

## STATUTORY INSTRUMENTS

# 1987 No. 1967

## The Income Support (General) Regulations 1987

### [<sup>F1</sup>PART VII

#### CALCULATION OF INCOME SUPPORT FOR PART-WEEKS

##### Textual Amendments

- F1** Pt. 7 inserted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), 27

##### Amount of income support payable

**73.**—(1) Subject to regulations 75 (modifications in income) and 76 (reduction in certain cases), where a claimant is entitled to income support for a period (referred to in this Part as a part-week) to which subsection (1A) of section 21 of the Act (amount etc. of income-related benefit) applies, the amount of income support payable shall, except where paragraph (2) applies, be calculated in accordance with the following formulae—

- (a) if the claimant has no income,

$$N \times A7;$$

- (b) if the claimant has income,

$$(N \times (AI)7)B.$$

(2) Subject to regulations 75 and 76, in the case of a claimant to whom regulation 19<sup>F2</sup>... (persons in residential care or nursing homes<sup>F2</sup>...) applies, where the weekly charge for the accommodation is due to be paid during a part-week to which regulation 74(1)(a) or (b) applies, the amount of income Support payable shall be calculated in accordance with the following formulae—

- (a) if the claimant has no income, A;

- (b) if the claimant has income, (A - I) - B.

- (3) In this Regulation—

“A”, Subject to paragraph (4), means the claimant’s weekly applicable amount in the relevant week;

“B” means the amount of any income support, unemployment benefit, [<sup>F3</sup>maternity allowance,] sickness or invalidity benefit, or severe disablement allowance payable in respect of any day in the part-week;

“I” means his weekly income in the relevant week less B;

“N” means the number of days in the part-week;

“relevant week” means the period of 7 days determined in accordance with regulation 74.

- (4) In a case to which paragraph (2) applies, a claimant’s weekly applicable amount shall be—

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(a) where the weekly charge for the accommodation includes all meals, the aggregate of the following amounts—

(i) the weekly charge for the accommodation determined in accordance with paragraph 1(1)(a) of Schedule 4 <sup>F4</sup> ...; and

(ii) the amount calculated in accordance with the formula—

$$(N \times P)7 + (N \times H)7;$$

(b) where the weekly charge for the accommodation does not include all meals, the aggregate of the following amounts:

(i) the weekly charge for the accommodation determined in accordance with paragraph 1(1)(a) of Schedule 4 <sup>F4</sup> ... less M; and

(ii) the amount calculated in accordance with the formula—

$$(N \times M)7 + (N \times P)7 + (N \times H)7$$

(5) In paragraph (4)—

“H” means the weekly amount determined in accordance with paragraph 1(1)(c) of Schedule 4 <sup>F5</sup> ...;

“M” means the amount of the increase for meals calculated on a weekly basis in accordance with paragraph 2 of Schedule 4 <sup>F5</sup> ...;

“P” means the weekly amount for personal expenses determined in accordance with paragraph 13 of Schedule 4 <sup>F6</sup> ....

#### Textual Amendments

- F2** Words in reg. 73(2) 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. 9(a)**
- F3** Words in reg. 73(3) inserted (12.9.1988) by *The Income Support (General) Amendment No. 4 Regulations 1988* (S.I. 1988/1445), regs. 1(1)(b), **17**
- F4** Words in reg. 73(4) 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. 9(b)**
- F5** Words in reg. 73(5) 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. 9(b)**
- F6** Words in reg. 73(5) 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. 9(c)**

#### Relevant week

**74.—(1)** Where the part-week—

(a) is the whole period for which income support is payable or occurs at the beginning of the claim, the relevant week is the period of 7 days ending on the last day of that part-week; or

(b) occurs at the end of the claim, the relevant week is the period of 7 days beginning on the first day of that part-week.

(2) Where during the currency of a claim the claimant makes a claim for a relevant social security benefit within the meaning of paragraph 4 of Schedule 7 to the Social Security (Claims and Payments) Regulations 1987 and as a result his benefit week changes, for the purpose of calculating the amount of income support payable—

- (a) for the part-week beginning on the day after his last complete benefit week before the date from which he makes a claim for the relevant social security benefit and ending immediately before that date, the relevant week is the period of 7 days beginning on the day after his last complete benefit week (the first relevant week);
- (b) for the part-week beginning on the date from which he makes a claim for the relevant social security benefit and ending immediately before the start of his next benefit week after the date of that claim, the relevant week is the period of 7 days ending immediately before the start of his next benefit week (the second relevant week).

(3) Where during the currency of a claim the claimant's benefit week changes at the direction of the Secretary of State under paragraph 3 of Schedule 7 to the Social Security (Claims and Payments) Regulations 1987, for the purpose of calculating the amount of income Support payable for the part-week beginning on the day after his last complete benefit week before the change and ending immediately before the change, the relevant week is the period of 7 days beginning On the day after the last complete benefit week.

#### **Modifications in the calculation of income**

**75.** For the purposes of regulation 73 (amount of income support payable for part-weeks), a claimant's income and the income of any person which the claimant is treated as possessing under section 22(5) of the Act or regulation 23(3) shall be calculated in accordance with Part V and, where applicable, VI subject to the following modifications—

- (a) any income which is due to be paid in the relevant week shall be treated as paid on the first day of that week;
- (b) any income support, unemployment benefit, [<sup>F7</sup>maternity allowance,] sickness or invalidity benefit, or severe disablement allowance under the Social Security Act payable in the relevant week but not in respect of any day in the part-week shall be disregarded;
- (c) where the part-week occurs at the end of the claim, any income or any change in the amount of income of the same kind which is first payable within the relevant week but not on any day in the part-week shall be disregarded;
- (d) where the part-week occurs immediately after a period in which a person was treated as engaged in remunerative work under regulation 5(5) (persons treated as engaged in remunerative work) any earnings which are taken into account for the purposes of determining that period shall be disregarded;
- (e) where regulation 74(2) (relevant week) applies, any payment of income which—
  - (i) is the final payment in a series of payments of the same kind or, if there has been an interruption in such payments, the last one before the interruption;
  - (ii) is payable in respect of a period not exceeding a week; and
  - (iii) is due to be paid on a day which falls within both the first and second relevant weeks, shall be taken into account in either the first relevant week or, if it is impracticable to take it into account in that week, in the second relevant week; but this paragraph shall not apply to a payment of income support, unemployment benefit, [<sup>F8</sup>maternity allowance,] sickness or invalidity benefit or severe disablement allowance under the Social Security Act;
- (f) where regulation 74(2) applies, any payment of income which—

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- (i) is the final payment in a series of payments of the same kind or, if there has been an interruption in such payments, the last one before the interruption;
- (ii) is payable in respect of a period exceeding a week but not exceeding 2 weeks; and
- (iii) is due to be paid on a day which falls within both the first and second relevant weeks, shall be disregarded; but this sub-paragraph shall not apply to a payment of income support, unemployment benefit, [<sup>F9</sup>maternity allowance,] sickness or invalidity benefit, or severe disablement allowance under the Social Security Act;
- (g) where regulation 74(2) applies, if the weekly amount of any income which is due to be paid on a day which falls within both the first and second relevant weeks is more than the weekly amount of income of the same kind due to be paid in the last complete benefit week, the excess shall be disregarded;
- (h) where only part of the weekly amount of income is taken into account in the relevant week, the balance shall be disregarded.

#### Textual Amendments

- F7** Words in reg. 75(b) inserted (12.9.1988) by The Income Support (General) Amendment No. 4 Regulations 1988 (S.I. 1988/1445), regs. 1(1)(b), 17
- F8** Words in reg. 75(e) inserted (12.9.1988) by The Income Support (General) Amendment No. 4 Regulations 1988 (S.I. 1988/1445), regs. 1(1)(b), 17
- F9** Words in reg. 75(f) inserted (12.9.1988) by The Income Support (General) Amendment No. 4 Regulations 1988 (S.I. 1988/1445), regs. 1(1)(b), 17

#### Reduction in certain cases

76. There shall be deducted from the amount of income support which would, but for this regulation, be payable for a part-week—

- (a) in the case of a claimant to whom regulation 22(1) or (2) (reductions in weekly applicable amounts in certain cases of unemployment benefit disqualification) applies, the proportion of the relevant amount specified therein appropriate to the number of days in the part-week;
- (b) where regulation 75(f) (modifications in the calculation of income) applies, one-half of the amount disregarded under regulation 75(f) less the weekly amount of any disregard under Schedule 8 or 9 appropriate to that payment.

#### Modification of section 23(5) of the Act

77. Where income support is payable for a part-week, section 23(5) of the Act (trade disputes) shall have effect as if the following paragraph were substituted for paragraph (b)—

- “(b) any payment by way of income support for a part-week which apart from this paragraph would be made to him, or to a person whose applicable amount is aggregated with his—
  - (i) shall not be made if the payment for that part-week is equal to or less than the proportion of the relevant sum appropriate to the number of days in the part-week; or
  - (ii) if it is more than that proportion, shall be made at a rate equal to the difference.”]

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