount where the claimant is appealing against a decision [^{F832}which embodies a determination] that he is not incapable of work) applies], the proportion of the relevant amount specified therein appropriate to the number of days in the part-week;

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- (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.

Textual Amendments

- F831** Words in [reg. 76\(a\)](#) substituted (with effect in accordance with [reg. 1\(2\)](#) of the amending S.I.) by [The Income Support \(General\) \(Jobseeker’s Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), [regs. 1\(1\)](#), [21](#)
- F832** Words in [reg. 76\(a\)](#) inserted (6.9.1999) by [The Social Security Act 1998 \(Commencement No. 9, and Savings and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/2422\)](#), [art. 3\(1\)](#), [Sch. 6 para. 2](#)

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

Status:

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