

STATUTORY INSTRUMENTS

1987 No. 1967

The Income Support (General) Regulations 1987

PART VI

URGENT CASES

Urgent cases

70.—(1) In a case to which this regulation applies, a claimant' weekly applicable amount and his income and capital shall be calculated in accordance with the following provisions of this Part.

(2) Subject to paragraph (4), this regulation applies to—

[^{F1}(a) a claimant to whom paragraph (2A) applies (persons not excluded from income support under section 115 of the Immigration and Asylum Act);]

(b) a claimant who is treated as possessing income under regulation 42(3) (notional income);

^{F2}(c)

[^{F3}(2A) This paragraph applies to a person not excluded from entitlement to income support under section 115 of the Immigration and Asylum Act by virtue of regulation 2 of the Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000 except for a person to whom paragraphs 3 and 4 of Part I of the Schedule to those Regulations applies.]

^{F4}(3)

^{F4}(3A)

^{F4}(3B)

(4) This regulation shall only apply to a person to whom paragraph (2)(b) [^{F5}applies, where the income he is treated as possessing by virtue of regulation 42(3) (notional income)] is not readily available to him; and

(a) the amount of income support which would be payable but for this Part is less than the amount of income support payable by virtue of the provisions of this Part; and

(b) the [^{F6}Secretary of State] is satisfied that, unless the provisions of this Part are applied to the claimant, the claimant or his family will suffer hardship.

Textual Amendments

F1 Reg. 70(2)(a) substituted (3.4.2000) by The Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000 (S.I. 2000/636), regs. 1(1), **3(7)(a)** (with reg. 12(3)(4)(5))

F2 Reg. 70(2)(c) omitted (9.10.1989) by virtue of The Income Support (General) Amendment No. 2 Regulations 1989 (S.I. 1989/1323), regs. 1(1)(b), **16(a)**

F3 Reg. 70(2A) inserted (3.4.2000) by The Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000 (S.I. 2000/636), regs. 1(1), **3(7)(b)** (with reg. 12(3)(4)(5))

Status: Point in time view as at 09/04/2001.

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

- F4** Reg. 70(3)(3A)(3B) omitted (3.4.2000) by virtue of The Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000 (S.I. 2000/636), regs. 1(1), **3(7)(c)** (with reg. 12(3)(4)(5))
- F5** Words in reg. 70(4) substituted (9.10.1989) by The Income Support (General) Amendment No. 2 Regulations 1989 (S.I. 1989/1323), regs. 1(1)(b), **16(b)**
- F6** Words in reg. 70(4)(b) 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. 8** (with reg. 3(1)(b), Schs. 21-23)

Commencement Information

- I1** Reg. 70 in force at 11.4.1988, see [reg. 1](#)

Applicable amounts in urgent cases

- 71.—(1)** For the purposes of calculating any entitlement to income support under this Part—
- (a) except in a case to which [^{F7}sub-paragraph (b), (c) or (d),] applies, a claimant' weekly applicable amount shall be the aggregate of—
- (i) 90 per cent of the amount applicable in respect of himself or, if he is a member of a couple or of a polygamous marriage, of the amount applicable in respect of both of them under paragraph 1 (1), (2) or (3) of Schedule 2 or, as the case may be, the amount applicable in respect of them under regulation 18 (polygamous marriages); [^{F8}and where regulation 22A (reduction in applicable amount where the claimant is appealing against a decision [^{F9}which embodies a determination] that he is not incapable of work) applies, the reference in this head to 90 per cent. of the amount applicable shall be construed as a reference to 90 per cent. of the relevant amount under that regulation reduced by 20 per cent.];
- (ii) the amount applicable under 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, [^{F10}except as provided in regulation 44(1) (modifications in respect of children and young person)], would exceed £3,000;
- (iii) the amount, if applicable, specified in [^{F11}Part II or III of Schedule 2 (premiums)]; and
- (iv) any amounts applicable under [^{F12}regulation 17(1)(e) or, as the case may be, 18(1) (f) (housing costs)]; [^{F13}and
- (v) the amount of the protected sum which may be applicable to him determined in accordance with Schedule 3A][^{F14}or, as the case may be, 3B];
- [^{F15}(vi) the amount, if applicable, specified in paragraph 2A of Schedule 2;]
- (b) where the claimant is a resident in ^{F16}... ^{F17}... a residential care home or a nursing home [^{F18}and has a preserved right], his weekly applicable amount shall be the aggregate of—
- (i) 90 per cent of the amount of the allowance for personal expenses prescribed in paragraph 13 (a) of Schedule 4 (applicable amounts of persons in residential care and nursing homes) ^{F19}... or, if he is a member of a couple or of a polygamous marriage, of the amount applicable in respect of both or all of them; [^{F20}and where regulation 22A (reduction in applicable amount where the claimant is appealing against a decision [^{F9}which embodies a determination] that he is not incapable of work) applies, the

- reference in this head to 90 per cent. of the amount shall be construed as a reference to 90 per cent. of the relevant amount under that regulation reduced by 20 per cent.;
- (ii) the amount applicable under paragraph 13 (b) to (e) of Schedule 4 ^{F21}... 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, [^{F10}except as provided in regulation 44(1) (modifications in respect of children and young person)], would exceed £3,000;
 - (iii) the amount in respect of the weekly charge for his accommodation calculated in accordance with regulation 19 and Schedule 4 ^{F22}... except any amount in respect of a child or young person who is a member of the family and whose capital, if calculated in accordance with Part V in like manner as for the claimant, [^{F10}except as provided in regulation 44(1) (modifications in respect of children and young person)], would exceed £3,000.
- (c) where the claimant is resident in residential accommodation, his weekly applicable amount shall be the aggregate of—
- (i) [^{F23}98 per cent.] of the amount ^{F24}... referred to in column (2) of paragraph 13 (a) to (c) and (e) of Schedule 7 (applicable amounts in special cases) applicable to him;
 - (ii) the amount applicable under column (2) of paragraph 13 (d) of Schedule 7, 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, [^{F10}except as provided in regulation 44(1) (modifications in respect of children and young person)], would exceed £3,000;
 - ^{F25}(iii)
- [^{F26}(d) except where sub-paragraph (b) or (c) applies, in the case of a person to whom any paragraph, other than [^{F27}paragraph 16A], in column (1) of Schedule 7 (special cases) applies, the amount shall be 90% of the amount applicable in column 2 of that Schedule in respect of the claimant and partner (if any), plus, if applicable—
- (i) any amount in respect of a child or young person who is a member of the family except a child or young person whose capital, if calculated in accordance with Part V in like manner as for the claimant, [^{F10}except as provided in regulation 44(1) (modifications in respect of children and young person)], would exceed £3,000;
 - (ii) any premium under [^{F28}Part II or III of Schedule 2]; and
 - [^{F29}(iii) any amounts applicable under regulation 17(1)(e) or, as the case may be, 18(1)(f)] [^{F30}and
 - (iv) the amount of the protected sum which may be applicable to him determined in accordance with Schedule 3A] [^{F31}or, as the case may be, 3B].
- [^{F32}(2) In a case to which paragraph 1 of Part I of the Schedule to the Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000 applies, the period for which a claimant's weekly applicable amount is to be calculated in accordance with paragraph (1) shall be any period, or the aggregate of any periods, not exceeding 42 days during any one period of leave to which that paragraph of that Part of the Schedule to those Regulations applies.]
- [^{F33}(3) Where the calculation of a claimant's applicable amount under this regulation results in a fraction of a penny that fraction shall be treated as a penny.]

Status: Point in time view as at 09/04/2001.

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

Textual Amendments

- F7** Words in reg. 71(1)(a) substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **25(a)**
- F8** Words in reg. 71(1)(a)(i) 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), **18(2)**
- F9** Words in reg. 71(1) inserted (6.9.1999) by [The Social Security Act 1998 \(Commencement No. 9, and Savings and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/2422\)](#), art. 3(1), **Sch. 6 para. 2**
- F10** Words in reg. 71(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), **6**
- F11** Words in reg. 71(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), **9(a)**
- F12** Words in reg. 71(1)(a)(iv) substituted (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **15(a)**
- F13** Reg. 71(1)(a)(v) and word inserted (10.4.1989) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), reg. 1(1)(c), **Sch. 1 para. 13(a)** (with reg. 28)
- F14** Words in reg. 71(1)(a)(v) 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**
- F15** Reg. 71(1)(a)(vi) added (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), **17(2)**
- F16** Words in reg. 71(1)(b) omitted (10.4.1989) by virtue of [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), reg. 1(1)(c), **Sch. 1 para. 5** (with reg. 28)
- F17** Words in reg. 71(1)(b) 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. 8**
- F18** Words in reg. 71(1)(b) 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), **17(3)**
- F19** Words in reg. 71(1)(b)(i) 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. 8(i)**
- F20** Words in reg. 71(1)(b)(i) 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), **18(3)**
- F21** Words in reg. 71(1)(b)(ii) 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. 8(ii)**
- F22** Words in reg. 71(1)(b)(iii) 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. 8(iii)**
- F23** Words in reg. 71(1)(c) 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. 4(a)**
- F24** Words in reg. 71(1)(c)(i) omitted (with effect in accordance with reg. 1(2) of the amending S.I.) by virtue of [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 4\) Regulations 1993 \(S.I. 1993/2119\)](#), regs. 1(1)(a), **17(4)**

- F25** Words in reg. 71(1)(c) 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. 4(b)**
- F26** Reg. 71(1)(d) added (11.4.1988) by The Income Support (General) Amendment Regulations 1988 (S.I. 1988/663), regs. 1(1), **25(b)**
- F27** Words in reg. 71(1)(d) substituted (3.4.2000) by The Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000 (S.I. 2000/636), regs. 1(1), **3(8)(a)**
- F28** Words in reg. 71(1)(d)(ii) substituted (10.7.1989) by The Family Credit and Income Support (General) Amendment Regulations 1989 (S.I. 1989/1034), regs. 1(1)(a), **9(b)**
- F29** Reg. 71(1)(d)(iii) substituted (12.9.1988) by The Income Support (General) Amendment No. 4 Regulations 1988 (S.I. 1988/1445), regs. 1(1)(b), **15(b)**
- F30** Reg. 71(1)(d)(iv) and word inserted (10.4.1989) by The Income Support (General) Amendment No. 4 Regulations 1988 (S.I. 1988/1445), reg. 1(1)(c), **Sch. 1 para. 13(b)** (with reg. 28)
- F31** Words in reg. 71(1)(d)(iv) 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**
- F32** Reg. 71(2) substituted (coming into force in accordance with reg. 1(3) of the amending S.I.) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2001 (S.I. 2001/859), regs. 1(3), **3(3)**
- F33** Reg. 71(3) added (11.4.1988) by The Income Support (General) Amendment Regulations 1988 (S.I. 1988/663), regs. 1(1), **25(c)**

Modifications etc. (not altering text)

- C1** Reg. 71(1)(a)(i) sum confirmed (with effect in accordance with art. 1(2)(g) of the amending S.I.) by The Social Security Benefits Up-rating (No. 2) Order 2000 2001 (S.I. 2001/207), arts. 1(2)(g), 16(9), **Sch. 6**
- C2** Reg. 71(1)(a)(ii) sum confirmed (with effect in accordance with art. 1(2)(g) of the amending S.I.) by The Social Security Benefits Up-rating (No. 2) Order 2000 2001 (S.I. 2001/207), arts. 1(2)(g), **16(2)**
- C3** Reg. 71(1)(b)(i) sum confirmed (with effect in accordance with art. 1(2)(g) of the amending S.I.) by The Social Security Benefits Up-rating (No. 2) Order 2000 2001 (S.I. 2001/207), arts. 1(2)(g), 16(9), **Sch. 6**
- C4** Reg. 71(1)(b)(ii) sum confirmed (with effect in accordance with art. 1(2)(g) of the amending S.I.) by The Social Security Benefits Up-rating (No. 2) Order 2000 2001 (S.I. 2001/207), arts. 1(2)(g), **16(2)**
- C5** Reg. 71(1)(b)(iii) sum confirmed (with effect in accordance with art. 1(2)(g) of the amending S.I.) by The Social Security Benefits Up-rating (No. 2) Order 2000 2001 (S.I. 2001/207), arts. 1(2)(g), **16(2)**
- C6** Reg. 71(1)(c)(i) sum confirmed (with effect in accordance with art. 1(2)(g) of the amending S.I.) by The Social Security Benefits Up-rating (No. 2) Order 2000 2001 (S.I. 2001/207), arts. 1(2)(g), 16(9), **Sch. 6**
- C7** Reg. 71(1)(c)(ii) sum confirmed (with effect in accordance with art. 1(2)(g) of the amending S.I.) by The Social Security Benefits Up-rating (No. 2) Order 2000 2001 (S.I. 2001/207), arts. 1(2)(g), **16(2)**
- C8** Reg. 71(1)(d) sum confirmed (with effect in accordance with art. 1(2)(g) of the amending S.I.) by The Social Security Benefits Up-rating (No. 2) Order 2000 2001 (S.I. 2001/207), arts. 1(2)(g), 16(9), **Sch. 6**
- C9** Reg. 71(1)(d)(i) sum confirmed (with effect in accordance with art. 1(2)(g) of the amending S.I.) by The Social Security Benefits Up-rating (No. 2) Order 2000 2001 (S.I. 2001/207), arts. 1(2)(g), **16(2)**

Commencement Information

- I2** Reg. 71 in force at 11.4.1988, see reg. 1

Status: Point in time view as at 09/04/2001.

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

Assessment of income and capital in urgent cases

72.—(1) The claimant' income shall be calculated in accordance with Part V subject to the following modifications—

- [^{F34}(a) any income other than—
 - (i) a payment of income or income in kind made under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No.2) Trust, the Fund, the Eileen Trust or the Independent Living Funds; or
 - (ii) income to which paragraph 5, 7 (but only to the extent that a concessionary payment would be due under that paragraph for any non-payment of income support under regulation 70 of these Regulations or of jobseeker’s allowance under regulation 147 of the Jobseeker’s Allowance Regulations 1996 (urgent cases)), 31, 39(2), (3) or (4), 40, 42, 52 or 57 of Schedule 9 (disregard of income other than earnings) applies, possessed or treated as possessed by him, shall be taken into account in full notwithstanding any provision in that Part disregarding the whole or any part of that income;]
- (b) any income to which regulation 53 (calculation of tariff income from capital) applies shall be disregarded;
- (c) income treated as capital by virtue of [^{F35}regulation 48(1), (2), (3) and (9)] (income treated as capital) shall be taken into account as income;
- (d) in a case to which paragraph (2) (b) of regulation 70 (urgent cases) applies, any income to which regulation 42 (3) (notional income) applies shall be disregarded;

^{F36}(e)

(2) The claimant' capital calculated in accordance with Part V, but including any capital referred to in paragraphs 3 and, to the extent that such assets as are referred to in paragraph 6 consist of liquid assets, 6 [^{F37}and, except to the extent that the arrears referred to in paragraph 7 consist of arrears of housing benefit payable under Part II of the Act or Part II of the Social Security and Housing Benefits Act 1982 [^{F38}or any arrears of benefit due under regulation 70 of these Regulations or regulation 147 of the Jobseeker’s Allowance Regulations 1996 (urgent cases)], 7, 9(b), 19, 30[^{F39}, 32 and 47] of Schedule 10] (capital to be disregarded) shall be taken into account in full and the amount of income support which would, but for this paragraph be payable under this regulation, shall be payable only to the extent that it exceeds the amount of that capital.

Textual Amendments	
F34	Reg. 72(1)(a) substituted (coming into force in accordance with reg. 1(2)(3) of the amending S.I.) by The Social Security (Miscellaneous Amendments) Regulations 1998 (S.I. 1998/563) , regs. 1(2), 19(1)(a)
F35	Words in reg. 72(1)(c) substituted (12.12.1988) by The Income Support (General) Amendment No. 5 Regulations 1988 (S.I. 1988/2022) , regs. 1(1)(a), 15(b)
F36	Reg. 72(1)(e) omitted (9.10.1989) by virtue of The Income Support (General) Amendment No. 2 Regulations 1989 (S.I. 1989/1323) , regs. 1(1)(b), 17
F37	Words in reg. 72(2) substituted (12.12.1988) by The Income Support (General) Amendment No. 5 Regulations 1988 (S.I. 1988/2022) , regs. 1(1)(a), 15(c)
F38	Words in reg. 72(2) inserted (coming into force in accordance with reg. 1(2)(3) of the amending S.I.) by The Social Security (Miscellaneous Amendments) Regulations 1998 (S.I. 1998/563) , regs. 1(2), 19(1)(b)
F39	Words in reg. 72(2) substituted (15.10.1996) by The Income Support and Social Security (Claims and Payments) (Miscellaneous Amendments) Regulations 1996 (S.I. 1996/2431) , regs. 1(1), 4(b)

Commencement Information

I3 Reg. 72 in force at 11.4.1988, see [reg. 1](#)

Status:

Point in time view as at 09/04/2001.

Changes to legislation:

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