
STATUTORY INSTRUMENTS

1987 No. 1967

The Income Support (General) Regulations 1987

PART IV

APPLICABLE AMOUNTS

Applicable amounts

17.—(1) Subject to regulations 18 to 22 and 70 (applicable amounts in other cases and reductions in applicable amounts and urgent cases), a claimant's weekly applicable amount shall be the aggregate of such of the following amounts as may apply in his case:

- (a) an amount in respect of himself or, if he is a member of a couple, an amount in respect of both of them, determined in accordance with paragraph 1 (1), (2) or (3), as the case may be, of Schedule 2;
- (b) an amount determined in accordance with paragraph 2 of Schedule 2 in respect of any child or young person who is a member of his family, except a child or young person whose capital, if calculated in accordance with Part V in like manner as for the claimant, [^{F1}except as provided in regulation 44(1) (modifications in respect of children and young persons)], would exceed £3,000;
- [^{F2}(b)] an amount in respect of himself, or where the claimant is a member of a family, an amount in respect of any member of the family aged 16 or over, determined in accordance with paragraph 2A of Schedule 2 (residential allowance);]
- (c) if he is a member of a family of which at least one member is a child or young person, an amount determined in accordance with Part II of Schedule 2 (family premium);
- (d) the amount of any premiums which may be applicable to him, determined in accordance with Parts III and IV of Schedule 2 (premiums);
- (e) any amounts determined in accordance with Schedule 3 (housing costs) which may be applicable to him in respect of mortgage interest payments or such other housing costs as are prescribed in that Schedule.
- [^{F3}(f) any amounts determined in accordance with [^{F4}paragraphs (2) to (7)].]
- [^{F5}(g) the amount of the protected sum which may be applicable to him determined in accordance with Schedule 3A][^{F6}or, as the case may be, 3B].
- [^{F7}(2) Where —
 - (a) a claimant has throughout the period beginning on 11th April 1988 and ending immediately before the coming into force of paragraphs 25 to 28 of Schedule 10 (capital to be disregarded) failed to satisfy the capital condition in section 22(6) of the Act (no entitlement to benefit if capital exceeds prescribed amount); and
 - (b) as a consequence he is not entitled to any transitional addition, special transitional addition or personal expenses addition under Part II of the Transitional Regulations; and

Status: Point in time view as at 10/04/1995.

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

- (c) had those paragraphs been in force on 11th April 1988 he would have satisfied that condition and been entitled to any such addition,

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

[^{F7}(3) For the purposes of paragraph (2), in determining a claimant's total benefit income in his second benefit week for the purpose of calculating the amount of any transitional addition to which he would have been entitled, no account shall be taken of any payment referred to in paragraph (1) (j) of regulation 9 of the Transitional Regulations (total benefit income) which is made in respect of that week to compensate for the loss of entitlement to income support.]

[^{F7}(4) Subject to paragraph (6), where —

- (a) the claimant or any member of his family was temporarily absent from his home in the claimant's first or second benefit week (or both), because he was —
- (i) a patient; or
 - (ii) outside Great Britain for the purpose of receiving treatment for any disease or bodily or mental disablement or for the purpose of accompanying a child or young person who is outside Great Britain for the purpose of receiving such treatment; or
 - (iii) in a residential care or nursing home or in accommodation provided under any of the provisions referred to in any of sub-paragraphs (a) to (d) of the definition of residential accommodation in regulation 21(3) (special cases); or
 - (iv) in the care of a local authority under a relevant enactment; or
 - (v) staying with a person who was contributing to his maintenance; and
- (b) as a result —
- (i) in the claimant's first benefit week his requirements for the purpose of calculating his entitlement to supplementary benefit were increased or reduced or he was not entitled to that benefit; or
 - (ii) in the claimant's second benefit week his applicable amount was increased or reduced or he was not entitled to income support; and
- (c) the period during which his requirements were, or his applicable amount was, increased or reduced, or he was not entitled to benefit, or any one or more of those circumstances existed, did not exceed 8 weeks,

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

[^{F7}(5) The amount for the purposes of paragraph (4) shall be an amount equal to the difference between —

- (a) the amount that his total benefit income in his first benefit week would have been had he been entitled in respect of that week to supplementary benefit calculated on the basis that he or any member of his family had not been absent from the home; and, if less,
- (b) the amount of his total benefit income in the first complete week after the period of temporary absence ends; but for the purpose of calculating his total benefit income in that week —
- (i) no account shall be taken of any payment referred to in paragraph (1)(j) of regulation 9 of the Transitional Regulations which is made in respect of that week to compensate for the loss (in whole or in part) of entitlement to income support; and

- (ii) if the period of temporary absence ends after the coming into force of paragraph (4), the amount of income support to be taken into account shall, notwithstanding regulation 9(6) of the Transitional Regulations, be calculated as if that paragraph were not in force.]

[^{F7}(6) The amount under paragraph (4) shall cease to be applicable to a claimant if he ceases to be entitled to income support for a period exceeding [^{F8}the permitted period determined in accordance with regulation 3A (permitted period)].]

[^{F9}(6A) For the purposes of paragraph (6), where a claimant has ceased to be entitled to income support because he or his partner is participating in arrangements for training made under section 2 of the Employment and Training Act 1973 [^{F10}or section 2 of the Enterprise and New Towns (Scotland) Act 1990] or attending a course at an employment rehabilitation centre established under that section [^{F11}of the 1973 Act], he shall be treated as if he had been entitled to income support for the period during which he or his partner is participating in such arrangements or attending such a course.]

[^{F7}(7) In this Regulation —

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

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

Textual Amendments

- F1** Words in reg. 17(1)(b) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 4\) Regulations 1993 \(S.I. 1993/2119\)](#), regs. 1(1)(a), **7**
- F2** Reg. 17(1)(bb) inserted (1.4.1993) by [The Social Security Benefits \(Amendments Consequential Upon the Introduction of Community Care\) Regulations 1992 \(S.I. 1992/3147\)](#), regs. 1(1), **2(1)(b)**
- F3** Reg. 17(f) added (30.5.1988) by [The Income Support \(General\) Amendment No. 2 Regulations 1988 \(S.I. 1988/910\)](#), regs. 1(1), **2**
- F4** Words in reg. 17(1)(f) substituted (10.4.1989) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), reg. 1(1)(c), **Sch. 1 para. 11(a)** (with reg. 28)
- F5** Reg. 17(1)(g) added (10.4.1989) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), reg. 1(1)(c), **Sch. 1 para. 11(b)** (with reg. 28)
- F6** Words in reg. 17(1)(g) added (with effect in accordance with reg. 1(1)(c) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1989 \(S.I. 1989/534\)](#), reg. 1(1), **Sch. 1 para. 17**
- F7** Reg. 17(2)-(7) added (30.5.1988) by [The Income Support \(General\) Amendment No. 2 Regulations 1988 \(S.I. 1988/910\)](#), regs. 1(1), **2**
- F8** Words in reg. 17(6) substituted (9.10.1989) by [The Income Support \(General\) Amendment No. 3 Regulations 1989 \(S.I. 1989/1678\)](#), regs. 1(1)(a), **4(a)**
- F9** Reg. 17(6A) inserted (9.10.1989) by [The Income Support \(General\) Amendment No. 3 Regulations 1989 \(S.I. 1989/1678\)](#), regs. 1(1)(a), **4(b)**
- F10** Words in reg. 17(6A) inserted (1.4.1991) by [The Enterprise \(Scotland\) Consequential Amendments Order 1991 \(S.I. 1991/387\)](#), arts. 1, 2, **Sch.**
- F11** Words in reg. 17(6A) inserted (1.4.1991) by [The Enterprise \(Scotland\) Consequential Amendments Order 1991 \(S.I. 1991/387\)](#), arts. 1, **9(c)**

Status: Point in time view as at 10/04/1995.

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

Modifications etc. (not altering text)

- C1** Reg. 17(1)(b) sum confirmed (with effect in accordance with art. 1(2)(g) of the amending S.I.) by [The Social Security Benefits Up-rating Order 1995 \(S.I. 1995/559\)](#), arts. 1(2)(g), **18(2)**

Commencement Information

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

Polygamous marriages

18.—^[F12](1) ^[F13]Subject to paragraph (2) and regulations] 19 to 22 and 70 (applicable amounts in other cases and reductions in applicable amounts and urgent cases), where a claimant is a member of a polygamous marriage his weekly applicable amount shall be the aggregate of such of the following amounts as may apply in his case:

- (a) the highest amount applicable to him and one of his partners determined in accordance with sub-paragraph (3) of paragraph 1 of Schedule 2 as if he and that partner were a couple;
- (b) an amount equal to the difference between the amounts specified in ^[F14]sub-paragraphs (3) (c) ^[F15]and (1)(e) of paragraph 1 of Schedule 2 in respect of each of his other partners;
- (c) an amount determined in accordance with paragraph 2 of Schedule 2 (applicable amounts) in respect of any child or young person for whom he or a partner of his is responsible and who is a member of the same household except a child or young person whose capital, if calculated in accordance with Part V in like manner as for the claimant, ^[F16]except as provided in regulation 44(1) (modifications in respect of children and young persons), would exceed £3,000;
- ^[F17](cc) an amount, whether in respect of the claimant or any member of his household aged 16 or over, determined in accordance with paragraph 2A of Schedule 2 (residential allowance);
- (d) if he or another partner of the polygamous marriage is responsible for a child or young person who is a member of the same household, the amount specified in Part II of Schedule 2 (family premiums);
- (e) the amount of any premiums which may be applicable to him determined in accordance with Parts III and IV of Schedule 2 (premiums);
- (f) any amounts determined in accordance with Schedule 3 (housing costs) which may be applicable to him in respect of mortgage interest payments or such other housing costs as are prescribed in that Schedule.
- ^[F18](g) any amount determined in accordance with regulation 17(1)(f) (applicable amounts);
- ^[F19](h) the amount of the protected sum which may be applicable to him determined in accordance with Schedule 3A ^[F20]or, as the case may be, 3B].

^[F21](2) In the case of a partner who is aged less than 18, the amount which applies in respect of that partner shall be nil unless—

- (a) that partner is treated as responsible for a child, or
- (b) that partner is a person who—
 - (i) had he not been a member of a polygamous marriage would have been eligible for income support by virtue of regulation 13A (circumstances in which a person aged 16 or 17 is eligible for income support); or
 - (ii) is a person in respect of whom there is a direction under section 20(4A) of the Act (income support to avoid severe hardship).]

Textual Amendments

- F12** Reg. 18 renumbered as reg. 18(1) (12.9.1988) by [The Income Support \(General\) Amendment No. 3 Regulations 1988 \(S.I. 1988/1228\)](#), regs. 1(1)(b), **5(a)**
- F13** Words in reg. 18(1) substituted (12.9.1988) by [The Income Support \(General\) Amendment No. 3 Regulations 1988 \(S.I. 1988/1228\)](#), regs. 1(1)(b), **5(a)**
- F14** Words in reg. 18(1)(b) substituted (12.9.1988) by [The Income Support \(General\) Amendment No. 3 Regulations 1988 \(S.I. 1988/1228\)](#), regs. 1(1)(b), **5(b)**
- F15** Words in reg. 18(1)(b) substituted (10.7.1989) by [The Family Credit and Income Support \(General\) Amendment Regulations 1989 \(S.I. 1989/1034\)](#), regs. 1(1)(a), **5**
- F16** Words in reg. 18(1)(c) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 4\) Regulations 1993 \(S.I. 1993/2119\)](#), regs. 1(1)(a), **8**
- F17** Reg. 18(1)(cc) inserted (1.4.1993) by [The Social Security Benefits \(Amendments Consequential Upon the Introduction of Community Care\) Regulations 1992 \(S.I. 1992/3147\)](#), regs. 1(1), **2(1)(c)**
- F18** Reg. 18(1)(g) added (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **6**
- F19** Reg. 18(1)(h) added (10.4.1989) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), reg. 1(1)(c), **Sch. 1 para. 12** (with reg. 28)
- F20** Words in reg. 18(1)(h) added (with effect in accordance with reg. 1(1)(c) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1989 \(S.I. 1989/534\)](#), reg. 1(1), **Sch. 1 para. 17**
- F21** Reg. 18(2) added (12.9.1988) by [The Income Support \(General\) Amendment No. 3 Regulations 1988 \(S.I. 1988/1228\)](#), regs. 1(1)(b), **5(c)**

Modifications etc. (not altering text)

- C2** [Reg. 18\(1\)\(c\)](#) sum confirmed (with effect in accordance with art. 1(2)(g) of the amending S.I.) by [The Social Security Benefits Up-rating Order 1995 \(S.I. 1995/559\)](#), arts. 1(2)(g), **18(2)**

Commencement Information

- I2** Reg. 18 in force at 11.4.1988, see reg. 1

Applicable amounts for persons in residential care and nursing homes

19.—^[F22]^[F23](1) Subject to regulation 22 (reduction of applicable amounts) where a claimant has a preserved right and either—

- (a) lives in a residential care or nursing home; or
- (b) is a member of a family and he and the members of his family live in such a home,]

his weekly applicable amount shall, except in a case to which regulation 21 (applicable amounts in special cases) or Part II of Schedule 4 (persons to whom regulation 19 does not apply) applies, be calculated in accordance with Part I of that Schedule.]

^[F24](1ZA) A person to whom paragraph (1) applies shall be treated as not being severely disabled.]

^[F25](1ZB) In this regulation a person has a preserved right, subject to paragraphs (1ZE) and (1ZF), where—

- (a) on 31st March 1993, he was living in a residential care home or a nursing home, and—
 - (i) was entitled to income support for the benefit week in which that day fell and his applicable amount was calculated in accordance with Part I of Schedule 4; or
 - (ii) was not in that week entitled to income support because he was able to meet the cost of the accommodation from other sources available to him, but subsequently becomes entitled to income support; or

Status: Point in time view as at 10/04/1995.

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

- [was not in that week entitled to income support, but was residing with his partner as ^{F26}(iii) a member of a couple on the relevant date where the partner was a person to whom head (i) or (ii) applies; or]
- (b) he would have been living in a residential care home or nursing home on 31st March 1993 but for an absence which, including that day, does not exceed—
- (i) except in a case to which head (ii) applies—
- (aa) where the person was before his absence a temporary resident in the home, 4 weeks, or
- (bb) where the person was before his absence a permanent resident in the home, 13 weeks; or
- (ii) where throughout the period of absence the person was a patient, 52 weeks, and the provisions of sub-paragraph (a) would have applied to him but for that absence.
- (1ZC) Subject to paragraphs (1ZD), (1ZE) and (1ZF), a person also has a preserved right where—
- (a) on 31st March 1993 he was living in a residential care home or nursing home within the meaning of paragraph (3) as then in force, and was entitled to income support but his applicable amount was not calculated in accordance with Part I of Schedule 4 because he was a person to whom paragraph 14 of Schedule 4 applied (accommodation provided by a close relative); and
- (b) after 31st March 1993, either—
- (i) he moved from the home in which he was residing on that date to another residential care home or nursing home, or
- (ii) the ownership of the home changed,
- and in the home to which he moved, or as the case may be, following the change of ownership, the accommodation and meals (if any) are provided for him by a person other than a close relative of his [^{F27}or of any member] of his family, and are provided on a commercial basis.

(1ZD) Where a person has a preserved right under paragraph (1ZC), that right shall commence on the first full day of residence in the residential care home or nursing home to which he moved, or as the case may be, the day after the ownership of the [^{F28}home] changed.

(1ZE) [^{F29}In England and Wales,] a person does not have a preserved right by virtue of paragraph (1ZB)(a)(ii) or (1ZC) where the residential care home in which he was living provided both board and personal care for less than 4 persons.

[^{F30}(1ZEA) Where, in Scotland, a person would have had a preserved right by virtue of paragraph (1ZB)(a)(ii) or (1ZC) but for the provisions of paragraph (1ZE) as it originally had effect, that person shall be treated from the date this regulation has effect in respect of him as though the first two paragraphs referred to continued to have effect in his case.]

(1ZF) Paragraphs (1ZB) and (1ZC) shall cease to apply to a person who has a preserved right where he is absent from a residential care home or nursing home and that absence exceeds a period of—

- (a) except in a case to which sub-paragraph (b) applies—
- (i) 4 weeks, where the person was before his absence a temporary resident in the home, or,

- (ii) 13 weeks, where the person was before his absence a permanent resident in the home;
or
- (b) 52 weeks where throughout the period of absence the person was a patient.
- (a) (1ZG) (a) A person who acquired a preserved right under paragraph (1ZB) or (1ZC) shall cease to have that right where either—
 - (i) he moves from the home he resided in, or would but for an absence specified in paragraph (1ZB)(b) have resided in, on 31st March 1993 to another residential care home or nursing home, or
 - (ii) the ownership of that home changes;and in the home to which he moves or, as the case may be, following the change of ownership, the accommodation and meals (if any) are provided for him by a close relative of his [^{F31}or of any member] of his family, [^{F31}or are provided] otherwise than on a commercial basis;
- (b) a preserved right acquired under paragraph (1ZB) or (1ZC) which ceased to apply to a person in accordance with sub-paragraph (a) shall, notwithstanding that paragraph, revive and again apply in his case where—
 - (i) he moves from the home mentioned in sub-paragraph (a)(i) to another residential care home or nursing home, or
 - (ii) the ownership of that home changes, or in the case of a home mentioned in sub-paragraph (a)(ii), changes again,and in the home to which he moves or, as the case may be, following the change or further change of ownership, the accommodation and meals (if any) are provided for him otherwise than by a close relative of his [^{F32}or of any member] of his family, and are provided on a commercial basis.

(1ZH) For the purposes of paragraphs (1ZB) and (1ZF) a person is a permanent resident in a residential care home or nursing home where the home is his principal place of abode, and a temporary resident where it is not.

(1ZJ) For the avoidance of doubt, the expression “residential care home” in paragraphs (1ZB) and (1ZE) has the meaning it bore on 31st March 1993.]

[^{F33}(1ZK) Where a person—

- (a) formerly had a preserved right by virtue of paragraph (1ZB); and
- (b) on 1st April 1993 was living in a home which was exempt from registration under Part I of the Registered Homes Act 1984 pursuant to section 1(4)(a) of that Act (exemption from registration in respect of certain homes) because one or more of the residents were treated as relatives pursuant to section 19(4) of that Act; and
- (c) is living in that home on 4th October 1993; and
- (d) between 1st April 1993 and 4th October 1993 he has not been absent from that home, or has been absent from it for a period not exceeding 13 weeks;

then subject to paragraph (1ZL) that person shall be treated for the purposes of this regulation as though he had a preserved right on and after 4th October 1993.

(1ZL) Paragraph (1ZK) shall cease to apply to a person who is treated as though he had a preserved right where he is absent from a residential care home or nursing home and that absence exceeds a period of—

- (a) except in a case to which sub-paragraph (b) applies, 13 weeks; or
- (b) 52 weeks where throughout the period of absence the person was a patient.]

Status: Point in time view as at 10/04/1995.

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

[^{F34}(1ZM) Where a person is treated in accordance with paragraph (1ZK) as having a preserved right, paragraph (1ZG) shall apply to that person as if he had acquired a preserved right under paragraph (1ZB).]

[^{F35}(1ZN) Where a person—

- (a) on 31st March 1993 was a member of a couple and his partner acquired a preserved right under paragraph (1ZB)(a)(i);
- (b) before 3rd October 1994 ceased to be a member of a couple; and
- (c) between 31st March 1993 and 3rd October 1994 has been living in a residential care home or a nursing home,

he shall be treated for the purposes of this regulation as having a preserved right from 3rd October 1994.

(1ZO) Subject to paragraph (1ZG), where a person would have been living in a residential care home or nursing home on 31st March 1993 but for an absence which, including that day, does not exceed—

- (a) where the person was before his absence a temporary resident in the home, 4 weeks; or
- (b) where the person was before his absence a permanent resident in the home, 13 weeks; or
- (c) where throughout the period of absence the person was a patient, 52 weeks,

and the provisions of paragraph (1ZN) would have applied to him but for that absence, he shall be treated as having a preserved right from 3rd October 1994.

(1ZP) Where a person is treated as having a preserved right in accordance with paragraphs (1ZK), (1ZN) or (1ZO) above, paragraph (1ZG) shall apply to that person as if he had acquired a preserved right under paragraph (1ZB).

(1ZQ) Where a person to whom paragraph (1ZO) refers is absent from a residential care home or nursing home in the period from 31st March 1993 to 3rd October 1994 for a period which exceeds a period to which paragraph (1ZO) refers and which is appropriate in his case, he shall cease to be treated as having a preserved right.]

[^{F22}(1A) For the purposes of paragraph (1)(b) [^{F36}and Schedule 4] a claimant and the members of his family are to be taken as living in a residential care home or nursing home even during periods when one or more members of the family are temporarily absent from the home but only if the claimant or his partner is living in the home during any such period.]

(2) Where—

- (a) a claimant immediately before 27th July 1987 was in receipt of supplementary benefit as a boarder in a residential care home which was not required to register under Part I of the Registered Homes Act 1984 because section 1(4) of that Act (registration) applied to it; and
- (b) immediately before 11th April 1988 his appropriate amount fell to be determined, by virtue of regulation 3 of the Supplementary Benefit (Requirements and Resources) Amendment Regulations 1987 ^{F37} (transitional provisions), in accordance with paragraph 1 of Schedule 1A to the Supplementary Benefit Requirements Regulations 1983 ^{F38} (maximum amounts for residential care homes) or would have been so determined but for his temporary absence from the home,

his weekly applicable amount shall be calculated in accordance with Part I of Schedule 4 (applicable amounts of persons in residential care homes or nursing homes) as if the home was a residential care home within the meaning of this regulation if, and for so long as, the claimant remains resident in the same home apart from any temporary absence, and the home continues to provide accommodation

with board and personal care for the claimant by reason of his old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder.

(3) In this regulation and Schedule 4—

“nursing home” means—

- (a) premises which are a nursing home or mental nursing home within the meaning of the Registered Homes Act 1984 ^{F39} and which are either registered under Part II of that Act or exempt from registration under section 37 thereof (power to exempt Christian Science Homes); or
- (b) any premises used or intended to be used for the reception of such persons or the provision of such nursing or services as is mentioned in any paragraph of subsection (1) of section 21 or section 22 (1) of the Registered Homes Act 1984 (meaning of nursing home or mental nursing home) or, in Scotland, as are mentioned in section 10 (2) of the Nursing Homes Registration (Scotland) Act 1938 ^{F40} (interpretation) and which are maintained or controlled by a body instituted by special Act of Parliament or incorporated by Royal Charter;
- (c) in Scotland,
 - (i) premises which are a nursing home within the meaning of section 10 of the Nursing Homes Registration (Scotland) Act 1938 which are either registered under that Act or exempt from registration under section 6 or 7 thereof (general power to exempt homes and power to exempt Christian Science Homes); or
 - (ii) premises which are a private hospital within the meaning of section 12 of the Mental Health (Scotland) Act 1984 ^{F41} (private hospitals), and which are registered under that Act;

“residential care home” means an establishment—

- (a) [^{F42}which is required to be registered under Part I of the Registered Homes Act 1984 and is so registered]^{F43}, or is deemed to be registered under section 2(3) of the Registered Homes (Amendment) Act 1991 (which refers to the registration of small homes where the application for registration has not been determined)]; or]
- (b) ^{F44}...
- (c) run by the Abbeyfield Society including all bodies corporate or incorporate which are affiliated to that Society; or
- (d) [^{F45}which provides residential accommodation with both board and personal care and is] managed or provided by a body incorporated by Royal Charter or constituted by Act of Parliament other than a local social services authority; or
- (e) in Scotland, which is a home registered under section 61 of the Social Work (Scotland) Act 1968 ^{F46} or is an establishment provided by [^{F47}a housing association registered with Scottish Homes established by the Housing (Scotland) Act 1988]^{F48} which provides care equivalent to that given in residential accommodation provided under Part IV of the Social Work (Scotland) Act [^{F49}1968; or]
- (f) [^{F50}which is exempt from registration under Part I of the Registered Homes Act 1984 pursuant to section 1(4)(a) of that Act (exemption from registration in respect of certain homes) because one or more of the residents are treated as relatives pursuant to section 19(4) of that Act;]

[^{F51}and in paragraphs (b) and (d) of this definition “personal care” means personal care for persons in need of personal care by reason of [^{F52}old] age, disablement, past or present dependence on alcohol or drugs, or past or present mental disorder.]

Status: Point in time view as at 10/04/1995.

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

“temporary absence” means—

- (a) [^{F53}in paragraph (2) or] in the case of a person who is over pensionable age, 52 weeks;
- (b) in any other case, 13 weeks.

(4) In Schedule 4 the expressions “old age”, “mental disorder”, “mental handicap”, “drug or alcohol dependence” and “disablement” have the same meanings as those expressions have for the purposes of the Registered Homes Act 1984 and Regulations made thereunder.

[^{F54}(5) Notwithstanding the foregoing paragraphs of this regulation, where—

- (a) a person has been registered under the Registered Homes Act 1984 in respect of premises which have been carried on as a residential care home or, as the case may be, a nursing home, and that person has ceased to carry on such a home; and
- (b) an application for registration under that Act has been made by another person and that application has not been determined or abandoned,

the applicable amount of a person resident in those premises shall be determined under Schedule 4 as if the most recent registration under the Registered Homes Act 1984 in respect of those premises continued until the day on which the application is determined or abandoned.]

Textual Amendments

- F22** Reg. 19(1)(1A) substituted for reg. 19(1) (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **9(a)**
- F23** Words in reg. 19(1) substituted (1.4.1993) by [The Social Security Benefits \(Amendments Consequential Upon the Introduction of Community Care\) Regulations 1992 \(S.I. 1992/3147\)](#), regs. 1(1), **3(1)(a)**
- F24** Reg. 19(1ZA) inserted (20.5.1991) by [The Income Support \(General\) Amendment \(No. 3\) Regulations 1991 \(S.I. 1991/1033\)](#), regs. 1(1), **2**
- F25** Reg. 19(1ZB)-(1ZJ) inserted (1.4.1993) by [The Social Security Benefits \(Amendments Consequential Upon the Introduction of Community Care\) Regulations 1992 \(S.I. 1992/3147\)](#), regs. 1(1), **3(1)(b)**
- F26** Reg. 19(1ZB)(a)(iii) added (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), **24(2)**
- F27** Words in reg. 19(1ZC)(b) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 4\) Regulations 1993 \(S.I. 1993/2119\)](#), regs. 1(1)(a), **9(2)**
- F28** Word in reg. 19(1ZD) 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), **2(2)**
- F29** Words in reg. 19(1ZE) 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), **24(3)**
- F30** Reg. 19(1ZEA) 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), **24(4)**
- F31** Words in reg. 19(1ZG)(a) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 4\) Regulations 1993 \(S.I. 1993/2119\)](#), regs. 1(1)(a), **9(3)(a)(i)(ii)**
- F32** Words in reg. 19(1ZG)(b) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 4\) Regulations 1993 \(S.I. 1993/2119\)](#), regs. 1(1)(a), **9(3)(b)**

- F33** Reg. 19(1ZK)(1ZL) 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), **9(4)**
- F34** Reg. 19(1ZM) inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by The Income-related Benefits Schemes (Miscellaneous Amendments) Regulations 1994 (S.I. 1994/527), regs. 1(1)(b), **2(3)**
- F35** Reg. 19(1ZN)-(1ZQ) added (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), **24(5)**
- F36** Words in reg. 19(1A) inserted (9.10.1989) by The Income Support (General) Amendment No. 3 Regulations 1989 (S.I. 1989/1678), regs. 1(1)(a), **5(a)**
- F37** S.I. 1987/1325.
- F38** S.I. 1983/1399; the relevant amending instruments are S.I. 1985/1835 and 1986/1292.
- F39** 1984 c. 23.
- F40** 1938 c. 73, **section 10** was amended by section 15 of the Mental Health (Scotland) Act 1960 (c. 61), and that amendment is preserved notwithstanding the repeal of that 1960 Act by section 126(1)(a) of the Mental Health (Scotland) Act 1984 (c. 36). Section 10 was also amended by Schedule 7 of the National Health Service (Scotland) Act 1972 (c. 58), **Schedules 7** and 8 of the Nurses, Midwives and Health Visitors Act 1979 (c. 36) and by Schedule 7 of the Health Services Act 1980 (c. 53) and subsection (2) of that section 10 was added by section 26 of, and paragraph 14 of Schedule 4 to the Health Services Act 1980 (c. 53).
- F41** 1984 c. 36.
- F42** Words in reg. 19(3) substituted (11.4.1988) by The Income Support (General) Amendment Regulations 1988 (S.I. 1988/663), regs. 1(1), **9(b)(i)**
- F43** Words in reg. 19(3) inserted (1.4.1993) by The Social Security Benefits (Amendments Consequential Upon the Introduction of Community Care) Regulations 1992 (S.I. 1992/3147), reg. 1(1), **Sch. 1 para. 2(a)**
- F44** Words in reg. 19(3) omitted (1.4.1993) by virtue of The Social Security Benefits (Amendments Consequential Upon the Introduction of Community Care) Regulations 1992 (S.I. 1992/3147), reg. 1(1), **Sch. 1 para. 2(b)**
- F45** Words in reg. 19(3)(d) inserted (12.9.1988) by The Income Support (General) Amendment No. 4 Regulations 1988 (S.I. 1988/1445), regs. 1(1)(b), **7(b)**
- F46** 1968 c. 49, **section 61** was amended by the Criminal Proceedings (Scotland Act) 1975 (c. 21), **section 289C** and G and Schedule 7C.
- F47** Words in reg. 19(3) substituted (1.4.1993) by The Social Security Benefits (Amendments Consequential Upon the Introduction of Community Care) Regulations 1992 (S.I. 1992/3147), reg. 1(1), **Sch. 1 para. 2(c)**
- F48** 1964 c. 56.
- F49** Words in reg. 19(3)(e) substituted for word (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), **9(5)(a)**
- F50** Reg. 19(3)(f) 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), **9(5)(b)**
- F51** Words in reg. 19(3) inserted (12.9.1988) by The Income Support (General) Amendment No. 4 Regulations 1988 (S.I. 1988/1445), regs. 1(1)(b), **7(c)**
- F52** Word in reg. 19(3) inserted (12.12.1988) by The Income Support (General) Amendment No. 5 Regulations 1988 (S.I. 1988/2022), regs. 1(1)(a), **4**
- F53** Words in reg. 19(3) inserted (11.4.1988) by The Income Support (General) Amendment Regulations 1988 (S.I. 1988/663), regs. 1(1), **9(b)(ii)**
- F54** Reg. 19(5) added (9.10.1989) by The Income Support (General) Amendment No. 3 Regulations 1989 (S.I. 1989/1678), regs. 1(1)(a), **5(b)**

Status: Point in time view as at 10/04/1995.

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

Commencement Information

I3 Reg. 19 in force at 11.4.1988, see reg. 1

Applicable amounts for persons in board and lodging accommodation and hostels

^{F55}20.

Textual Amendments

F55 Reg. 20 omitted (with effect in accordance with reg. 1(1)(c) of the amending S.I.) by virtue of [The Income Support \(General\) Amendment Regulations 1989 \(S.I. 1989/534\)](#), reg. 1(1), **Sch. 1 para. 4**

Commencement Information

I4 Reg. 20 in force at 11.4.1988, see reg. 1

Special cases

21.—(1) Subject to [^{F56}regulations 21A and 22] (reductions in applicable amounts) in the case of a person to whom any paragraph in column (1) of Schedule 7 applies (applicable amounts in special cases), the amount included in the claimant's weekly amount in respect of him shall be the amount prescribed in the corresponding paragraph in column (2) of that Schedule; but no amount shall be included in respect of a child or young person if the capital of that child or young person calculated in accordance with Part V in like manner as for the claimant, [^{F57}except as provided in regulation 44(1) (modifications in respect of children and young persons)], would exceed £3,000.

[^{F58}(1A) Except where the amount prescribed in Schedule 7 in respect of a person to whom paragraph (1) applies includes an amount applicable under regulation 17(1)(d) or 18(1)(e), a person to whom paragraph (1) applies shall be treated as not being severely disabled.]

(2) In Schedule 7, for the purposes of paragraph 1, 2, 3 or 18 (patients), where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he shall be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods.

(3) In Schedule 7—

“person from abroad” means a person, who—

- (a) has a limited leave as defined in section 33(1) of the Immigration Act 1971 ^{F59} (hereinafter referred to as “the 1971 Act”) to enter or remain in the United Kingdom which was given in accordance with any provision of the immigration rules (as defined in that section) which refers to there being, or to there needing to be, no recourse to public funds or to there being no charge on public funds during that limited leave; but this sub-paragraph shall not apply to a person who is a national of a Member State, a state which is a signatory to the European Convention on Social and Medical Assistance (done in Paris on 11th December 1953) ^{F60}, [^{F61}a state which is a signatory to the Council of Europe Social Charter (signed in Turin on 18th October 1961),] the Channel Islands or the Isle of Man [^{F62}unless, in the case of a national of a state which is a signatory of that European Convention, he has made an application for the conditions of his leave to remain in the United Kingdom to be varied, and that application has not been determined or an appeal from that application is pending under Part II of the 1971 Act (appeals);] or

- (b) having a limited leave (as defined in section 33(1) of the 1971 Act) to enter or remain in the United Kingdom, has remained without further leave under that Act beyond the time limited by the leave; or
- (c) is the subject of a deportation order being an order under section 5(1) of the 1971 Act (deportation) requiring him to leave and prohibiting him from entering the United Kingdom; or
- (d) is adjudged by the immigration authorities to be an illegal entrant (as defined in section 33(1) of the 1971 Act) who has not subsequently been given leave under that Act to enter or remain in the United Kingdom; or
- (e) has been allowed temporary admission to the United Kingdom by virtue of paragraph 21 of Schedule 2 to the 1971 Act; or
- (f) has been allowed temporary admission to the United Kingdom by the Secretary of State outside any provision of the 1971 Act; or
- (g) has not had his immigration status determined by the Secretary of State; [^{F63} or
- (h) is a national of a member State and is required by the Secretary of State to leave the United Kingdom;]

[^{F64}“person from abroad” also means a claimant who is not habitually resident in the United Kingdom, the Republic of Ireland, the Channel Islands or the Isle of Man, but for this purpose, no claimant shall be treated as not habitually resident in the United Kingdom who is—

- (a) a worker for the purposes of Council Regulation (EEC) No. 1612/68 or (EEC) No. 1251/70 or a person with a right to reside in the United Kingdom pursuant to Council Directive No.68/360/EEC or No.73/148/EEC; or
- (b) a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967; or
- (c) a person who has been granted exceptional leave to remain in the United Kingdom by the Secretary of State.]

“patient” means a person (other than a prisoner) who is regarded as receiving free in-patient treatment within the meaning of the Social Security (Hospital In-Patients) Regulations 1975^{F65}.

[^{F66}“prisoner” means a person who—

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

other than a person whose detention is under the provisions of the Mental Health Act 1983 or the Mental Health (Scotland) Act 1984;]

[^{F67}“residential accommodation” means, subject to the following provisions of this regulation, accommodation provided by a local authority in a home owned or managed by that or another local authority—

- (a) under sections 21 to 24 ^{F68}...of the National Assistance Act 1948 (provision of accommodation); or
- (b) in Scotland, under section 13B or 59 of the Social Work (Scotland) Act 1968 (provision of residential and other establishments)^{F69} ...; or
- (c) under section 7 of the Mental Health (Scotland) Act 1984 (functions of local authorities),

Status: Point in time view as at 10/04/1995.

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

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

[^{F70}(3A) Where on or after 12th August 1991 a person is in, or only temporarily absent from, residential accommodation within the meaning of paragraph (3) and that accommodation subsequently becomes a residential care home within the meaning of regulation 19 (applicable amounts for persons in residential care and nursing homes) that person shall continue to be treated as being in residential accommodation within the meaning of paragraph (3) if, and for so long as, he remains in the same accommodation and the local authority is under a duty to provide or make arrangements for providing accommodation for that person.]

[^{F71}(3B) In a case where on 31st March 1993 a person was in or was temporarily absent from accommodation provided under section 26 of the National Assistance Act 1948, the definition of “residential accommodation” in paragraph (3) shall have effect in relation to that case as if for the words “provided by a local authority in a home owned or managed by that or another authority” there were substituted the words “provided in accordance with arrangements made by a local authority”, and for the words in sub-paragraph (a) “under sections 21 to 24^{F72}...” there were substituted the words “under section 26”.

(3C) In a case where on 31st March 1993 a person was in or was temporarily absent from accommodation provided by a local authority under section 21 of the National Assistance Act 1948, the definition of “residential accommodation” in paragraph (3) shall have effect in relation to that case as if, after the words “by that or another [^{F73}local] authority” there were inserted the words “or provided in accordance with arrangements made by a local authority”.]

[^{F74}(3D) In Scotland, in a case where on the 31st March 1993 a person was in or was temporarily absent from accommodation provided under section 13B in a private or voluntary sector home, section 59(2)(c) of the Social Work (Scotland) Act 1968 or section 7 of the Mental Health (Scotland) Act 1984 in a voluntary or private sector home, the definition of “residential accommodation” in paragraph (3) shall have effect in that case as if—

- (a) for the words “provided by a local authority in a home owned or managed by that or another local authority” there were substituted the words “provided in accordance with arrangements made by a local authority”; and
- (b) for the words in sub-paragraph (b) “under section 13B or 59” there were substituted the words “under section 13B or 59(2)(c)”;

and for the purpose of this paragraph the definition of “residential accommodation” above shall continue to have effect as though the words “other than in premises registered under section 61 of that Act (registration) and which are used for the rehabilitation of alcoholics or drug addicts,” were retained at the end of sub-paragraph (b) of the definition.

(3E) In Scotland, in a case where on 31st March 1993 a person was in or was temporarily absent from accommodation the provision of which was secured by a local authority under section 13B in a home owned or managed by that or another local authority, section 59(2)(a) or (b) of the Social Work (Scotland) Act 1968, or section 7 of the Mental Health (Scotland) Act 1984 in a home owned or managed by that or another local authority, the definition of “residential accommodation” in paragraph (3) shall have effect in relation to that case as if, after the words “by that or another local authority” there were inserted the words “or provided in accordance with arrangements made by a local authority”.]

(4) A person who would, but for this paragraph, be in residential accommodation within the meaning of paragraph (3) shall not be treated as being in residential accommodation if he is a person—

- (a) who is under the age of 18 and in the care of a local authority under Part II or III of the Social Work (Scotland) Act 1968 (promotion of social welfare of children in need of care), or

^{F75}(b)

[^{F76}(c) for whom board is not provided.]

[^{F77}(4A) [^{F78}In paragraph (4), sub-paragraph (c)] in the definition of “residential accommodation” shall apply only to accommodation—

- (a) where no cooked or prepared food is made available to the claimant in consequence solely of his paying the charge for the accommodation or any other charge which he is required to pay as a condition of occupying the accommodation, or both of those charges, or
- (b) where such food is actually made available for his consumption on payment of a further charge or charges.]

[^{F79}(4B) In the case of a person who on 31st March 1993 was either in or only temporarily absent from, residential accommodation within the meaning of regulation 21(3) as then in force, paragraph (4) shall apply as if sub-paragraph (c) was omitted.]

(5) A claimant to whom paragraph 19 of Schedule 7 (disability premium) applies shall be entitled to income support for the period in respect of which that paragraph applies to him notwithstanding that his partner was also entitled to income support for that same period.

Textual Amendments

- F56** Words in reg. 21(1) substituted (17.12.1990) by [The Income Support \(General and Transitional\) Amendment Regulations 1990 \(S.I. 1990/2324\)](#), regs. 1(1), **2**
- F57** Words in reg. 21(1) substituted (with effect in accordance with reg. 1(3) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1994 \(S.I. 1994/527\)](#), regs. 1(1)(b), **3**
- F58** Reg. 21(1A) inserted (20.5.1991) by [The Income Support \(General\) Amendment \(No. 3\) Regulations 1991 \(S.I. 1991/1033\)](#), regs. 1(1), **3**
- F59** 1971 c. 77, as amended by the [British Nationality Act 1981 \(c. 61\)](#), **section 39** and Schedule 4.
- F60** Cmnd 9512.
- F61** Words in reg. 21(3) inserted (8.4.1991) by [The Income Support \(General\) Amendment Regulations 1991 \(S.I. 1991/236\)](#), regs. 1(1)(b), **7** (with reg. 1(2))
- F62** Words in reg. 21(3) inserted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1990 \(S.I. 1990/547\)](#), regs. 1(1)(b), **8**
- F63** Reg. 21(3)(h) and word added (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), **4**
- F64** Words in reg. 21(3) inserted (1.8.1994) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 3\) Regulations 1994 \(S.I. 1994/1807\)](#), regs. 1, **4(1)** (with reg. 4(2))
- F65** S.I. 1975/555, the relevant amending instruments are 1977/1693 and 1987/1683.
- F66** Words in reg. 21(3) substituted (10.4.1995) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1995 \(S.I. 1995/516\)](#), regs. 1(1)(a), **21(a)(i)** (with reg. 1(2))
- F67** Words in reg. 21(3) substituted (1.4.1993) by [The Social Security Benefits \(Amendments Consequential Upon the Introduction of Community Care\) Regulations 1992 \(S.I. 1992/3147\)](#), reg. 1(1), **Sch. 1 para. 3(a)**
- F68** Words in reg. 21(3) omitted (10.4.1995) by virtue of [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1995 \(S.I. 1995/516\)](#), regs. 1(1)(a), **21(a)(ii)** (with reg. 1(2))
- F69** Words in reg. 21(3) omitted (with effect in accordance with reg. 1(2) of the amending S.I.) by virtue of [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No.5\) Regulations 1994 \(S.I. 1994/2139\)](#), regs. 1(1)(a), **25(a)**
- F70** Reg. 21(3A) inserted (12.8.1991) by [The Income Support \(General\) Amendment \(No. 5\) Regulations 1991 \(S.I. 1991/1656\)](#), regs. 1(1), **2(b)**

Status: Point in time view as at 10/04/1995.

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

- F71** Reg. 21(3B)(3C) inserted (1.4.1993) by [The Social Security Benefits \(Miscellaneous Amendments\) Regulations 1993 \(S.I. 1993/518\)](#), regs. 1, **5(3)(a)**
- F72** Words in reg. 21(3B) omitted (10.4.1995) by virtue of [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1995 \(S.I. 1995/516\)](#), regs. 1(1)(a), **21(b)** (with reg. 1(2))
- F73** Word in reg. 21(3C) 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), **10**
- F74** Reg. 21(3D)(3E) 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), **25(b)**
- F75** Reg. 21(4)(b) and word omitted (10.4.1995) by virtue of [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1995 \(S.I. 1995/516\)](#), regs. 1(1)(a), **21(c)** (with reg. 1(2))
- F76** Words in Reg 21(4) substituted (1.4.1993) by [The Social Security Benefits \(Amendments Consequential Upon the Introduction of Community Care\) Regulations 1992 \(S.I. 1990/3147\)](#), reg. 1(1), **Sch. 1 para. 3(b)**
- F77** Reg. 21(4A) 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), **15(3)**
- F78** Words in reg. 21(4A) substituted (1.4.1993) by [The Social Security Benefits \(Amendments Consequential Upon the Introduction of Community Care\) Regulations 1992 \(S.I. 1992/3147\)](#), reg. 1(1), **Sch. 1 para. 3(c)**
- F79** Reg. 21(4B) inserted (1.4.1993) by [The Social Security Benefits \(Miscellaneous Amendments\) Regulations 1993 \(S.I. 1993/518\)](#), regs. 1, **5(3)(b)**

Modifications etc. (not altering text)

- C3** Reg. 21(1) sum confirmed (with effect in accordance with art. 1(2)(g) of the amending S.I.) by [The Social Security Benefits Up-rating Order 1995 \(S.I. 1995/559\)](#), arts. 1(2)(g), **18(2)**

Commencement Information

- I5** Reg. 21 in force at 11.4.1988, see reg. 1

[^{F80}Reductions in applicable amounts in certain cases of failure to attend courses

21A.—(1) The weekly applicable amount of a claimant to whom paragraph (3) applies shall be reduced in each relevant week by a sum equal to the appropriate percentage of the relevant amount which applies in his case.

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

(3) Except where paragraph (4) applies, this paragraph applies to a claimant where—

- (a) he has been notified of a relevant course;
- (b) he has during the period of [^{F81}12 months] which ended on the day on which he was notified of that course been in receipt of benefit—
 - (i) without any period of interruption;
 - (ii) with a period of interruption which did not exceed 56 days; or
 - (iii) with a number of periods of interruption, none of which exceeded 56 days;
- (c) his entitlement to benefit during the whole of that period of [^{F82}12 months], or such part of it as the claimant in question was in receipt of benefit, was subject to the condition that he was available for employment;

- (d) his entitlement to income support is not subject to a reduction in the relevant week under regulation 22 (reductions in applicable amounts in certain cases of actual or notional unemployment benefit disqualification); and
 - (e) he has failed to attend the whole or any part of that course.
- (4) This paragraph shall apply where the claimant's failure to attend a relevant course is attributable to any of the following circumstances—
- (a) the claimant in question was suffering from some disease or bodily or mental disablement on account of which—
 - (i) he was not able to attend the relevant course in question; or
 - (ii) his attendance at that course would have put at risk the health of other persons;
 - (b) the time it took, or would normally have taken, for the claimant to travel from his home to the course and back to his home by a route and means appropriate to his circumstances and to the course exceeded, or would normally have exceeded, one hour in either direction;
 - (c) the claimant was caring for a member of his household where—
 - (i) that member was unable to care for himself;
 - (ii) no other member of that household was available to care for him; and
 - (iii) in the circumstances of the case it was not practical for the claimant to make other arrangements for the care of that member;
 - (d) the claimant was attending court ^{F83}... as a party to any proceedings, or as a witness or a juror;
 - (e) the claimant was arranging or attending the funeral of a partner or relative;
 - (f) the claimant was engaged in—
 - (i) the manning or launching of a lifeboat; or
 - (ii) the performance of duty as a part-time fireman in a fire brigade maintained in pursuance of the Fire Services Acts 1947 to 1959;
 - (g) the claimant was required to deal with some domestic emergency; or
 - (h) the claimant was providing assistance in response to an emergency.
- (5) A claimant shall be treated as having provided assistance in response to an emergency for the purposes of paragraph (4)(h) [^{F84}only]—
- ^{F85}(a) if he was a member of a group of persons organised wholly or partly for the purpose of providing such assistance and he was called upon to—
 - (i) provide assistance to any person whose life might have been endangered or who might have been exposed to the risk of serious bodily injury or whose health might have been seriously impaired;
 - (ii) protect property of substantial value from imminent risk of serious damage or destruction; or
 - (iii) assist in measures being taken to prevent a serious threat to health; and]
 - (b) [^{F86}where the events which gave rise to an emergency included]—
 - (i) a fire, a flood or an explosion;
 - (ii) a natural catastrophe;
 - (iii) a railway or other accident;
 - (iv) a cave or mountain accident [^{F87}or];
 - (v) a search for a person reported missing.

Status: Point in time view as at 10/04/1995.

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

(6) For the purposes of this regulation—

“appropriate percentage” means 40 per cent. except that where the circumstances of a case fall within those set out in regulation 22(2) it means 20 per cent;

“benefit” means income support or unemployment benefit or, if they are received in respect of the same benefit week, both of those benefits;

“notified” means notified in writing by the Secretary of State for Employment by a notice which specifies in relation to the relevant course which the claimant may attend—

- (i) the date of the course, or if the duration of the course is to exceed one day, the date of each day of the course;
- (ii) the time when the course is to begin, or if it is to begin at different times on different days, each of those times; and
- (iii) the place at which the course is to be held, or, if it is to be held at more than one place, each of those places;

“relevant amount” has the same meaning as in regulation 22(1);

“relevant course” means a course or programme provided by [^{F88}or on behalf of] the Secretary of State for Employment for the purpose of improving the prospects of unemployed persons entering or returning to employment other than any such course or programme which—

- (a) is provided for the purpose of training for employment or acquiring work experience; or
- (b) exceeds 5 weeks in duration;

“relevant week” means the benefit week which includes the Friday which falls more than 6 but less than 14 days after the Saturday of the week in which the claimant in question failed to attend the whole or any part of a relevant course.]

Textual Amendments

- F80** Reg. 21A inserted (17.12.1990) by [The Income Support \(General and Transitional\) Amendment Regulations 1990 \(S.I. 1990/2324\)](#), regs. 1(1), **3**
- F81** Words in reg. 21A(3)(b) substituted (29.3.1993) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1993 \(S.I. 1993/315\)](#), regs. 1(1)(a), **5(2)(a)**
- F82** Words in reg. 21A(3)(c) substituted (29.3.1993) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1993 \(S.I. 1993/315\)](#), regs. 1(1)(a), **5(2)(b)**
- F83** Words in reg. 21A(4)(d) omitted (29.3.1993) by virtue of [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1993 \(S.I. 1993/315\)](#), regs. 1(1)(a), **5(3)**
- F84** Word in reg. 21A(5) substituted (29.3.1993) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1993 \(S.I. 1993/315\)](#), regs. 1(1)(a), **5(4)(a)**
- F85** Reg. 21A(5)(a) substituted (29.3.1993) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1993 \(S.I. 1993/315\)](#), regs. 1(1)(a), **5(4)(b)**
- F86** Words in reg. 21A(5)(b) substituted (29.3.1993) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1993 \(S.I. 1993/315\)](#), regs. 1(1)(a), **5(4)(c)(i)**
- F87** Word in reg. 21A(5)(b) inserted (29.3.1993) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1993 \(S.I. 1993/315\)](#), regs. 1(1)(a), **5(4)(c)(ii)**
- F88** Words in reg. 21A(6) inserted (29.3.1993) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1993 \(S.I. 1993/315\)](#), regs. 1(1)(a), **5(5)**

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

22.—(1) The weekly applicable amount of a claimant to whom paragraph (4) or (5) applies shall, subject to paragraph (2), be reduced by a sum equal to 40 per cent of the following amount (hereinafter referred to as the “relevant amount”)—

- (a) in the case of a person to whom regulation 17 or 18 or paragraph 4 to 6, 9 to 12, 16, 17(c) (i) or (d)(i) of Schedule 7 applies—
 - (i) where he is a single claimant aged less than 18 or a member of a couple or a polygamous marriage where all the members, in either case, are less than 18, the amount specified in [F89] paragraph 1(1)(a), (b) or (c), as the case may be,] of Schedule 2 (applicable amounts);
 - (ii) where he is a single claimant aged not less than 18 but less than 25 [F90] or a member of a couple or polygamous marriage where one member is aged not less than 18 but less than 25 and the other member, or in the case of a polygamous marriage each other member, is a person under 18 who is not eligible for income support under regulation 13A (persons under 18 years), or is not the subject of a direction under section 20(4A) (severe hardship direction)], the amount specified in [F91] paragraph 1(1)(d)] of that Schedule;
 - (iii) where he is a single claimant aged not less than 25 or a member of a couple or a polygamous marriage [F92] (other than a member of a couple or polygamous marriage to whom head (ii) of this sub-paragraph applies)] at least one of whom is aged not less than 18, the amount specified in [F93] paragraph 1(1)(e)] of that Schedule;
- (b) in the case of a person to whom [F94] regulation 19 (applicable amounts for persons in residential care and nursing homes) applies, the amount allowed for personal expenses for him specified in paragraph 13 of Schedule 4.]

(2) Where—

- (a) the claimant's capital calculated in accordance with Part V (including any capital treated as his) does not exceed £200; and
 - (b) he or any member of his family is either pregnant or seriously ill,
- his weekly applicable amount shall be reduced by a sum equal to 20 per cent of the relevant amount in his case.

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

(4) This paragraph applies to a claimant—

- (a) whose weekly applicable amount is calculated otherwise than in accordance with regulation 21 and paragraph 1 to 3, 8(b), 13, 16 and 18 of Schedule 7; and
- (b) whose right to income support is, under section 20(3)(d)(i) of the Act (conditions of entitlement to income support), subject to the condition of availability for employment; and
- (c) who—
 - (i) is disqualified for receiving unemployment benefit under section 20(1) of the Social Security Act F95 (disqualifications etc); or
 - (ii) has made a claim for unemployment benefit which has not been determined by an adjudication officer and in respect of which, in the opinion of an adjudication officer, a question as to disqualification under that section arises; or

Status: Point in time view as at 10/04/1995.

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

(iii) has not made a claim for unemployment benefit or has had such a claim disallowed other than by reason of section 20(1) and, in either case, would be so disqualified if he were to make such a claim or it had not been so disallowed.

(5) This paragraph applies to a claimant who is not required to be available for employment by virtue of regulation ^{F96}... [^{F97}8(3)] (persons not required to be available for employment) [^{F98}or a claimant who is not required to be actively seeking employment by virtue of regulation 10A(2) (actively seeking employment)]^{F96}....

(6) This regulation shall apply—

- (a) in a case to which head (i) of paragraph (4)(c) applies, for the period of the disqualification;
- (b) in a case to which head (ii) of paragraph (4)(c) applies, for a period of [^{F99}13][^{F99}26] weeks except that where, on subsequent determination of the claim for unemployment benefit—
 - (i) disqualification is not imposed, any reduction imposed under paragraph (1) or (2), as the case may be, shall be withdrawn,
 - (ii) disqualification is imposed but for a period of less than [^{F99}13][^{F99}26] weeks, the period of such reduction shall be adjusted to correspond with the period of disqualification;
- (c) in a case to which head (iii) of paragraph (4)(c) applies, for the period for which the claimant would be disqualified if he were to make a claim for unemployment benefit or if such a claim had not been disallowed for other reasons.
- (d) in a case to which paragraph (5) applies, for so long as that paragraph continues so to apply.

Textual Amendments

- F89** Words in reg. 22(1)(a)(i) substituted (10.7.1989) by [The Family Credit and Income Support \(General\) Amendment Regulations 1989 \(S.I. 1989/1034\)](#), regs. 1(1)(a), **6(a)**
- F90** Words in reg. 22(1)(a)(ii) inserted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1990 \(S.I. 1990/547\)](#), regs. 1(1)(b), **9(a)**
- F91** Words in reg. 22(1)(a)(ii) substituted (10.7.1989) by [The Family Credit and Income Support \(General\) Amendment Regulations 1989 \(S.I. 1989/1034\)](#), regs. 1(1)(a), **6(b)**
- F92** Words in reg. 22(1)(a)(iii) inserted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1990 \(S.I. 1990/547\)](#), regs. 1(1)(b), **9(b)**
- F93** Words in reg. 22(1)(a)(iii) substituted (10.7.1989) by [The Family Credit and Income Support \(General\) Amendment Regulations 1989 \(S.I. 1989/1034\)](#), regs. 1(1)(a), **6(c)**
- F94** Words in reg. 22(1)(b) substituted (with effect in accordance with reg. 1(1)(c) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1989 \(S.I. 1989/534\)](#), reg. 1(1), **Sch. 1 para. 6**
- F95** 1975 c. 14; subsection (1) was amended and subsection (1A) was added by the [Social Security Act 1986 \(c. 5\)](#), section 43.
- F96** Words in reg. 22(5) omitted (8.4.1991) by virtue of [The Income Support \(General\) Amendment Regulations 1991 \(S.I. 1991/236\)](#), regs. 1(1)(b), **8** (with reg. 1(2))
- F97** Words in reg. 22(5) inserted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **11(a)**
- F98** Words in reg. 22(5) inserted (9.10.1989) by [The Income Support \(General\) Amendment No. 2 Regulations 1989 \(S.I. 1989/1323\)](#), regs. 1(1)(b), **7**
- F99** Word in reg. 22 substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **11(b)**

Modifications etc. (not altering text)

- C4** Reg. 22(1) sum confirmed (with effect in accordance with art. 1(2)(g) of the amending S.I.) by [The Social Security Benefits Up-rating Order 1995 \(S.I. 1995/559\)](#), arts. 1(2)(g), 18(12), **Sch. 8**
- C5** Reg. 22(2) sum confirmed (with effect in accordance with art. 1(2)(g) of the amending S.I.) by [The Social Security Benefits Up-rating Order 1995 \(S.I. 1995/559\)](#), arts. 1(2)(g), 18(12), **Sch. 8**
- C6** Reg. 22(2)(a) sum confirmed (with effect in accordance with art. 1(2)(g) of the amending S.I.) by [The Social Security Benefits Up-rating Order 1995 \(S.I. 1995/559\)](#), arts. 1(2)(g), 18(12), **Sch. 8**

Commencement Information

- I6** Reg. 22 in force at 11.4.1988, see reg. 1

Status:

Point in time view as at 10/04/1995.

Changes to legislation:

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