
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;

[^{F1}“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;]

“attendance allowance” means—

- (a) an attendance allowance under section 35 of the Social Security Act^{F2};
- (b) an increase of disablement pension under section 61 or 63 of that Act^{F3};
- (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^{F4};
- (e) a payment by virtue of article 14, 15, 16, 43 or 44 of the Personal Injuries (Civilians) Scheme 1983^{F5} or any analogous payment; or
- (f) any payment based on need for attendance which is paid as part of a war disablement pension;

[^{F6}“the benefit Acts” means the Contributions and Benefits Act and the Jobseekers Act 1995;]

“benefit week” has the meaning prescribed in paragraph 4 of Schedule 7 to the Social Security (Claims and Payments) Regulations 1987^{F7}; [^{F8}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;]

[^{F9}“board and lodging accommodation” means—

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- (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;]

[^{F10}“child tax credit” means a child tax credit under section 8 of the Tax Credits Act 2002;]

[^{F11}“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, 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;

[^{F12}“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^{F13} are charged;

[^{F14}“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;

“couple” means a married or an unmarried couple;

[^{F15}“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;

[^{F16}“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;]

[^{F17}“disability living allowance” means a disability living allowance under section 37ZA of the Social Security Act;]

^{F18} ...

“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;

[^{F19}“earnings top-up” means the allowance paid by the Secretary of State under the Earnings Top-up Scheme;]

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

[^{F20}“employment” except for the purposes of section 20(3)(d) of the Act, includes any trade, business, profession, office or vocation;]

^{F21} ...

[^{F22}“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;]

[^{F22}“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;]

[^{F23}“full-time student” has the meaning prescribed in regulation 61(1);]

“housing association” has the meaning assigned to it by section 1(1) of the Housing Associations Act 1985^{F24};

[^{F25}“housing benefit expenditure” means expenditure in respect of which housing benefit is payable as specified in regulation 10(1) of the Housing Benefit (General) Regulations 1987 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);]

[^{F26}“Immigration and Asylum Act” means the Immigration and Asylum Act 1999;]

^{F27} ...

[^{F28}“Intensive Activity Period for 50 plus” means the programme known by that name and 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, being a programme lasting for up to 52 weeks for any one individual aged 50 years or over on the day that he or she first joined any such programme, and consisting for that individual of any one or more of the following elements, namely employed earner’s employment, assistance in pursuing self-employed earner’s employment, education and training, work experience, assistance with job search, motivation and skills training;]

“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;

[^{F29}“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;

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[^{F30}“lower rate” where it relates to rates of tax has the same meaning as in the Income and Corporation Taxes Act 1988 by virtue of section 832(1) of that Act;]

[^{F16}“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 Part III of the Employment Protection (Consolidation) Act 1978;]

“mobility allowance” means an allowance under section 37A of the Social Security Act^{F31};

“mobility supplement” means any supplement under article 26A of the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 1983 ^{F32} including such a supplement by virtue of any other scheme or order or under Article 25A of the Personal Injuries (Civilians) Scheme 1983^{F33};

“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;

[^{F34}“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;

[^{F35}“nursing home” means—

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

“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;

[^{F36}“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;

[^{F37}“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;]

[^{F38}“pension fund holder” means with respect to a personal pension scheme or retirement annuity contract, the trustees, managers or scheme administrators, as the case may be, of the scheme or contract concerned;]

[^{F39}“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;]

[^{F16}“personal pension scheme” has the same meaning as in [^{F40}section 1 of the Pension Schemes Act 1993] and, in the case of a self-employed earner, includes a scheme approved by the Inland Revenue under Chapter IV of Part XIV of the Income and Corporation Taxes Act 1988;]

“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;

[^{F41}“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;]

^{F42} ...

[^{F43}“qualifying person” means a person in respect of whom payment has been made from the Fund [^{F44}or the Eileen Trust];]

^{F45} ...

“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;

[^{F46}“residential accommodation” except in ^{F47}[^{F48}... Schedule 3B] has the meaning prescribed in regulation 21(3);]

[^{F49}“residential allowance” means the weekly amount determined in accordance with paragraph 2A of Schedule 2;]

[^{F35}“residential care home” means an establishment—

- (a) which is required to be registered under Part I of the Registered Homes Act 1984 and is so registered, or is deemed to be registered under section 2(3) of the Registered Homes (Amendment) Act 1991 (which refers to the registration of small homes where the application for registration has not been determined); or
- (b) run by the Abbeyfield Society including all bodies corporate or incorporate which are affiliated to that Society; or
- (c) which provides residential accommodation with both board and personal care and is managed or provided by a body incorporated by Royal Charter or constituted by Act of Parliament other than a local social services authority; or

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- (d) in Scotland, which is a home registered under section 61 of the Social Work (Scotland) Act 1968 or is an establishment provided by a housing association registered with Scottish Homes established by the Housing (Scotland) Act 1988 which provides care equivalent to that given in residential accommodation provided under Part IV of the Social Work (Scotland) Act 1968; or
- (e) which is exempt from registration under Part I of the Registered Homes Act 1984 pursuant to section 1(4)(a) of that Act (exemption from registration in respect of certain homes) because one or more of the residents are treated as relatives pursuant to section 19(4) of that Act;

and in paragraph (c) of this definition, “personal care” means personal care for persons in need of personal care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder;]

[^{F50}“retirement annuity contract” means a contract or trust scheme approved under Chapter III of Part XIV of the Income and Corporation Taxes Act 1988;]

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

[^{F51}“self-employment route” means—

- (a) [^{F52}the Self-Employed Employment Option of the New Deal which is specified in regulation 75(1)(a)(ii)(aa) of the Jobseeker’s Allowance Regulations 1996; or]
- (b) assistance in pursuing self-employed earner’s employment whilst participating in
 - (i) [^{F53}an employment zone programme;
 - (ii) a course of training or instruction funded by or on behalf of the Secretary of State for Education and Employment, the National Assembly for Wales, the Scottish Enterprise or Highlands and Islands Enterprise]]^{F54}...
 - (iii) [^{F55}the Intensive Activity Period specified in regulation 75(1)(a)(iv); ^{F54}...
 - (iv) the Intensive Activity Period for 50 plus;]]^{F56}or
 - (v) the New Deal for Lone Parents;]

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

“Social Security Act” means the Social Security Act 1975^{F57};

[^{F58}“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;]

^{F59}...

[^{F22}“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^{F60};

“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 ^{F61};

[^{F19}“the Earnings Top-up Scheme” means the Earnings Top-up Scheme 1996]

[^{F62}“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;]

[^{F43}“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;]

[^{F63}“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;]

[^{F63}“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;]

[^{F64}“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;]

[^{F63}“the Independent Living Funds” means the Independent Living Fund, the Independent Living (Extension) Fund and the Independent Living (1933) Fund;]

[^{F65}“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;]

[^{F66}“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;]

[^{F67}“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 [^{F68}Secretary of State for Employment][^{F69}, Scottish Enterprise or Highlands and Islands Enterprise][^{F70}, 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 [^{F71}the Secretary of State for Employment][^{F69}, Scottish Enterprise or Highlands and Islands Enterprise][^{F72}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[^{F73}, other than under arrangements made under section 2 of the Employment and Training Act 1973.] or is training as a teacher;

[^{F74}“voluntary organisation” means a body, other than a public or local authority, the activities of which are carried on otherwise than for profit;]

[^{F75}“war widower’s pension” means any widower’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 or allowance for a widower granted

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under any scheme mentioned in section 315(2)(e) of the Income and Corporation Taxes Act 1988;]

[^{F76}“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;]

[^{F77}“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;]

[^{F78}“working tax credit” means a working tax credit under section 10 of the Tax Credits Act 2002;]

^{F18} ...

[^{F79}“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.

[^{F80}“youth training scheme” [^{F81}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.]

[^{F82}(1A) For the purposes of these Regulations, where a person’s principal place of residence is a residential care home or a nursing home and he is temporarily absent from that home, he shall be regarded as continuing to reside in that home—

- (a) where he is absent because he is a patient, for the first [^{F83}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;

(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.

[^{F84}(4) For the purposes of these Regulations references to “benefit under the benefit Acts” shall be construed as including a reference to earnings top-up.]

Textual Amendments

- F1** 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)**
- F2** 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.
- F3** Subsections (3) and (4) of section 61 were added by the [Social Security Act 1986 \(c. 50\)](#), [section 39](#) and [Schedule 3](#), paragraph 6.
- F4** 1975 c. 16.
- F5** [S.I. 1983/686](#); the relevant amending instruments are [S.I. 1983/1164](#) and [1984/1675](#).
- F6** 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)**
- F7** [S.I. 1987/1968](#).
- F8** 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)**
- F9** 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)**
- F10** 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)**
- F11** 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)**
- F12** 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)**
- F13** 1975 c. 61.
- F14** 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)**
- F15** 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)**
- F16** 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)**
- F17** 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))**
- F18** 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)**
- F19** Words in reg. 2 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), reg. 1(1)(a), **Sch. para. 1(2)** (with reg. 13)
- F20** 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)**
- F21** 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**
- F22** 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)**
- F23** 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**
- F24** 1985c.69.
- F25** 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)**
- F26** 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)**
- F27** 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)**
- F28** Words in reg. 2(1) inserted (9.4.2001) by The Social Security Amendment (New Deal) Regulations 2001 (S.I. 2001/1029), regs. 1(1), **15(2)(a)(3)(c)**
- F29** 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)**
- F30** 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. 3) Regulations 1992 (S.I. 1992/2155), regs. 1(1), **12**
- F31** 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).
- F32** S.I. 1983/883; article 26A was added by S.I. 1983/1116 and amended by S.I. 1983/1521 and 1986/592.
- F33** S.I. 1983/686, amended by S.I. 1983/1164, 1540 and 1986/628.
- F34** 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**
- F35** Words in reg. 2(1) substituted (8.4.2002) by The Social Security Amendment (Residential Care and Nursing Homes) Regulations 2001 (S.I. 2001/3767), **Sch. Pt. 1 para. 1(a)(i)**
- F36** 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)**
- F37** 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)**
- F38** 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)
- F39** 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)**
- F40** Words in reg. 2(1) substituted (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)(b)** (with reg. 8)
- F41** 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)**

- F42** 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)**
- F43** 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)**
- F44** Words in reg. 2(1) added (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)(a)**
- F45** 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)**
- F46** 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)**
- F47** 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)(ii)**
- F48** 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**
- F49** Words in reg. 2(1) inserted (1.4.1993) by The Social Security Benefits (Amendments Consequential Upon the Introduction of Community Care) Regulations 1992 (S.I. 1992/3147), regs. 1(1), **2(1)(a)**
- F50** 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)(c)** (with reg. 8)
- F51** Words in reg. 2(1) inserted (27.11.2000) by The Social Security Amendment (Employment Zones) (No. 2) Regulations 2000 (S.I. 2000/2910), regs. 1(1), **2(1)(2)(c)**
- F52** Words in reg. 2(1) substituted (14.10.2002) by The Social Security Amendment (Employment Programme) Regulations 2002 (S.I. 2002/2314), regs. 1, **3(2)**
- F53** Words in reg. 2(1) substituted (26.3.2001) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2001 (S.I. 2001/652), regs. 1(1)(a), **2(a)**
- F54** Word in reg. 2(1) omitted (17.6.2002) by virtue of The Income Support (General) and Jobseeker's Allowance Amendment Regulations 2002 (S.I. 2002/1411), regs. 1, **2(a)**
- F55** Words in reg. 2(1) inserted (9.4.2001) by The Social Security Amendment (New Deal) Regulations 2001 (S.I. 2001/1029), regs. 1(1), **15(2)(b)(3)(c)**
- F56** Words in reg. 2(1) added (17.6.2002) by The Income Support (General) and Jobseeker's Allowance Amendment Regulations 2002 (S.I. 2002/1411), regs. 1, **2(b)**
- F57** 1975 c. 14.
- F58** 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)**
- F59** 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)**
- F60** 1976 c. 71, as amended by section 6(1) of, and Part I of Schedules 2 to, the Social Security Act 1980 (c. 30).
- F61** S.I. 1976/965; the relevant amending instruments are S.I. 1980/1054, 1982/470 and 1987/357.
- F62** 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)**
- F63** 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)**
- F64** 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**
- F65** 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)**
- F66** 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)**
- F67** 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**

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- F68** 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))
- F69** 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)**
- F70** 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)**
- F71** 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))
- F72** 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)**
- F73** 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**
- F74** 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))
- F75** 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)**
- F76** 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(c)**
- F77** 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)**
- F78** 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)**
- F79** 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)**
- F80** 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)**
- F81** 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))
- F82** 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. 1 para. 1(b)**
- F83** 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)**
- F84** Reg. 2(4) 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), reg. 1(1)(a), **Sch. para. 2(3)** (with reg. 13)

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

^{F85}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) 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 ^{F86}5th October 1998.]

Textual Amendments

- F85** 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
- F86** 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 ^{F87}to whom paragraph (2), (2A) or (2B) applies], who normally resides with a claimant ^{F88}or with whom a claimant normally resides.]

^{F89}(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 ^{F90}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

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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.]

^{F91}(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 [^{F92}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

- F87** 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))
- F88** 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)**
- F89** 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))
- F90** 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))
- F91** 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)**
- F92** 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](#)

[^{F93}Permitted period

3A.—(1) For the purposes of regulation 17(6), ^{F94}... 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, ^{F95}... shall be twelve weeks; or
- (b) for any other reason, the permitted period shall be eight weeks.

^{F96}(2)

^{F97}(3)]

Textual Amendments

- F93** [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**
- F94** 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**

- F95** 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\(a\)](#)
- F96** [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\(b\)](#)
- F97** [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\(7\)](#)

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