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## STATUTORY INSTRUMENTS

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# 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—

[<sup>F1</sup>“the 2012 Act” means the Welfare Reform Act 2012;]

[<sup>F2</sup>“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;

[<sup>F3</sup>“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;]

[<sup>F4</sup>“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;]

[<sup>F5</sup>“armed forces independence payment” means armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;]

“attendance allowance” means—

- (a) an attendance allowance under section 35 of the Social Security Act<sup>F6</sup>;
- (b) an increase of disablement pension under section 61 or 63 of that Act<sup>F7</sup>;
- (c) a payment under regulations made in exercise of the power conferred by section 159(3) (b) of that Act;
- (d) an increase of an allowance which is payable in respect of constant attendance under section 5 of the Industrial Injuries and Diseases (Old Cases) Act 1975<sup>F8</sup>;
- (e) a payment by virtue of article 14, 15, 16, 43 or 44 of the Personal Injuries (Civilians) Scheme 1983<sup>F9</sup> or any analogous payment; or

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*Changes to legislation: There are currently no known outstanding effects for the The Income Support (General) Regulations 1987, PART I. (See end of Document for details)*

(f) any payment based on need for attendance which is paid as part of a war disablement pension;

[<sup>F10</sup>“basic 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);]

[<sup>F11</sup>“the benefit Acts” means the Contributions and Benefits Act [<sup>F12</sup>, the Jobseekers Act 1995 [<sup>F13</sup>, Part 1 of the Welfare Reform Act [<sup>F14</sup>, Part 4 of the 2012 Act and Part 1 of the Pensions Act 2014]]];]

“benefit week” has the meaning prescribed in paragraph 4 of Schedule 7 to the Social Security (Claims and Payments) Regulations 1987<sup>F15</sup>; [<sup>F16</sup>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;]

[<sup>F17</sup>“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;]

[<sup>F2</sup>“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 [<sup>F18</sup>paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010];]

[<sup>F19</sup>“child tax credit” means a child tax credit under section 8 of the Tax Credits Act 2002;]

[<sup>F20</sup>“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, [<sup>F21</sup>or, if any of the preceding persons is one member of a couple, the other member of that couple];

<sup>F22</sup> ...

“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 [<sup>F23</sup>or tax credits under the benefit Acts or the Tax Credits Act 2002] are charged;

[<sup>F24</sup>“the Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992;]

[<sup>F25</sup>“contribution-based jobseeker’s allowance” means an allowance under the Jobseekers Act 1995 as amended by the provisions of Part 1 of Schedule 14 to the 2012 Act that remove references to an income-based allowance, and a contribution-based allowance under the Jobseekers Act 1995 as that Act has effect apart from those provisions;]

[<sup>F26</sup>“the Contributions Regulations” means the Social Security (Contributions) Regulations 2001;]

[<sup>F27</sup>“contributory employment and support allowance” means an allowance under Part 1 of the Welfare Reform Act as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the 2012 Act that remove references to an income-related allowance, and a contributory allowance under Part 1 of the Welfare Reform Act as that Part has effect apart from those provisions;]

“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;

[<sup>F28</sup>“couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as a married couple;]

[<sup>F29</sup>“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 [<sup>F30</sup>or a relevant person];

[<sup>F31</sup>“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;]

[<sup>F32</sup>“disability living allowance” means a disability living allowance under section 37ZA of the Social Security Act;]

<sup>F33</sup> ...

“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;

<sup>F34</sup> ...

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

[<sup>F35</sup>“employment” except for the purposes of section 20(3)(d) of the Act, includes any trade, business, profession, office or vocation;]

<sup>F36</sup> ...

[<sup>F37</sup>“the Employment and Support Allowance Regulations” means the Employment and Support Allowance Regulations 2008;]

<sup>F38</sup> ...

[<sup>F39</sup>“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

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programme” means a programme established for such an area or areas designed to assist claimants for a jobseeker’s allowance to obtain sustainable employment;]

[<sup>F39</sup>“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;]

[<sup>F40</sup>“enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament [<sup>F41</sup>or the National Assembly for Wales];]

[<sup>F42</sup>“first year of training” means a period of one year beginning with a person’s first day of training.]

<sup>F43</sup>  
...

[<sup>F44</sup>“full-time student” has the meaning prescribed in regulation 61(1); ]

[<sup>F44</sup>“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;]

[<sup>F45</sup>“Health Service Act” means the National Health Service Act 2006;]

[<sup>F45</sup>“Health Service (Wales) Act” means the National Health Service (Wales) Act 2006;]

“housing association” has the meaning assigned to it by section 1(1) of the Housing Associations Act 1985<sup>F46</sup>;

[<sup>F47</sup>“housing benefit expenditure” means expenditure in respect of which housing benefit is payable as specified in [<sup>F48</sup>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);]

[<sup>F49</sup>“Immigration and Asylum Act” means the Immigration and Asylum Act 1999;]

<sup>F50</sup>  
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[<sup>F51</sup>“income-related employment and support allowance” means an income-related allowance under Part 1 of the Welfare Reform Act (employment and support allowance);]

[<sup>F52</sup>“independent hospital”—

- (a) in England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section;
- (b) in Wales, has the meaning assigned to it by section 2 of the Care Standards Act 2000; and
- (c) in Scotland, means an independent healthcare service as defined in [<sup>F53</sup>section 10F(1)(a) and (b) of the National Health Service (Scotland) Act 1978];]

<sup>F54</sup>  
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“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;

[<sup>F55</sup>“last day of the course” has the meaning prescribed in regulation 61(1);]

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

[<sup>F56</sup>“local welfare provision” means occasional financial or other assistance given by a local authority, the Scottish Ministers or the Welsh Ministers, or a person authorised to exercise any function of, or provide a service to, them, to or in respect of individuals for the purpose of—

- (a) meeting, or helping to meet, an immediate short term need—
  - (i) arising out of an exceptional event, or exceptional circumstances; and
  - (ii) that requires to be met in order to avoid a risk to the well-being of an individual; or

- (b) enabling individuals to establish or maintain a settled home, where those individuals have been or, without the assistance, might otherwise be—
- (i) in prison, hospital, a residential care establishment or other institution; or
  - (ii) homeless or otherwise living an unsettled way of life;]

“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;

[<sup>F57</sup>“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;]

<sup>F58</sup> ...

[<sup>F59</sup>“the Mandatory Work Activity Scheme” means a scheme within section 17A of the Jobseekers Act 1995, known by that name and provided pursuant to arrangements made by the Secretary of State that is designed to provide work or work-related activity for up to 30 hours per week over a period of four consecutive weeks with a view to assisting claimants to improve their prospects of obtaining employment;]

[<sup>F31</sup>“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 [<sup>F60</sup>Part VIII of the Employment Rights Act 1996];]

[<sup>F61</sup>“member of the support group” means a claimant who has or is treated as having limited capability for work-related activity under either—

- (a) Part 6 of the Employment and Support Allowance Regulations 2008; or
- (b) Part 5 of the Employment and Support Allowance Regulations 2013;]

[<sup>F61</sup>“member of the work-related activity group” means a claimant who has or is treated as having limited capability for work under either—

- (a) Part 5 of the Employment and Support Allowance Regulations 2008 other than by virtue of regulation 30 of those Regulations; or
- (b) Part 4 of the Employment and Support Allowance Regulations 2013 other than by virtue of regulation 26 of those Regulations;]

[<sup>F62</sup>“MFET Limited” means the company limited by guarantee (number 7121661) of that name, established for the purpose in particular of making payments in accordance with arrangements made with the Secretary of State to persons who have acquired HIV as a result of treatment by the NHS with blood or blood products ;]

<sup>F63</sup> ...

“mobility supplement” means any supplement under [<sup>F64</sup>article 20 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006] including such a supplement by virtue of any other scheme or order or under Article 25A of the Personal Injuries (Civilians) Scheme 1983<sup>F65</sup>;

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

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

[<sup>F66</sup>“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 [<sup>F67</sup>18] of Schedule 3;

<sup>F68</sup> ...

“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 [<sup>F69</sup>a couple], the other member of that couple;

(b) is married polygamously to two or more members of his household, any such member;

[<sup>F70</sup>“paternity leave” means a period of absence from work on <sup>F71</sup>... paternity leave by virtue of section 80A or 80B of the Employment Rights Act 1996<sup>F72</sup> ...;]

“payment” includes a part of a payment;

[<sup>F73</sup>“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;]

[<sup>F74</sup>“pension fund holder” means with respect to a personal pension scheme or [<sup>F75</sup>an occupational pension scheme], the trustees, managers or scheme administrators, as the case may be, of the scheme <sup>F76</sup>... concerned;]

[<sup>F77</sup>“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;]

[<sup>F1</sup>“personal independence payment” means personal independence payment under Part 4 of the 2012 Act;]

[<sup>F78</sup>“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;

[<sup>F79</sup>“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;]

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[<sup>F40</sup>“public authority” includes any person certain of whose functions are functions of a public nature;]

[<sup>F81</sup>“qualifying person” means a person in respect of whom payment has been made from the Fund [<sup>F82</sup>, the Eileen Trust [<sup>F83</sup>, MFET Limited]]<sup>F84</sup>, the Skipton Fund [<sup>F85</sup>, the Caxton Foundation]]<sup>F86</sup>, the Scottish Infected Blood Support Scheme] or the London Bombings Relief Charitable Fund];]

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

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

[<sup>F88</sup>“relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests;]

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

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[<sup>F91</sup>“Scottish basic rate” means the rate of income tax of that name calculated in accordance with section 6A of the Income Tax Act 2007;]

[<sup>F92</sup>“Scottish Infected Blood Support Scheme” means the scheme of that name administered by the Common Services Agency (constituted by section 10 of the National Health Service (Scotland) Act 1978);]

[<sup>F91</sup>“Scottish taxpayer” has the same meaning as in Chapter 2 of Part 4A of the Scotland Act 1998;]

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

[<sup>F93</sup>“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.);]

F94  
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[<sup>F95</sup>“shared parental leave” means leave under section 75E or 75G of the Employment Rights Act 1996;]

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

“Social Security Act” means the Social Security Act 1975<sup>F96</sup>;

[<sup>F97</sup>“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;]

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[<sup>F39</sup>“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<sup>F100</sup>;

“terminal date” in respect of a claimant means the terminal date in his case for the purposes of regulation 7 of the Child Benefit (General) Regulations 1976<sup>F101</sup>;

[<sup>F102</sup>“the Caxton Foundation” means the charitable trust of that name established on 28th March 2011 out of funds provided by the Secretary of State for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with its provisions;]

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[<sup>F103</sup>“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;]

[<sup>F81</sup>“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;]

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[<sup>F107</sup>“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;]

F108  
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[<sup>F109</sup>“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;]

[<sup>F110</sup>“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;]

[<sup>F111</sup>“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;]

[<sup>F112</sup>“the Macfarlane Trust” means the charitable trust, established partly out of funds provided by the Secretary of State to the Haemophilia Society, for the relief of poverty or distress among those suffering from haemophilia;]

[<sup>F113</sup>“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 <sup>F114</sup>Secretary of State <sup>F115</sup> ... <sup>F116</sup>, <sup>F117</sup>Skills Development Scotland,] Scottish Enterprise or Highlands and Islands Enterprise<sup>F118</sup>, <sup>F119</sup> ... <sup>F115</sup> ... or the <sup>F120</sup>Welsh Ministers];
- (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 <sup>F121</sup>the Secretary of State <sup>F122</sup> ... <sup>F116</sup>, <sup>F117</sup>Skills Development Scotland,] Scottish Enterprise or Highlands and Islands Enterprise<sup>F123</sup> or the <sup>F120</sup>Welsh Ministers]],

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<sup>F124</sup>, other than under arrangements made under section 2 of the Employment and Training Act 1973,] or is training as a teacher;

<sup>F125</sup>“universal credit” means universal credit under Part 1 of the 2012 Act;]

<sup>F126</sup>“voluntary organisation” means a body, other than a public or local authority, the activities of which are carried on otherwise than for profit;]

<sup>F127</sup>“war disablement pension” means any retired pay or pension or allowance payable in respect of disablement under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003;]

<sup>F127</sup>“war pension” means a war disablement pension, a war widow’s pension or a war widower’s pension;]

<sup>F127</sup>“war widow’s pension” means any pension or allowance payable to a woman as a widow under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;]

<sup>F127</sup>“war widower’s pension” means any pension or allowance payable to a man as a widower or to a surviving civil partner under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;]

<sup>F128</sup> ...

<sup>F129</sup>“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;]

<sup>F130</sup>“the Welfare Reform Act” means the Welfare Reform Act 2007;]

<sup>F131</sup>“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 XIIA of the Contributions and Benefits Act 1992;]

<sup>F132</sup>“working tax credit” means a working tax credit under section 10 of the Tax Credits Act 2002;]

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[<sup>F133</sup>“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.

[<sup>F134</sup> “<sup>F135</sup> ... [<sup>F136</sup>“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.]

[<sup>F137</sup>(1A) For the purposes of these Regulations, where a person’s principal place of residence is a [<sup>F138</sup>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 [<sup>F139</sup>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.]

[<sup>F140</sup>(1B) References in these Regulations to a claimant participating as a service user are to—

- (a) a person who is being consulted by or on behalf of—
  - (i) a body which has a statutory duty to provide services in the field of health, social care or social housing; or
  - (ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving such services,

in their capacity as a user, potential user, carer of a user or person otherwise affected by the provision of those services; or

[ a person who is being consulted by or on behalf of—

- <sup>F141</sup>(ab) (i) the Secretary of State in relation to any of the Secretary of State’s functions in the field of social security or child support or under section 2 of the Employment and Training Act 1973; or
- (ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving such functions,

in their capacity as a person affected or potentially affected by the exercise of those functions or the carer of such a person;]

(b) the carer of a person consulted under [<sup>F142</sup>sub-paragraphs (a) or (ab)].]

(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.

<sup>F143</sup>(4) .....

### Textual Amendments

- F1** Words in reg. 2(1) inserted (8.4.2013) by The Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations 2013 (S.I. 2013/388), reg. 2, **Sch. para. 11(2)(a)**
- F2** 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)**
- F3** 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)**
- F4** 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)**
- F5** Words in reg. 2(1) substituted (8.4.2013) by The Armed Forces and Reserve Forces Compensation Scheme (Consequential Provisions: Subordinate Legislation) Order 2013 (S.I. 2013/591), art. 2(2), **Sch. para. 4(2)**
- F6** 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.
- F7** Subsections (3) and (4) of section 61 were added by the Social Security Act 1986 (c. 50), **section 39** and Schedule 3, paragraph 6.
- F8** 1975 c. 16.
- F9** S.I. 1983/686; the relevant amending instruments are S.I. 1983/1164 and 1984/1675.
- F10** Words in reg. 2(1) inserted (6.4.2009) by The Social Security (Miscellaneous Amendments) Regulations 2009 (S.I. 2009/583), regs. 1(2), **2(2)(a)**
- F11** 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)**
- F12** Words in reg. 2(1) substituted (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **2(2)(a)**
- F13** Words in reg. 2(1) substituted (8.4.2013) by The Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations 2013 (S.I. 2013/388), reg. 2, **Sch. para. 11(2)(b)**
- F14** Words in reg. 2(1) substituted (coming into force in accordance with art. 1(2)(b) of the amending S.I.) by The Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2015 (S.I. 2015/1985), arts. 1(2)(b), **8(2)**
- F15** S.I. 1987/1968.
- F16** 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)**
- F17** 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)**

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- F18** Words in reg. 2(1) substituted (28.10.2011) by The Public Services Reform (Scotland) Act 2010 (Consequential Modifications of Enactments) Order 2011 (S.I. 2011/2581), art. 1(2)(b), **Sch. 2 para. 14(a)**
- F19** 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)**
- F20** 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)**
- F21** 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)
- F22** Words in reg. 2(1) omitted (17.11.2008) by virtue of The Social Security (Miscellaneous Amendments) (No.6) Regulations 2008 (S.I. 2008/2767), regs. 1(2), **2(2)(a)(i)**
- F23** Words in reg. 2(1) substituted (5.1.2009) by The Social Security (Miscellaneous Amendments) (No. 7) Regulations 2008 (S.I. 2008/3157), regs. 1(1), **2(2)(a)**
- F24** 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)**
- F25** Words in reg. 2(1) inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **28(2)(a)**
- F26** Words in reg. 2(1) inserted (5.11.2012) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2012 (S.I. 2012/2575), regs. 1(2), **2(2)**
- F27** Words in reg. 2(1) substituted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **28(2)(b)**
- F28** Words in reg. 2(1) substituted (E.W.) (13.3.2014) by The Marriage (Same Sex Couples) Act 2013 (Consequential Provisions) Order 2014 (S.I. 2014/107), art. 1(2), **Sch. 1 para. 9**; (S.) (16.12.2014) by The Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014 (S.I. 2014/3229), art. 1(2), **Sch. 6 para. 5**
- 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)(a)**
- F30** Words in reg. 2(1) inserted (1.4.2017) by The Crown Estate Transfer Scheme 2017 (S.I. 2017/524), art. 1(2), **Sch. 5 para. 67(a)**
- F31** 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)**
- F32** 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))**
- F33** 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)**
- F34** 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)**
- F35** 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)**
- F36** Words in reg. 2 omitted (12.2.2013 at 6.45 p.m.) by virtue of The Jobseeker's Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013 (S.I. 2013/276), regs. 1, **13(a)**
- F37** Words in reg. 2(1) inserted (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **2(2)(c)**
- F38** 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**

- F39** 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)**
- F40** 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 Social Security (Miscellaneous Amendments) (No. 4) Regulations 2009 (S.I. 2009/2655), regs. 1(2)(a), **2(2)**
- F41** Words in reg. 2(1) inserted (29.10.2013) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2013 (S.I. 2013/2536), regs. 1(1), **4(2)**
- F42** Words in reg. 2 inserted (6.4.2015) by The Social Security (Members of the Reserve Forces) (Amendment) Regulations 2015 (S.I. 2015/389), regs. 1, **2(2)**
- F43** 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)**
- F44** 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**
- F45** Words in reg. 2(1) inserted (17.11.2008) by The Social Security (Miscellaneous Amendments) (No.6) Regulations 2008 (S.I. 2008/2767), regs. 1(2), **2(2)(b)**
- F46** 1985c.69.
- F47** 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)**
- F48** 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)
- F49** 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)**
- F50** 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)**
- F51** Words in reg. 2(1) inserted (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **2(2)(d)**
- F52** Words in reg. 2(1) substituted (1.10.2010) by The Health and Social Care Act 2008 (Miscellaneous Consequential Amendments) Order 2010 (S.I. 2010/1881), arts. 1(1), **5**
- F53** Words in reg. 2(1) substituted (28.10.2011) by The Public Services Reform (Scotland) Act 2010 (Consequential Modifications of Enactments) Order 2011 (S.I. 2011/2581), art. 1(2)(b), **Sch. 2 para. 14(b)**
- F54** 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)**
- F55** 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)**
- F56** Words in reg. 2(1) inserted (2.4.2013) by The Social Security (Miscellaneous Amendments) Regulations 2013 (S.I. 2013/443), regs. 1(1), **2(2)**
- F57** 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)**
- F58** 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.**
- F59** Words in reg. 2(1) inserted (5.8.2011) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2011 (S.I. 2011/1707), regs. 1, **4(2)(3)**
- F60** 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)**
- F61** Words in reg. 2(1) inserted (3.4.2017) by The Employment and Support Allowance and Universal Credit (Miscellaneous Amendments and Transitional and Savings Provisions) Regulations 2017 (S.I. 2017/204), reg. 1, **Sch. 1 para. 1(2)** (with Sch. 2 paras. 1-7)
- F62** Words in reg. 2(1) inserted (6.4.2010) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2010 (S.I. 2010/641), regs. 1(1), **2(2)**

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- F63** Words in reg. 2(1) omitted (5.1.2009) by virtue of The Social Security (Miscellaneous Amendments) (No. 7) Regulations 2008 (S.I. 2008/3157), regs. 1(1), **2(2)(b)**
- F64** Words in reg. 2(1) substituted (5.1.2009) by The Social Security (Miscellaneous Amendments) (No. 7) Regulations 2008 (S.I. 2008/3157), regs. 1(1), **2(2)(c)**
- F65** S.I. 1983/686, amended by S.I. 1983/1164, 1540 and 1986/628.
- F66** 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**
- F67** Word in reg. 2(1) substituted (17.11.2008) by The Social Security (Miscellaneous Amendments) (No.6) Regulations 2008 (S.I. 2008/2767), regs. 1(2), **2(2)(c)**
- F68** 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)**
- F69** 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)
- F70** Words in reg. 2(1) substituted (1.4.2012) by The Social Security (Miscellaneous Amendments) Regulations 2012 (S.I. 2012/757), regs. 1(4), **3(2)**
- F71** Word in reg. 2(1) omitted (5.4.2015) by virtue of The Shared Parental Leave and Statutory Shared Parental Pay (Consequential Amendments to Subordinate Legislation) Order 2014 (S.I. 2014/3255), arts. 1(3), **5(2)(a)(i)** (with art. 35(1))
- F72** Words in reg. 2(1) omitted (5.4.2015) by virtue of The Shared Parental Leave and Statutory Shared Parental Pay (Consequential Amendments to Subordinate Legislation) Order 2014 (S.I. 2014/3255), arts. 1(3), **5(2)(a)(ii)** (with art. 35(1))
- F73** 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)**
- F74** 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)
- F75** 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)**
- F76** 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)**
- F77** 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)**
- F78** 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)**
- F79** 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)**
- F80** 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)**
- F81** 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)**
- F82** 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)**
- F83** Words in reg. 2(1) inserted (6.4.2010) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2010 (S.I. 2010/641), regs. 1(1), **2(3)(a)**
- F84** 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)**
- F85** Words in reg. 2(1) inserted (31.10.2011) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2011 (S.I. 2011/2425), regs. 1(2), **7(2)(a)**
- F86** Words in reg. 2(1) inserted (3.4.2017) by The Social Security (Scottish Infected Blood Support Scheme) Regulations 2017 (S.I. 2017/329), regs. 1, **3(2)(a)**

- F87** 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)**
- F88** Words in reg. 2(1) inserted (1.4.2017) by The Crown Estate Transfer Scheme 2017 (S.I. 2017/524), art. 1(2), **Sch. 5 para. 67(b)**
- F89** 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**
- F90** 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)**
- F91** Words in reg. 2(1) inserted (6.4.2016) by The Social Security (Scottish Rate of Income Tax etc.) (Amendment) Regulations 2016 (S.I. 2016/233), regs. 1, **2(2)**
- F92** Words in reg. 2(1) inserted (3.4.2017) by The Social Security (Scottish Infected Blood Support Scheme) Regulations 2017 (S.I. 2017/329), regs. 1, **3(2)(b)**
- F93** 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**
- F94** Words in reg. 2(1) omitted (28.4.2014) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2014 (S.I. 2014/591), regs. 1, **2(2)(a)**
- F95** Words in reg. 2(1) inserted (31.12.2014) by The Shared Parental Leave and Statutory Shared Parental Pay (Consequential Amendments to Subordinate Legislation) Order 2014 (S.I. 2014/3255), arts. 1(2), **5(2)(b)**
- F96** 1975 c. 14.
- F97** 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)**
- F98** Words in reg. 2(1) omitted (6.4.2009) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2009 (S.I. 2009/583), regs. 1(2), **2(2)(b)**
- F99** 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)**
- F100** 1976 c. 71, as amended by section 6(1) of, and Part I of Schedules 2 to, the Social Security Act 1980 (c. 30).
- F101** S.I. 1976/965; the relevant amending instruments are S.I. 1980/1054, 1982/470 and 1987/357.
- F102** Words in reg. 2(1) inserted (31.10.2011) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2011 (S.I. 2011/2425), regs. 1(2), **7(2)(b)**
- F103** 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)**
- F104** Words in reg. 2(1) omitted (17.11.2008) by virtue of The Social Security (Miscellaneous Amendments) (No.6) Regulations 2008 (S.I. 2008/2767), regs. 1(2), **2(2)(a)(iv)**
- F105** Words in reg. 2(1) omitted (17.11.2008) by virtue of The Social Security (Miscellaneous Amendments) (No.6) Regulations 2008 (S.I. 2008/2767), regs. 1(2), **2(2)(a)(ii)**
- F106** Words in reg. 2(1) omitted (17.11.2008) by virtue of The Social Security (Miscellaneous Amendments) (No.6) Regulations 2008 (S.I. 2008/2767), regs. 1(2), **2(2)(a)(iii)**
- F107** 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)**
- F108** Words in reg. 2(1) omitted (17.11.2008) by virtue of The Social Security (Miscellaneous Amendments) (No.6) Regulations 2008 (S.I. 2008/2767), regs. 1(2), **2(2)(a)(v)**
- F109** 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)**
- F110** 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)**
- F111** 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)**
- F112** 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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- F113** 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)**
- F114** 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))
- F115** Words in reg. 2(1)(a) omitted (26.5.2015) by virtue of The Deregulation Act 2015 (Consequential Amendments) Order 2015 (S.I. 2015/971), art. 1(2)(a), **Sch. 3 para. 2(2)(a)**
- F116** 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)**
- F117** Words in reg. 2(1) inserted (6.4.2009) by The Social Security (Miscellaneous Amendments) Regulations 2009 (S.I. 2009/583), regs. 1(2), **2(3)(a)**
- F118** 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)**
- F119** Words in reg. 2(1) omitted (1.5.2012) by virtue of S.I. The Young People's Learning Agency Abolition (Consequential Amendments to Subordinate Legislation) (England) Order 2012 (2012/956), arts. 1, **3(2)**
- F120** Words in reg. 2(1) substituted (5.1.2009) by The Social Security (Miscellaneous Amendments) (No. 7) Regulations 2008 (S.I. 2008/3157), regs. 1(1), **2(2)(d)**
- F121** 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))
- F122** Words in reg. 2(1)(c) omitted (26.5.2015) by virtue of The Deregulation Act 2015 (Consequential Amendments) Order 2015 (S.I. 2015/971), art. 1(2)(a), **Sch. 3 para. 2(2)(b)**
- F123** 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)**
- F124** 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**
- F125** Words in reg. 2(1) inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **28(2)(c)**
- F126** 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))
- F127** Words in reg. 2(1) inserted (5.1.2009) by The Social Security (Miscellaneous Amendments) (No. 7) Regulations 2008 (S.I. 2008/3157), regs. 1(1), **2(2)(f)**
- F128** Words in reg. 2(1) omitted (5.1.2009) by virtue of The Social Security (Miscellaneous Amendments) (No. 7) Regulations 2008 (S.I. 2008/3157), regs. 1(1), **2(2)(e)**
- F129** 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)**
- F130** Words in reg. 2(1) inserted (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **2(2)(e)**
- F131** 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)**
- F132** 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)**
- F133** 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)**
- F134** 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)**
- F135** Words in reg. 2(1) omitted (17.11.2008) by virtue of The Social Security (Miscellaneous Amendments) (No.6) Regulations 2008 (S.I. 2008/2767), regs. 1(2), **2(2)(d)**
- F136** 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))



- F137** 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)**
- F138** 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)**
- F139** 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)**
- F140** Reg. 2(1B) inserted (28.4.2014) by The Social Security (Miscellaneous Amendments) Regulations 2014 (S.I. 2014/591), regs. 1, **2(2)(b)**
- F141** Reg. 2(1B)(ab) inserted (23.2.2015) by The Social Security (Miscellaneous Amendments) Regulations 2015 (S.I. 2015/67), regs. 1, **2(1)(2)(a)**
- F142** Words in reg. 2(1B)(b) substituted (23.2.2015) by The Social Security (Miscellaneous Amendments) Regulations 2015 (S.I. 2015/67), regs. 1, **2(1)(2)(b)**
- F143** 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](#)

**[<sup>F144</sup>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) [<sup>F145</sup>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 [<sup>F146</sup>5th October 1998].]
- [<sup>F147</sup>(c) to a person who—
- (i) is a person in respect of whom a claim for income support is made;
  - (ii) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act;
  - (iii) is not entitled to any income support for the purposes of section 124 of the Contributions and Benefits Act; and
  - (iv) has not previously been allocated a national insurance number.]

**Textual Amendments**

- F144** 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**
- F145** 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**

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Changes to legislation: There are currently no known outstanding effects for the The Income Support (General) Regulations 1987, PART I. (See end of Document for details)

**F146** 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

**F147** Reg. 2A(c) added (6.4.2009) by The Social Security (National Insurance Number Information: Exemption) Regulations 2009 (S.I. 2009/471), regs. 1, 5

**Definition of non-dependant**

3.—(1) In these Regulations, “non-dependant” means any person, except someone <sup>F148</sup>to whom paragraph (2), (2A) or (2B) applies], who normally resides with a claimant <sup>F149</sup>or with whom a claimant normally resides.]

<sup>F150</sup>(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 <sup>F151</sup>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.]

<sup>F152</sup>(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 <sup>F153</sup>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**

- F148** 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))
- F149** 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)**
- F150** 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))
- F151** 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))
- F152** 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)**
- F153** 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](#)

**[<sup>F154</sup>Permitted period**

**3A.**—(1) For the purposes of regulation 17(6), <sup>F155</sup>... 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, <sup>F156</sup>... shall be twelve weeks; or
- (b) for any other reason, the permitted period shall be eight weeks.

<sup>F157</sup>(2) .....

<sup>F158</sup>(3) ..... ]

**Textual Amendments**

- F154** [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**
- F155** 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**
- F156** 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)**
- F157** [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)**
- F158** [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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**C4** Reg. 3A applied (with modifications) (22.10.2012) by S.I. 1996/207, reg. 87(7) (as amended by The Jobseeker's Allowance (Sanctions) (Amendment) Regulations 2012 (S.I. 2012/2568), regs. 1(1), 5(19))

**Status:**

Point in time view as at 03/04/2017.

**Changes to legislation:**

There are currently no known outstanding effects for the The Income Support (General) Regulations 1987, PART I.