
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—

“the Act” means the Social Security Act 1986;

“attendance allowance” means—

- (a) an attendance allowance under section 35 of the Social Security Act ^{F1};
- (b) an increase of disablement pension under section 61 or 63 of that Act ^{F2};
- (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 ^{F3};
- (e) a payment by virtue of article 14, 15, 16, 43 or 44 of the Personal Injuries (Civilians) Scheme 1983 ^{F4} or any analogous payment; or
- (f) any payment based on need for attendance which is paid as part of a war disablement pension;

“benefit week” has the meaning prescribed in paragraph 4 of Schedule 7 to the Social Security (Claims and Payments) Regulations 1987 ^{F5}; ^{F6}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;]

^{F7}“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

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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;]

“claimant” means a person claiming income support;

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

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

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

“couple” means a married or an unmarried couple;

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

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

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

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

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

[^{F9}“employment” except for the purposes of section 20(3)(d) of the Act, includes any trade, business, profession, office or vocation;]

“housing association” has the meaning assigned to it by section 1(1) of the Housing Associations Act 1985 ^{F10};

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

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

[^{F11}“last day of the course” has the meaning prescribed in regulation 61 for the purposes of the definition of “period of study”];]

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

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

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

“mobility allowance” means an allowance under section 37A of the Social Security Act ^{F12};

“mobility supplement” means any supplement under article 26A of the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 1983 ^{F13} including such a supplement by virtue of any other scheme or order or under Article 25A of the Personal Injuries (Civilians) Scheme 1983 ^{F14};

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

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

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

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

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

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

“partner” means where a claimant—

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

“payment” includes a part of a payment;

[^{F15}“period of study” means the period beginning with the start of the course of study and ending with the last day of the course or such earlier date as the student abandons it or is dismissed from it; but any period of attendance by the student at his educational establishment in connection with the course which is outside the period of the course shall be treated as part of the period of study;]

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

[^{F16}“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;]

[^{F17}“registered person” means a person registered with a body mentioned in regulation 7D(1) (a)(i) to (iv) of the Child Benefit (General) Regulations 1976 for—

- (a) work; or
- (b) training under the youth training scheme;]

“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;

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[^{F18}“residential accommodation” except in [^{F19}regulation 19 and Schedule 3B] has the meaning prescribed in regulation 21(3);]

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

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

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

“Social Security Act” means the Social Security Act 1975 ^{F20};

“student” has the meaning prescribed in regulation 61;

“supplementary benefit” means a supplementary pension or allowance under section 1 or 4 of the Supplementary Benefits Act 1976 ^{F21};

“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 ^{F22};

[^{F23}“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;]

[^{F24}“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;]

[^{F25}“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;]

[^{F26}“the Macfarlane Trust” means the charitable trust, established partly out of funds provided by the Secretary of State to the Haemophilia Society, for the relief of poverty or distress among those suffering from haemophilia;]

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

- (a) out of public funds by a Government department or by or on behalf of the [^{F27}Secretary of State for Employment][^{F28}, Scottish Enterprise or Highlands and Islands Enterprise];
- (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 [^{F29}the Secretary of State for Employment][^{F28}, Scottish Enterprise or Highlands and Islands Enterprise],

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 [^{F30}, other than under arrangements made under section 2 of the Employment and Training Act 1973,] or is training as a teacher;

[^{F31}“water charges” means—

- (a) as respects England and Wales, any water and sewerage charges under Chapter IV of Part II of the Water Act 1989;
- (b) as respects Scotland, any water and sewerage charges under Schedule 5 to the Abolition of Domestic Rates Etc. (Scotland) Act 1987;

in so far as such charges are in respect of the dwelling which a person occupies as his home.] “year of assessment” has the meaning prescribed in section 526(5) of the Income and Corporation Taxes Act 1970 ^{F32};

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

[^{F33}“youth training scheme” [^{F34}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.]

(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;
- (d) in a paragraph to a lettered or numbered sub-paragraph is to the sub-paragraph in that paragraph bearing that letter or number.

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

Textual Amendments

- F1** 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.
- F2** Subsections (3) and (4) of section 61 were added by the [Social Security Act 1986 \(c. 50\), section 39](#) and Schedule 3, paragraph 6.
- F3** [1975 c. 16](#).
- F4** [S.I. 1983/686](#); the relevant amending instruments are [S.I. 1983/1164](#) and [1984/1675](#).
- F5** [S.I. 1987/1968](#).
- F6** 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)**
- F7** 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)**
- F8** [1975 c. 61](#).
- F9** 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)**
- F10** [1985c.69](#).
- F11** Words in reg. 2(1) inserted (5.8.1991) by [The Income Support \(General\) Amendment No. 4 Regulations 1991 \(S.I. 1991/1559\)](#), regs. 1(1)(a), **2** (with reg. 1(2))

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- F12** 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).
- F13** S.I. 1983/883; article 26A was added by S.I. 1983/1116 and amended by S.I. 1983/1521 and 1986/592.
- F14** S.I. 1983/686, amended by S.I. 1983/1164, 1540 and 1986/628.
- F15** Words in reg. 2(1) substituted (1.9.1990) by The Social Security Benefits (Student Loans and Miscellaneous Amendments) Regulations 1990 (S.I. 1990/1549), regs. 1(1)(a), **5(2)** (with reg. 7(1))
- F16** 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)**
- F17** 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(a)**
- F18** Words in reg. 2(1) substituted (12.9.1988) by The Income Support (General) Amendment No. 4 Regulations 1988 (S.I. 1988/1445), regs. 1(1)(b), **2(c)**
- F19** Words in reg. 2(1) substituted (with effect in accordance with reg. 1(1)(c) of the amending S.I.) by The Income Support (General) Amendment Regulations 1989 (S.I. 1989/534), reg. 1(1), **Sch. 1 para. 1**
- F20** 1975 c. 14.
- F21** 1976 c. 71, as amended by section 6(1) of, and Part I of Schedules 2 to, the Social Security Act 1980 (c. 30).
- F22** S.I. 1976/965; the relevant amending instruments are S.I. 1980/1054, 1982/470 and 1987/357.
- F23** 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**
- F24** 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)**
- F25** 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)**
- F26** 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**
- F27** 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))
- F28** 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)**
- F29** 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))
- F30** 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**
- F31** Words in reg. 2(1) substituted (1.10.1990) by The Income Support (General) Amendment No. 3 Regulations 1990 (S.I. 1990/1776), regs. 1(1)(a), **2** (with reg. 1(2))
- F32** 1970 c. 10.
- F33** 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)**
- F34** 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))

Commencement Information

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

Definition of non-dependant

3.—(1) In these Regulations, “non-dependant” means any person, except someone [^{F35}to whom paragraph (2), (2A) or (2B) applies], who normally resides with a claimant.

[^{F36}(2) This paragraph applies to—

- (a) any member of the claimant's family;
- (b) a child or young person who is living with the claimant but who is not a member of his household by virtue of regulation 16 (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 voluntary body (other than a public or local authority) 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.]

^{F37}(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 [^{F38}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

- F35** 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))
- F36** 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))
- F37** 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)**
- F38** 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)**

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Commencement Information

I3 Reg. 3 in force at 11.4.1988, see reg. 1

[^{F39}Permitted period

3A.—(1) For the purposes of regulation 17(6), paragraph 7(10) of Schedule 3, 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, subject to paragraph (2), shall be twelve weeks; or
- (b) for any other reason, the permitted period shall be eight weeks.

(2) Subject to paragraph (3), where the claimant or his partner has ceased to be engaged in the remunerative work referred to in paragraph (1)(a) the permitted period shall be eight weeks if—

- (a) the claimant's weekly applicable amount is reduced under regulation 22 (reduction in applicable amounts in certain cases of actual or notional unemployment benefit disqualification) because of the cessation of that work; or
- (b) the claimant or his partner has ceased to be engaged in that work within 6 weeks of beginning it; or
- (c) at any time during the period of 26 weeks immediately preceding the beginning of that work, the person who has ceased to be engaged in it—
 - (i) was engaged in remunerative work; or
 - (ii) was in relevant education; or
 - (iii) was a student.

(3) Paragraph (2)(b) or (c) shall not apply if, by virtue of section 20A(2) of the Social Security Act (exemption from disqualification for unemployment benefit) , the person who has ceased to be engaged in remunerative work is exempted from disqualification for receiving unemployment benefit.]

Textual Amendments

F39 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

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