
STATUTORY INSTRUMENTS

1987 No. 1967

The Income Support (General) Regulations 1987

PART IV

APPLICABLE AMOUNTS

Special cases

21.—(1) Subject to [^{F1}paragraph (1B)], [^{F2}[^{F3}regulation 21ZB] (treatment of refugees) and] [^{F4}regulation 22A] (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 [^{F5}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, [^{F6}except as provided in regulation 44(1) (modifications in respect of children and young persons)], would exceed £3,000].

^{F7}(1A)

^{F8}(1B)

^{F9}(2)

(3) [^{F10}In Schedule 7] —

[^{F11}“partner of a person subject to immigration control” means a person—

- (i) who is not subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act; or
- (ii) to whom section 115 of that Act does not apply by virtue of regulation 2 of the Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000; and
- (iii) who is a member of a couple and [^{F12}the member's] partner is subject to immigration control within the meaning of section 115(9) of that Act and section 115 of that Act applies to [^{F13}the partner] for the purposes of exclusion from entitlement to income support;]

^{F14} ...

“patient” means a person (other than a prisoner) who is regarded as receiving free in-patient treatment within the meaning of [^{F15}regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005].

[^{F16}“person from abroad” has the meaning given in regulation 21AA;]

[^{F17}“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

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(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 [F18] who is detained in hospital under the provisions of the Mental Health Act 1983, or, in Scotland, under the provisions of the [F19]Mental Health (Care and Treatment) (Scotland) Act 2003] or the Criminal Procedure (Scotland) Act 1995,]]

F20 ...

[F21(3ZA) In Schedule 7 “person serving a sentence of imprisonment detained in hospital” means a person (“P”) who satisfies either of the following conditions.

(3ZB) The first condition is that—

- (a) P is being detained under section 45A or 47 of the Mental Health Act 1983 (power of higher courts to direct hospital admission; removal to hospital of persons serving sentences of imprisonment etc.); and
- (b) in any case where there is in relation to P a release date within the meaning of section 50(3) of that Act, P is being detained on or before the day which the Secretary of State certifies to be that release date.

(3ZC) The second condition is that P is being detained under—

- (a) section 59A of the Criminal Procedure (Scotland) Act 1995 (hospital direction); or
- (b) section 136 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (transfer of prisoners for treatment of mental disorder).]

- F22(3A)
- F22(3B)
- F22(3C)
- F22(3D)
- F22(3E)
- F23(3F)
- F23(3G)
- F24(4)
- F24(4A)
- F24(4B)

(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

- F1 Words in reg. 21(1) inserted (8.4.2002) by The Social Security Amendment (Residential Care and Nursing Homes) Regulations 2001 (S.I. 2001/3767), reg. 1, **Sch. Pt. I para. 6(a)**
- F2 Words in reg. 21(1) inserted (15.10.1996) by The Income Support and Social Security (Claims and Payments) (Miscellaneous Amendments) Regulations 1996 (S.I. 1996/2431), regs. 1(1), **2**
- F3 Words in reg. 21(1) substituted (3.4.2000) by The Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000 (S.I. 2000/636), regs. 1(1), **3(4)(a)** (with reg. 12(2)(a))
- F4 Words in reg. 21(1) 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), **12**

- F5** Words in reg. 21(1) omitted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by virtue of The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), **Sch. 1 para. 4(a)**
- F6** 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**
- F7** Reg. 21(1A) omitted (6.4.2009) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2009 (S.I. 2009/583), regs. 1(2), **2(5)**
- F8** Reg. 21(1B) omitted (6.10.2003) by virtue of The Social Security (Third Party Deductions and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2325), regs. 1, **3(a)**
- F9** Reg. 21(2) omitted (for specified purposes and with effect in accordance with reg. 1(c) of the amending S.I.) by virtue of The Social Security (Hospital In-Patients) Regulations 2005 (S.I. 2005/3360), **reg. 4(2)(a)**
- F10** Words in reg. 21(3) substituted (30.4.2006) by The Social Security (Persons from Abroad) Amendment Regulations 2006 (S.I. 2006/1026), regs. 1, **6(2)(a)(i)** (with reg. 11(2))
- F11** Words in reg. 21(3) inserted (3.4.2000) by The Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000 (S.I. 2000/636), regs. 1(1), **3(4)(c)**
- F12** Words in reg. 21(3) substituted (5.12.2005) by The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877), art. 1, **Sch. 3 para. 13(3)(a)** (with art. 3)
- F13** Words in reg. 21(3) substituted (5.12.2005) by The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877), art. 1, **Sch. 3 para. 13(3)(b)** (with art. 3)
- F14** Words in reg. 21(3) 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(4)(b)**
- F15** Words in reg. 21(3) substituted (for specified purposes and with effect in accordance with reg. 1(c) of the amending S.I.) by The Social Security (Hospital In-Patients) Regulations 2005 (S.I. 2005/3360), **reg. 4(2)(b)**
- F16** Words in reg. 21(3) substituted (30.4.2006) by The Social Security (Persons from Abroad) Amendment Regulations 2006 (S.I. 2006/1026), regs. 1, **6(2)(a)(ii)** (with reg. 11(2))
- F17** 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))
- F18** Words in reg. 21(3) 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), **8(1)(2)(c)(i)**
- F19** Words in reg. 21(3) substituted (E.W.) (5.10.2005) by The Mental Health (Care and Treatment) (Scotland) Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/2078), art. 1(1), **Sch. 2 para. 3(4)(a)(i)**; and (S.) (5.10.2005) by The Mental Health (Care and Treatment) (Scotland) Act 2003 (Modification of Subordinate Legislation) Order 2005 (S.S.I. 2005/445), arts. 1, 2, **sch. para. 3(3)(a)(i)**
- F20** Words in reg. 21(3) omitted (24.10.2005) by virtue of The Social Security (Care Homes and Independent Hospitals) Regulations 2005 (S.I. 2005/2687), reg. 1, **Sch. 1 para. 5(a)**
- F21** Reg. 21(3ZA)-(3ZC) inserted (25.3.2010) by The Social Security (Persons Serving a Sentence of Imprisonment Detained in Hospital) Regulations 2010 (S.I. 2010/442), regs. 1, **3(2)**
- F22** Reg. 21(3A)-(3E) omitted (24.10.2005) by virtue of The Social Security (Care Homes and Independent Hospitals) Regulations 2005 (S.I. 2005/2687), reg. 1, **Sch. 1 para. 5(b)**
- F23** Reg. 21(3F)(3G) omitted (30.4.2006) by virtue of The Social Security (Persons from Abroad) Amendment Regulations 2006 (S.I. 2006/1026), regs. 1, **6(2)(b)** (with reg. 11(2))
- F24** Reg. 21(4)-(4B) omitted (24.10.2005) by virtue of The Social Security (Care Homes and Independent Hospitals) Regulations 2005 (S.I. 2005/2687), reg. 1, **Sch. 1 para. 5(b)**

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Changes to legislation: There are currently no known outstanding effects for the The Income Support (General) Regulations 1987, Section 21. (See end of Document for details)

Modifications etc. (not altering text)

- C1** Reg. 21 applied (with modifications) (S.) (6.10.2003) by [The National Health Service \(Travelling Expenses and Remission of Charges\) \(Scotland\) \(No. 2\) Regulations 2003 \(S.S.I. 2003/460\)](#), reg. 1, **sch. Pt. II** Table B (with reg. 13)
- C2** Reg. 21(1): sum confirmed (coming into force in accordance with art. 1(3)(i) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2023 \(S.I. 2023/316\)](#), arts. 1(3)(i), **21(2)(a)**
- C3** Reg. 21(1): sum confirmed (coming into force in accordance with art. 1(3)(h) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2024 \(S.I. 2024/242\)](#), arts. 1(3)(h), **20(2)(a)**

Commencement Information

- I1** Reg. 21 in force at 11.4.1988, see reg. 1

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