
STATUTORY INSTRUMENTS

1987 No. 1967

The Income Support (General) Regulations 1987

PART V

INCOME AND CAPITAL

CHAPTER VII

[^{F1}... liable relative payments]

Interpretation

54. In this Chapter, unless the context otherwise requires—

^{F1} ...

“claimant” includes a young claimant;

[^{F2}“claimant’s family” shall be construed in accordance with section 137 of the contributions and Benefits Act 1992 (interpretation of part 7 and supplementary provisions);]

[^{F2}“housing costs” means, those costs which may be met under regulation 17(1)(e) or 18(1)(f) (housing costs);]

“liable relative” means—

- (a) a spouse [^{F3}, former spouse, civil partner or former civil partner] of a claimant or of a member of the claimant's family;
- (b) a parent of a child or young person who is a member of the claimant's family or of a young claimant;
- (c) a person who has not been adjudged to be the father of a child or young person who is a member of the claimant's family or of a young claimant where that person is contributing towards the maintenance of that child, young person or young claimant and by reason of that contribution he may reasonably be treated as the father of that child, young person or young claimant;
- (d) a person liable to maintain another person [^{F4}in the circumstances set out in section 78(6)(c) of the Social Security Administration Act 1992 (liability to maintain another person)] where the latter is the claimant or a member of the claimant's family,

and, in this definition, a reference to a child's, young person's or young claimant's parent includes any person in relation to whom the child, young person or young claimant was treated as a child or a member of the family;

[^{F2}“ordinary clothing and footwear” means clothing and footwear for normal daily use but does not include school uniforms;]

“payment” means a periodical payment or any other payment made by or derived from a liable relative ^{F5}... but it does not include any payment—

- (a) arising from a disposition of property made in contemplation of, or as a consequence of—

- (i) an agreement to separate; or
- (ii) any proceedings for judicial separation, divorce or nullity of marriage; ^[F6]or
- (iii) ^[F7]any proceedings for separation, dissolution or nullity in relation to a civil partnership;]
- (b) made after the death of the liable relative;
- (c) made by way of a gift but not in aggregate or otherwise exceeding £250 in the period of 52 weeks beginning with the date on which the payment, or if there is more than one such payment the first payment, is made; and, in the case of a claimant who continues to be in receipt of income support at the end of the period of 52 weeks, this provision shall continue to apply thereafter with the modification that any subsequent period of 52 weeks shall begin with the first day of the benefit week in which the first payment is made after the end of the previous period of 52 weeks;
- (d) ^[F8]to which regulation 44(2) applies (modifications in respect of children and young persons);]
- (e) ^[F9]made to a third party, or in respect of a third party, unless the payment is—
 - (i) in relation to the claimant or the claimant's ^[F10]partner or is made or derived from a person falling within sub-paragraph (d) of the definition of liable relative]; and
 - (ii) ^{F11}... in respect of food, ordinary clothing or footwear, fuel, ^[F12]rent for which housing benefit is payable, housing costs to the extent that they are met under regulation 17(1)(e) or 18(1)(f) (housing costs),] council tax or water charges;]
- (f) in kind;
- (g) to, or in respect of, a child or young person who is to be treated as not being a member of the claimant's household under regulation 16 (circumstances in which a person is to be treated as being or not being a member of the same household);
- (h) which is not a periodical payment, to the extent that any amount of that payment—
 - (i) has already been taken into account under this Part by virtue of a previous claim or determination; or
 - (ii) has been recovered under section 27(1) of the Act (prevention of duplication of payments) or is currently being recovered; or
 - (iii) at the time the determination is made, has been used by the claimant except where he has deprived himself of that amount for the purpose of securing entitlement to income support or increasing the amount of that benefit;
- (i) ^[F13]to which paragraph 73 of Schedule 9 (sums to be disregarded in the calculation of income other than earnings) applies.]

“periodical payment” means—

- (a) a payment which is made or is due to be made at regular intervals ^{F14} ...;
- (b) in a case where the liable relative has established a pattern of making payments at regular intervals, any such payment;
- (c) any payment ^{F15}^[F16]... that does not exceed] the amount of income support payable had that payment not been made;
- (d) any payment representing a commutation of payments to which sub-paragraphs (a) or (b) of this definition applies whether made in arrears or in advance,

but does not include a payment due to be made before the first benefit week pursuant to the claim which is not so made;

“young claimant ” means a person aged 16 or over but under [^{F17}20] who makes a claim for income support.

Textual Amendments

- F1** Words in reg. 54 omitted (for specified purposes and with effect in accordance with reg. 1(6) of the amending S.I.) by virtue of The Social Security (Miscellaneous Amendments) (No. 4) Regulations 2009 (S.I. 2009/2655), regs. 1(6)(a), **2(10)(a)**
- F2** Words in reg. 54 inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Social Security (Child Maintenance Amendments) Regulations 2008 (S.I. 2008/2111), regs. 1(1), **2(6)(a)**
- F3** Words in reg. 54 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(4)(a)** (with art. 3)
- F4** Words in reg. 54 substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Social Security (Child Maintenance Amendments) Regulations 2008 (S.I. 2008/2111), regs. 1(1), **2(6)(b)**
- F5** Words in reg. 54 omitted (with effect in accordance with reg. 1(2) of the amending S.I.) by virtue of The Social Security (Child Maintenance Amendments) Regulations 2008 (S.I. 2008/2111), regs. 1(1), **2(6)(c)(i)**
- F6** Word in reg. 54 inserted (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(4)(b)(i)** (with art. 3)
- F7** Words in reg. 54 inserted (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(4)(b)(ii)** (with art. 3)
- F8** Words in reg. 54 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. 14**
- F9** Words in reg. 54 substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Social Security (Child Maintenance Amendments) Regulations 2008 (S.I. 2008/2111), regs. 1(1), **2(6)(c)(ii)**
- F10** Words in reg. 54 substituted (for specified purposes and with effect in accordance with reg. 1(6) of the amending S.I.) by The Social Security (Miscellaneous Amendments) (No. 4) Regulations 2009 (S.I. 2009/2655), regs. 1(6)(a), **2(10)(b)(i)**
- F11** Words in reg. 54(e)(ii) omitted (2.4.2013) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2013 (S.I. 2013/443), regs. 1(1), **2(3)(a)**
- F12** Words in reg. 54(e)(ii) substituted (2.4.2013) by The Social Security (Miscellaneous Amendments) Regulations 2013 (S.I. 2013/443), regs. 1(1), **2(3)(b)**
- F13** Words in reg. 54 added (for specified purposes and with effect in accordance with reg. 1(6) of the amending S.I.) by The Social Security (Miscellaneous Amendments) (No. 4) Regulations 2009 (S.I. 2009/2655), regs. 1(6)(a), **2(10)(b)(ii)**
- F14** Words in reg. 54 omitted (with effect in accordance with reg. 1(2) of the amending S.I.) by virtue of The Social Security (Child Maintenance Amendments) Regulations 2008 (S.I. 2008/2111), regs. 1(1), **2(6)(d)(i)**
- F15** Words in reg. 54 omitted (for specified purposes and with effect in accordance with reg. 1(6) of the amending S.I.) by virtue of The Social Security (Miscellaneous Amendments) (No. 4) Regulations 2009 (S.I. 2009/2655), regs. 1(6)(a), **2(10)(c)**
- F16** Words in reg. 54 substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Social Security (Child Maintenance Amendments) Regulations 2008 (S.I. 2008/2111), regs. 1(1), **2(6)(d)(ii)**
- F17** Word in reg. 54 substituted (10.4.2006) by The Social Security (Young Persons) Amendment Regulations 2006 (S.I. 2006/718), regs. 1(2)(a), **2(5)**

Changes to legislation: *There are currently no known outstanding effects for the The Income Support (General) Regulations 1987, Section 54. (See end of Document for details)*

Commencement Information

II Reg. 54 in force at 11.4.1988, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Income Support (General) Regulations 1987, Section 54.