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## STATUTORY INSTRUMENTS

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# 1987 No. 1967

## The Income Support (General) Regulations 1987

### PART II

#### CONDITIONS OF ENTITLEMENT

##### [<sup>F1</sup>Prescribed categories of person

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

(2) Paragraph (1) does not apply to a [<sup>F2</sup>full-time student] during the period of study.

(3) A [<sup>F2</sup>full-time student] during the period of study falls within a prescribed category of person for the purposes of section 124(1)(e) of the Contributions and Benefits Act only if—

- (a) [<sup>F3</sup>paragraph 1 of Part I of the Schedule to the Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000] applies to him; or
- (b) paragraph 1, 2, 10, 11, 12, or 18 of Schedule 1B applies to him; or
- (c) any other paragraph of Schedule 1B applies to him and he has a partner who is also a [<sup>F2</sup>full-time student], and either he or his partner is treated as responsible for a child or young person, but this provision shall apply only for the period of the summer vacation appropriate to his course.]

[<sup>F4</sup>(3A) Paragraph (1) does not apply to a person to whom section 6 of the Children (Leaving Care) Act 2000 (exclusion from benefits) applies.]

[<sup>F5</sup>(4) A person who falls within a prescribed category in Schedule 1B for the purposes of this regulation for any day in a benefit week, shall fall within that category for the whole of that week.]

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#### Textual Amendments

- F1** Reg. 4ZA inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income Support \(General\) \(Jobseeker's Allowance Consequential Amendments\) Regulations 1996](#) (S.I. 1996/206), regs. 1(1), **4**
- F2** Words in reg. 4ZA(2)(3) substituted (31.7.2000) by [The Social Security Amendment \(Students\) Regulations 2000](#) (S.I. 2000/1981), regs. 1(1), 5(5), **Sch.**
- F3** Words in reg. 4ZA(3)(a) substituted (3.4.2000) by [The Social Security \(Immigration and Asylum\) Consequential Amendments Regulations 2000](#) (S.I. 2000/636), regs. 1(1), **3(3)**
- F4** Reg. 4ZA(3A) inserted (1.10.2001) by [The Children \(Leaving Care\) Act 2000 \(Commencement No. 2 and Consequential Provisions\) Order 2001](#) (S.I. 2001/3070), art. 3(1), **Sch. 1** (a)
- F5** Reg. 4ZA(4) added (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Income-related Benefits and Jobseeker's Allowance \(Amendment\) \(No. 2\) Regulations 1997](#) (S.I. 1997/2197), regs. 1(2), **5(2)**

*Status: Point in time view as at 06/10/2003.*

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

### Temporary absence from Great Britain

4.—(1) Where a claimant is entitled to income support for a period immediately preceding a period of temporary absence from Great Britain, his entitlement to income support [<sup>F6</sup>shall continue only—

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

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

- (a) the period of absence is unlikely to exceed 52 weeks; and
- (b) while absent from Great Britain, the claimant continues to satisfy the other conditions of entitlement to income support; and
- (c) any one of the following conditions applies—

[<sup>F7</sup>(i) the claimant falls within one or more of the prescribed categories of person listed in Schedule 1B other than paragraphs 7, 15, 20, 21, 24, 25, 26 or 27 of that Schedule; or]

[<sup>F7</sup>(ii) the claimant falls within paragraph 7 of Schedule 1B (persons incapable of work) and his absence from Great Britain is for the sole purpose of receiving treatment from an appropriately qualified person for the incapacity by reason of which he satisfies the conditions of that paragraph; or]

(iii) he is in Northern Ireland; or

(iv) he is a member of a couple and he and his partner are both absent from Great Britain, and a premium referred to in paragraph 9, [<sup>F8</sup>9A,] 10, 11 or 13 of Schedule 2 (applicable amounts) is applicable in respect of his partner [<sup>F9</sup> or

[<sup>F10</sup>(v) on the day on which the absence began he had satisfied the provisions of [<sup>F11</sup>paragraph 7 of Schedule 1B] (persons incapable of work) for a continuous period of not less than—

(aa) 196 days in the case of a claimant who is terminally ill within the meaning of section 30B(4) of the Contributions and Benefits Act, or who is entitled to the highest rate of the care component of disability living allowance; or

(bb) 364 days in any other case,

and for this purpose any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period.]]

[<sup>F12</sup>(3) The circumstances in which a claimant's entitlement to income support is to continue during the first 8 weeks of a temporary absence from Great Britain are that—

- (a) the period of absence is unlikely to exceed 52 weeks; and
- (b) the claimant continues to satisfy the other conditions of entitlement to income support; and
- (c) the claimant is, or the claimant and any other member of his family are, accompanying a member of the claimant's family who is a child or young person solely in connection with arrangements made for the treatment of that child or young person for a disease or bodily or mental disablement; and
- (d) those arrangements relate to treatment—
  - (i) outside Great Britain;
  - (ii) during the period whilst the claimant is, or the claimant and any member of his family are, temporarily absent from Great Britain; and

(iii) by, or under the supervision of, a person appropriately qualified to carry out that treatment.]

[<sup>F12</sup>(4) In paragraphs (2) and (3) “appropriately qualified” means qualified to provide medical treatment, physiotherapy or a form of treatment which is similar to, or related to, either of those forms of treatment.]

#### Textual Amendments

- F6** Words in reg. 4(1) substituted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1990 \(S.I. 1990/547\)](#), regs. 1(1)(b), **3(a)**
- F7** [Reg. 4\(2\)\(c\)\(i\)\(ii\)](#) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income Support \(General\) \(Jobseeker’s Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), **regs. 1(1), 5(2)**
- F8** Word in [reg. 4\(2\)\(c\)\(iv\)](#) inserted (with effect in accordance with reg. 1(6) of the amending S.I.) by [The Income-related Benefits Schemes and Social Fund \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/1944\)](#), regs. 1(1)(a), **6(3)** (with [reg. 13](#))
- F9** [Reg. 4\(2\)\(c\)\(v\)](#) and word added (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **3**
- F10** [Reg. 4\(2\)\(c\)\(v\)](#) substituted (13.4.1995) by [The Disability Working Allowance and Income Support \(General\) Amendment Regulations 1995 \(S.I. 1995/482\)](#), regs. 1(1), **5** (with [reg. 1\(4\)](#))
- F11** Words in [reg. 4\(2\)\(c\)\(v\)](#) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income Support \(General\) \(Jobseeker’s Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), regs. 1(1), **5(3)**
- F12** [Reg. 4\(3\)\(4\)](#) added (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1990 \(S.I. 1990/547\)](#), regs. 1(1)(b), **3(b)**

#### Modifications etc. (not altering text)

- C1** [Reg. 4\(2\)\(c\)\(v\)](#) modified (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income Support \(General\) \(Jobseeker’s Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), regs. 1(1), **27(2)**

#### Commencement Information

- I1** Reg. 4 in force at 11.4.1988, see [reg. 1](#)

### Persons treated as engaged in remunerative work

5.—(1) Subject to the following provisions of this regulation, for the purposes of section 20(3) (c) of the Act (conditions of entitlement to income support), remunerative work is work in which a person is engaged, or, where his hours of work fluctuate, he is engaged on average, for [<sup>F13</sup>not less than 16 hours] a week being work for which payment is made or which is done in expectation of payment.

[<sup>F14</sup>(1A) In the case of any partner of the claimant paragraph (1) shall have effect as though for the words “16 hours” there were substituted the words “24 hours”.]

(2) [<sup>F15</sup>Subject to paragraph (3B),] the number of hours for which a person is engaged in work shall be determined—

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

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

- (b) where the number of hours for which he is engaged fluctuate, by reference to the average of hours worked over—
  - (i) if there is a recognisable cycle of work, the period of one complete cycle (including, where the cycle involves periods in which the person does no work, those periods but disregarding any other absences);
  - (ii) in any other case, the period of five weeks immediately before the date of claim or the date <sup>F16</sup>on which a superseding decision is made under section 10 (decisions superseding earlier decisions) of the Social Security Act 1998], or such other length of time as may, in the particular case, enable the person's average hours of work to be determined more accurately.

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

<sup>F17</sup>(3A) A person shall not be treated as engaged in remunerative work on any day on which the person is on maternity leave<sup>F18</sup>, paternity leave or adoption leave] or is absent from work because he is ill.]

<sup>F19</sup>(3B) Where for the purpose of paragraph (2)(b)(i), a person's recognisable cycle of work at a school, other educational establishment or other place of employment is one year and includes periods of school holidays or similar vacations during which he does not work, those periods and any other periods not forming part of such holidays or vacations during which he is not required to work shall be disregarded in establishing the average hours for which he is engaged in work.]

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

(5) A person who was, or was treated as being, engaged in remunerative work and in respect of that work earnings to which <sup>F21</sup>regulation 35(1)(b) to (d) and (i)] (earnings of employed earners) applies are <sup>F22</sup>paid] shall be treated as being engaged in remunerative work for the period for which those earnings are taken into account in accordance with Part V.

<sup>F23</sup>(6) For the purposes of this regulation, in determining the number of hours in which a person is engaged or treated as engaged in remunerative work, no account shall be taken of any hours in which the person is engaged in an employment or a scheme to which <sup>F24</sup>regulation 6(1)] (persons not treated as engaged in remunerative work) applies.]

<sup>F25</sup>(7) For the purposes of paragraphs (1) and (2), in determining the number of hours for which a person is engaged in work, that number shall include any time allowed to that person by his employer for a meal or for refreshment, but only where that person is, or expects to be, paid earnings in respect of that time.]

- <sup>F26</sup>(8) .....
- <sup>F26</sup>(9) .....
- <sup>F26</sup>(10) .....

**Textual Amendments**

**F13** Sch. 9 para. 19 substituted (with effect in accordance with reg. 1(3) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1994 \(S.I. 1994/527\)](#), regs. 1(1)(b), **9(3)**

- F14** Reg. 5(1A) inserted (with effect in accordance with reg. 1(6) of the amending S.I.) by The Income-related Benefits Schemes and Social Fund (Miscellaneous Amendments) Regulations 1996 (S.I. 1996/1944), regs. 1(1)(a), **6(4)** (with reg. 13)
- F15** Words in reg. 5(2) inserted (10.4.1995) by The Income-related Benefits Schemes (Miscellaneous Amendments) Regulations 1995 (S.I. 1995/516), regs. 1(1)(a), **19(a)** (with reg. 1(2))
- F16** Words in reg. 5(2)(b)(ii) substituted (29.11.1999) by The Social Security Act 1998 (Commencement No. 12 and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/3178), reg. 3(1)(a), **Sch. 5 para. 1** (with reg. 3(1)(b), Schs. 21-23)
- F17** Reg. 5(3A) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Income-related Benefits Schemes (Miscellaneous Amendments) (No. 4) Regulations 1993 (S.I. 1993/2119), regs. 1(1)(a), **3(2)**
- F18** Words in reg. 5(3A) inserted (8.12.2002) by The Social Security (Paternity and Adoption) Amendment Regulations 2002 (S.I. 2002/2689), regs. 1(1)(b), **2(3)**
- F19** Reg. 5(3B) inserted (10.4.1995) by The Income-related Benefits Schemes (Miscellaneous Amendments) Regulations 1995 (S.I. 1995/516), regs. 1(1)(a), **19(b)** (with reg. 1(2))
- F20** Words in reg. 5(4) inserted (11.4.1988) by The Income Support (General) Amendment Regulations 1988 (S.I. 1988/663), regs. 1(1), **4**
- F21** Words in reg. 5(5) substituted (9.10.1989) by The Income Support (General) Amendment No. 2 Regulations 1989 (S.I. 1989/1323), regs. 1(1)(b), **3**
- F22** Word in reg. 5(5) substituted (12.12.1988) by The Income Support (General) Amendment No. 5 Regulations 1988 (S.I. 1988/2022), regs. 1(1)(a), **3**
- F23** Reg. 5(6) added (12.9.1988) by The Income Support (General) Amendment No. 4 Regulations 1988 (S.I. 1988/1445), regs. 1(1)(b), **3**
- F24** Words in reg. 5(6) substituted (3.4.2000) by The Social Security (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/681), regs. 1(1)(c), **2(a)**
- F25** Reg. 5(7) added (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by The Income Support (General) Amendment Regulations 1990 (S.I. 1990/547), regs. 1(1)(b), **4**
- F26** Reg. 5(8)-(10) omitted (9.4.2001) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2001 (S.I. 2001/488), regs. 1(1), **3**

**Modifications etc. (not altering text)**

- C2** Reg. 5 applied (S.) (5.8.2003) by The National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Regulations 2003 (S.S.I. 2003/376), regs. 1, 9(9), **sch. 2**

**Commencement Information**

- I2** Reg. 5 in force at 11.4.1988, see [reg. 1](#)

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

- 6.**—<sup>F27</sup>(1) A person shall not be treated as engaged in <sup>F28</sup>remunerative work in so far as—
- <sup>F29</sup>(a) .....
  - (b) he is engaged in child minding in his home;
  - (c) he is engaged by a charity or <sup>F30</sup>voluntary organisation<sup>F31</sup>...,] or is a volunteer where the only payment received by him or due to be paid to him, is a payment which is to be disregarded under regulation 40(2) and paragraph 2 of Schedule 9 (sums to be disregarded in the calculation of income other than earnings);
  - (d) he is engaged on a scheme for which a training allowance is being paid; <sup>F32</sup>...
  - <sup>F33</sup>(e) .....
  - <sup>F33</sup>(f) .....

*Status: Point in time view as at 06/10/2003.*

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

- <sup>F33</sup>(g) .....
- <sup>F34</sup>(h) he is engaged in any one of the employments mentioned in heads (a) to (d) of sub-paragraph (1) of paragraph 7 of Schedule 8 (which relates to persons serving as firemen, in coastal rescue activities etc); <sup>F35</sup> ...]
- <sup>F34</sup>(j) he is performing his duties as a councillor, and for this purpose “councillor” has the same meaning as in [<sup>F36</sup>section 171F(2) of the Contributions and Benefits Act][<sup>F37</sup>; or]]
- <sup>F38</sup>(k) he is engaged in caring for a person who is accommodated with him by virtue of arrangements made under any of the provisions referred to in paragraph 26 [<sup>F39</sup>or in accordance with paragraph 27] of Schedule 9 (sums to be disregarded in the calculation of income other than earnings) and is in receipt of any payment specified in [<sup>F40</sup>those paragraphs].]
- <sup>F41</sup>(m) he is engaged in an activity in respect of which—
- (i) a sports award has been made, or is to be made, to him; and
  - (ii) no other payment is made or is expected to be made to him.]
- <sup>F42</sup>(2) A lone parent shall not be treated as engaged in remunerative work for the period specified in paragraph (3) in so far as—
- (a) he is engaged in work which—
    - (i) is remunerative work; and
    - (ii) he is expected to be engaged in for a period of no less than five weeks; and
  - (b) he had been, for a continuous period of 26 weeks ending on the day before the day on which he commenced the work referred to in sub-paragraph (a)—
    - (i) entitled to and in receipt of income support or income-based jobseeker’s allowance; and
    - (ii) a lone parent.
- (3) A person referred to in paragraph (2) shall not be treated as engaged in remunerative work for the period of 14 days commencing with the day on which he was first engaged in the work referred to in sub-paragraph (a) of that paragraph.]
- <sup>F43</sup>(4) The following persons shall not be treated as engaged in remunerative work—
- (a) a person who is mentally or physically disabled and by reason of that disability—
    - (i) his earnings are reduced to 75 per cent. or less of what a person without that disability and working the same number of hours would reasonably be expected to earn in that employment or in comparable employment in the area; or
    - (ii) his number of hours of work are 75 per cent. or less of what a person without that disability would reasonably be expected to undertake in that employment or in comparable employment in the area;
  - (b) subject to regulation 5(4) and (5) (persons treated as engaged in remunerative work), a person to whom section 126 of the Contributions and Benefits Act (trade disputes) applies or in respect of whom section 124(1) of that Act (conditions of entitlement to income support) has effect as modified by section 127(b) of that Act (effect of return to work);
  - (c) a person to whom paragraph 4 of Schedule 1B applies;
- <sup>F44</sup>(d) a person who is in employment, who lives in, or is temporarily absent from, a residential care home, a nursing home or residential accommodation and who requires personal care by reason of old age, disablement, past or present dependence on alcohol or drugs, past or present mental disorder or a terminal illness.]]

[<sup>F45</sup>(5) A person shall not be treated as engaged in remunerative work for the period specified in paragraph (6) in so far as—

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

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

- (a) the period of four weeks commencing with the day on which he was first engaged in the work referred to in sub-paragraph (a) of that paragraph; or
- (b) in the case of a person to whom paragraph (2) applies, a period of two weeks commencing with the day after the end of the 14 day period specified in paragraph (3).

(7) In calculating the period of benefit entitlement referred to in paragraph (2)(b) or (5)(b), no account shall be taken of entitlement arising by virtue of paragraph (3) or (6).

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

#### Textual Amendments

- F27** Reg. 6(1): reg. 6 renumbered as reg. 6(1) (4.10.1999) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 1999](#) (S.I. 1999/2556), regs. 1, **2(3)**
- F28** Words in reg. 6 substituted (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988](#) (S.I. 1988/1445), regs. 1(1)(b), **4(a)**
- F29** Reg. 6(1)(a) omitted (3.4.2000) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 2000](#) (S.I. 2000/681), regs. 1(1)(c), **2(b)(i)**
- F30** Words in reg. 6(c) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No.5\) Regulations 1994](#) (S.I. 1994/2139), regs. 1(1)(a), **23(a)**
- F31** Words in reg. 6(c) omitted (10.4.1995) by virtue of [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1995](#) (S.I. 1995/516), regs. 1(1)(a), **20** (with reg. 1(2))
- F32** Word in reg. 6(d)(e) omitted (6.4.1992) by virtue of [The Income Support \(General\) Amendment Regulations 1992](#) (S.I. 1992/468), regs. 1(1), **2(a)** (with reg. 1(2))
- F33** Reg. 6(1)(e)-(g) omitted (3.4.2000) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 2000](#) (S.I. 2000/681), regs. 1(1)(c), **2(b)(i)**

**Status:** Point in time view as at 06/10/2003.

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

- F34** Reg. 6(h)(j) added (6.4.1992) by The Income Support (General) Amendment Regulations 1992 (S.I. 1992/468), regs. 1(1), **2(b)** (with reg. 1(2))
- F35** Word in reg. 6(h) revoked (with effect in accordance with reg. 1(2) of the amending S.I.) by The Income-related Benefits Schemes (Miscellaneous Amendments) (No. 3) Regulations 1992 (S.I. 1992/2155), regs. 1(1), **13(a)**
- F36** Words in reg. 6(1)(j) substituted (3.4.2000) by The Social Security (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/681), regs. 1(1)(c), **2(b)(ii)**
- F37** Words in reg. 6(j) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Income-related Benefits Schemes (Miscellaneous Amendments) (No. 3) Regulations 1992 (S.I. 1992/2155), regs. 1(1), **13(b)**
- F38** Reg. 6(k) added (with effect in accordance with reg. 1(2) of the amending S.I.) by The Income-related Benefits Schemes (Miscellaneous Amendments) (No. 3) Regulations 1992 (S.I. 1992/2155), regs. 1(1), **13(c)**
- F39** Words in reg. 6(k) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Income-related Benefits Schemes (Miscellaneous Amendments) (No.5) Regulations 1994 (S.I. 1994/2139), regs. 1(1)(a), **23(b)**
- F40** Words in reg. 6(k) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Income-related Benefits Schemes (Miscellaneous Amendments) (No.5) Regulations 1994 (S.I. 1994/2139), regs. 1(1)(a), **23(b)**
- F41** Reg. 6(m) added (23.8.1999) by The Social Security Amendment (Sports Awards) Regulations 1999 (S.I. 1999/2165), regs. 1(1), **6(2)**
- F42** Reg. 6(2)(3) added (4.10.1999) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 1999 (S.I. 1999/2556), regs. 1, **2(3)**
- F43** Reg. 6(4) added (3.4.2000) by The Social Security (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/681), regs. 1(1)(c), **2(b)(iii)**
- F44** Reg. 6(4)(d) substituted (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. 2**
- F45** Reg. 6(5)-(8) added (9.4.2001) by The Social Security (Miscellaneous Amendments) Regulations 2001 (S.I. 2001/488), regs. 1(1), **4**

#### Modifications etc. (not altering text)

- C3** Reg. 6(1) modified (temp. until 27.11.2001) (28.11.2000) by The Social Security (New Deal Pilot) Regulations 2000 (S.I. 2000/3134), regs. 1(1)(b), **13(2)** (with regs. 1(2), 11, 19)

#### Commencement Information

- I3** Reg. 6 in force at 11.4.1988, see reg. 1

## Meaning of employment

**F467.** . . . . .

#### Textual Amendments

- F46** Reg. 7 revoked (with effect in accordance with reg. 1(2) of the amending S.I.) by The Income Support (General) (Jobseeker's Allowance Consequential Amendments) Regulations 1996 (S.I. 1996/206), reg. 1(1), **Sch. 3**

#### Commencement Information

- I4** Reg. 7 in force at 11.4.1988, see reg. 1

## Persons not required to be available for employment

**F47**8. ....

### Textual Amendments

**F47** Reg. 8 revoked (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income Support \(General\) \(Jobseeker's Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), reg. 1(1), [Sch. 3](#)

### Commencement Information

**I5** Reg. 8 in force at 11.4.1988, see [reg. 1](#)

## Persons treated as available for employment

**F48**9. ....

### Textual Amendments

**F48** Reg. 9 revoked (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income Support \(General\) \(Jobseeker's Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), reg. 1(1), [Sch. 3](#)

### Commencement Information

**I6** Reg. 9 in force at 11.4.1988, see [reg. 1](#)

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

**F49**10. ....

### Textual Amendments

**F49** Reg. 10 revoked (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income Support \(General\) \(Jobseeker's Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), reg. 1(1), [Sch. 3](#)

### Commencement Information

**I7** Reg. 10 in force at 11.4.1988, see [reg. 1](#)

## Actively seeking employment

**F50**10A. ....

### Textual Amendments

**F50** Reg. 10A revoked (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income Support \(General\) \(Jobseeker's Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), reg. 1(1), [Sch. 3](#)

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

## Registration for employment

<sup>F51</sup>11. ....

### Textual Amendments

**F51** Reg. 11 revoked (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income Support \(General\) \(Jobseeker’s Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), reg. 1(1), [Sch. 3](#)

### Commencement Information

**I8** Reg. 11 in force at 11.4.1988, see [reg. 1](#)

## [<sup>F52</sup>Relevant Education

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

- (a) he is not receiving advanced education; but
- (b) he is receiving full-time education for the purposes of section 2 of the Child Benefit Act 1975 (meaning of child) or, as the case may be, he is treated as a child for the purposes of that section.

(2) For the purposes of this regulation “receiving advanced education” means participating in any course (whether full-time or part-time)—

- (a) leading to a postgraduate degree or comparable qualification, a first degree or comparable qualification, a diploma of higher education, [<sup>F53</sup>a higher national diploma or higher national certificate of either the Business & [<sup>F54</sup>Technology] Education Council] or the Scottish Vocational Education Council or a teaching qualification; or
- (b) any other course which is a course of a standard above ordinary national diploma, [<sup>F55</sup>a national diploma or national certificate of either the Business & [<sup>F54</sup>Technology] Education Council or the Scottish Vocational Education Council], a general certificate of education (advanced level), a Scottish certificate of education [<sup>F56</sup>(higher level)] or a Scottish certificate of sixth year studies.]

### Textual Amendments

**F52** Reg. 12 substituted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1990 \(S.I. 1990/547\)](#), regs. 1(1)(b), [5](#)

**F53** Words in reg. 12(2)(a) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 3\) Regulations 1992 \(S.I. 1992/2155\)](#), regs. 1(1), [14\(a\)](#)

**F54** Word in reg. 12(2) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 4\) Regulations 1993 \(S.I. 1993/2119\)](#), regs. 1(1)(a), [4](#)

**F55** Words in reg. 12(2)(b) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 3\) Regulations 1992 \(S.I. 1992/2155\)](#), regs. 1(1), [14\(b\)\(i\)](#)

**F56** Words in reg. 12(2)(b) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 3\) Regulations 1992 \(S.I. 1992/2155\)](#), regs. 1(1), [14\(b\)\(ii\)](#)

**Commencement Information**

**I9** Reg. 12 in force at 11.4.1988, see [reg. 1](#)

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

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

(2) This paragraph applies to <sup>F57</sup>a person aged 16 or over but under 19 (hereinafter referred to as an eligible person)] who—

- (a) is the parent of a child for whom he is treated as responsible under regulation 15 (circumstances in which a person is to be treated as responsible or not responsible for another) and who is treated as a member of his household under regulation 16 (circumstances in which a person is to be treated as being or not being a member of the household); or
- (b) is severely mentally or physically handicapped and because of that he would be unlikely, even if he were available for employment, to obtain employment within the next 12 months; or
- (c) has no parent nor any person acting in the place of his parents; or

<sup>F58</sup>(d) of necessity has to live away from his <sup>F59</sup>parents and any] person acting in the place of his parents because—

- (i) he is estranged from his <sup>F59</sup>parents and that person]; or
- (ii) he is in physical or moral danger; or
- (iii) there is a serious risk to his physical or mental health;]

<sup>F60</sup>(dd) has ceased to live in accommodation provided for him by a local authority under Part III of the Children Act 1989(local authority support for children and families) and is of necessity living away from his parents and any person acting in place of his parents;]

- (e) is living away from his parents and any person acting in the place of his parents in a case where his parents are or, as the case may be, that person is unable financially to support him and—
  - (i) chronically sick or mentally or physically disabled; or
  - (ii) detained in custody pending trial or sentence upon conviction or under a sentence imposed by a court; or
  - (iii) prohibited from entering or re-entering Great Britain; or

<sup>F61</sup>(f) .....

<sup>F61</sup>(g) .....

<sup>F62</sup>(h) is a person to whom paragraph 18 of Schedule 1B (refugees) applies.]

(3) In this regulation—

<sup>F63</sup>(a) any reference to a person acting in the place of an eligible person’s parents includes—

- (i) for the purposes of paragraph (2)(c), (d) and (dd), a reference to a local authority or voluntary organisation where the eligible person is being looked after by them under a relevant enactment or where the eligible person is placed by the local authority or voluntary organisation with another person, that other person, whether or not a payment is made to him;

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- (ii) for the purposes of paragraph (2)(e), the person with whom the person is so placed;]
- (b) “chronically sick or mentally or physically disabled” means, in relation to a person to whom that expression refers, a person—
  - (i) in respect of whom the condition specified in paragraph 12(1) of Schedule 2 (additional condition for the higher pensioner and disability premiums) is satisfied; or
  - (ii) in respect of whom an amount under article 26 of the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 1983 <sup>F64</sup> (provision of expenses in respect of appropriate aids for disabled living) is payable in respect of the cost of providing a vehicle, or maintaining a vehicle to a disabled person; or
  - (iii) who is substantially and permanently disabled.

**Textual Amendments**

- F57** Words in reg. 13(2) substituted (7.10.1991) by [The Income Support \(General\) Amendment No. 4 Regulations 1991 \(S.I. 1991/1559\)](#), regs. 1(1)(c), **6(a)** (with reg. 1(2))
- F58** Reg. 13(2)(d) substituted (10.7.1989) by [The Family Credit and Income Support \(General\) Amendment Regulations 1989 \(S.I. 1989/1034\)](#), regs. 1(1)(a), **4** (with reg. 13)
- F59** Words in reg. 13(2)(d) substituted (8.4.1991) by [The Income Support \(General\) Amendment Regulations 1991 \(S.I. 1991/236\)](#), regs. 1(1)(b), **5** (with reg. 1(2))
- F60** Reg. 13(2)(dd) inserted (6.4.1992) by [The Income Support \(General\) Amendment Regulations 1992 \(S.I. 1992/468\)](#), regs. 1(1), **3(1)** (with reg. 1(2))
- F61** Reg. 13(2)(f)(g) omitted (with effect in accordance with reg. 1(2) of the amending S.I.) by virtue of [The Income Support \(General\) \(Jobseeker’s Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), **regs. 1(1), 7(a)**
- F62** Reg. 13(2)(h) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income Support \(General\) \(Jobseeker’s Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), **regs. 1(1), 7(b)**
- F63** Reg. 13(3)(a) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1992 \(S.I. 1992/468\)](#), reg. 1(1), **Sch. para. 2** (with Sch. para. 11)
- F64** S.I. 1983/883.

**Commencement Information**

- I10** Reg. 13 in force at 11.4.1988, see [reg. 1](#)

**Persons under 18 years**

<sup>F65</sup>**13A.** . . . . .

**Textual Amendments**

- F65** [Reg. 13A](#) revoked (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income Support \(General\) \(Jobseeker’s Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/206\)](#), **reg. 1(1), Sch. 3**

**Status:**

Point in time view as at 06/10/2003.

**Changes to legislation:**

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