
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's 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—

- (a) a claimant to whom paragraph (3) (certain persons from abroad) applies;
- (b) a claimant who is treated as possessing income under regulation 42 (3) (notional income);
- (c) a claimant who or whose partner is a seasonal worker treated as possessing earnings under regulation 43 (seasonal workers).

(3) This paragraph applies to a person from abroad within the meaning of regulation 21 (3) (special cases) who—

- (a) having, during any one period of limited leave of a kind referred to in sub-paragraph (a) of that definition (including any period as extended), supported himself without recourse to public funds other than any such recourse by reason of the previous application of this sub-paragraph, is temporarily without funds during that period of leave because remittances to him from abroad have been disrupted provided that there is a reasonable expectation that his supply of funds will be resumed;
- (b) is awaiting the determination of an application made under section 3 of the 1971 Act⁽¹⁾ (general provisions for regulation and control) for his leave to remain in the United Kingdom to be varied so as to be leave under any provision in the immigration rules which does not refer to there being, or to there needing to be, no recourse to public funds or to there being no charge on public funds during that limited leave;
- (c) is awaiting the outcome of an appeal made under Part II of the 1971 Act (including any period for which the appeal is treated as pending under section 33 (4) of that Act);
- (d) is a person to whom sub-paragraph (b) of that definition applies who has applied for leave within the meaning of the 1971 Act to remain in the United Kingdom, being leave under any provision in the immigration rules which does not refer to there being, or to there needing to be, no recourse to public funds or to there being no charge on public funds during that leave and is awaiting the determination of that application;
- (e) is a person to whom sub-paragraph (c) of that definition applies but whose removal from the United Kingdom has been deferred in writing by the Secretary of State;

⁽¹⁾ 1971 c. 77 as amended by the British Nationality Act 1981 (c. 61), section 39 and Schedule 4.

- (f) is a person, other than someone to whom sub-paragraph (c) of that definition applies, who has been granted permission to remain in the United Kingdom pending the removal of a person to whom sub-paragraph (e) applies;
 - (g) is a person who has no or no further right of appeal under the 1971 Act but has been allowed to remain in the United Kingdom while an application so to remain is, or representations on his behalf are, being considered by the Secretary of State;
 - (h) is a person to whom sub-paragraph (d) of that definition applies and who has been allowed to remain in the United Kingdom with the consent in writing of the Secretary of State;
 - (i) is a person to whom sub-paragraph (e), (f) or (g) of that definition applies and whose applicable amount, but for this sub-paragraph, would if calculated in accordance with regulation 21 (special cases) be nil;
 - (j) he is a person other than one to whom sub-paragraph (e) applies who is subject to a direction for his removal from the United Kingdom, but whose removal has been deferred in writing by the Secretary of State.
- (4) This regulation shall only apply to a person to whom paragraph (2) (b) or (c) applies, where the income or earnings he is treated as possessing by virtue of regulation 42(3) (notional income) or regulation 43 (notional earnings of seasonal workers) 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 adjudication officer is satisfied that, unless the provisions of this Part are applied to the claimant, the claimant or his family will suffer hardship.