
STATUTORY INSTRUMENTS

1987 No. 1967

The Income Support (General) Regulations 1987

PART V

INCOME AND CAPITAL

CHAPTER VI

capital

Calculation of tariff income from capital

53.—(1) [^{F1}Except where the circumstances prescribed in paragraph ^{F2}... (1B) apply to the claimant,] where the claimant's capital calculated in accordance with this Part exceeds [^{F3}£6,000] it shall be treated as equivalent to a weekly income of £1 for each complete £250 in excess of [^{F3}£6,000] but not exceeding [^{F4}£16,000].

^{F5}(1ZA)

[^{F6}(1A) Where the circumstances prescribed in paragraph (1B) apply to the claimant and that claimant's capital calculated in accordance with this Part exceeds £10,000, it shall be treated as equivalent to a weekly income of £1 for each complete £250 in excess of £10,000 but not exceeding £16,000.

(1B) For the purposes of paragraph (1A)^{F7}..., the prescribed circumstances are that the claimant lives permanently in—

[^{F8}(a) a care home or an independent hospital;]

[^{F8}(b) an Abbeyfield Home;]

(c) accommodation provided under section 3 of, and Part II of the Schedule to, the Polish Resettlement Act 1947 (provision of accommodation in camps) where the claimant requires personal care [^{F9}by reason of old age, disablement, past or present dependence on alcohol or drugs, past or present mental disorder or a terminal illness and the care is provided in the home].

^{F10}(d)

(1C) For the purposes of paragraph (1B), a claimant shall be treated as living permanently in such home [^{F11}, hospital] or accommodation where he is absent—

(a) from a home[^{F11}, hospital] or accommodation referred to in sub-paragraph [^{F12}(a) [^{F13}or (b)]] of paragraph (1B)—

(i) ^{F14}... in the case of a person over pensionable age, for a period not exceeding 52 weeks, and

(ii) in any other case, for a period not exceeding 13 weeks;

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Changes to legislation: There are currently no known outstanding effects for the The Income Support (General) Regulations 1987, Section 53. (See end of Document for details)

(b) from accommodation referred to in sub-paragraph (c) of paragraph (1B), where the claimant, with the agreement of the manager of the accommodation, intends to return to the accommodation in due course.]

(2) Notwithstanding [^{F15}paragraphs (1)^{F16}... and (1A)], where any part of the excess is not a complete £250 that part shall be treated as equivalent to a weekly income of £1.

(3) For the purposes of [^{F15}paragraphs (1)^{F16}... and (1A)], capital includes any income treated as capital under regulations ^{F17}... 48 and 60 (^{F17}... income treated as capital and liable relative payments treated as capital).

^{F18}(4)

Textual Amendments

- F1** Words in reg. 53(1) inserted (8.4.1996) by The Income-related Benefits Schemes (Miscellaneous Amendments) Regulations 1996 (S.I. 1996/462), regs. 1(2), **12(1)(b)(i)**
- F2** Words in reg. 53(1) omitted (with effect in accordance with reg. 1(6) of the amending S.I.) by virtue of The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2005 (S.I. 2005/2465), regs. 1(6)(a), **2(6)(a)(i)**
- F3** Word in reg. 53(1) substituted (with effect in accordance with reg. 1(6) of the amending S.I.) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2005 (S.I. 2005/2465), regs. 1(6)(a), **2(6)(a)(ii)**
- F4** Word in reg. 53(1) substituted (with effect in accordance with reg. 1(6) of the amending S.I.) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2005 (S.I. 2005/2465), regs. 1(6)(a), **2(6)(a)(iii)**
- F5** Reg. 53(1ZA) omitted (with effect in accordance with reg. 1(6) of the amending S.I.) by virtue of The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2005 (S.I. 2005/2465), regs. 1(6)(a), **2(6)(b)**
- F6** Reg. 53(1A)-(1C) inserted (8.4.1996) by The Income-related Benefits Schemes (Miscellaneous Amendments) Regulations 1996 (S.I. 1996/462), regs. 1(2), **12(1)(b)(ii)**
- F7** Words in reg. 53(1B) omitted (with effect in accordance with reg. 1(6) of the amending S.I.) by virtue of The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2005 (S.I. 2005/2465), regs. 1(6)(a), **2(6)(c)**
- F8** Reg. 53(1B)(a)(b) substituted (24.10.2005) by The Social Security (Care Homes and Independent Hospitals) Regulations 2005 (S.I. 2005/2687), reg. 1, **Sch. 1 para. 7(a)(i)**
- F9** Words in reg. 53(1B)(c) substituted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by The Income-related Benefits and Jobseeker's Allowance (Amendment) (No. 2) Regulations 1997 (S.I. 1997/2197), regs. 1(2), **7(5)(6)(a)**
- F10** Reg. 53(1B)(d) 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. 7(a)(ii)**
- F11** Word in reg. 53(1C) inserted (24.10.2005) by The Social Security (Care Homes and Independent Hospitals) Regulations 2005 (S.I. 2005/2687), reg. 1, **Sch. 1 para. 7(b)(i)**
- F12** Words in reg. 53(1C)(a) substituted (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by The Income-related Benefits and Jobseeker's Allowance (Miscellaneous Amendments) Regulations 1997 (S.I. 1997/65), regs. 1(1)(2), **8(b)**
- F13** Words in reg. 53(1C)(a) substituted (24.10.2005) by The Social Security (Care Homes and Independent Hospitals) Regulations 2005 (S.I. 2005/2687), reg. 1, **Sch. 1 para. 7(b)(ii)**
- F14** Words in reg. 53(1C)(a)(i) omitted (8.4.2002) by virtue of The Social Security Amendment (Residential Care and Nursing Homes) Regulations 2001 (S.I. 2001/3767), reg. 1, **Sch. Pt. I para. 9**
- F15** Words in reg. 53(2)(3) substituted (8.4.1996) by The Income-related Benefits Schemes (Miscellaneous Amendments) Regulations 1996 (S.I. 1996/462), regs. 1(2), **12(1)(b)(iii)**

- F16** Word in reg. 53(2)(3) omitted (with effect in accordance with reg. 1(6) of the amending S.I.) by virtue of The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2005 (S.I. 2005/2465), regs. 1(6)(a), **2(6)(d)**
- F17** Words in reg. 53(3) omitted (12.12.1988) by virtue of The Income Support (General) Amendment No. 5 Regulations 1988 (S.I. 1988/2022), regs. 1(1)(a), **13**
- F18** Reg. 53(4) 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. 7(c)**

Modifications etc. (not altering text)

- C1** Reg. 53 applied (with modifications) (11.4.2005) by S.I. 2003/2382 (as amended (E.) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **19(2)(a)**)
- C2** Reg. 53 applied (with modifications) (11.4.2005) by S.I. 2003/2382 (as amended (E.) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **19(2)(b)**)
- C3** Reg. 53 applied (with modifications) (1.5.2006) by S.I. 2003/2382 (as amended (E.) by The National Health Service (Travel Expenses and Remission of Charges) Amendment Regulations 2006 (S.I. 2006/1065), regs. 1(1), **2(2)(b)**)
- C4** Reg. 53 applied (with modifications) (1.5.2006) by S.I. 2003/2382 (as amended (E.) by The National Health Service (Travel Expenses and Remission of Charges) Amendment Regulations 2006 (S.I. 2006/1065), regs. 1(1), **2(2)(c)**)
- C5** Reg. 53 applied (with modifications) (1.5.2007) by S.I. 2003/2382 (as amended (E.) by The National Health Service (Travel Expenses and Remission of Charges) Amendment Regulations 2007 (S.I. 2007/988), regs. 1(1), **2(2)(b)**)
- C6** Reg. 53 applied (with modifications) (1.5.2008) by S.I. 2003/2382 (as amended (E.) by The National Health Service (Travel Expenses and Remission of Charges) Amendment Regulations 2008 (S.I. 2008/843), regs. 1(1), **2(2)(b)**)
- C7** Reg. 53 applied (with modifications) (1.7.2008) by W.S.I. 2007/1104 (as amended (W.) by The National Health Service (Travelling Expenses and Remission of Charges) (Wales) (Amendment) Regulations 2008 (S.I. 2008/1480), regs. 1(2), **2(3)**)
- C8** Reg. 53 applied (with modifications) (7.4.2010) by S.I. 2003/2382 (as amended (E.) by The National Health Service (Travel Expenses and Remission of Charges) Amendment Regulations 2010 (S.I. 2010/620), regs. 1, **2(2)(b)(ii)**)
- C9** Reg. 53 applied (with modifications) (7.4.2010) by S.I. 2003/2382 (as amended (E.) by The National Health Service (Travel Expenses and Remission of Charges) Amendment Regulations 2010 (S.I. 2010/620), regs. 1, **2(2)(b)(i)**)
- C10** Reg. 53 applied (with modifications) (12.4.2010) by W.S.I. 2007/1104 (as amended (W.) by The National Health Service (Travelling Expenses and Remission of Charges) (Wales) (Amendment) Regulations 2010 (S.I. 2010/1237), regs. 1(2), **3(2)**)

Commencement Information

- I1** Reg. 53 in force at 11.4.1988, see reg. 1

Status:

Point in time view as at 12/04/2010.

Changes to legislation:

There are currently no known outstanding effects for the The Income Support (General) Regulations 1987, Section 53.