

## [<sup>F1</sup>SCHEDULE 1B

Regulation 4ZA

### PRESCRIBED CATEGORIES OF PERSON

#### Textual Amendments

- F1** Sch. 1B inserted (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), 22, [Sch. 1](#)

#### Lone parents

1. A person who is a lone parent and responsible for a child who is a member of his household.

#### Single persons looking after foster children

2. A single claimant or a lone parent with whom a child is placed by a local authority or voluntary organisation within the meaning of the Children Act 1989 or, in Scotland, the Social Work (Scotland) Act 1968.

#### Persons temporarily looking after another person

3. A person who is—
  - (a) looking after a child because the parent of that child or the person who usually looks after him is ill or is temporarily absent from his home; or
  - (b) looking after a member of his family who is temporarily ill.

#### Persons caring for another person

4. A person (the carer)—
  - (a) who is regularly and substantially engaged in caring for another person if—
    - (i) the person being cared for is in receipt of attendance allowance <sup>F2</sup>... or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Contributions and Benefits Act; or
    - (ii) the person being cared for has claimed attendance allowance <sup>F3</sup>... but only for the period up to the date of determination of that claim, or the period of 26 weeks from the date of that claim, whichever date is the earlier; or

[ the person being cared for has claimed attendance allowance in accordance with

    - <sup>F4</sup>(iia) section 65(6)(a) of the Contributions and Benefits Act (claims in advance of entitlement), an award has been made in respect of that claim under section 65(6)(b) of that Act and, where the period for which the award is payable has begun, that person is in receipt of the allowance;]
    - (iii) the person being cared for has claimed entitlement to a disability living allowance but only for the period up to the date of determination of that claim, or the period of 26 weeks from the date of that claim, whichever date is the earlier; or

[ the person being cared for has claimed entitlement to the care component of a

    - <sup>F5</sup>(iiia) disability living allowance in accordance with, regulation 13A of the Social Security (Claims and Payments) Regulations 1987 (advance claims and awards), an award at the highest or middle rate has been made in respect of that claim and, where the

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period for which the award is payable has begun, that person is in receipt of the allowance;]

- (b) who is engaged in caring for another person and who is in receipt of an invalid care allowance.

#### Textual Amendments

- F2** Words in Sch. 1B para. 4(a)(i) omitted (7.10.1996) by virtue of The Jobseeker's Allowance and Income Support (General) (Amendment) Regulations 1996 (S.I. 1996/1517), regs. 1, **33(2)**
- F3** Words in Sch. 1B para. 4(a)(ii) omitted (7.10.1996) by virtue of The Jobseeker's Allowance and Income Support (General) (Amendment) Regulations 1996 (S.I. 1996/1517), regs. 1, **33(3)**
- F4** Sch. 1B para. 4(a)(iia) inserted (7.10.1996) by The Jobseeker's Allowance and Income Support (General) (Amendment) Regulations 1996 (S.I. 1996/1517), regs. 1, **33(4)**
- F5** Sch. 1B para. 4(a)(iia) inserted (7.10.1996) by The Jobseeker's Allowance and Income Support (General) (Amendment) Regulations 1996 (S.I. 1996/1517), regs. 1, **33(5)**

5. A person to whom paragraph 4 applied, but only for a period of 8 weeks from the date on which that paragraph ceased to apply to him.

#### Modifications etc. (not altering text)

- C1** Sch. 1B paras. 5, 6 modified (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), **reg. 27(1)**

6. A person who, had he previously made a claim for income support, would have fulfilled the conditions of paragraph 4, but only for a period of 8 weeks from the date on which he ceased to fulfil those conditions.

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### Persons incapable of work

7. A person who—
- (a) is incapable of work in accordance with the provisions of Part XIII A of the Contributions and Benefits Act and the regulations made thereunder (incapacity for work); or
  - (b) is treated as incapable of work by virtue of regulations made under section 171D of that Act (persons to be treated as incapable or capable of work); or
  - (c) is treated as capable of work by virtue of regulations made under section 171E(1) of that Act (disqualification etc.); or
  - (d) is entitled to statutory sick pay.

### Disabled workers

8. A person to whom regulation 6(a) (persons not treated as engaged in remunerative work) applies.

### Persons in employment living in residential care homes, nursing homes or residential accommodation

9. A person to whom regulation 6(g) applies.

### Disabled students

10. A person who is a student and—
- (a) whose applicable amount includes the disability premium or severe disability premium; or
  - (b) who has satisfied the provisions of paragraph 7 for a continuous period of not less than 196 days, and for this purpose any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period.
11. A person who is a student and who—
- (a) immediately before 1st September 1990 was in receipt of income support by virtue of paragraph 7 of Schedule 1 as then in force; or
  - (b) on or after that date makes a claim for income support and at a time during the period of 18 months immediately preceding the date of that claim was in receipt of income support either by virtue of that paragraph or regulation 13(2)(b),

but this paragraph shall not apply where for a continuous period of 18 months or more the person has not been in receipt of income support.

#### Modifications etc. (not altering text)

- C2** [Sch. 1B para. 10](#) modified (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), **27(2)**

### Deaf students

12. A person who is a student in respect of whom—
- (a) a supplementary requirement has been determined under paragraph 10 of Schedule 2 to the Education (Mandatory Awards) Regulations 1995; or

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- (b) an allowance or, as the case may be, bursary has been granted which includes a sum under paragraph (1)(d) of regulation 6 of the Students' Allowances (Scotland) Regulations 1991 or, as the case may be, the Education Authority Bursaries (Scotland) Regulations 1995 in respect of expenses incurred; or
- (c) a payment has been made under section 2 of the Education Act 1962; or
- (d) a supplementary requirement has been determined under paragraph 10 of Schedule 7 to the Students Awards Regulations (Northern Ireland) 1995 or a payment has been made under article 50(3) of the Education and Libraries (Northern Ireland) Order 1986,

on account of his disability by reason of deafness.

### **Blind persons**

**13.** A person who is registered as blind in a register compiled by a local authority under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered as blind in a register maintained by or on behalf of a regional or islands council, but a person who has ceased to be registered as blind on regaining his eyesight shall nevertheless be treated as so registered for a period of 28 weeks following the date on which he ceased to be so registered.

### **Pregnancy**

- 14.** A woman who—
- (a) is incapable of work by reason of pregnancy; or
  - (b) is or has been pregnant but only for the period commencing 11 weeks before her expected week of confinement and ending seven weeks after the date on which her pregnancy ends.

### **Persons in education**

**15.** A person to whom any provision of regulation 13(2)(a) to (e) (persons receiving relevant education who are parents, severely handicapped persons, orphans and persons estranged from their parents or guardian) applies.

### **Certain persons aged 50 who have not been in remunerative work for 10 years**

**16.—(1)** Subject to sub-paragraph (2), a person who on 6th October 1996 or at any time during the eight weeks immediately preceding that date [<sup>F6</sup>was in receipt of income support and] satisfied the conditions of paragraph 13 of Schedule 1 as in force on that date (persons aged not less than 50 who had not been in remunerative work during the previous 10 years).

(2) If a person to whom sub-paragraph (1) applies ceases to be entitled to income support, and subsequently makes a further claim for income support, this paragraph shall continue to apply to him only if—

- (a) the further claim for income support is made within 8 weeks of the date he ceased to be so entitled; and
- (b) he has not been in remunerative work since he ceased to be so entitled.

### **Textual Amendments**

**F6** Words in Sch. 1B para. 16(1) inserted (7.4.1997) by The Social Security and Child Support (Miscellaneous Amendments) Regulations 1997 (S.I. 1997/827), regs. 1(1), 5

### **Persons aged 60 or over**

17. A person aged not less than 60.

### **Refugees**

18. A person who is a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967 and who—

- (a) is attending for more than 15 hours a week a course for the purpose of learning English so that he may obtain employment; and
- (b) on the date on which that course commenced, had been in Great Britain for not more than 12 months,

but only for a period not exceeding nine months.

### **Persons required to attend court**

19. A person who is required to attend court as a justice of the peace, a party to any proceedings, a witness or a juror.

### **Persons affected by a trade dispute**

20. A person to whom section 126 of the Contributions and Benefits Act (trade disputes) applies or in respect of whom section 124(1) of that Act (conditions of entitlement to income support) has effect as modified by section 127(b) of that Act (effect of return to work).

### **Persons from abroad**

21. A person to whom regulation 70(3) (applicable amount of certain persons from abroad) applies.

### **Persons in custody**

22. A person remanded in, or committed in, custody for trial or for sentencing.

### **Member of couple looking after children while other member temporarily abroad**

23. A person who is a member of a couple and who is treated as responsible for a child who is a member of his household where the other member of that couple is temporarily not present in the United Kingdom.

### **Persons appealing against a decision that they are not incapable of work**

24. A person—
- (a) in respect of whom it has been determined for the purposes of section 171B of the Contributions and Benefits Act (the own occupation test) that he is not incapable of work; and
  - (b) whose medical practitioner continues to supply evidence of his incapacity for work in accordance with regulation 2 of the Social Security (Medical Evidence) Regulations 1976 (evidence of incapacity for work); and
  - (c) who has made and is pursuing an appeal against the determination that he is not so incapable,

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but only for the period prior to the determination of his appeal.

**25.** A person—

- (a) in respect of whom it has been determined for the purposes of section 171C of the Contributions and Benefits Act (the all work test) that he is not incapable of work; and
- (b) who has made and is pursuing an appeal against the determination that he is not so incapable,

but only for the period prior to the determination of his appeal.

**26.** A person who on 6th October 1996 was not required to be available for employment by virtue of regulation 8(2) (persons appealing against decisions that they are not incapable of work) as modified by the savings provision in regulation 20(1) or (3) of the Disability Working Allowance and Income Support (General) Amendment Regulations 1995, but only for the period prior to the determination of his appeal.

**27.** A person who on 6th October 1996 was not required to register for employment by virtue of regulation 11(2) (persons appealing against decisions that they are not incapable of work) as modified by the savings provision in regulation 20(2) or (3) of the Disability Working Allowance and Income Support (General) Amendment Regulations 1995, but only for the period prior to the determination of his appeal.

**28.** A person who is engaged in training, and for this purpose “training” means training for which persons aged under 18 are eligible and for which persons aged 18 to 24 may be eligible provided in England and Wales, directly or indirectly by a Training and Enterprise Council pursuant to its arrangement with the Secretary of State (whether that arrangement is known as an Operating Agreement or by any other name) and, in Scotland, directly or indirectly by a Local Enterprise Company pursuant to its arrangement with, as the case may be, Scottish Enterprise or Highlands and Islands Enterprise (whether that arrangement is known as an Operating Contract or by any other name).]

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