

F<sup>1</sup>SCHEDULE 1

Regulation 8

**Textual Amendments**

- F1** Sch. 1, Sch. 1A revoked (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. 1(1), **Sch. 3**

F<sup>1</sup>SCHEDULE 1A

Regulation 13A

[F<sup>2</sup>SCHEDULE 1B

Regulation 4ZA

PRESCRIBED CATEGORIES OF PERSON

**Textual Amendments**

- F2** 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—

*Status: Point in time view as at 11/04/2000.*

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

- (i) the person being cared for is in receipt of attendance allowance <sup>F3</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>F4</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>F5</sup>(*ia*) 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>F6</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 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 [<sup>F7</sup>who is both entitled to, and in receipt of,] an invalid care allowance.

#### Textual Amendments

- F3** 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)**
- F4** 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)**
- F5** Sch. 1B para. 4(a)(*ia*) inserted (7.10.1996) by [The Jobseeker's Allowance and Income Support \(General\) \(Amendment\) Regulations 1996 \(S.I. 1996/1517\)](#), regs. 1, **33(4)**
- F6** Sch. 1B para. 4(a)(*iiia*) inserted (7.10.1996) by [The Jobseeker's Allowance and Income Support \(General\) \(Amendment\) Regulations 1996 \(S.I. 1996/1517\)](#), regs. 1, **33(5)**
- F7** Words in Sch. 1B para. 4(b) substituted (3.4.2000) by [The Social Security \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/681\)](#), regs. 1(1)(c), **4(1)**

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.

**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)**

**Textual Amendments**

- F3** 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)**
- F4** 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)**
- 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(4)**
- F6** 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)**
- F7** Words in Sch. 1B para. 4(b) substituted (3.4.2000) by [The Social Security \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/681\)](#), regs. 1(1)(c), **4(1)**

**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)**

**Persons incapable of work**

7. A person who—
- (a) is incapable of work in accordance with the provisions of Part XIIA 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 [<sup>F8</sup>regulation 6(4)(a)] (persons not treated as engaged in remunerative work) applies.

**Textual Amendments**

- F8** Words in Sch. 1B para. 8 substituted (3.4.2000) by [The Social Security \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/681\)](#), regs. 1(1)(c), **2(d)(i)**

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

9. A person to whom [<sup>F9</sup>regulation 6(4)(d)] applies.

*Status: Point in time view as at 11/04/2000.*

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

### Textual Amendments

- F9** Words in [Sch. 1B para. 9](#) substituted (3.4.2000) by [The Social Security \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/681\)](#), regs. 1(1)(c), **2(d)(ii)**

### 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
  - (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.

### **[<sup>F10</sup>Parental leave**

- 14A.—**(1) A person who is—
- (a) entitled to, and taking, parental leave by virtue of Part III of the Maternity and Parental Leave etc. Regulations 1999 in respect of a child who is a member of his household; and
  - (b) not entitled to any remuneration from his employer in respect of that leave for the period to which his claim for income support relates; and
  - (c) entitled to working families' tax credit, disabled person's tax credit, housing benefit or council tax benefit on the day before that leave begins.
- (2) In this paragraph “remuneration” means payment of any kind.]

#### **Textual Amendments**

**F10** Sch. 10 paras. 58, 59 added (3.4.2000) by [The Social Security Amendment \(Employment Zones\) Regulations 2000 \(S.I. 2000/724\)](#), regs. 1(1), **3(4)(a)**

### **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>F11</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.

*Status: Point in time view as at 11/04/2000.*

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

#### Textual Amendments

**F11** 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.

[  
<sup>F12</sup>18A. A person to whom regulation 21ZB (treatment of refugees) applies by virtue of regulation 21 ZB(2) from the date his claim for asylum is made until the date the Secretary of State makes a decision on that claim.]

#### Textual Amendments

**F12** Sch. 1B para. 18A inserted (3.4.2000) by The Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000 (S.I. 2000/636), regs. 1(1), 3(9)(a) (with reg. 12(2)(a))

#### 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 [<sup>F13</sup>regulation 70(2A)] (applicable amount of certain persons from abroad) applies.

**Textual Amendments**

- F13** Words in Sch. 1B para. 21 substituted (3.4.2000) by The Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000 (S.I. 2000/636), regs. 1(1), **3(9)(b)** (with reg. 12(2)(a))

**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 [<sup>F14</sup>which embodies a determination] 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 [<sup>F15</sup>decision which embodies a] determination that he is not so incapable,

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

**Textual Amendments**

- F15** Words in Sch. 1B para. 24 inserted (6.9.1999) by The Social Security Act 1998 (Commencement No. 9, and Savings and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/2422), art. 3(1), **Sch. 6 para. 3(a)**

**Textual Amendments**

- F14** Words in Sch. 1B para. 24 heading inserted (6.9.1999) by The Social Security Act 1998 (Commencement No. 9, and Savings and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/2422), art. 3(1), **Sch. 6 para. 3(c)**
- F15** Words in Sch. 1B para. 24 inserted (6.9.1999) by The Social Security Act 1998 (Commencement No. 9, and Savings and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/2422), art. 3(1), **Sch. 6 para. 3(a)**

- 25.** A person—

*Status: Point in time view as at 11/04/2000.*

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

- (a) in respect of whom it has been determined for the purposes of section 171C of the Contributions and Benefits Act (the [<sup>F16</sup>personal capability assessment]) that he is not incapable of work; and
- (b) who has made and is pursuing an appeal against the [<sup>F17</sup>decision which embodies a] determination that he is not so incapable,

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

#### Textual Amendments

- F16** Words in Sch. 1B para. 25 substituted (3.4.2000) by The Social Security (Incapacity for Work) Miscellaneous Amendments Regulations 1999 (S.I. 1999/3109), regs. 1(1), **6**
- F17** Words in Sch. 1B para. 25 inserted (6.9.1999) by The Social Security Act 1998 (Commencement No. 9, and Savings and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/2422), art. 3(1), **Sch. 6 para. 3(a)**

**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 [<sup>F18</sup>which embody a determination] 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.

#### Textual Amendments

- F18** Words in Sch. 1B para. 26 inserted (6.9.1999) by The Social Security Act 1998 (Commencement No. 9, and Savings and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/2422), art. 3(1), **Sch. 6 para. 3(b)**

**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 [<sup>F19</sup>which embody a determination] 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.

#### Textual Amendments

- F19** Words in Sch. 1B para. 27 inserted (6.9.1999) by The Social Security Act 1998 (Commencement No. 9, and Savings and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/2422), art. 3(1), **Sch. 6 para. 3(b)**

**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).]

SCHEDULE 2

Regulations 17<sup>[F20(1)]</sup> and 18

APPLICABLE AMOUNTS

**Textual Amendments**

**F20** Word in Sch. 2 inserted (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **19**

Regulations 17<sup>[F20(1)]</sup>(a) and (b) and 18(a) (b) and (c)

**PART I**

personal allowances

1. <sup>[F21]</sup>The weekly amounts specified in column (2) below in respect of each person or couple specified in column (1) shall be the weekly amounts specified for the purposes of regulations 17(1) and 18(1) (applicable amounts and polygamous marriages).]

<b>Column (1)</b> <b>Person or Couple</b>	<b>Column (2)</b> <b>Amount</b>
<sup>[F22]</sup> 1) Single claimant aged—	
(a) (a) except where head (b) or (c) of this sub-paragraph applies, less than 18;	(a) (a) <sup>[F23]</sup> £31.45];
<sup>[F24]</sup> (b) <sup>[F24]</sup> (b) less than 18 who falls within any of the circumstances specified in paragraph 1A;]	(b) (b) <sup>[F23]</sup> £41.35];
(c) (c) less than 18 who satisfies the condition in paragraph 11(a);	(c) (c) <sup>[F23]</sup> £41.35];
(d) (d) not less than 18 but less than 25;	(d) (d) <sup>[F23]</sup> £41.35];
(e) (e) not less than 25.	(e) (e) <sup>[F23]</sup> £52.20];
(2) Lone parent aged—	

**Status:** Point in time view as at 11/04/2000.

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- |   |   |
|---|---|
| <p>(a) (a) except where head (b) or (c) of this sub-paragraph applies, less than 18;</p>  | <p>(a) (a) [<sup>F23</sup>£31.45];</p>  |
| <p>[<sup>F24</sup>(b) [<sup>F24</sup>(b) less than 18 who falls within any of the circumstances specified in paragraph 1A;]</p>   | <p>(b) (b) [<sup>F23</sup>£41.35];</p>  |
| <p>(c) (c) less than 18 who satisfies the condition in paragraph 11(a);</p>   | <p>(c) (c) [<sup>F23</sup>£41.35];</p>  |
| <p>(d) (d) not less than 18.</p>  | <p>(d) (d) [<sup>F23</sup>£52.20];]</p> |
| <p>[<sup>F24</sup>(3) Couple—</p>   |   |
| <p>(a) (a) where both members are aged less than 18 and—</p>  | <p>(a) (a) [<sup>F23</sup>£62.35];</p>  |
| <p>(i) at least one of them is treated as responsible for a child; or</p>   |   |
| <p>(ii) had they not been members of a couple, each would have qualified for income support under regulation 4ZA; or</p>  |   |
| <p>(iii) the claimant's partner satisfies the requirements of section 3(1)(f)(iii) of the Jobseekers Act 1995 (prescribed circumstances for persons aged 16 but less than 18); or</p> |   |
| <p>(iv) there is in force in respect of the claimant's partner a direction under section 16 of the Jobseekers Act 1995 (persons under 18: severe hardship);</p>                       |   |
| <p>(b) (b) where both members are aged less than 18 and head (a) does not apply but one member of the couple falls within any of the circumstances specified in paragraph 1A;</p>     | <p>(b) (b) [<sup>F23</sup>£41.35];</p>  |
| <p>(c) (c) where both members are aged less than 18 and heads (a) and (b) do not apply;</p>   | <p>(c) (c) [<sup>F23</sup>£31.45];</p>  |

- (d) (d) where both members are aged not less than 18; (d) (d) [<sup>F23</sup>£81.95];
- (e) (e) where one member is aged not less than 18 and the other member is a person under 18 who— (e) (e) [<sup>F23</sup>£81.95];
- (i) qualifies for income support under regulation 4ZA, or who would so qualify if he were not a member of a couple; or
- (ii) satisfies the requirements of section 3(1)(f)(iii) of the Jobseekers Act 1995 (prescribed circumstances for persons aged 16 but less than 18); or
- (iii) is the subject of a direction under section 16 of the Jobseekers Act 1995 (persons under 18: severe hardship);
- (f) (f) where the claimant is aged not less than 18 but less than 25 and his partner is a person under 18 who— (f) (f) [<sup>F23</sup>£41.35];
- (i) would not qualify for income support under regulation 4ZA if he were not a member of a couple; and
- (ii) does not satisfy the requirements of section 3(1)(f)(iii) of the Jobseekers Act 1995 (prescribed circumstances for persons aged 16 but less than 18); and
- (iii) is not the subject of a direction under section 16 of the Jobseekers Act 1995 (persons under 18: severe hardship);
- (g) (g) where the claimant is aged not less than 25 and his partner is a person under 18 who— (g) (g) [<sup>F23</sup>£52.20];
- (i) would not qualify for income support under regulation 4ZA if he were not a member of a couple; and
- (ii) does not satisfy the requirements of section 3(1)(f)(iii) of the Jobseekers

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Act 1995 (prescribed circumstances for persons aged 16 but less than 18); and

- (iii) is not the subject of a direction under section 16 of the Jobseekers Act 1995 (persons under 18: severe hardship).]

#### Textual Amendments

- F21** Words in Sch. 2 para. 1 substituted (with effect in accordance with art. 1(2)(g) of the amending S.I.) by The Social Security Benefits Up Rating Order 1998, (S.I. 1998/470), art. 18(3), Sch. 4
- F22** Sch. 2 para. 1(1)(2) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income Support \(General\) Amendment No. 2 Regulations 1990 \(S.I. 1990/1168\)](#), regs. 1(1)(a), 2
- F23** Sch. 2 Pt. 1 sums substituted (with effect in accordance with art. 1(2)(g) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2000 \(S.I. 2000/440\)](#), art. 16(3), **Sch. 2**
- F24** Words in Sch. 2 para. 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), 23, Sch. 2 paras. 2, 3

#### Commencement Information

- I1** Sch. 2 para. 1 in force at 11.4.1988, see [reg. 1](#)

[<sup>F25</sup>**1A.**—(1) The circumstances referred to in paragraph 1 are that—

- (a) the person has no parents nor any person acting in the place of his parents;
- (b) the person—
- (i) is not living with his parents nor any person acting in the place of his parents; and
  - (ii) in England and Wales, was being looked after by a local authority pursuant to a relevant enactment who placed him with some person other than a close relative of his; or in Scotland, was in the care of a local authority under a relevant enactment and whilst in that care was not living with his parents or any close relative, or was in custody in any institution to which the Prison Act 1952 or the Prisons (Scotland) Act 1989 applied immediately before he attained the age of 16;
- (c) the person is in accommodation which is other than his parental home, and which is other than the home of a person acting in the place of his parents, who entered that accommodation—
- (i) as part of a programme of rehabilitation or resettlement, that programme being under the supervision of the probation service or a local authority; or
  - (ii) in order to avoid physical or sexual abuse; or
  - (iii) because of a mental or physical handicap or illness and needs such accommodation because of his handicap or illness;
- (d) the person is living away from his parents and any person who is acting in the place of his parents in a case where his parents are or, as the case may be, that person is, unable financially to support him and his parents are, or that person is—
- (i) chronically sick or mentally or physically disabled; or
  - (ii) detained in custody pending trial or sentence upon conviction or under sentence imposed by a court; or

- (iii) prohibited from entering or re-entering Great Britain; or
- (e) the person of necessity has to live away from his parents and any person acting in the place of his parents because—
  - (i) he is estranged from his parents and that person; or
  - (ii) he is in physical or moral danger; or
  - (iii) there is a serious risk to his physical or mental health.
- (2) In this paragraph—
  - (a) “chronically sick or mentally or physically disabled” has the same meaning it has in regulation 13(3)(b) (circumstances in which persons in relevant education are to be entitled to income support);
  - (b) in England and Wales, any reference to a person acting in place of a person’s parents includes a reference to—
    - (i) where the person is being looked after by a local authority or voluntary organisation who place him with a family, a relative of his, or some other suitable person, the person with whom the person is placed, whether or not any payment is made to him in connection with the placement; or
    - (ii) in any other case, any person with parental responsibility for the child, and for this purpose “parental responsibility” has the meaning it has in the Children Act 1989 by virtue of section 3 of that Act;
  - (c) in Scotland, any reference to a person acting in place of a person’s parents includes a reference to a local authority or voluntary organisation where the person is in their care under a relevant enactment, or to a person with whom the person is boarded out by a local authority or voluntary organisation whether or not any payment is made by them.]

**Textual Amendments**

**F25** Sch. 2 para. 1A 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), 23, **Sch. 2 para. 4**

[<sup>F26</sup>2. [<sup>F27</sup>—(1)]The weekly amounts specified in column (2) below in respect of each person specified in column (1) shall[<sup>F28</sup>, for the relevant period specified in column (1),] be the weekly amounts specified for the purposes of regulations 17(1)(b) and 18(1)(c).

<b>Column (1)</b> <b>Child or Young Person</b>	<b>Column (2)</b> <b>Amount</b>
[ <sup>F29</sup> Person in respect of the period—	
(a) (a) beginning on that person’s date of birth and ending on the day preceding the first Monday in September following that person’s sixteenth birthday;	(a) (a) [ <sup>F30</sup> £26.60];
(b) (b) beginning on the first Monday in September following that person’s sixteenth birthday and ending on the	(b) (b) [ <sup>F30</sup> £31.75];

*Status: Point in time view as at 11/04/2000.*

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

day preceding that person's nineteenth birthday.

[<sup>F26</sup>2.—[<sup>F31</sup>(2) In column (1) of the table in paragraph (1), "the first Monday in September" means the Monday which first occurs in the month of September in any year.]

#### Textual Amendments

- F26** Sch. 2 para. 2 substituted (1.10.1991) by [The Income Support \(General\) Amendment No. 4 Regulations 1991 \(S.I. 1991/1559\)](#), regs. 1(1)(b), **15(b)** (with reg. 1(2))
- F27** Words in Sch. 2 para. 2 inserted (7.4.1997) by [The Income-related Benefits and Jobseeker's Allowance \(Personal Allowances for Children and Young Persons\) \(Amendment\) Regulations 1996 \(S.I. 1996/2545\)](#), regs. 1(2), **2(1)(2)(7)(a)** (with reg. 10)
- F28** Words in Sch. 2 para. 2 inserted (7.4.1997) by [The Income-related Benefits and Jobseeker's Allowance \(Personal Allowances for Children and Young Persons\) \(Amendment\) Regulations 1996 \(S.I. 1996/2545\)](#), regs. 1(2), **2(1)(3)(7)(a)** (with reg. 10)
- F29** Words in Sch. 2 para. 2(1) Table substituted (10.4.2000) by [The Social Security Amendment \(Personal Allowances for Children and Young Persons\) Regulations 1999 \(S.I. 1999/2555\)](#), regs. 1(7)(a), **2(1)(b)(2)(c)**
- F30** Sch. 2 Para. 2(1) sums substituted (with effect in accordance with art. 1(4)-(6) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2000 \(S.I. 2000/440\)](#), arts. 1(4), art. 16(3), **Sch. 2**
- F31** Sch. 2 para. 2(2) inserted (7.4.1997) by [The Income-related Benefits and Jobseeker's Allowance \(Personal Allowances for Children and Young Persons\) \(Amendment\) Regulations 1996 \(S.I. 1996/2545\)](#), regs. 1(2), **2(1)(6)(7)(a)** (with reg. 10)

#### Commencement Information

- I2** Sch. 2 para. 2 in force at 11.4.1988, see [reg. 1](#)

[<sup>F32</sup>2A.—(1) The weekly amount for the purposes of regulation 17(1)(bb) and 18(1)(cc) (residential allowance) in respect of a person who satisfies the conditions specified in sub-paragraph (2) shall be—

- (a) except in a case to which head (b) applies, [<sup>F33</sup>£61.30]; and
- (b) where the home in which the person resides is situated within the area described in Schedule 3C (the Greater London area), [<sup>F33</sup>£68.20].

(2) Subject to sub-paragraphs [<sup>F34</sup>(3), (4) and (4A)], the conditions are—

- (a) the person resides in a residential care home or a nursing home [<sup>F35</sup>or is regarded pursuant to sub-paragraph (4A) as residing in such a home];

[ the person both requires personal care][<sup>F37</sup>by reason of old age, disablement, past or present

<sup>F36</sup>(aa) dependence on alcohol or drugs, past or present mental disorder or a terminal illness and the care is provided in the home];

- (b) he does not have a preserved right;
- (c) he is aged 16 or over;
- (d) both the person's accommodation and such meals (if any) as are provided for him are provided on a commercial basis; and
- (e) no part of the weekly charge for accommodation is met by housing benefit.

(3) For the purposes of sub-paragraph (2), but subject to sub-paragraph (4), a person resides in a residential care home where the home in which he resides—

- (a) is registered under Part I of the Registered Homes Act 1984 or is deemed to be so registered by virtue of section 2(3) of the Registered Homes (Amendment) Act 1991 (registration of small homes where application for registration not determined);
- (b) is managed or provided by a body incorporated by Royal Charter or constituted by Act of Parliament (other than a social services authority) and provides both board and personal care for the claimant; or
- (c) is in Scotland and is registered under section 61 of the Social Work (Scotland) Act 1968 or is an establishment provided by a housing association registered with Scottish Homes established by the Housing (Scotland) Act 1988 which provides care equivalent to that given in residential accommodation provided under Part IV of the Social Work (Scotland) Act 1968;

and a person resides in a nursing home where the home in which he resides is such a home for the purposes of regulation 19.

(4) A person shall not be regarded as residing in a nursing home for the purposes of sub-paragraph (2) where the home in which he resides is a hospice, and for this purpose “hospice” means a nursing home which—

- (a) if situate in England or Wales, is registered under Part II of the Registered Homes Act 1984, or
- (b) if situate in Scotland, is exempted from the operation of the Nursing Homes Registration (Scotland) Act 1938 by virtue of section 6 of that Act,

[<sup>F38</sup>and whose primary function is to provide palliative care for persons resident there who are suffering from a progressive disease in its final stages].

[<sup>F39</sup>(4A) For the purposes of sub-paragraph (2)(a), where a person’s principal place of residence is a residential care home or nursing home, and he is temporarily absent from that home, he shall be regarded as continuing to reside in that home—

- (a) where he is absent because he is a patient, for the first six weeks of any such period of absence, and for this purpose—
  - (i) “patient” has the meaning it has in Schedule 7 by virtue of regulation 21(3), and
  - (ii) periods of absence separated by not more than 28 days shall be treated as a single period of absence equal in duration to all those periods; and
- (b) for the first three weeks of any other period of absence.]

(5) Where—

- (a) a person has been registered under the Registered Homes Act 1984 in respect of premises which have been carried on as a residential care home or, as the case may be, a nursing home, and that person has ceased to carry on such a home; and
- (b) an application for registration under that Act has been made by another person and that application has not been determined or abandoned,

then any question arising for determination under this paragraph shall be determined as if the most recent registration under that Act in respect of those premises continued until the day on which the application is determined or abandoned.]]

*Status: Point in time view as at 11/04/2000.*

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

### Textual Amendments

- F26** Sch. 2 para. 2 substituted (1.10.1991) by [The Income Support \(General\) Amendment No. 4 Regulations 1991 \(S.I. 1991/1559\)](#), regs. 1(1)(b), **15(b)** (with reg. 1(2))
- F32** Sch. 2 para. 2A inserted (1.4.1993) by [The Social Security Benefits \(Amendments Consequential Upon the Introduction of Community Care\) Regulations 1992 \(S.I. 1992/3147\)](#), regs. 1(1), **2(1)(d)**
- F33** Sch. 2 Para. 2A(1) sums substituted (with effect in accordance with art. 1(2)(g) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2000 \(S.I. 2000/440\)](#), art. 16(3), **Sch. 2**
- F34** Words in Sch. 2 para. 2A(2) substituted (31.5.1993) by [The Income Support \(General\) Amendment \(No. 2\) Regulations 1993 \(S.I. 1993/1219\)](#), regs. 1(1), **2(2)(a)** (with reg. 3)
- F35** Words in Sch. 2 para. 2A(2)(a) substituted (31.5.1993) by [The Income Support \(General\) Amendment \(No. 2\) Regulations 1993 \(S.I. 1993/1219\)](#), regs. 1(1), **2(2)(b)** (with reg. 3)
- F36** Sch. 2 para. 2A(2)(aa) inserted (1.4.1993) by [The Social Security Benefits \(Miscellaneous Amendments\) Regulations 1993 \(S.I. 1993/518\)](#), regs. 1, **5(4)**
- F37** Words in Sch. 2 para. 2A(2)(aa) 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)**
- F38** Words in Sch. 2 para. 2A(4) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 4\) Regulations 1993 \(S.I. 1993/2119\)](#), regs. 1(1)(a), **18(2)**
- F39** Sch. 2 para. 2A(4A) inserted (31.5.1993) by [The Income Support \(General\) Amendment \(No. 2\) Regulations 1993 \(S.I. 1993/1219\)](#), regs. 1(1), **2(3)** (with reg. 3)

Regulations 17<sup>[F20]</sup>(1)(c) and 18(d)

## PART II

### family premium

#### 3.—<sup>[F40]</sup>(1)

The weekly amount for the purposes of regulations 17<sup>[F20]</sup>(1)(c) <sup>[F41]</sup>and 18(1)(d) in respect of a family of which at least one member is a child or young person shall be

<sup>[F42]</sup>(a) where the claimant is a lone parent <sup>[F43]</sup>to whom the conditions in both sub-paragraphs (2) and (3) apply] and no premium is applicable under paragraph 9, 9A, 10 or 11, <sup>[F44]</sup>£15.90;]

(b) in any other case,]<sup>[F45]</sup>£14.25.]

<sup>[F46]</sup>(2) The first condition for the purposes of sub-paragraph (1)(a) is that the claimant—

(a) was both a lone parent and entitled to income support on 5th April 1998; or

(b) does not come within head (a) above but—

(i) was both a lone parent and entitled to income support on any day during the period of 12 weeks ending on 5th April 1998;

(ii) was both a lone parent and entitled to income support on any day during the period of 12 weeks commencing on 6th April 1998; and

(iii) the last day in respect of which (i) above applied was no more than 12 weeks before the first day in respect of which (ii) above applied.

(3) The second condition for the purposes of sub-paragraph (1)(a) is that as from the appropriate date specified in sub-paragraph (4), the claimant has continued, subject to sub-paragraph (5), to be both a lone parent and entitled to income support.



- (4) The appropriate date for the purposes of sub-paragraph (3) is—
- (a) in a case to which sub-paragraph (2)(a) applies, 6th April 1998;
  - (b) in a case to which sub-paragraph (2)(b) applies, the first day in respect of which sub-paragraph (2)(b)(ii) applied.
- (5) For the purposes of sub-paragraph (3), where the claimant has ceased, for any period of 12 weeks or less, to be—
- (a) a lone parent; or
  - (b) entitled to income support; or
  - (c) both a lone parent and entitled to income support,

the claimant shall be treated, on again becoming both a lone parent and entitled to income support, as having continued to be both a lone parent and entitled to income support throughout that period.

(6) In determining whether the conditions in sub-paragraphs (2) and (3) apply, entitlement to an income-based jobseeker's allowance shall be treated as entitlement to income support for the purposes of any requirement that a person is entitled to income support.]

[<sup>F47</sup>(7) For the purposes of this paragraph, a claimant shall be treated as having been entitled to income support throughout any period which comprises only days on which he was participating in an employment zone programme and was not entitled to income support because, as a consequence of his participation in that programme, he was engaged in remunerative work or had income in excess of his applicable amount as prescribed in Part IV.]

#### Textual Amendments

- F20** Word in Sch. 2 inserted (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **19**
- F40** Sch. 2 para. 3(1): Sch. 2 para. 3 renumbered as Sch. 2 para. 3(1) (6.4.1998) by [The Social Security Amendment \(Lone Parents\) Regulations 1998 \(S.I. 1998/766\)](#), regs. 1(1), **12**
- F41** Words in Sch. 2 para. 3 substituted (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **19(c)**
- F42** Words in Sch. 2 Pt. II para. 3 inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Child Benefit, Child Support and Social Security \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/1803\)](#), regs. 1(1)(b), **39(2)**
- F43** Words in Sch. 2 para. 3(1)(a) inserted (6.4.1998) by [The Social Security Amendment \(Lone Parents\) Regulations 1998 \(S.I. 1998/766\)](#), regs. 1(1), **12(a)**
- F44** Sum in Sch. 2 para. 3(1)(a) substituted (with effect in accordance with art. 1(2)(g) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2000 \(S.I. 2000/440\)](#), arts. 1(2)(g), **16(4)(a)**
- F45** Sum in Sch. 2 para. 3(1)(b) substituted (with effect in accordance with art. 1(2)(g) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2000 \(S.I. 2000/440\)](#), arts. 1(2)(g), **16(4)(b)**
- F46** Sch. 2 para. 3(2)-(6) inserted (6.4.1998) by [The Social Security Amendment \(Lone Parents\) Regulations 1998 \(S.I. 1998/766\)](#), **regs 1(1)**. 12(b)
- F47** Sch. 2 para. 3(7) added (3.4.2000) by [The Social Security Amendment \(Employment Zones\) Regulations 2000 \(S.I. 2000/724\)](#), regs. 1(1), **4(3)(a)**

#### Commencement Information

- I3** Sch. 2 para. 3 in force at 11.4.1988, see [reg. 1](#)

Regulations 17<sup>F20</sup>(1)](d) and 18(e)

*Status: Point in time view as at 11/04/2000.*

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

## PART III

### premiums

4. Except as provided in paragraph 5, the weekly premiums specified in Part IV of this Schedule shall, for the purposes of regulations 17<sup>[F20]</sup>(1)(d) <sup>[F48]</sup>and 18(1)(e), be applicable to a claimant who satisfies the condition specified in <sup>[F49]</sup>paragraphs 9<sup>[F50]</sup> to 14ZA] in respect of that premium.

#### Textual Amendments

- F20** Word in Sch. 2 inserted (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **19**
- F48** Words in Sch. 2 para. 4 substituted (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **19(c)**
- F49** Words in Sch. 2 Pt. III para. 4 substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Child Benefit, Child Support and Social Security \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/1803\)](#), regs. 1(1)(b), **39(3)(a)**
- F50** Words in Sch. 2 para. 4 substituted (1.10.1990) by [The Income Support \(General\) Amendment No. 3 Regulations 1990 \(S.I. 1990/1776\)](#), regs. 1(1)(a), **8(a)** (with reg. 1(2))

#### Commencement Information

- I4** Sch. 2 para. 4 in force at 11.4.1988, see [reg. 1](#)

5. Subject to paragraph 6, where a claimant satisfies the conditions in respect of more than one premium in this Part of this Schedule, only one premium shall be applicable to him and, if they are different amounts, the higher or highest amount shall apply.

#### Commencement Information

- I5** Sch. 2 para. 5 in force at 11.4.1988, see [reg. 1](#)

6.—(1) The severe disability premium to which paragraph 13 applies may be applicable in addition to <sup>[F51]</sup>any other premium which may apply under this Schedule.]

(2) <sup>[F52]</sup>The disabled child premium and the carer premium to which paragraphs 14 and 14ZA respectively apply] may be applicable in addition to any other premium which may apply under this Schedule.

#### Textual Amendments

- F51** Words in Sch. 2 para. 6(1) substituted (9.10.1989) by [The Income Support \(General\) Amendment No. 3 Regulations 1989 \(S.I. 1989/1678\)](#), regs. 1(1)(a), **6(d)**
- F52** Words in Sch. 2 para. 6(2) substituted (1.10.1990) by [The Income Support \(General\) Amendment No. 3 Regulations 1990 \(S.I. 1990/1776\)](#), regs. 1(1)(a), **8(b)** (with reg. 1(2))

#### Commencement Information

- I6** Sch. 2 para. 6 in force at 11.4.1988, see [reg. 1](#)

7.—<sup>[F53]</sup>(1) <sup>[F54]</sup>Subject to sub-paragraph (2)] for the purposes of this Part of this Schedule, once a premium is applicable to claimant under this Part, a person shall be treated as being in receipt of any benefit—

**Status:** Point in time view as at 11/04/2000.

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

- (a) in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979 <sup>F55</sup> applies, for any period during which, apart from the provisions of those Regulations, he would be in receipt of that benefit; and
- (b) for any period spent by a person in undertaking a course of training or instruction provided or approved by the [<sup>F56</sup>Secretary of State for Education and Employment] under section 2 of the Employment and Training Act 1973 <sup>F57</sup>[<sup>F58</sup>or by Scottish Enterprise or Highlands and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990,][<sup>F59</sup>or for any period during which he is in receipt of a training allowance].

[<sup>F60</sup>(2) For the purposes of the carer premium under paragraph 14ZA, a person shall be treated as being in receipt of invalid care allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of attendance allowance [<sup>F61</sup>, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 37ZB(3) of the Social Security Act.].]

**Textual Amendments**

- F53** Sch. 2 para. 7 renumbered as Sch. 7 para. 7(1) (1.10.1990) by [The Income Support \(General\) Amendment No. 3 Regulations 1990 \(S.I. 1990/1776\)](#), regs. 1(1)(a), **8(c)(i)** (with reg. 1(2))
- F54** Words in Sch. 2 para. 7(1) inserted (1.10.1990) by [The Income Support \(General\) Amendment No. 3 Regulations 1990 \(S.I. 1990/1776\)](#), regs. 1(1)(a), **8(c)(i)** (with reg. 1(2))
- F55** [S.I. 1979/597](#).
- F56** Words in Sch. 2 para. 7(1)(b) substituted (1.1.1996) by [The Transfer of Functions \(Education and Employment\) Order 1995 \(S.I. 1995/2986\)](#), arts. 1, **6(5)**
- F57** [1973 c. 50](#) as amended by sections 9 and 11 and Schedule 2 Part II paragraph 9 and Schedule 3 of the [Employment and Training Act 1981 \(c. 57\)](#).
- F58** Words in Sch. 2 para. 7(1)(b) added (1.4.1991) by [The Enterprise \(Scotland\) Consequential Amendments Order 1991 \(S.I. 1991/387\)](#), arts. 1, **9(d)**
- F59** Words in Sch. 2 para. 7(b) inserted (9.10.1989) by [The Income Support \(General\) Amendment No. 3 Regulations 1989 \(S.I. 1989/1678\)](#), regs. 1(1)(a), **6(e)**
- F60** Sch. 2 para. 7(2) added (1.10.1990) by [The Income Support \(General\) Amendment No. 3 Regulations 1990 \(S.I. 1990/1776\)](#), regs. 1(1)(a), **8(c)(ii)** (with reg. 1(2))
- F61** Words in Sch. 2 para. 7(2) added (6.4.1992) by [The Disability Living Allowance and Disability Working Allowance \(Consequential Provisions\) Regulations 1991 \(S.I. 1991/2742\)](#), regs. 1(1), **11(4)(a) (with reg. 1(2))**

**Commencement Information**

- I7** Sch. 2 para. 7 in force at 11.4.1988, see [reg. 1](#)

**Lone Parent Premium**

<sup>F62</sup>8. ....

**Textual Amendments**

- F62** Sch. 2 Pt. III para. 8 omitted (with effect in accordance with reg. 1(2) of the amending S.I.) by virtue of [The Child Benefit, Child Support and Social Security \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/1803\)](#), regs. 1(1)(b), **39(3)(b)**

*Status: Point in time view as at 11/04/2000.*

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

### **[<sup>F63</sup>Pensioner premium for persons under 75**

9. The condition is that the claimant—
- (a) is a single claimant or lone parent aged not less than 60 but less than 75; or
  - (b) has a partner and is, or his partner is, aged not less than 60 but less than 75.

#### **Textual Amendments**

**F63** Sch. 2 paras. 9-9A substituted for Sch. 2 para. 9 (with effect in accordance with reg. 1(1)(c) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1989 \(S.I. 1989/534\)](#), regs. 1(1), 5(a)

#### **Commencement Information**

**I8** Sch. 2 para. 9 in force at 11.4.1988, see [reg. 1](#)

### **Pensioner premium for persons 75 and over**

- 9A. The condition is that the claimant—
- (a) is a single claimant or lone parent aged not less than 75 but less than 80; or
  - (b) has a partner and is, or his partner is, aged not less than 75 but less than 80.]

#### **Textual Amendments**

**F63** Sch. 2 paras. 9-9A substituted for Sch. 2 para. 9 (with effect in accordance with reg. 1(1)(c) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1989 \(S.I. 1989/534\)](#), regs. 1(1), 5(a)

### **Higher Pensioner Premium**

- 10.—(1) Where the claimant is a single claimant or a lone parent, the condition is that—
- (a) he is aged not less than 80; or
  - (b) he is aged less than 80 but not less than 60, and
    - (i) the additional condition specified in paragraph 12(1)(a) [<sup>F64</sup>or (c)] is satisfied; or
    - (ii) he was entitled to [<sup>F65</sup>, or was treated as being in receipt of, income support and the disability premium was or, as the case may be, would have been,] applicable to him in respect of a benefit week within eight weeks of his 60th birthday and he has, subject to sub-paragraph (3), remained continuously entitled to income support since attaining that age.
- (2) Where the claimant has a partner, the condition is that—
- (a) he or his partner is aged not less than 80; or
  - (b) he or his partner is aged less than 80 but not less than 60 and either—
    - (i) the additional condition specified in paragraph 12(1)(a) [<sup>F64</sup>or (c)] is satisfied<sup>F66</sup>...; or
    - (ii) he was entitled to [<sup>F67</sup>, or was treated as being in receipt of, income support and the disability premium was or, as the case may be, would have been,] applicable to him in respect of a benefit week within eight weeks of his 60th birthday and he has, subject to sub-paragraph (3), remained continuously entitled to income support since attaining that age.

- (3) For the purposes of this paragraph and paragraph 12—
- (a) once the higher pensioner premium is applicable to a claimant, if he then ceases, for a period of eight weeks or less, to be entitled to <sup>F68</sup>or treated as entitled to] income support, he shall, on becoming re-entitled to income support, thereafter be treated as having been continuously entitled thereto;
  - (b) in so far as sub-paragraphs (1)(b)(ii) and (2)(b)(ii) are concerned, if a claimant ceases to be entitled to <sup>F68</sup>or treated as entitled to] income support for a period not exceeding eight weeks which includes his 60th birthday, he shall, on becoming re-entitled to income support, thereafter be treated as having been continuously entitled thereto.

<sup>F69</sup>(4) In the case of a claimant who is a welfare to work beneficiary, references in sub-paragraphs (1)(b)(ii), (2)(b)(ii) and (3)(b) to a period of 8 weeks shall be treated as references to a period of 52 weeks.]

<sup>F70</sup>(5) For the purposes of this paragraph, a claimant shall be treated as having been entitled to and in receipt of income support throughout any period which comprises only days on which he was participating in an employment zone programme and was not entitled to income support because, as a consequence of his participation in that programme, he was engaged in remunerative work or had income in excess of his applicable amount as prescribed in Part IV.]

#### Textual Amendments

- F64** Words in Sch. 2 para. 10 inserted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **29(a)**
- F65** Words in Sch. 2 para. 10(1)(b)(ii) substituted (3.4.2000) by [The Social Security Amendment \(Employment Zones\) Regulations 2000 \(S.I. 2000/724\)](#), regs. 1(1), **4(3)(b)(i)**
- F66** Words in Sch. 2 para. 10(2)(b)(i) omitted (6.4.1992) by virtue of [The Income Support \(General\) Amendment Regulations 1992 \(S.I. 1992/468\)](#), regs. 1(1), **6** (with reg. 1(2))
- F67** Words in Sch. 2 para. 10(2)(b)(ii) substituted (3.4.2000) by [The Social Security Amendment \(Employment Zones\) Regulations 2000 \(S.I. 2000/724\)](#), regs. 1(1), **4(3)(b)(i)**
- F68** Words in Sch. 2 para. 10(3)(a)(b) inserted (3.4.2000) by [The Social Security Amendment \(Employment Zones\) Regulations 2000 \(S.I. 2000/724\)](#), regs. 1(1), **4(3)(b)(ii)**
- F69** Sch. 2 para. 10(4) added (5.10.1998) by [The Social Security \(Welfare to Work\) Regulations 1998 \(S.I. 1998/2231\)](#), regs. 1, **13(3)(a)**
- F70** Sch. 2 para. 10(5) added (3.4.2000) by [The Social Security Amendment \(Employment Zones\) Regulations 2000 \(S.I. 2000/724\)](#), regs. 1(1), **4(3)(b)(iii)**

#### Commencement Information

- I9** Sch. 2 para. 10 in force at 11.4.1988, see [reg. 1](#)

### Disability Premium

11. The condition is that—
- (a) where the claimant is a single claimant or a lone parent, he is aged less than 60 and the additional condition specified in paragraph 12 is satisfied; or
  - (b) where the claimant has a partner, either—
    - (i) the claimant is aged less than 60 and the additional condition specified in paragraph <sup>F71</sup>12(1)(a), (b) or (c)] is satisfied by him; or
    - (ii) his partner is aged less than 60 and the additional condition specified in paragraph 12(1)(a) [<sup>F72</sup>or (c)] is satisfied by his partner.

*Status: Point in time view as at 11/04/2000.*

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

### Textual Amendments

- F71** Words in Sch. 2 para. 11(b)(i) substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\), regs. 1\(1\), 29\(b\)\(i\)](#)
- F72** Words in Sch. 2 para. 11(b)(ii) inserted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\), regs. 1\(1\), 29\(b\)\(ii\)](#)

### Commencement Information

- I10** Sch. 2 para. 11 in force at 11.4.1988, see [reg. 1](#)

### Additional condition for the Higher Pensioner and Disability Premiums

**12.**—(1) Subject to sub-paragraph (2) and paragraph 7 the additional condition referred to in paragraphs 10 and 11 is that either—

- (a) the claimant or, as the case may be, his partner—
- (i) is in receipt of one or more of the following benefits: attendance allowance, [<sup>F73</sup>disability living allowance, [<sup>F74</sup>disabled person's tax credit]], mobility supplement, [<sup>F75</sup>long-term incapacity benefit] under [<sup>F76</sup>Part II of the Contributions and Benefits Act or severe disablement allowance under Part III of that Act]<sup>F77</sup>but, in the case of [<sup>F75</sup>long-term incapacity benefit] or severe disablement allowance only where it is paid in respect of him]; or
  - (ii) is provided by the Secretary of State with an invalid carriage or other vehicle under section 5(2) of the National Health Service Act 1977 <sup>F78</sup> (other services) or, in Scotland, under section 46 of the National Health Service (Scotland) Act 1978 <sup>F79</sup> (provision of vehicles) or receives payments by way of grant from the Secretary of State under paragraph 2 of Schedule 2 to that 1977 Act (additional provisions as to vehicles) or, in Scotland, under that section 46; or
  - (iii) is registered as blind in a register compiled by a local authority under section 29 of the National Assistance Act 1948 <sup>F80</sup> (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; or

<sup>F81</sup>(b) the claimant—

- (i) is entitled to statutory sick pay or [<sup>F82</sup>is, or is treated as, incapable of work,] in accordance with the provisions of Part XIIA of the Contributions and Benefits Act and the regulations made thereunder (incapacity for work), and
- (ii) has been so entitled or so incapable<sup>F83</sup>, or has been treated as so incapable,] for a continuous period of not less than—

(aa) 196 days in the case of a claimant who is terminally ill within the meaning of section 30B(4) of the Contributions and Benefits Act; or

(bb) 364 days in any other case;

and for these purposes any two or more periods of entitlement or incapacity separated by a break of not more than 56 days shall be treated as one continuous period; or; and]

(c) the claimant or, as the case may be, his partner was in receipt of either—

- <sup>F84</sup>(i) [<sup>F85</sup>long-term incapacity benefit] under [<sup>F86</sup>Part II of the Contributions and Benefits Act] when entitlement to that benefit ceased on account of the payment of a retirement pension under [<sup>F86</sup>that Act] and the claimant has since remained

**Status:** Point in time view as at 11/04/2000.

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

continuously entitled to income support and, if the <sup>F85</sup>long-term incapacity benefit] was payable to his partner, the partner is still alive; or]

- (ii) except where paragraph 1(a), (b), (c)(ii) or (d)(ii) of Schedule 7 (patients) applies, attendance allowance <sup>F87</sup>or disability living allowance but payment of benefit has been suspended in accordance with regulations made under <sup>F88</sup>section 113(2) of the Contributions and Benefits Act 1992 or otherwise abated as a consequence of the claimant or his partner becoming a patient within the meaning of regulation 21(3) (special cases)],]

and, in either case, the higher pensioner premium or disability premium has been applicable to the claimant or his partner.

<sup>F89</sup>(1A) In the case of a claimant who is a welfare to work beneficiary, the reference in sub-paragraph (1)(b) to a period of 56 days shall be treated as a reference to a period of 52 weeks.]

(2) For the purposes of sub-paragraph (1)(a)(iii), a person who has ceased to be registered as blind on regaining his eyesight shall nevertheless be treated as blind and as satisfying the additional condition set out in that sub-paragraph for a period of 28 weeks following the date on which he ceased to be so registered.

<sup>F90</sup>(3) .....

(4) For the purpose of sub-paragraph (1)(c), once the higher pensioner premium is applicable to the claimant by virtue of his satisfying the condition specified in that provision, if he then ceases, for a period of eight weeks or less, to be entitled to income support, he shall on again becoming so entitled to income support, immediately thereafter be treated as satisfying the condition in sub-paragraph (1)(c).

<sup>F91</sup>(5) For the purposes of sub-paragraph (1)(b), once the disability premium is applicable to a claimant by virtue of his satisfying the additional condition specified in that provision, he shall continue to be treated as satisfying that condition for any period spent by him in undertaking a course of training provided under section 2 of the Employment and Training Act 1973 <sup>F92</sup>or for any period during which he is in receipt of a training allowance].]

<sup>F93</sup>(6) For the purposes of sub-paragraph (1)(a)(i) and (c)(i), a reference to a person in receipt of long-term incapacity benefit includes a person in receipt of short-term incapacity benefit at a rate equal to the long-term rate by virtue of section 30B(4)(a) of the Contributions and Benefits Act (short-term incapacity benefit for a person who is terminally ill), or who would be or would have been in receipt of short-term incapacity benefit at such a rate but for the fact that the rate of short-term incapacity benefit already payable to him is or was equal to or greater than the long-term rate.]

<sup>F94</sup>(7) A person—

- (a) to whom regulation 6(2) (persons not treated as engaged in remunerative work) applies; and
- (b) whose applicable amount immediately before he was engaged in the work referred to in regulation 6(2)(a), included a premium applicable under paragraph 11(a),

shall, for the period specified in regulation 6(3), be treated as having continued to satisfy the additional condition specified in this paragraph for the payment of that premium.]

**Textual Amendments**

**F73** Words in Sch. 2 para. 12(1)(a)(i) substituted (6.4.1992) by [The Disability Living Allowance and Disability Working Allowance \(Consequential Provisions\) Regulations 1991 \(S.I. 1991/2742\)](#), regs. 1(1), [11\(4\)\(b\) \(with reg. 1\(2\)\)](#)

*Status: Point in time view as at 11/04/2000.*

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

- F74** Words in Sch. 2 para. 12(1)(a)(i) substituted (5.10.1999) by The Social Security and Child Support (Tax Credits) Consequential Amendments Regulations 1999 (S.I. 1999/2566), regs. 1(2), 2(2), **Sch. 2 Pt. II**
- F75** Words in Sch. 2 para. 12(1)(a)(i) substituted (13.4.1995) by The Disability Working Allowance and Income Support (General) Amendment Regulations 1995 (S.I. 1995/482), regs. 1(1), **16(2)** (with regs. 1(4), 20(4))
- F76** Words in Sch. 2 para. 12(1)(a)(i) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Income-related Benefits Schemes (Miscellaneous Amendments) (No.5) Regulations 1994 (S.I. 1994/2139), regs. 1(1)(a), **30(2)**
- F77** Words in Sch. 2 para. 12(1)(a)(i) inserted (11.4.1988) by The Income Support (General) Amendment Regulations 1988 (S.I. 1988/663), regs. 1(1), **29(c)(i)**
- F78** 1977 c. 49; section 5(2) amended and subsection (2A) added by section 1 of the Public Health Laboratory Service Act 1979 (c. 23) and subsection (2B) added by section 9 of the Health and Social Security Act 1984 (c. 48).
- F79** 1978 c. 29.
- F80** 1948 c. 29; section 29 was amended by section 1(2) of the National Assistance (Amendment) Act 1959 (c. 30); the Mental Health (Scotland) Act 1960 (c. 61) sections 113 and 114 and Schedule 4; the Local Government Act 1972 (c. 70) Schedule 23 paragraph 2; the Employment and Training Act 1973 (c. 50) Schedule 3 paragraph 3; the National Health Service Act 1977 (c. 49) Schedule 15 paragraph 6; and the Health and Social Services and Social Security Adjudications Act 1983 (c. 41) Schedule 10 Part I.
- F81** Sch. 2 para. 12(1)(b) substituted (13.4.1995) by The Disability Working Allowance and Income Support (General) Amendment Regulations 1995 (S.I. 1995/482), regs. 1(1), **17(a)** (with reg. 1(4))
- F82** Words in Sch. 2 para. 12(1)(b)(i) substituted (with effect in accordance with reg. 1(4) of the amending S.I.) by The Income-related Benefits Schemes and Social Security (Claims and Payments) (Miscellaneous Amendments) Regulations 1995 (S.I. 1995/2303), regs. 1(1)(a), **6(8)(a)** (with reg. 8)
- F83** Words in Sch. 2 para. 12(1)(b)(ii) inserted (with effect in accordance with reg. 1(4) of the amending S.I.) by The Income-related Benefits Schemes and Social Security (Claims and Payments) (Miscellaneous Amendments) Regulations 1995 (S.I. 1995/2303), regs. 1(1)(a), **6(8)(b)** (with reg. 8)
- F84** Sch. 2 para. 12(1)(c)(i) substituted (6.4.1992) by The Disability Living Allowance and Disability Working Allowance (Consequential Provisions) Regulations 1991 (S.I. 1991/2742), regs. 1(1), **11(4)(c) (with reg. 1(2))**
- F85** Words in Sch. 2 para. 12(1)(c)(i) substituted (13.4.1995) by The Disability Working Allowance and Income Support (General) Amendment Regulations 1995 (S.I. 1995/482), regs. 1(1), **16(2)** (with regs. 1(4), 20(4))
- F86** Words in Sch. 2 para. 12(1)(c)(i) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Income-related Benefits Schemes (Miscellaneous Amendments) (No.5) Regulations 1994 (S.I. 1994/2139), regs. 1(1)(a), **30(3)**
- F87** Words in Sch. 2 para. 12(1)(c)(ii) substituted (6.4.1992) by The Disability Living Allowance and Disability Working Allowance (Consequential Provisions) Regulations 1991 (S.I. 1991/2742), regs. 1(1), **11(4)(d) (with reg. 1(2))**
- F88** Words in Sch. 2 para. 12(1)(c)(ii) substituted (10.4.1995) by The Income-related Benefits Schemes (Miscellaneous Amendments) Regulations 1995 (S.I. 1995/516), regs. 1(1)(a), **24** (with reg. 1(2))
- F89** Sch. 2 para. 12(1A) inserted (5.10.1998) by The Social Security (Welfare to Work) Regulations 1998 (S.I. 1998/2231), regs. 1, **13(3)(b)**
- F90** Sch. 2 para. 12(3) omitted (13.4.1995) by virtue of The Disability Working Allowance and Income Support (General) Amendment Regulations 1995 (S.I. 1995/482), regs. 1(1), **17(b)** (with reg. 1(4))
- F91** Sch. 2 para. 12(5) added (12.12.1988) by The Income Support (General) Amendment No. 5 Regulations 1988 (S.I. 1988/2022), regs. 1(1)(a), **17(b)**
- F92** Words in Sch. 2 para. 12(5) inserted (9.10.1989) by The Income Support (General) Amendment No. 3 Regulations 1989 (S.I. 1989/1678), regs. 1(1)(a), **6(e)**
- F93** Sch. 2 para. 12(6) added (13.4.1995) by The Disability Working Allowance and Income Support (General) Amendment Regulations 1995 (S.I. 1995/482), regs. 1(1), **16(3)** (with reg. 1(4))
- F94** Sch. 2 para. 12(7) added (4.10.1999) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 1999 (S.I. 1999/2556), regs. 1, **2(8)**



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

C3 Sch. 2 para. 12(1) modified (13.4.1995) by The Disability Working Allowance and Income Support (General) Amendment Regulations 1995 (S.I. 1995/482), regs. 1(1), 19(4) (with reg. 1(4))

**Commencement Information**

I11 Sch. 2 para. 12 in force at 11.4.1988, see reg. 1

**Severe Disability Premium**

13.—(1) The condition is that the claimant is a severely disabled person.

(2) For the purposes of sub-paragraph (1), a claimant shall be treated as being a severely disabled person if, and only if—

(a) in the case of a single claimant<sup>F95</sup>, a lone parent or a claimant who is treated as having no partner in consequence of sub-paragraph (2A)]—

(i) he is in receipt of attendance allowance<sup>F96</sup>, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 37ZB(3) of the Social Security Act], and

(ii) subject to sub-paragraph (3), he has no non-dependants aged 18 or over [<sup>F97</sup>normally residing with him or with whom he is normally residing,] and

[<sup>F98</sup>(iii) no person is entitled to, and in receipt of, an invalid care allowance under section 70 of the Contributions and Benefits Act in respect of caring for him;]

(b) [<sup>F99</sup>in the case of a claimant who] has a partner—

(i) he is in receipt of attendance allowance<sup>F100</sup>, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 37ZB(3) of the Social Security Act]; and

(ii) his partner is also in receipt of such an allowance or, if he is a member of a polygamous marriage, all the partners of that marriage are in receipt thereof; and

(iii) subject to sub-paragraph (3), he has no non-dependants aged 18 or over [<sup>F101</sup>normally residing with him or with whom he is normally residing,]

and, either [<sup>F102</sup>a person is entitled to, and in receipt of, an invalid care allowance in respect of caring for only one of the couple or, in the case of a polygamous marriage, for one or more but not all the partners of the marriage or, as the case may be, no person is entitled to, and in receipt of, such an allowance] in respect of caring for either member of the couple or any partner of the polygamous marriage.

[<sup>F103</sup>(2A) Where a claimant has a partner who does not satisfy the condition in sub-paragraph (2)(b)(ii), and that partner is blind or is treated as blind within the meaning of paragraph 12(1)(a)(iii) and (2), that partner shall be treated for the purposes of sub-paragraph (2) as if he were not a partner of the claimant.]

(3) For the purposes of sub-paragraph (2)(a)(ii) and (2)(b)(iii) no account shall be taken of—

(a) a person receiving attendance allowance<sup>F104</sup>, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 37ZB(3) of the Social Security Act]; or

<sup>F105</sup>(b) .....

*Status: Point in time view as at 11/04/2000.*

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

- (c) subject to sub-paragraph (4), a person who joins the claimant's household for the first time in order to care for the claimant or his partner and immediately before so joining the claimant or his partner was treated as a severely disabled person; [<sup>F106</sup>or
- (d) a person who is blind or is treated as blind within the meaning of paragraph 12(1)(a)(iii) and (2).]

[<sup>F107</sup>(3A) For the purposes of sub-paragraph (2)(b) a person shall be treated<sup>F108</sup> ...—

- (a) [<sup>F109</sup>as being in receipt of] attendance allowance<sup>F110</sup>, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 37ZB(3) of the Social Security Act] if he would, but for his being a patient for a period exceeding 28 days, be so in receipt;]

[<sup>F111</sup>(b) as being entitled to and in receipt of an invalid care allowance if he would, but for the person for whom he was caring being a patient in hospital for a period exceeding 28 days, be so entitled and in receipt.]

[<sup>F112</sup>(3ZA) For the purposes of sub-paragraph (2)(a)(iii) and (2)(b), no account shall be taken of an award of invalid care allowance to the extent that payment of such an award is back-dated for a period before the date on which the award is made.]

(4) Sub-paragraph (3)(c) shall apply only for the first 12 weeks following the date on which the person to whom that provision applies first joins the claimant's household.

#### Textual Amendments

- F95** Words in Sch. 2 para. 13(2)(a) substituted (25.5.1993) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 2\) Regulations 1993 \(S.I. 1993/1150\)](#), regs. 1(1), **3(2)**
- F96** Words in Sch. 2 para. 13(2)(a)(i) inserted (6.4.1992) by [The Disability Living Allowance and Disability Working Allowance \(Consequential Provisions\) Regulations 1991 \(S.I. 1991/2742\)](#), regs. 1(1), **11(4)(e)** (with reg. 1(2))
- F97** Words in Sch. 2 para. 13(2)(a)(ii) substituted (2.12.1994) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 6\) Regulations 1994 \(S.I. 1994/3061\)](#), regs. 1, **2(3)**
- F98** Sch. 2 para. 13(2)(a)(iii) substituted (3.4.2000) by [The Social Security \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/681\)](#), regs. 1(1)(c), **4(2)(a)(i)**
- F99** Words in Sch. 2 para. 13(2)(b) substituted (3.4.2000) by [The Social Security \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/681\)](#), regs. 1(1)(c), **4(2)(a)(ii)(aa)**
- F100** Words in Sch. 2 para. 13(2)(b)(i) inserted (6.4.1992) by [The Disability Living Allowance and Disability Working Allowance \(Consequential Provisions\) Regulations 1991 \(S.I. 1991/2742\)](#), regs. 1(1), **11(4)(e)** (with reg. 1(2))
- F101** Words in Sch. 2 para. 13(2)(b)(iii) substituted (2.12.1994) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 6\) Regulations 1994 \(S.I. 1994/3061\)](#), regs. 1, **2(3)**
- F102** Words in Sch. 2 para. 13(2)(b) substituted (3.4.2000) by [The Social Security \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/681\)](#), regs. 1(1)(c), **4(2)(a)(ii)(bb)**
- F103** Sch. 2 para. 13(2A) inserted (25.5.1993) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 2\) Regulations 1993 \(S.I. 1993/1150\)](#), regs. 1(1), **3(3)**
- F104** Words in Sch. 2 para. 13(3)(a) inserted (6.4.1992) by [The Disability Living Allowance and Disability Working Allowance \(Consequential Provisions\) Regulations 1991 \(S.I. 1991/2742\)](#), regs. 1(1), **11(4)(e)** (with reg. 1(2))
- F105** Sch. 2 para. 13(3)(b) omitted (with effect in accordance with reg. 1(2) of the amending S.I.) by virtue of [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 4\) Regulations 1993 \(S.I. 1993/2119\)](#), regs. 1(1)(a), **18(3)**
- F106** Sch. 2 para. 13(3)(d) and word added (25.5.1993) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 2\) Regulations 1993 \(S.I. 1993/1150\)](#), regs. 1(1), **3(4)**

- F107** Sch. 2 para. 13(3A) inserted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **29(d)**
- F108** Words in Sch. 2 para. 13(3A) omitted (3.4.2000) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/681\)](#), regs. 1(1)(c), **4(2)(a)(iii)(aa)**
- F109** Words in Sch. 2 para. 13(3A)(a) inserted (3.4.2000) by [The Social Security \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/681\)](#), regs. 1(1)(c), **4(2)(a)(iii)(bb)**
- F110** Words in Sch. 2 para. 13(3A)(a) inserted (6.4.1992) by [The Disability Living Allowance and Disability Working Allowance \(Consequential Provisions\) Regulations 1991 \(S.I. 1991/2742\)](#), regs. 1(1), **11(4)(e)** (with reg. 1(2))
- F111** Sch. 2 para. 13(3A)(b) substituted (3.4.2000) by [The Social Security \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/681\)](#), regs. 1(1)(c), **4(2)(a)(iii)(cc)**
- F112** Sch. 2 para. 13(3ZA) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No.5\) Regulations 1994 \(S.I. 1994/2139\)](#), regs. 1(1)(a), **30(4)**

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

- C4** Sch. 2 para. 13(2)(a)(ii) modified (11.11.1991) by [The Income Support \(General\) Amendment No. 6 Regulations 1991 \(S.I. 1991/2334\)](#), regs. 1(1), **4(2)** (with regs. 1(2), 4(1), 5, 6)
- C5** Sch. 2 para. 13(2)(b)(iii) modified (11.11.1991) by [The Income Support \(General\) Amendment No. 6 Regulations 1991 \(S.I. 1991/2334\)](#), regs. 1(1), **4(2)** (with regs. 1(2), 4(1), 5, 6)

#### Commencement Information

- I12** Sch. 2 para. 13 in force at 11.4.1988, see [reg. 1](#)

### Disabled Child Premium

14. The condition is that a child or young person for whom the claimant or a partner of his is responsible and who is a member of the claimant's household—

- (a) has no capital or capital which, if calculated in accordance with Part V in like manner as for the claimant, [<sup>F113</sup>except as provided in regulation 44(1) (modifications in respect of children and young persons)], would not exceed £3,000; and
- (b) is in receipt of [<sup>F114</sup>disability living allowance] or is no longer in receipt of that allowance because he is a patient provided that the child or young person continues to be a member of the family; or
- (c) is blind or treated as blind within the meaning of paragraph 12(1)(a)(iii) and (2).

#### Textual Amendments

- F113** Words in Sch. 2 para. 14(a) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 4\) Regulations 1993 \(S.I. 1993/2119\)](#), regs. 1(1)(a), **18(4)**
- F114** Words in Sch. 2 para. 14(b) substituted (6.4.1992) by [The Disability Living Allowance and Disability Working Allowance \(Consequential Provisions\) Regulations 1991 \(S.I. 1991/2742\)](#), regs. 1(1), **11(4)(f)** (with reg. 1(2))

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

- C6** Sch. 2 para. 14(a) sum confirmed (with effect in accordance with art. 1(2)(g) of the amending S.I.) by [The Social Security Benefits Up Rating Order 2000 \(S.I. 2000/440\)](#), arts. 1(2)(g), **16(2)**

*Status: Point in time view as at 11/04/2000.*

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

### Commencement Information

**I13** Sch. 2 para. 14 in force at 11.4.1988, see [reg. 1](#)

### [<sup>F115</sup>Carer premium

**14ZA.**—(1) [<sup>F116</sup>Subject to sub-paragraphs (3) and (4),] the condition is that the claimant or his partner is, or both of them are, [<sup>F117</sup>entitled to an invalid care allowance under section 70 of the Contributions and Benefits Act].

(2) If a claimant or his partner, or both of them, would be in receipt of invalid care allowance but for the provisions of the Social Security (Overlapping Benefits) Regulations 1979, where—

- (a) the claim for that allowance was made on or after 1st October 1990, and
- (b) the person or persons in respect of whose care the allowance has been claimed remains or remain in receipt of attendance allowance<sup>F118</sup>, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 37ZB(3) of the Social Security Act],

he or his partner, or both of them, as the case may be, shall be treated for the purposes of sub-paragraph (1) as being [<sup>F119</sup>entitled to an] invalid care allowance.]

[<sup>F120</sup>(3) Where a carer premium is awarded but the person in respect of whom it has been awarded ceases to be entitled to an invalid care allowance, the condition for the award of the premium shall be treated as satisfied for a period of eight weeks from the date on which—

- (a) where sub-paragraph (2) applies, the person in respect of whose care the invalid care allowance has been claimed ceased to be in receipt of the allowances referred to in paragraph (b) of that sub-paragraph;
- (b) in any other case, that person ceased to be entitled to an invalid care allowance.]

[<sup>F120</sup>(4) Where a person who has been entitled to an invalid care allowance ceases to be entitled to that allowance and makes a claim for income support, the condition for the award of the carer premium shall be treated as satisfied for a period of eight weeks from the date on which—

- (a) where sub-paragraph (2) applies, the person in respect of whose care the invalid care allowance has been claimed ceased to be in receipt of the allowances referred to in paragraph (b) of that sub-paragraph;
- (b) in any other case, that person was last entitled to an invalid care allowance.]

### Textual Amendments

**F115** Sch. 2 para. 14ZA inserted (1.10.1990) by [The Income Support \(General\) Amendment No. 3 Regulations 1990 \(S.I. 1990/1776\)](#), regs. 1(1)(a), **8(d)** (with reg. 1(2))

**F116** Words in Sch. 2 para. 14ZA(1) inserted (7.10.1991) by [The Income Support \(General\) Amendment No. 4 Regulations 1991 \(S.I. 1991/1559\)](#), regs. 1(1)(c), **15(d)(i)** (with reg. 1(2))

**F117** Words in Sch. 2 para. 14ZA(1) substituted (3.4.2000) by [The Social Security \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/681\)](#), regs. 1(1)(c), **4(2)(b)(i)**

**F118** Words in Sch. 2 para. 14ZA(2)(b) inserted (6.4.1992) by [The Disability Living Allowance and Disability Working Allowance \(Consequential Provisions\) Regulations 1991 \(S.I. 1991/2742\)](#), regs. 1(1), **11(4)(g)** (with reg. 1(2))

**F119** Words in Sch. 2 para. 14ZA(2) substituted (3.4.2000) by [The Social Security \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/681\)](#), regs. 1(1)(c), **4(2)(b)(ii)**

**F120** Sch. 2 para. 14ZA(3)(4) substituted (3.4.2000) by [The Social Security \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/681\)](#), regs. 1(1)(c), **4(2)(b)(iii)**

**[<sup>F121</sup>Persons in receipt of concessionary payments**

**14A.** For the purpose of determining whether a premium is applicable to a person [<sup>F122</sup>under paragraphs 12 to 14ZA], any concessionary payment made to compensate that person for the non-payment of any benefit mentioned in those paragraphs shall be treated as if it were a payment of that benefit.]

**Textual Amendments**

**F121** Sch. 2 para. 14A inserted (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **19(d)**

**F122** Words in Sch. 2 para. 14A substituted (5.8.1991) by [The Income Support \(General\) Amendment No. 4 Regulations 1991 \(S.I. 1991/1559\)](#), regs. 1(1)(a), **15(e)** (with reg. 1(2))

**[<sup>F123</sup>Person in receipt of benefit**

**14B.** For the purposes of this Part of this Schedule, a person shall be regarded as being in receipt of any benefit if, and only if, it is paid in respect of him and shall be so regarded only for any period in respect of which that benefit is paid.]

**Textual Amendments**

**F123** Sch. 2 para. 14B inserted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1990 \(S.I. 1990/547\)](#), regs. 1(1)(b), **17**

**PART IV**

**Weekly amounts of premiums specified in part III**

**Commencement Information**

**I14** Sch. 2 Pt. IV in force at 11.4.1988, see [reg. 1](#)

<i>Premium</i>	<i>Amount</i>
<b>15.</b> —	<b>F124</b>
<sup>F124</sup> (1) .....	...
(2) Pensioner premium for persons aged under 75—	
(a) (a) where the claimant satisfies the condition in paragraph 9(a);	(a) [ <sup>F125</sup> (2) (a) £26.25];
(b) (b) where the claimant satisfies the condition in paragraph 9(b).	[ <sup>F125</sup> (b) [ <sup>F125</sup> (b) £40.00];
(2A) Pensioner premium for persons aged 75 and over—	
(a) (a) where the claimant satisfies the condition in paragraph 9A(a);	(a) [ <sup>F125</sup> (2A) (a) £28.65];

*Status: Point in time view as at 11/04/2000.*

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

<i>Premium</i>	<i>Amount</i>
(b) (b) where the claimant satisfies the condition in paragraph 9A(b).	[ <sup>F125</sup> (b) [ <sup>F125</sup> (b) £43.40];
(3) Higher Pensioner Premium—	
(a) (a) where the claimant satisfies the condition in paragraph 10(1)(a) or (b);	(a) [ <sup>F125</sup> (3) (a) £33.85];
(b) (b) where the claimant satisfies the condition in paragraph 10(2)(a) or (b).	[ <sup>F125</sup> (b) [ <sup>F125</sup> (b) £49.10];
(4) Disability Premium—	
(a) (a) where the claimant satisfies the condition in paragraph 11(a);	(a) [ <sup>F125</sup> (4) (a) £22.25];
(b) (b) where the claimant satisfies the condition in paragraph 11(b).	[ <sup>F125</sup> (b) [ <sup>F125</sup> (b) £31.75];
(5) Severe Disability Premium—	
(a) (a) where the claimant satisfies the condition in paragraph 13(2)(a);	(a) [ <sup>F125</sup> (5) (a) £40.20];
(b) (b) where the claimant satisfies the condition in paragraph 13(2)(b)—	
(i) if there is someone in receipt of an invalid care allowance or if he or any partner satisfies that condition only by virtue of paragraph 13(3A);	[ <sup>F125</sup> (b) (i) £40.20];
(ii) if no-one is in receipt of such an allowance.	[ <sup>F125</sup> (ii) £80.40];
(6) Disabled Child Premium.	(6) [ <sup>F125</sup> £22.25] in respect of each child or young person in respect of whom the condition specified in paragraph 14 is satisfied.
(7) Carer Premium.	(7) [ <sup>F125</sup> £14.15] in respect of each person who satisfied the condition specified in paragraph 14ZA.

#### **Textual Amendments**

**F124** Sch. 2 Pt. IV para. 15(1) entries omitted (with effect in accordance with reg. 1(2) of the amending S.I.) by virtue of [The Child Benefit, Child Support and Social Security \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/1803\)](#), regs. 1(1)(b), **39(4)**

**F125** Sch. 2 Pt. IV sums substituted (with effect in accordance with art. 1(2)(g) of the amending S.I.) by [\(The Social Security Benefits Up-rating Order 2000 \(S.I. 2000/440\)](#), arts. 1(2)(g), 16(5), **Sch. 3**

## PART V

### rounding of fractions

**16.** Where income support is awarded for a period which is not a complete benefit week and the applicable amount in respect of that period results in an amount which includes a fraction of a penny that fraction shall be treated as a penny.

#### Commencement Information

**I15** Sch. 2 para. 16 in force at 11.4.1988, see [reg. 1](#)

[<sup>F126</sup>SCHEDULE 3

Regulations 17(1)(e) and 18(1)(f)

### HOUSING COSTS

#### Textual Amendments

**F126** Sch. 3 substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Social Security \(Income Support and Claims and Payments\) Amendment Regulations 1995 \(S.I. 1995/1613\)](#), [reg. 1\(1\)](#), [Sch. 1](#)

### Housing Costs

**1.—(1)** Subject to the following provisions of this Schedule, the housing costs applicable to claimant are those costs—

- (a) which he or, where he is a member of a family, he or any member of that family is, in accordance with paragraph 2, liable to meet in respect of the dwelling occupied as the home which he or any other member of his family is treated as occupying, and
- (b) which qualify under paragraphs 15 to 17.

(2) In this Schedule—

“housing costs” means those costs to which sub-paragraph (1) refers;

“existing housing costs” means housing costs arising under an agreement entered into before 2nd October 1995, or under an agreement entered into after 1st October 1995 (“the new agreement”)—

- (a) which replaces an existing agreement between the same parties in respect of the same property; and
- (b) where the existing agreement was entered into before 2nd October 1995; and
- (c) which is for a loan of the same amount as or less than the amount of the loan under the agreement it replaces, and for this purpose any amount payable <sup>F127</sup>... to arrange the new agreement and included in the loan shall be disregarded;

“new housing costs” means housing costs arising under an agreement entered into after 1st October 1995 other than an agreement referred to in the definition of “existing housing costs”;

“standard rate” means the rate for the time being specified in paragraph 12.

(3) For the purposes of this Schedule a disabled person is a person—

*Status: Point in time view as at 11/04/2000.*

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

- (a) in respect of whom a disability premium, a disabled child premium, a pensioner premium for persons aged 75 or over or a higher pensioner premium is included in his applicable amount or the applicable amount of a person living with him; or
  - (b) <sup>F128</sup> ... who, had he in fact been entitled to income support, would have had included in his applicable amount a disability premium, a disabled child premium, a pensioner premium for persons aged 75 or over or a higher pensioner premium.
- (4) For the purposes of sub-paragraph (3), a person shall not cease to be a disabled person on account of his being disqualified for receiving benefit or treated as capable of work by virtue of the operation of section 171E of the Contributions and Benefits Act (incapacity for work, disqualification etc.).

#### Textual Amendments

**F127** Words in Sch. 3 para. 1(2) omitted (12.12.1995) by virtue of [The Social Security \(Income Support, Claims and Payments and Adjudication\) Amendment Regulations 1995 \(S.I. 1995/2927\)](#), **regs. 1(1), 5(2)(a)**

**F128** Words in Sch. 3 para. 1(3) omitted (12.12.1995) by virtue of [The Social Security \(Income Support, Claims and Payments and Adjudication\) Amendment Regulations 1995 \(S.I. 1995/2927\)](#), **regs. 1(1), 5(2)(b)**

#### [<sup>F129</sup> Previous entitlement to income-based jobseeker's allowance

**1A.—(1)** Where a claimant or his partner was in receipt of or was treated as being in receipt of income-based jobseeker's allowance not more than 12 weeks before one of them becomes entitled to income support or, where the claimant or his partner is a person to whom paragraph 14(2) or (8) (linking rules) refers, not more than 26 weeks before becoming so entitled and—

- (a) the applicable amount for that allowance included an amount in respect of housing costs under paragraph 14 or 15 of Schedule 2 to the Jobseeker's Allowance Regulations 1996; and
- (b) the circumstances affecting the calculation of those housing costs remain unchanged since the last calculation of those costs,

the applicable amount in respect of housing costs for income support shall be the applicable amount in respect of those costs current when entitlement to income-based jobseeker's allowance was last determined.

(2) Where, in the period since housing costs were last calculated for income-based jobseeker's allowance, there has been a change of circumstances, other than a reduction in the amount of an outstanding loan, which increases or reduces those costs, the amount to be met under this Schedule shall, for the purposes of the claim for income support, be recalculated so as to take account of that change.]

#### Textual Amendments

**F129** Sch. 3 para. 1A inserted (22.10.1997) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 1997 \(S.I. 1997/2305\)](#), **regs. 1, 2(2)(a)**

#### Circumstances in which a person is liable to meet housing costs

**2.—(1)** A person is liable to meet housing costs where—

- (a) the liability falls upon him or his partner but not where the liability is to a member of the same household as the person on whom the liability falls;



- (b) because the person liable to meet the housing costs is not meeting them, the claimant as to meet those costs in order to continue to live in the dwelling occupied as the home and it is reasonable in all the circumstances to treat the claimant as liable to meet those costs;
  - (c) he in practice shares the housing costs with other members of the household none of whom are close relatives either of the claimant or his partner, and
    - (i) one or more of those members is liable to meet those costs, and
    - (ii) it is reasonable in the circumstances to treat him as sharing responsibility.
- (2) Where any one or more, but not all, members of the claimant's family are affected by a trade dispute, the housing costs shall be treated as wholly the responsibility of those members of the family not so affected.

### **Circumstances in which a person is to be treated as occupying a dwelling as his home**

3.—(1) Subject to the following provisions of this paragraph, a person shall be treated as occupying as his home the dwelling normally occupied as his home by himself or, if he is a member of a family, by himself and his family and he shall not be treated as occupying any other dwelling as his home.

(2) In determining whether a dwelling is the dwelling normally occupied as the claimant's home for the purposes of sub-paragraph (1) regard shall be had to any other dwelling occupied by the claimant or by him and his family whether or not that other dwelling is in Great Britain.

(3) Subject to sub-paragraph (4), where a single claimant or a lone parent is a student or is on a training course and is liable to make payments (including payments of mortgage interest or, in Scotland, payments under heritable securities or, in either case, analogous payments) in respect of either (but not both) the dwelling which he occupies for the purpose of attending his course of study or his training course or, as the case may be, the dwelling which he occupies when not attending his course, he shall be treated as occupying as his home the dwelling in respect of which he is liable to make payments.

(4) A full-time student shall not be treated as occupying a dwelling as his home for any week of absence from it, other than an absence occasioned by the need to enter hospital for treatment, outside the period of study, if the main purpose of his occupation during the period of study would be to facilitate attendance on his course.

(5) Where a claimant has been required to move into temporary accommodation by reason of essential repairs being carried out to the dwelling normally occupied as his home and he is liable to make payments (including payments of mortgage interest or, in Scotland, payments under heritable securities or, in either case, analogous payments) in respect of either (but not both) the dwelling normally occupied or the temporary accommodation, he shall be treated as occupying as his home the dwelling in respect of which he is liable to make those payments.

(6) Where a person is liable to make payments in respect of two (but not more than two) dwellings, he shall be treated as occupying both dwellings as his home only—

- (a) where he has left and remains absent from the former dwelling occupied as the home through fear of violence in that dwelling or by a former member of his family and it is reasonable that housing costs should be met in respect of both his former dwelling and his present dwelling occupied as the home; or
- (b) in the case of a couple or a member of a polygamous marriage where a partner is a student or is on a training course and it is unavoidable that he or they should occupy two separate dwellings and reasonable that housing costs should be met in respect of both dwellings; or
- (c) in the case where a person has moved into a new dwelling occupied as the home, except where sub-paragraph (5) applies, for a period not exceeding four benefit weeks if his liability to make payments in respect of two dwellings is unavoidable.

*Status: Point in time view as at 11/04/2000.*

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

(7) Where—

- (a) a person has moved into a dwelling and was liable to make payments in respect of that dwelling before moving in; and
- (b) he had claimed income support before moving in and either that claim has not yet been determined or it has been determined but an amount has not been included under this Schedule and if the claim has been refused a further claim has been made within four weeks of the date on which the claimant moved into the new dwelling occupied as the home; and
- (c) the delay in moving into the dwelling in respect of which there was liability to make payments before moving in was reasonable and—
  - (i) that delay was necessary in order to adapt the dwelling to meet the disablement needs of the claimant or any member of his family; or
  - (ii) the move was delayed pending the outcome of an application under Part VIII of the Contributions and Benefits Act for a social fund payment to meet a need arising out of the move or in connection with setting up the home in the dwelling and either a member of the claimant's family is aged five or under or the claimant's applicable amount includes a premium under paragraph 9, 9A, 10, 11, 13 or 14 of Schedule 2; or
  - (iii) the person became liable to make payments in respect of the dwelling while he was a patient or was in residential accommodation,

he shall be treated as occupying the dwelling as his home for any period not exceeding four weeks immediately prior to the date on which he moved into the dwelling and in respect of which he was liable to make payments.

(8) This sub-paragraph applies to a person who enters residential accommodation—

- (a) for the purpose of ascertaining whether the accommodation suits his needs; and
- (b) with the intention of returning to the dwelling which he normally occupies as his home should, in the event, the residential accommodation prove not to suit his needs,

and while in the accommodation, the part of the dwelling which he normally occupies as his home is not let, or as the case may be, sub-let to another person.

(9) A person to whom sub-paragraph (8) applies shall be treated as occupying the dwelling he normally occupies as his home during any period (commencing with the day he enters the accommodation) not exceeding 13 weeks in which the person is resident in the accommodation, but only in so far as the total absence from the dwelling does not exceed 52 weeks.

(10) A person, other than a person to whom sub-paragraph (11) applies, shall be treated as occupying a dwelling as his home throughout any period of absence not exceeding 13 weeks, if, and only if—

- (a) he intends to return to occupy the dwelling as his home; and
- (b) the part of the dwelling normally occupied by him has not been let or, as the case may be, sub-let to another person; and
- (c) the period of absence is unlikely to exceed 13 weeks.

(11) This sub-paragraph applies to a person whose absence from the dwelling he normally occupies as his home is temporary and—

- (a) he intends to return to occupy the dwelling as his home; and
- (b) while the part of the dwelling which is normally occupied by him has not been let or, as the case may be, sub-let; and
- (c) he is—

- (i) detained in custody on remand pending trial or, as a condition of bail, required to reside in a hostel approved under section 27(1) of the Probation Service Act 1993, or, as the case may be, detained pending sentence upon conviction, or
  - (ii) resident in a hospital or similar institution as a patient, or
  - (iii) undergoing or, as the case may be, his partner or his dependent child is undergoing, in the United Kingdom or elsewhere, medical treatment, or medically approved convalescence, in accommodation other than residential accommodation, or
  - (iv) following, in the United Kingdom or elsewhere, a training course, or
  - (v) undertaking medically approved care of a person residing in the United Kingdom or elsewhere, or
  - (vi) undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care or medical treatment, or
  - (vii) a person who is, whether in the United Kingdom or elsewhere, receiving medically approved care provided in accommodation other than residential accommodation, or
  - (viii) a student to whom sub-paragraph (3) or (6)(b) does not apply, or
  - (ix) a person other than a person to whom sub-paragraph (8) applies, who is receiving care provided in residential accommodation; or
  - (x) a person to whom sub-paragraph (6)(a) does not apply and who has left the dwelling he occupies as his home through fear of violence in that dwelling<sup>F130</sup>, or by a person] who was formerly a member of his family; and
- (d) the period of his absence is unlikely to exceed a period of 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period.
- (12) A person to whom sub-paragraph (11) applies is to be treated as occupying the dwelling he normally occupies as his home during any period of absence not exceeding 52 weeks beginning with the first day of that absence.
- (13) In this paragraph—
- (a) “medically approved” means certified by a medical practitioner;
  - (b) “patient” means a person who is undergoing medical or other treatment as an inpatient in a hospital or similar institution; “residential accommodation” means accommodation—
    - (i) provided under sections 21 to 24 and 26 of the National Assistance Act 1948 (provision of accommodation); or
    - (ii) provided under sections 13B and 59 of the Social Work (Scotland) Act 1968 (provision of residential and other establishments) where board is available to the claimant; or
    - (iii) which is a residential care home within the meaning of that expression in regulation 19(3) (persons in residential care or nursing homes) other than sub-paragraph (b) of that definition; or
    - (iv) which is a nursing home;
  - (d) “training course” means such a course of training or instruction provided wholly or partly by or on behalf of or in pursuance of arrangements made with, or approved by or on behalf of, Scottish Enterprise, Highlands and Islands Enterprise, a government department or the Secretary of State.

*Status: Point in time view as at 11/04/2000.*

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

### Textual Amendments

**F130** Words in [Sch. 3 para. 3\(11\)](#) substituted (12.12.1995) by [The Social Security \(Income Support, Claims and Payments and Adjudication\) Amendment Regulations 1995 \(S.I. 1995/2927\)](#), regs. 1(1), **5(3)**

### Housing costs not met

4.—(1) No amount may be met under the provisions of this Schedule—

- (a) in respect of housing benefit expenditure; or
- (b) where the claimant is in accommodation which is a residential care home or a nursing home except where he is in such accommodation during a temporary absence from the dwelling he occupies as his home and in so far as they relate to temporary absences, the provisions of paragraph 3(8) to (12) apply to him during that absence.

(2) Subject to the following provisions of this paragraph, loans which, apart from this paragraph, qualify under paragraph 15 shall not so qualify where the loan was incurred during one relevant period and was incurred—

- (a) after 1st October 1995, or
- (b) after 2nd May 1994 and the housing costs applicable to that loan were not met by virtue of the former paragraph 5A of this Schedule in any one or more of the 26 weeks preceding 2nd October 1995, or
- (c) subject to sub-paragraph (3), in the 26 weeks preceding 2nd October 1995 by a person—
  - (i) who was not at that time entitled to income support; and
  - (ii) who becomes, or whose partner becomes entitled to income support after 1st October 1995 and that entitlement is within 26 weeks of an earlier entitlement to income support for the claimant or his partner.

(3) Sub-paragraph (2)(c) shall not apply in respect of a loan where the claimant has interest payments on that loan met without restrictions under an award of income support in respect of a period commencing before 2nd October 1995.

[<sup>F131</sup>(4) The “relevant period” for the purposes of this paragraph is any period during which the person to whom the loan was made —

- (a) is entitled to income support, or
- (b) is living as a member of a family one of whom is entitled to income support,

together with any linked period, that is to say a period falling between two such periods of entitlement to income support separated by not more than 26 weeks.]

[<sup>F132</sup>(4A) For the purposes of sub-paragraph (4), a person shall be treated as entitled to income support during any period when he or his partner was not so entitled because—

- (a) that person or his partner was participating in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker’s Allowance Regulations 1996; and
- (b) in consequence of such participation that person or his partner was engaged in remunerative work or had an income in excess of the claimant’s applicable amount as prescribed in Part IV.]

(5) For the purposes of sub-paragraph (4)—

- (a) any week in the period of 26 weeks ending on 1st October 1995 on which there arose an entitlement to income support such as is mentioned in that sub-paragraph shall be taken into account in determining when the relevant period commences; and

(b) two or more periods of entitlement and any intervening linked periods shall together form a single relevant period.

(6) Where the loan to which sub-paragraph (2) refers has been applied—

(a) for paying off an earlier loan, and that earlier loan qualified under paragraph 15 [<sup>F133</sup>during the relevant period]; or

[<sup>F134</sup>(b) to finance the purchase of a property where an earlier loan, which qualified under paragraph 15 or 16 during the relevant period in respect of another property, is paid off (in whole or in part) with monies received from the sale of that property;]

then the amount of the loan to which sub-paragraph (2) applies is the amount (if any) by which the new loan exceeds the earlier loan.

(7) Notwithstanding the preceding provisions of this paragraph, housing costs shall be met in any case where a claimant satisfies any of the conditions specified in sub-paragraphs (8) to (11) below, but—

(a) those costs shall be subject to any additional limitations imposed by the sub-paragraph; and

(b) where the claimant satisfies the conditions in more than one of these sub-paragraphs, only one sub-paragraph shall apply in his case and the one that applies shall be the one most favourable to him.

(8) The conditions specified in this sub-paragraph are that—

(a) during the relevant period the claimant or a member of his family acquires an interest (“the relevant interest”) in a dwelling which he then occupies or continues to occupy, as his home; and

(b) in the week preceding the week in which the relevant interest was acquired, housing benefit was payable to the claimant or a member of his family;

so however that the amount to be met by way of <sup>F135</sup>... housing costs shall initially not exceed the aggregate of—

(i) the housing benefit payable in the week mentioned at sub-paragraph (8)(b); and

(ii) any amount included in the applicable amount of the claimant or a member of his family in accordance with regulation 17(1)(e) or 18(1)(f) in that week;

and shall be increased subsequently only to the extent that it is necessary to take account of any increase, arising after the date of the acquisition, in the standard rate or in any housing costs which qualify under paragraph 17 (other housing costs).

(9) The condition specified in this sub-paragraph is that the loan was taken out, or an existing loan increased, to acquire alternative accommodation more suited to the special needs of a disabled person than the accommodation which was occupied before the acquisition by the claimant.

(10) The conditions specified in this sub-paragraph are that—

(a) the loan commitment increased in consequence of the disposal of the dwelling occupied as the home and the acquisition of an alternative such dwelling; and

(b) the change of dwelling was made solely by reason of the need to provide separate sleeping accommodation for children of different sexes aged 10 or over who belong to the same family as the claimant.

(11) The conditions specified in this sub-paragraph are that—

(a) during the relevant period the claimant or a member of his family acquires an interest (“the relevant interest”) in a dwelling which he then occupies as his home; and

(b) in the week preceding the week in which the relevant interest was acquired, the applicable amount of the claimant or a member of his family included an amount determined by reference to paragraph 17 and did not include any amount specified in paragraph 15 or

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paragraph 16; so however that the amount to be met [<sup>F136</sup>by way of housing costs] shall initially not exceed the amount so determined, and shall be increased subsequently only to the extent that it is necessary to take account of any increase, arising after the date of acquisition, in the standard rate or in any housing costs which qualify under paragraph 17 (other housing costs).

(12) The following provisions of this Schedule shall have effect subject to the provisions of this paragraph.

#### Textual Amendments

- F131** Sch. 3 para. 4(4) substituted (12.12.1995) by [The Social Security \(Income Support, Claims and Payments and Adjudication\) Amendment Regulations 1995 \(S.I. 1995/2927\)](#), regs. 1(1), **5(4)(a)**
- F132** Sch. 3 para. 4(4A) inserted (5.1.1998) by [The Social Security Amendment \(New Deal\) Regulations 1997 \(S.I. 1997/2863\)](#), regs. 1(1), **16(2)**
- F133** Words in Sch. 3 para. 4(6)(a) inserted (with effect in accordance with reg. 1(6) of the amending S.I.) by [The Income-related Benefits Schemes and Social Fund \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/1944\)](#), regs. 1(1)(a), **6(10)(a)(i)** (with reg. 13)
- F134** Sch. 3 para. 4(6)(b) substituted (with effect in accordance with reg. 1(6) of the amending S.I.) by [The Income-related Benefits Schemes and Social Fund \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/1944\)](#), regs. 1(1)(a), **6(10)(a)(ii)** (with reg. 13)
- F135** Word in Sch. 3 para. 4(8) omitted (12.12.1995) by virtue of [The Social Security \(Income Support, Claims and Payments and Adjudication\) Amendment Regulations 1995 \(S.I. 1995/2927\)](#), **regs. 1(1), 5(4)(b)**
- F136** Words in Sch. 3 para. 4(11) substituted (12.12.1995) by [The Social Security \(Income Support, Claims and Payments and Adjudication\) Amendment Regulations 1995 \(S.I. 1995/2927\)](#), **regs. 1(1), 5(4)(c)**

#### Apportionment of housing costs

- 5.—(1) Where the dwelling occupied as the home is a composite hereditament and—
- before 1st April 1990 for the purposes of section 48(5) of the General Rate Act 1967 (reduction of rates on dwellings), it appeared to a rating authority or it was determined in pursuance of subsection (6) of section 48 of that Act that the hereditament, including the dwelling occupied as the home, was a mixed hereditament and that only a proportion of the rateable value of the hereditament was attributable to use for the purpose of a private dwelling; or
  - in Scotland, before 1st April 1989 an assessor acting pursuant to section 45(1) of the Water (Scotland) Act 1980 (provision as to valuation roll) has apportioned the net annual value of the premises including the dwelling occupied as the home between the part occupied as a dwelling and the remainder,

the amounts applicable under this Schedule shall be such proportion of the amounts applicable in respect of the hereditament or premises as a whole as is equal to the proportion of the rateable value of the hereditament attributable to the part of the hereditament used for the purposes of a private tenancy or, in Scotland, the proportion of the net annual value of the premises apportioned to the part occupied as a dwelling house.

(2) Subject to sub-paragraph (1) and the following provisions of this paragraph, where the dwelling occupied as the home is a composite hereditament, the amount applicable under this Schedule shall be the relevant fraction of the amount which would otherwise be applicable under this Schedule in respect of the dwelling occupied as the home.

(3) For the purposes of sub-paragraph (2), the relevant fraction shall be obtained in accordance with the formula—

AA+B

where— “A” is the current market value of the claimant’s interest in that part of the composite hereditament which is domestic property within the meaning of section 66 of the Act of 1988;

“B” is the current market value of the claimant’s interest in that part of the composite hereditament which is not domestic property within that section.

(4) In this paragraph—

“composite hereditament” means—

(a) as respects England and Wales, any hereditament which is shown as a composite hereditament in a local non-domestic rating list;

(b) as respects Scotland, any lands and heritages entered in the valuation roll which are part residential subjects within the meaning of section 26(1) of the Act of 1987;

“local non-domestic rating list” means a list compiled and maintained under section 41(1) of the Act of 1988;

“the Act of 1987” means the Abolition of Domestic Rates Etc.(Scotland) Act 1987;

“the Act of 1988” means the Local Government Finance Act 1988.

(5) Where responsibility for expenditure which relates to housing costs met under this Schedule is shared, the amounts applicable shall be calculated by reference to the appropriate proportion of that expenditure for which the claimant is responsible.

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

C7 Sch. 3 para. 5(3) sum confirmed (with effect in accordance with art. 1(2)(g) of the amending S.I. by [The Social Security Benefits Up Rating Order 2000 \(S.I. 2000/440\)](#), arts. 1(2)(g), 16(9), [Sch. 6](#)

**Existing housing costs**

**6.—(1)** Subject to the provisions of this Schedule, the existing housing costs to be met in any particular case are—

(a) where the claimant has been [<sup>F137</sup>entitled to] income support for a continuous period of 26 weeks or more, the aggregate of—

(i) an amount determined in the manner set out in paragraph 10 by applying the standard rate to the eligible capital for the time being owing in connection with a loan which qualifies under paragraph 15 or 16; and

(ii) an amount equal to any payments which qualify under paragraph 17(1)(a) to (c);

(b) where the claimant has been [<sup>F137</sup>entitled to] income support for a continuous period of not less than 8 weeks but less than 26 weeks, an amount which is half the amount which would fall to be met by applying the provisions of sub-paragraph (a);

(c) in any other case, nil.

[<sup>F138</sup>(1A) For the purposes of sub-paragraph (1) [<sup>F139</sup>and subject to sub-paragraph (1B)], the eligible capital for the time being owing shall be determined on the date the existing housing costs are first met and thereafter on each anniversary of that date.]

[<sup>F140</sup>(1B) Where a claimant or his partner ceases to be in receipt of or treated as being in receipt of income-based jobseeker’s allowance and one of them becomes entitled to income support in a case to which paragraph 1A applies, the eligible capital for the time being owing shall be recalculated on each anniversary of the date on which the housing costs were first met for whichever of the benefits concerned the claimant or his partner was first entitled.]

*Status: Point in time view as at 11/04/2000.*

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

(2) Where immediately before 2nd October 1995 a claimant's applicable amount included a sum by way of housing costs in accordance with regulation 17(1)(e) or 18(1)(f), but the claimant had not on that date been entitled to income support for a continuous period of 26 weeks or more, the amount of the housing costs to be met in his case shall, for the balance of the 26 weeks falling after 1st October 1995, be determined in accordance with sub-paragraph (3).

(3) Subject to sub-paragraph (4), where the claimant had on 1st October 1995—

- (a) been entitled to income support for less than 16 consecutive weeks (including the benefit week in which 1st October 1995 falls), any housing costs to be met in his case shall remain at the amount they were before 2nd October 1995 until the end of the 16th consecutive week of that entitlement and shall thereafter be determined as if he had been entitled for a continuous period of 26 weeks;
- (b) been entitled for 16 consecutive weeks or more but less than 26 consecutive weeks (including the benefit week in which 1st October 1995 falls), any housing costs to be met in his case shall be determined as if he had been entitled for 26 weeks.

(4) Sub-paragraph (3) above shall apply in a particular case only for so long as the agreement in respect of which a sum by way of housing costs falls to be met immediately before 2nd October 1995 in accordance with regulation 17(1)(e) or 18(1)(f) remains in force.

#### Textual Amendments

- F137** Words in Sch. 3 para. 6(1) substituted (12.12.1995) by [The Social Security \(Income Support, Claims and Payments and Adjudication\) Amendment Regulations 1995 \(S.I. 1995/2927\)](#), **regs. 1(1), 5(5)(a)**
- F138** Sch. 3 para. 6(1A) inserted (12.12.1995) by [The Social Security \(Income Support, Claims and Payments and Adjudication\) Amendment Regulations 1995 \(S.I. 1995/2927\)](#), **regs. 1(1), 5(5)(b)**
- F139** Words in Sch. 3 para. 6(1A) inserted (22.10.1997) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 1997 \(S.I. 1997/2305\)](#), **regs. 1, 2(2)(b)**
- F140** Sch. 3 para. 6(1B) inserted (22.10.1997) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 1997 \(S.I. 1997/2305\)](#), **regs. 1, 2(2)(c)**

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

- C8** Sch. 3 para. 6(1)(b) sum confirmed (with effect in accordance with art. 1(2)(g) of the amending S.I.) by [The Social Security Benefits Up Rating Order 2000 \(S.I. 2000/440\)](#), **arts. 1(2)(g), 16(9), Sch. 6**
- C9** Sch. 3 para. 6(1)(c) sum confirmed (with effect in accordance with art. 1(2)(g) of the amending S.I.) by [The Social Security Benefits Up Rating Order 2000 \(S.I. 2000/440\)](#), **arts. 1(2)(g), 16(9), Sch. 6**

#### Transitional Protection

7.—(1) Where the amount applicable to a claimant by way of housing costs under regulation 17(1)(e) or regulation 18(1)(f) (as the case may be) in the benefit week which includes 1st October 1995 ("the first benefit week") is greater than the amount which, in accordance with paragraphs 6 and 10, is applicable in his case in the next succeeding benefit week ("the second benefit week"), the claimant shall be entitled to have his existing housing costs increased by an amount (referred to in this paragraph as "add back") determined in accordance with the following provisions of this paragraph.

(2) Where the amount to be met by way of housing costs in the first benefit week is greater than the amount to be met in the second benefit week, then the amount of the add back shall be a sum representing the difference between those amounts.

(3) Where the amount of existing housing costs, disregarding the add back, which is applicable to the claimant increases after the second benefit week, the amount of the add back shall be decreased by an amount equal to that increase, and the amount of the add back shall thereafter be the decreased amount.



(4) Any increase in the amount of the existing housing costs, disregarding the add back, shall reduce the amount of the add back in the manner specified in sub-paragraph (3), and where the amount of the add back is reduced to nil, the amount of the existing housing costs shall thereafter not include any amount by way of add back.

(5) Where a person or his partner—

- (a) was entitled to income support; and
- (b) had an applicable amount which included an amount by way of add back in accordance with this paragraph; and
- (c) ceased to be entitled to income support for a continuous period in excess of 12 weeks,

then, on the person or his partner again becoming entitled to income support, the applicable amount of the claimant shall be determined without reference to the provisions relating to add back in sub-paragraphs (1) to (4).

(6) Where a person whose applicable amount included an amount by way of add back under this paragraph loses the right to have an amount by way of housing costs included in his applicable amount, then where that person's applicable amount again includes an amount by way of housing costs, that amount shall be determined without reference to the provisions relating to add back in sub-paragraphs (1) to (4).

(7) Where the partner of a person to whom sub-paragraph (6) applies becomes entitled to income support and—

- (a) his applicable amount includes an amount by way of existing housing costs, and
- (b) those housing costs are in respect of payments which were formerly met in the applicable amount of the person to whom sub-paragraph (6) applies

then the provisions of this paragraph shall apply to the partner as they would if he had been responsible for the housing costs immediately before 2nd October 1995 [<sup>F141</sup>provided the claim is made not more than 12 weeks after the last day of entitlement to housing costs relating to a claim made by the person to whom sub-paragraph (6) applies].

(8) Where in the first benefit week, a claimant's applicable amount included an amount by way of housing costs which was calculated by reference to paragraph 7(1)(b)(ii) of Schedule 3 as then in force (50 per cent. of eligible interest met) then for the purposes of this paragraph, the amount of the add back shall be determined by reference to the amount which would have been applicable on that day if 100 per cent. of the claimant's eligible interest had been met, but only from the benefit week following the final benefit week in which paragraph 7(1)(b)(ii) of Schedule 3 would, had it remained in force, have applied in the claimant's case.

(9) Where the existing housing costs of the claimant are determined by reference to two or more loans which qualify under this Schedule, then the provisions of this paragraph shall be applied separately to each of those loans and the amount of the add back (if any) shall be determined in respect of each loan.

[<sup>F142</sup>(10) In the case of a person who is a welfare to work beneficiary, the references in sub-paragraphs (5)(c) and (7) to a period of 12 weeks shall be treated as references to a period of 52 weeks.]

#### Textual Amendments

**F141** Words in Sch. 3 para. 7(7) inserted (12.12.1995) by [The Social Security \(Income Support, Claims and Payments and Adjudication\) Amendment Regulations 1995 \(S.I. 1995/2927\)](#), regs. 1(1), **5(6)**

**F142** Sch. 3 para. 7(10) added (5.10.1998) by [The Social Security \(Welfare to Work\) Regulations 1998 \(S.I. 1998/2231\)](#), regs. 1, **13(4)(a)**

*Status: Point in time view as at 11/04/2000.*

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

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

**C10** Sch. 3 para. 7(8) sum confirmed (with effect in accordance with art. 1(2)(g) of the amending S.I.) by [The Social Security Benefits Up Rating Order 2000 \(S.I. 2000/440\)](#), arts. 1(2)(g), 16(9), [Sch. 6](#)

**New housing costs**

**8.—(1)** Subject to the provisions of this Schedule, the new housing costs to be met in any particular case are—

- (a) where the claimant has been [<sup>F143</sup>entitled to] income support for a continuous period of 39 weeks or more, an amount—
  - (i) determined in the manner set out in paragraph 10 by applying the standard rate to the eligible capital for the time being owing in connection with a loan which qualifies under paragraph 15 or 16; and
  - (ii) equal to any payments which qualify under paragraph 17(1)(a) to (c);
- (b) in any other case, nil.

[<sup>F144</sup>(1A) For the purposes of sub-paragraph (1) [<sup>F145</sup>and subject to sub-paragraph (1B),] the eligible capital for the time being owing shall be determined on the date the new housing costs are first met and thereafter on each anniversary of that date.]

[<sup>F146</sup>(1B) Where a claimant or his partner ceases to be in receipt of or treated as being in receipt of income-based jobseeker's allowance and one of them becomes entitled to income support in a case to which paragraph 1A applies, the eligible capital for the time being owing shall be recalculated on each anniversary of the date on which the housing costs were first met for whichever of the benefits concerned the claimant or his partner was first entitled.]

(2) This sub-paragraph applies to a claimant who at the time the claim is made—

- [<sup>F147</sup>(a) is a person to whom paragraph 4 or 5 of Schedule 1B (persons caring for another person) applies;]
- (b) is detained in custody pending trial or sentence upon conviction; or
- (c) has been refused payments under a policy of insurance on the ground that
  - (i) the claim under the policy is the outcome of a pre-existing medical condition which, under the terms of the policy, does not give rise to any payment by the insurer; or
  - (ii) he was infected by the Human Immunodeficiency Virus,
 and the policy was taken out to insure against the risk of being unable to maintain repayments on a loan which is secured by a mortgage or a charge over land, or (in Scotland) by a heritable security.

(3) This sub-paragraph applies subject to sub-paragraph (5) where a person claims income support because of—

- (a) the death of a partner; or
- (b) being abandoned by his partner,

and where the person's family includes a child.

(4) In the case of a claimant to whom sub-paragraph (2) or (3) applies, any new housing costs shall be met as though they were existing housing costs and paragraph 6 applied to them.

(5) Sub-paragraph (3) shall cease to apply to a person who subsequently becomes one of a couple.

### Textual Amendments

- F143** Words in Sch. 3 para. 8(1) substituted (12.12.1995) by [The Social Security \(Income Support, Claims and Payments and Adjudication\) Amendment Regulations 1995 \(S.I. 1995/2927\)](#), regs. 1(1), **5(7)(a)**
- F144** Sch. 3 para. 8(1A) inserted (12.12.1995) by [The Social Security \(Income Support, Claims and Payments and Adjudication\) Amendment Regulations 1995 \(S.I. 1995/2927\)](#), regs. 1(1), **5(7)(b)**
- F145** Words in Sch. 3 para. 8(1A) inserted (22.10.1997) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 1997 \(S.I. 1997/2305\)](#), regs. 1, **2(2)(d)**
- F146** Sch. 3 para. 8(1B) inserted (22.10.1997) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 1997 \(S.I. 1997/2305\)](#), regs. 1, **2(2)(e)**
- F147** Sch. 3 para. 8(2)(a) 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), 24(2)**

### Modifications etc. (not altering text)

- C11** Sch. 3 para. 8(1)(b) sum confirmed (with effect in accordance with art. 1(2)(g) of the amending S.I.) by [The Social Security Benefits Up Rating Order 2000 \(S.I. 2000/440\)](#), arts. 1(2)(g), 16(9), **Sch. 6**

## General exclusions from paragraphs 6 and 8

- 9.**—(1) Paragraphs 6 and 8 shall not apply where—
- (a) the claimant or his partner is aged 60 or over;
  - (b) the housing costs are payments—
    - (i) under a co-ownership agreement;
    - (ii) under or relating to a tenancy or licence of a Crown tenant; or
    - (iii) where the dwelling occupied as the home is a tent, in respect of the tent and the site on which it stands.
- (2) In a case falling within sub-paragraph (1), the housing costs to be met are—
- (a) where head (a) of sub-paragraph (1) applies, an amount—
    - (i) determined in the manner set out in paragraph 10 by applying the standard rate to the eligible capital for the time being owing in connection with a loan which qualifies under paragraph 15 or 16; and
    - (ii) equal to the payments which qualify under paragraph 17;
  - (b) where head (b) of sub-paragraph (1) applies, an amount equal to the payments which qualify under paragraph 17(1)(d) to (f).

## The calculation for loans

**10.**—(1) The weekly amount of existing housing costs or, as the case may be, new housing costs to be met under this Schedule in respect of a loan which qualifies under paragraph 15 or 16 shall be calculated by applying the formula:—

$$(A \times B) \times C52$$

where—A = the amount of the loan which qualifies under paragraph 15 or 16;

B = the standard rate for the time being specified in respect of that loan under paragraph 12;

C = the difference between 100 per cent. and the applicable percentage of income tax within the meaning of section 369(1A) of the Income and Corporation Taxes Act 1988 (mortgage interest

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

payable under deduction of tax) for the year of assessment in which the payment of interest becomes due.

(2) Where section 369 of the Income and Corporation Taxes Act 1988 does not apply to the interest on a loan or a part of a loan, the formula applied in sub-paragraph (1) shall have effect as if C had a value of 1.

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

**C12** Sch. 3 para. 10(1) sum confirmed (with effect in accordance with art. 1(2)(g) of the amending S.I.) by [The Social Security Benefits Up Rating Order 2000 \(S.I. 2000/440\)](#), arts. 1(2)(g), 16(9), **Sch. 6**

**General provisions applying to new and existing housing costs**

**11.**—<sup>F148</sup>(1) .....

(2) Where on or after 2nd October 1995 a person enters into a new agreement in respect of a dwelling and an agreement entered into before 2nd October 1995 (“the earlier agreement”) continues in force independently of the new agreement, then—

- (a) the housing costs applicable to the new agreement shall be calculated by reference to the provisions of paragraph 8 (new housing costs);
- (b) the housing costs applicable to the earlier agreement shall be calculated by reference to the provisions of paragraph 6 (existing housing costs);

and the resulting amounts shall be aggregated.

(3) [<sup>F149</sup>Sub-paragraph (2) does] not apply in the case of a claimant to whom paragraph 9 applies.

(4) Where for the time being a loan exceeds, or in a case where more than one loan is to be taken into account, the aggregate of those loans exceeds the appropriate amount specified in sub-paragraph (5), then the amount of the loan or, as the case may be, the aggregate amount of those loans, shall for the purposes of this Schedule, be the appropriate amount.

(5) Subject to the following provisions of this paragraph, the appropriate amount is £100,000.

(6) Where a person is treated under paragraph 3(6) (payments in respect of two dwellings) occupying two dwellings as his home, then the restrictions imposed by sub-paragraph (4) shall be applied separately to the loans for each dwelling.

(7) In a case to which paragraph 5 (apportionment of housing costs) applies, the appropriate amount for the purposes of sub-paragraph (4) shall be the lower of—

- (a) a sum determined by applying the formula—

$$P \times Q,$$

where—P = the relevant fraction for the purposes of paragraph 5, and

Q = the amount or, as the case may be, the aggregate amount for the time being of any loan or loans which qualify under this Schedule; or

- (b) the sum for the time being specified in sub-paragraph (5).

(8) In a case to which paragraph 15(3) or 16(3) (loans which qualify in part only) applies, the appropriate amount for the purposes of sub-paragraph (4) shall be the lower of—

- (a) a sum representing for the time being the part of the loan applied for the purposes specified in paragraph 15(1) or (as the case may be) paragraph 16(1); or
- (b) the sum for the time being specified in sub-paragraph (5).

**Status:** Point in time view as at 11/04/2000.

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

(9) In the case of any loan to which paragraph 16(2)(k) (loan taken out and used for the purpose of adapting a dwelling for the special needs of a disabled person) applies the whole of the loan, to the extent that it remains unpaid, shall be disregarded in determining whether the amount for the time being specified in sub-paragraph (5) is exceeded.

[<sup>F150</sup>(10) Where in any case the amount for the time being specified for the purposes of sub-paragraph (5) is exceeded and there are two or more loans to be taken into account under either or both paragraphs 15 and 16, then the amount of eligible interest in respect of each of those loans to the extent that the loans remain outstanding shall be determined as if each loan had been reduced to a sum equal to the qualifying portion of that loan.]

[<sup>F150</sup>(11) For the purposes of sub-paragraph (10), the qualifying portion of a loan shall be determined by applying the following formula—

where—

- R = the amount for the time being specified for the purposes of sub-paragraph (4);  
 S = the amount of the outstanding loan to be taken into account;  
 T = the aggregate of all outstanding loans to be taken into account under paragraphs 15 and 16.]

#### Textual Amendments

- F148** Sch. 3 para. 11(1) omitted (12.12.1995) by virtue of [The Social Security \(Income Support, Claims and Payments and Adjudication\) Amendment Regulations 1995 \(S.I. 1995/2927\)](#), regs. 1(1), **5(8)(a)**
- F149** Words in Sch. 3 para. 11(3) substituted (12.12.1995) by [The Social Security \(Income Support, Claims and Payments and Adjudication\) Amendment Regulations 1995 \(S.I. 1995/2927\)](#), **regs. 1(1), 5(8)(b)**
- F150** Sch. 3 para. 11(10)(11) inserted (12.12.1995) by [The Social Security \(Income Support, Claims and Payments and Adjudication\) Amendment Regulations 1995 \(S.I. 1995/2927\)](#), regs. 1(1), **5(8)(c)**

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

- C13** Sch. 3 para. 11(5) sum confirmed (with effect in accordance with art. 1(2)(g) of the amending S.I.) by [The Social Security Benefits Up Rating Order 2000 \(S.I. 2000/440\)](#), arts. 1(2)(g), 16(9), **Sch. 6**
- C14** Sch. 3 para. 11(7)(a) sum confirmed (with effect in accordance with art. 1(2)(g) of the amending S.I.) by [The Social Security Benefits Up Rating Order 2000 \(S.I. 2000/440\)](#), arts. 1(2)(g), 16(9), **Sch. 6**
- C15** Sch. 3 para. 11(11) sum confirmed (with effect in accordance with art. 1(2)(g) of the amending S.I.) by [The Social Security Benefits Up Rating Order 2000 \(S.I. 2000/440\)](#), arts. 1(2)(g), 16(9), **Sch. 6**

#### The standard rate

**12.—**(1) The standard rate is the rate of interest applicable to a loan which qualifies under this Schedule and—

- (a) except where sub-paragraph (2) applies, is [<sup>F151</sup>6.6 per cent.] per annum; or  
 (b) where sub-paragraph (2) applies, shall equal the actual rate of interest charged on the loan on the day the housing costs first fall to be met.

(2) This sub-paragraph applies where the actual rate of interest charged on the loan which qualifies under this Schedule is less than 5 per cent. per annum on the day the housing costs first fall to be met and ceases to apply when the actual rate of interest on that loan is 5 per cent. per annum or higher.

(3) Where in a case to which sub-paragraph (2) applies, the actual rate of interest on the loan rises to 5 per cent. per annum or higher, the standard rate applicable on that loan shall be determined in accordance with sub-paragraph (1)(a).

*Status: Point in time view as at 11/04/2000.*

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

<sup>F152</sup>(4) .....

**Textual Amendments**

**F151** Sch. 3 para. 12(1)(a) substituted (with effect in accordance with art. 1(2)(g) of the amending S.I.) by The Social Security Benefits Up-rating Order 2000 (S.I. 2000/440), arts. 1(2)(g), 16(9), **Sch. 6**

**F152** Sch. 3 para. 12(4) omitted (12.12.1995) by virtue of The Social Security (Income Support, Claims and Payments and Adjudication) Amendment Regulations 1995 (S.I. 1995/2927), regs. 1(1), **5(9)**

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

**C16** Sch. 3 para. 12(1)(a) sum confirmed (with effect in accordance with art. 1(2)(g) of the amending S.I.) by The Social Security Benefits Up Rating Order 2000 (S.I. 2000/440), arts. 1(2)(g), 16(9), **Sch. 6**

**C17** Sch. 3 para. 12(2)(3) sum confirmed (with effect in accordance with art. 1(2)(g) of the amending S.I.) by The Social Security Benefits Up Rating Order 2000 (S.I. 2000/440), arts. 1(2)(g), 16(9), **Sch. 6**

**Excessive Housing Costs**

**13.**—(1) Housing costs which, apart from this paragraph, fall to be met under this Schedule shall be met only to the extent specified in sub-paragraph (3) where—

- (a) the dwelling occupied as the home, excluding any part which is let, is larger than is required by the claimant and his family and any child or young person to whom regulation 16(4) applies (foster children) and any other non-dependants having regard, in particular, to suitable alternative accommodation occupied by a household of the same size; or
- (b) the immediate area in which the dwelling occupied as the home is located is more expensive than other areas in which suitable alternative accommodation exists; or
- (c) the outgoings of the dwelling occupied as the home which are met under paragraphs 5 to 17 are higher than the outgoings of suitable alternative accommodation in the area.

(2) For the purposes of heads (a) to (c) of sub-paragraph (1), no regard shall be had to the capital value of the dwelling occupied as the home.

(3) Subject to the following provisions of this paragraph, the amount of the loan which falls to be met shall be restricted and the excess over the amounts which the claimant would need to obtain suitable alternative accommodation shall not be allowed.

(4) Where, having regard to the relevant factors, it is not reasonable to expect the claimant and his family to seek alternative cheaper accommodation, no restriction shall be made under sub-paragraph (3).

(5) In sub-paragraph (4) “the relevant factors” are—

- (a) the availability of suitable accommodation and the level of housing costs in the area; and
- (b) the circumstances of the family including in particular the age and state of health of its members, the employment prospects of the claimant and, where a change in accommodation is likely to result in a change of school, the effect on the education of any child or young person who is a member of his family, or any child or young person who is not treated as part of his family by virtue of regulation 16(4) (foster children).

[<sup>F153</sup>(6) Where sub-paragraph (4) does not apply and the claimant (or other member of the family) was able to meet the financial commitments for the dwelling occupied as the home when these were entered into, no restriction shall be made under this paragraph during the 26 weeks immediately following the date on which—

- (a) the claimant became entitled to income support where the claimant’s housing costs fell within one of the cases in sub-paragraph (1) on that date; or

- (b) a decision took effect which was made under section 10 (decisions superseding earlier decisions) of the Social Security Act 1998 on the ground that the claimant's housing costs fell within one of the cases in sub-paragraph (1),

nor during the next 26 weeks if and so long as the claimant uses his best endeavours to obtain cheaper accommodation.]

(7) For the purposes of calculating any period of 26 weeks referred to in sub-paragraph (6), and for those purposes only, a person shall be treated as entitled to income support for any period of 12 weeks or less in respect of which he was not in receipt of income support and which fell immediately between periods in respect of which he was in receipt thereof.

(8) Any period in respect of which—

(a) income support was paid to a person, and

(b) it was subsequently determined <sup>F154</sup>... that he was not entitled to income support for that period,

shall be treated for the purposes of sub-paragraph (7) as a period in respect of which he was not in receipt of income support.

(9) Heads (c) to (f) of sub-paragraph (1) of paragraph 14 shall apply to sub-paragraph (7) as they apply to paragraphs 6 and 8 but with the modification that the words "Subject to sub-paragraph (2)" were omitted and references to "the claimant" were references to the person mentioned in sub-paragraph (7).

#### Textual Amendments

**F153** Sch. 3 para. 13(6) substituted (29.11.1999) by The Social Security Act 1998 (Commencement No. 12 and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/3178), reg. 3(1)(a), Sch. 5 para. 9(a)(i) (with reg. 3(1)(b), Schs. 21-23)

**F154** Words in Sch. 3 para. 13(8)(b) omitted (29.11.1999) by virtue of The Social Security Act 1998 (Commencement No. 12 and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/3178), reg. 3(1)(a), Sch. 5 para. 9(a)(ii) (with reg. 3(1)(b), Schs. 21-23)

#### Linking rule

14.—(1) Subject to sub-paragraph (2), for the purposes of this Schedule—

(a) a person shall be treated as being in receipt of income support during the following periods—

(i) any period in respect of which it was subsequently [<sup>F155</sup>determined] that he was entitled to income support; and

(ii) any period of 12 weeks or less in respect of which he was not in receipt of income support and which fell immediately between periods in respect of which <sup>F156</sup>...;

[<sup>F157</sup>(aa) he was, or was treated as being, in receipt of income support,

(bb) he was treated as entitled to income support for the purpose of sub-paragraph (5) or (5A), or

(cc) (i) above applies;]

(b) a person shall be treated as not being in receipt of income support during any period other than a period to which (a)(ii) above applies in respect of which it is subsequently [<sup>F158</sup>determined] that he was not so entitled;

(c) where—

*Status: Point in time view as at 11/04/2000.*

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

- (i) the claimant was a member of a couple or a polygamous marriage; and
- (ii) his partner was, in respect of a past period, in receipt of income support for himself and the claimant; and
- (iii) the claimant is no longer a member of that couple or polygamous marriage; and
- (iv) the claimant made his claim for income support within twelve weeks of ceasing to be a member of that couple or polygamous marriage,

he shall be treated as having been in receipt of income support for the same period as his former partner had been or had been treated, for the purposes of this Schedule, as having been;

- (d) where the claimant's partner's applicable amount was determined in accordance with paragraph 1(1) (single claimant) or paragraph 1(2) (lone parent) of Schedule 2 applicable amounts) in respect of a past period, provided that the claim was made within twelve weeks of the claimant and his partner becoming one of a couple or polygamous marriage, the claimant shall be treated as having been in receipt of income support for the same period as his partner had been or had been treated, for the purposes of this Schedule, as having been;
- (e) where the claimant is a member of a couple or a polygamous marriage and his partner was, in respect of a past period, in receipt of income support for himself and the claimant, and the claimant has begun to receive income support as a result of an election by the members of the couple or polygamous marriage, he shall be treated as having been in receipt of income support for the same period as his partner had been or had been treated, for the purposes of this Schedule, as having been;

[<sup>F159</sup>(ee) where the claimant—

- (i) is a member of a couple or a polygamous marriage and the claimant's partner was, immediately before the participation by any member of that couple or polygamous marriage in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations 1996, in receipt of income support and his applicable amount included an amount for the couple or for the partners of the polygamous marriage; and
- (ii) has, immediately after that participation in that programme, begun to receive income support as a result of an election under regulation 4(3) of the Social Security (Claims and Payments) Regulations 1987 by the members of the couple or polygamous marriage,

the claimant shall be treated as having been in receipt of income support for the same period as his partner had been or had been treated, for the purposes of this Schedule, as having been;]

(f) where—

- (i) the claimant was a member of a family of a person (not being a former partner) entitled to income support and at least one other member of that family was a child or young person; and
- (ii) the claimant becomes a member of another family which includes that child or young person; and
- (iii) the claimant made his claim for income support within 12 weeks of the date on which the person entitled to income support mentioned in (i) above ceased to be so entitled,

the claimant shall be treated as being in receipt of income support for the same period as that person had been or had been treated, for the purposes of this Schedule, as having been.

(2) Where a claimant, with the care of a child, has ceased to be in receipt of income support in consequence of the payment of child support maintenance under the Child Support Act 1991 and



immediately before ceasing to be so in receipt an amount determined in accordance with paragraph 6(1)(a)(i) or paragraph 8(1)(a)(i) was applicable to him, then—

- (a) if the child support maintenance assessment concerned is terminated or replaced <sup>F160</sup> ... by a lower assessment in consequence of the coming into force on or after 18th April 1995 of regulations made under the Child Support Act 1991; or
- (b) where the child support maintenance assessment concerned is an interim maintenance assessment and, in circumstances other than those referred to in head (a), it is terminated or replaced after termination by another interim maintenance assessment or by a maintenance assessment made in accordance with Part I of Schedule 1 to the Child Support Act 1991, in either case of a lower amount than the assessment concerned,

sub-paragraph (1)(a)(ii) shall apply to him as if for the words “any period of 12 weeks or less” there were substituted the words “any period of 26 weeks or less”.

(3) For the purposes of this Schedule, where a claimant has ceased to be entitled to income support because he or his partner is participating in arrangements for training made under section 2 of the Employment and Training Act 1973 or attending a course at an employment rehabilitation centre established under that section, he shall be treated as if he had been in receipt of income support for the period during which he or his partner was participating in such arrangements or attending such a course.

<sup>F161</sup>(3ZA) For the purposes of this Schedule, a claimant who has ceased to be entitled to income support because—

- (a) that claimant or his partner was participating in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker’s Allowance Regulations 1996 <sup>F162</sup> or in an employment zone scheme]; and
- (b) in consequence of such participation the claimant or his partner was engaged in remunerative work or had an income in excess of the claimant’s applicable amount as prescribed in Part IV,

shall be treated as if he had been in receipt of income support for the period during which he or his partner was participating in that programme.]

<sup>F163</sup>(3A) Where, for the purposes of sub-paragraphs <sup>F164</sup>(1), (3) and (3ZA)], a person is treated as being in receipt of income support, for a certain period, he shall <sup>F165</sup>, subject to sub-paragraph (3AA),] be treated as being entitled to income support for the same period.]

<sup>F166</sup>(3AA) Where the appropriate amount of a loan exceeds the amount specified in paragraph 11(5), sub-paragraph (3A) shall not apply except—

- (a) for the purposes of paragraph 6(1) or 8(1); or
- (b) where a person has ceased to be in receipt of income support for a period of 52 weeks or less because he or his partner is a welfare to work beneficiary.]

<sup>F167</sup>(3B) For the purposes of this Schedule, in determining whether a person is entitled to or to be treated as entitled to income support, entitlement to a contribution-based jobseeker’s allowance immediately before a period during which that person or his partner is participating in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker’s Allowance Regulations 1996 shall be treated as entitlement to income support for the purposes of any requirement that a person is, or has been, entitled to income support for any period of time.]

(4) For the purposes of this Schedule, sub-paragraph (5) applies where a person is not entitled to income support by reason only that he has—

- (a) capital exceeding £8,000; or
- (b) income exceeding the applicable amount which applies in his case, or

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- (c) both capital exceeding £8,000 and income exceeding the applicable amount which applies in his case.
- (5) A person to whom sub-paragraph (4) applies shall be treated as entitled to income support throughout any period of not [<sup>F168</sup>more] than 39 weeks which comprises only days—
  - (a) on which he is entitled to unemployment benefit, [<sup>F169</sup>a contribution-based jobseeker’s allowance,] statutory sick pay or incapacity benefit; or
  - (b) on which he is, although not entitled to any of the benefits mentioned in head (a) above, entitled to be credited with earnings equal to the lower earnings limit for the time being in force in accordance with [<sup>F170</sup>regulation 8A or 8B] of the Social Security (Credits) Regulations 1975; or
  - (c) in respect of which the claimant is treated as being in receipt of income support.

[<sup>F171</sup>(5A) Subject to sub-paragraph (5B), a person to whom sub-paragraph (4) applies and who is either a person to whom [<sup>F172</sup>paragraph 4 or 5 of Schedule 1B (persons caring for another person) applies] or a lone parent shall, for the purposes of this Schedule, be treated as entitled to income support throughout any period of not more than 39 weeks following the refusal of a claim for income support made by or on behalf of that person.]

[<sup>F171</sup>(5B) Sub-paragraph (5A) shall not apply in relation to a person mentioned in that sub-paragraph who, during the period referred to in that sub-paragraph—

- (a) is engaged in, or is treated as engaged in, remunerative work or whose partner is engaged in, or is treated as engaged in, remunerative work;
- [<sup>F173</sup>(b) is a student, other than one who would qualify for income support under regulation 4ZA(3) (prescribed categories of person);]
- (c) is temporarily absent from Great Britain, other than in the circumstances specified in regulation 4(2) and (3) (temporary absence from Great Britain).]

(6) In a case where—

- (a) [<sup>F174</sup>sub-paragraphs (5) and (5A) apply] solely by virtue of sub-paragraph (4)(b); and
- (b) the claimant’s income includes payments under a policy taken out to insure against the risk that the policy holder is unable to meet any loan or payment which qualifies under paragraphs 15 to 17,

[<sup>F175</sup>sub-paragraphs (5) and (5A)] shall have effect as if for the words “throughout any period of not [<sup>F176</sup>more] than 39 weeks” there shall be substituted the words “throughout any period that payments are made in accordance with the terms of the policy”.

[<sup>F177</sup>(7) . . . . .]

(8) This sub-paragraph applies—

- (a) to a person who claims income support, or in respect of whom income support is claimed, and who—
  - (i) received payments under a policy of insurance taken out to insure against loss of employment, and those payments are exhausted; and
  - (ii) had a previous award of income support where the applicable amount included an amount by way of housing costs; and
- (b) where the period in respect of which the previous award of income support was payable ended not more than 26 weeks before the date the claim was made.

(9) Where sub-paragraph (8) applies, in determining—

- (a) for the purposes of paragraph 6(1) whether a person has been [<sup>F178</sup>entitled to] income support for a continuous period of 26 weeks or more; or
- (b) for the purposes of paragraph 8(1) whether a claimant has been [<sup>F178</sup>entitled to] income support for a continuous period of 39 weeks or more,

any week falling between the date of the termination of the previous award and the date of the new claim shall be ignored.

[<sup>F179</sup>(10) In the case of a person who is a welfare to work beneficiary, the references in subparagraphs (1)(a)(ii), (1)(d) and (1)(f)(iii) to a period of 12 weeks shall be treated as references to a period of 52 weeks.]

### Textual Amendments

- F155** Words in Sch. 3 para. 14(1)(a)(i) substituted (29.11.1999) by The Social Security Act 1998 (Commencement No. 12 and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/3178), reg. 3(1)(a), **Sch. 5 para. 9(b)(i)** (with reg. 3(1)(b), Schs. 21-23)
- F156** Words in Sch. 3 para. 14(1)(a)(ii) omitted (with effect in accordance with reg. 1(6) of the amending S.I.) by virtue of The Income-related Benefits Schemes and Social Fund (Miscellaneous Amendments) Regulations 1996 (S.I. 1996/1944), regs. 1(1)(a), **6(10)(b)** (with reg. 13)
- F157** Sch. 3 para. 14(1)(aa)(bb)(cc) inserted (with effect in accordance with reg. 1(6) of the amending S.I.) by The Income-related Benefits Schemes and Social Fund (Miscellaneous Amendments) Regulations 1996 (S.I. 1996/1944), regs. 1(1)(a), **6(10)(b)** (with reg. 13)
- F158** Words in Sch. 3 para. 14(1)(b) substituted (29.11.1999) by The Social Security Act 1998 (Commencement No. 12 and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/3178), reg. 3(1)(a), **Sch. 5 para. 9(b)(ii)** (with reg. 3(1)(b), Schs. 21-23)
- F159** Sch. 3 para. 14(1)(ee) inserted (5.1.1998) by The Social Security Amendment (New Deal) Regulations 1997 (S.I. 1997/2863), regs. 1(1), **16(3)(a)**
- F160** Words in Sch. 3 para. 14(2)(a) omitted (29.11.1999) by virtue of The Social Security Act 1998 (Commencement No. 12 and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/3178), reg. 3(1)(a), **Sch. 5 para. 9(b)(iii)** (with reg. 3(1)(b), Schs. 21-23)
- F161** Sch. 3 para. 14(3ZA) inserted (5.1.1998) by The Social Security Amendment (New Deal) Regulations 1997 (S.I. 1997/2863), regs. 1(1), **16(3)(b)**
- F162** Words in Sch. 3 para. 14(3ZA)(a) inserted (3.4.2000) by The Social Security Amendment (Employment Zones) Regulations 2000 (S.I. 2000/724), regs. 1(1), **4(3)(c)**
- F163** Sch. 3 para. 14(3A) inserted (12.12.1995) by The Social Security (Income Support, Claims and Payments and Adjudication) Amendment Regulations 1995 (S.I. 1995/2927), **regs. 1(1), 5(10)(a)**
- F164** Words in Sch. 3 para. 14(3A) substituted (5.1.1998) by The Social Security Amendment (New Deal) Regulations 1997 (S.I. 1997/2863), regs. 1(1), **16(3)(c)**
- F165** Words in Sch. 3 para. 14(3A) inserted (2.8.1999) by The Income Support (General) and Jobseeker's Allowance Amendment Regulations 1999 (S.I. 1999/1921), regs. 1, **2(1)(a)**
- F166** Sch. 3 para. 14(3AA) inserted (2.8.1999) by The Income Support (General) and Jobseeker's Allowance Amendment Regulations 1999 (S.I. 1999/1921), regs. 1, **2(1)(b)**
- F167** Sch. 3 para. 14(3B) inserted (5.1.1998) by The Social Security Amendment (New Deal) Regulations 1997 (S.I. 1997/2863), regs. 1(1), **16(3)(d)**
- F168** Word in Sch. 3 para. 14(5) substituted (12.12.1995) by The Social Security (Income Support, Claims and Payments and Adjudication) Amendment Regulations 1995 (S.I. 1995/2927), **regs. 1(1), 5(10)(b)**
- F169** Words in Sch. 3 para. 14(5)(a) 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), **24(3)(a)**
- F170** Words in Sch. 3 para. 14(5)(b) substituted (5.4.1999) by The Social Security Benefits (Miscellaneous Amendments) Regulations 1999 (S.I. 1999/714), regs. 1(2)(a), **3**

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- F171** Sch. 3 para. 14(5A)(5B) inserted (12.12.1995) by The Social Security (Income Support, Claims and Payments and Adjudication) Amendment Regulations 1995 (S.I. 1995/2927), **regs. 1(1), 5(10)(c)**
- F172** Words in Sch. 3 para. 14(5A) 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), **24(3)(b)**
- F173** Sch. 3 para. 14(5B)(b) 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), **24(3)(c)**
- F174** Words in Sch. 3 para. 14(6) substituted (12.12.1995) by The Social Security (Income Support, Claims and Payments and Adjudication) Amendment Regulations 1995 (S.I. 1995/2927), regs. 1(1), **5(10)(d)(i)**
- F175** Words in Sch. 3 para. 14(6) substituted (12.12.1995) by The Social Security (Income Support, Claims and Payments and Adjudication) Amendment Regulations 1995 (S.I. 1995/2927), regs. 1(1), **5(10)(d)(ii)**
- F176** Word in Sch. 3 para. 14(6) substituted (12.12.1995) by The Social Security (Income Support, Claims and Payments and Adjudication) Amendment Regulations 1995 (S.I. 1995/2927), regs. 1(1), **5(10)(d)(iii)**
- F177** Sch. 3 para. 14(7) omitted (12.12.1995) by virtue of The Social Security (Income Support, Claims and Payments and Adjudication) Amendment Regulations 1995 (S.I. 1995/2927), regs. 1(1), **5(10)(e)**
- F178** Words in Sch. 3 para. 14(9) substituted (12.12.1995) by The Social Security (Income Support, Claims and Payments and Adjudication) Amendment Regulations 1995 (S.I. 1995/2927), regs. 1(1), **5(10)(f)**
- F179** Sch. 3 para. 14(10) added (5.10.1998) by The Social Security (Welfare to Work) Regulations 1998 (S.I. 1998/2231), regs. 1, **13(4)(b)**

### **Loans on residential property**

**15.—(1)** A loan qualifies under this paragraph where the loan was taken out to defray monies applied for any of the following purposes—

- (a) acquiring an interest in the dwelling occupied as the home; or
- (b) paying off another loan to the extent that the other loan would have qualified under head (a) above had the loan not been paid off.

(2) For the purposes of this paragraph, references to a loan include also a reference to money borrowed under a hire purchase agreement for any purpose specified in heads (a) and (b) of sub-paragraph (1) above.

(3) Where a loan is applied only in part for the purposes specified in heads (a) and (b) of sub-paragraph (1), only that portion of the loan which is applied for that purpose shall qualify under this paragraph.

### **Loans for repairs and improvements to the dwelling occupied as the home**

**16.—(1)** A loan qualifies under this paragraph where the loan was taken out, with or without security, for the purpose of—

- (a) carrying out repairs and improvements to the dwelling occupied as the home;
- (b) paying any service charge imposed to meet the cost of repairs and improvements to the dwelling occupied as the home;
- (c) paying off another loan to the extent that the other loan would have qualified under head (a) or (b) of this sub-paragraph had the loan not been paid off,

and the loan was used for that purpose, or is used for that purpose within 6 months of the date of receipt or such further period as may be reasonable in the particular circumstances of the case.

(2) In sub-paragraph (1) "repairs and improvements" means any of the following measures undertaken with a view to maintaining the fitness of the dwelling for human habitation or, where the dwelling forms part of a building, any part of the building containing that dwelling—

- (a) provision of a fixed bath, shower, wash basin, sink or lavatory, and necessary associated plumbing, including the provision of hot water not connected to a central heating system;
  - (b) repairs to existing heating systems;
  - (c) damp proof measures;
  - (d) provision of ventilation and natural lighting;
  - (e) provision of drainage facilities;
  - (f) provision of facilities for preparing and cooking food;
  - (g) provision of insulation of the dwelling occupied as the home;
  - (h) provision of electric lighting and sockets;
  - (i) provision of storage facilities for fuel or refuse;
  - (j) repairs of unsafe structural defects;
  - (k) adapting a dwelling for the special needs of a disabled person; or
  - (l) provision of separate sleeping accommodation for children of different sexes aged 10 or over who are part of the same family as the claimant.
- (3) Where a loan is applied only in part for the purposes specified in sub-paragraph (1), only that portion of the loan which is applied for that purpose shall qualify under this paragraph.

### **Other housing costs**

**17.—**(1) Subject to the deduction specified in sub-paragraph (2) and the reductions applicable in sub-paragraph (5), there shall be met under this paragraph the amounts, calculated on a weekly basis, in respect of the following housing costs—

- (a) payments by way of rent or ground rent relating to a long tenancy and, in Scotland, payments by way of feu duty;
  - (b) service charges;
  - (c) payments by way of rent charge within the meaning of section 1 of the Rent charges Act 1977;
  - (d) payments under a co-ownership scheme;
  - (e) payments under or relating to a tenancy or licence of a Crown tenant;
  - (f) where the dwelling occupied as the home is a tent, payments in respect of the tent and the site on which it stands.
- (2) Subject to sub-paragraph (3), the deductions to be made from the weekly amounts to be met under this paragraph are—
- (a) where the costs are inclusive of any of the items mentioned in paragraph 5(2) of Schedule 1 to the Housing Benefit (General) Regulations 1987 (payment in respect of fuel charges), the deductions prescribed in that paragraph unless the claimant provides evidence on which the actual or approximate amount of the service charge for fuel may be estimated, in which case the estimated amount;
  - (b) where the costs are inclusive of ineligible service charges within the meaning of paragraph 1 of Schedule 1 to the Housing Benefit (General) Regulations 1987 (ineligible service charges) the amounts attributable to those ineligible service charges or where that amount is not separated from or separately identified within the housing costs to be met under this paragraph, such part of the payments made in respect of those housing costs which are fairly attributable to the provision of those ineligible services having regard to the costs of comparable services;

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- (c) any amount for repairs and improvements, and for this purpose the expression “repairs and improvements” has the same meaning it has in paragraph 16(2).
- (3) Where arrangements are made for the housing costs, which are met under this paragraph and which are normally paid for a period of 52 weeks, to be paid instead for a period of 53 weeks, or to be paid irregularly, or so that no such costs are payable or collected in certain periods, or so that the costs for different periods in the year are of different amounts, the weekly amount shall be the amount payable for the year divided by 52.
- (4) Where the claimant or a member of his family—
- pays for reasonable repairs or redecorations to be carried out to the dwelling they occupy; and
  - that work was not the responsibility of the claimant or any member of his family; and
  - in consequence of that work being done, the costs which are normally met under this paragraph are waived, then those costs shall, for a period not exceeding 8 weeks, be treated as payable.
- (5) Where in England and Wales an amount calculated on a weekly basis in respect of housing costs specified in sub-paragraph (1)(e) (Crown tenants) includes water charges, that amount shall be reduced—
- where the amount payable in respect of water charges is known, by that amount;
  - in any other case, by the amount which would be the likely weekly water charge had the property not been occupied by a Crown tenant.

### **Non-dependant deductions**

**18.**—(1) Subject to the following provisions of this paragraph, the following deductions from the amount to be met under the preceding paragraphs of this Schedule in respect of housing costs shall be made—

- [<sup>F180</sup>in respect of a non-dependant aged 18 or over who is engaged in any remunerative work, [<sup>F181</sup>£47.75;]]
  - in respect of a non-dependant aged 18 or over to whom head (a) does not apply, [<sup>F182</sup>£7.40.]
- (2) In the case of a non-dependant aged 18 or over to whom sub-paragraph (1)(a) applies because he is in [<sup>F183</sup>remunerative] work, where the claimant satisfies the [<sup>F184</sup>Secretary of State] that the non-dependant’s gross weekly income is—
- less than [<sup>F185</sup>£81.00 ]the deduction to be made under this paragraph shall be the deduction specified in sub-paragraph (1)(b);
  - not less than [<sup>F186</sup>£81.00] but less than [<sup>F187</sup>£120.00,] the deduction to be made under this paragraph shall be [<sup>F188</sup>£17.00;]
  - not less than [<sup>F189</sup>£120.00] but less than [<sup>F190</sup>£157.00,] the deduction to be made under this paragraph shall be [<sup>F191</sup>£23.35.]
  - [<sup>F192</sup>(d) not less than [<sup>F193</sup>£157.00] but less than [<sup>F194</sup>£207.00,] the deduction to be made under this paragraph shall be [<sup>F195</sup>£38.20;]
  - not less than [<sup>F196</sup>£207.00] but less than [<sup>F197</sup>£259.00,] the deduction to be made under this paragraph shall be [<sup>F198</sup>£43.50.]]
- (3) Only one deduction shall be made under this paragraph in respect of a couple or, as the case may be, the members of a polygamous marriage, and where, but for this sub-paragraph, the amount that would fall to be deducted in respect of one member of a couple or polygamous marriage is

higher than the amount (if any) that would fall to be deducted in respect of the other, or any other member, the higher amount shall be deducted.

(4) In applying the provisions of sub-paragraph (2) in the case of a couple or, as the case may be, a polygamous marriage, regard shall be had, for the purpose of sub-paragraph (2), to be couple's or, as the case may be, all the members of the polygamous marriage's, joint weekly income.

(5) Where a person is a non-dependant in respect of more than one joint occupier of a dwelling (except where the joint occupiers are a couple of members of a polygamous marriage), the deduction in respect of that non-dependant shall be apportioned between the joint occupiers (the amount so apportioned being rounded to the nearest penny) having regard to the number of joint occupiers and the proportion of the housing costs in respect of the dwelling occupied as the home payable by each of them.

(6) No deduction shall be made in respect of any non-dependants occupying the dwelling occupied as the home of the claimant, if the claimant or any partner of his is—

- (a) blind or treated as blind by virtue of paragraph 12 of Schedule 2 (additional condition for the higher pensioner and disability premiums); or
- (b) receiving in respect of himself either—
  - (i) an attendance allowance; or
  - (ii) the care component of the disability living allowance.

(7) No deduction shall be made in respect of a non-dependant—

- (a) if, although he resides with the claimant, it appears to the [F199Secretary of State] that the dwelling occupied as his home is normally elsewhere; or
- (b) if he is in receipt of a training allowance paid in connection with a Youth Training Scheme established under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990; or
- (c) if he is a full-time student during a period of study or, if he is not in remunerative work, during a recognised summer vacation appropriate to his course; or
- (d) if he is aged under 25 and in receipt of income support [F200or an income-based jobseeker's allowance]; or
- (e) in respect of whom a deduction in the calculation of a rent rebate or allowance falls to be made under regulation 63 of the Housing Benefit (General) Regulations 1987 (non-dependant deductions); or
- (f) to whom, but for paragraph (2C) of regulation 3 (definition of non-dependant) paragraph (2B) of that regulation would apply; or
- (g) if he is not residing with the claimant because he has been a patient for a period in excess of six weeks, or is a prisoner, and for these purposes—
  - (i) "patient" and "prisoner" have the meanings given in regulation 21(3) (special cases), and
  - (ii) the period of six weeks shall be calculated by reference to paragraph (2) of that regulation as if that paragraph applied in his case.

(8) In the case of a non-dependant to whom sub-paragraph (2) applies because he is in [F201remunerative] work, there shall be disregarded from his gross income—

- (a) any attendance allowance or disability living allowance received by him;
- (b) any payment made under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments)(No.2) Trust, the Fund, the Eileen Trust or the Independent Living Funds which, had his income fallen to be calculated under

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regulation 40 (calculation of income other than earnings), would have been disregarded under paragraph 21 of Schedule 9 (income in kind); and

- (c) any payment which, had his income fallen to be calculated under regulation 40 would have been disregarded under paragraph 39 of Schedule 9 (payments made under certain trusts and certain other payments).

### Textual Amendments

- F180** Sch. 3 para. 18(1)(a) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Social Security (Non-Dependant Deductions) Regulations 1996 (S.I. 1996/2518), regs. 1(1)(c), **4(a)**
- F181** Sum in Sch. 3 para. 18(1)(a) substituted (with effect in accordance with art. 1(2)(g) of the amending S.I.) by The Social Security Benefits Up-rating Order 2000 (S.I. 2000/440), arts. 1(2)(g), **16(6)(a)**
- F182** Sum in Sch. 3 para. 18(1)(b) substituted (with effect in accordance with art. 1(2)(g) of the amending S.I.) by The Social Security Benefits Up-rating Order 2000 (S.I. 2000/440), arts. 1(2)(g), **16(6)(b)**
- F183** Word in Sch. 3 para. 18(2) inserted (12.12.1995) by The Social Security (Income Support, Claims and Payments and Adjudication) Amendment Regulations 1995 (S.I. 1995/2927), regs. 1(1), **5(11)(b)**
- F184** Words in Sch. 3 para. 18(2) substituted (29.11.1999) by The Social Security Act 1998 (Commencement No. 12 and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/3178), reg. 3(1)(a), **Sch. 5 para. 9(c)** (with reg. 3(1)(b), Schs. 21-23)
- F185** Sum in Sch. 3 para. 18(2)(a) substituted (with effect in accordance with art. 1(2)(g) of the amending S.I.) by The Social Security Benefits Up-rating Order 2000 (S.I. 2000/440), arts. 1(2)(g), **16(6)(c)**
- F186** Sum in Sch. 3 para. 18(2)(b) substituted (with effect in accordance with art. 1(2)(g) of the amending S.I.) by The Social Security Benefits Up-rating Order 2000 (S.I. 2000/440), arts. 1(2)(g), **16(6)(d)(i)**
- F187** Sum in Sch. 3 para. 18(2)(b) substituted (with effect in accordance with art. 1(2)(g) of the amending S.I.) by The Social Security Benefits Up-rating Order 2000 (S.I. 2000/440), arts. 1(2)(g), **16(6)(d)(ii)**
- F188** Sum in Sch. 3 para. 18(2)(b) substituted (with effect in accordance with art. 1(2)(g) of the amending S.I.) by The Social Security Benefits Up-rating Order 2000 (S.I. 2000/440), arts. 1(2)(g), **16(6)(d)(iii)**
- F189** Sum in Sch. 3 para. 18(2)(c) substituted (with effect in accordance with art. 1(2)(g) of the amending S.I.) by The Social Security Benefits Up-rating Order 2000 (S.I. 2000/440), arts. 1(2)(g), **16(6)(e)(i)**
- F190** Sum in Sch. 3 para. 18(2)(c) substituted (with effect in accordance with art. 1(2)(g) of the amending S.I.) by The Social Security Benefits Up-rating Order 2000 (S.I. 2000/440), arts. 1(2)(g), **16(6)(e)(ii)**
- F191** Sum in Sch. 3 para. 18(2)(c) substituted (with effect in accordance with art. 1(2)(g) of the amending S.I.) by The Social Security Benefits Up-rating Order 2000 (S.I. 2000/440), arts. 1(2)(g), **16(6)(e)(iii)**
- F192** Sch. 3 para. 18(2)(d)(e) added (with effect in accordance with reg. 1(2) of the amending S.I.) by The Social Security (Non-Dependant Deductions) Regulations 1996 (S.I. 1996/2518), regs. 1(1)(c), **4(b)**
- F193** Sum in Sch. 3 para. 18(2)(d) substituted (with effect in accordance with art. 1(2)(g) of the amending S.I.) by The Social Security Benefits Up-rating Order 2000 (S.I. 2000/440), arts. 1(2)(g), **16(6)(f)(i)**
- F194** Sum in Sch. 3 para. 18(2)(d) substituted (with effect in accordance with art. 1(2)(g) of the amending S.I.) by The Social Security Benefits Up-rating Order 2000 (S.I. 2000/440), arts. 1(2)(g), **16(6)(f)(ii)**
- F195** Sum in Sch. 3 para. 18(2)(d) substituted (with effect in accordance with art. 1(2)(g) of the amending S.I.) by The Social Security Benefits Up-rating Order 2000 (S.I. 2000/440), arts. 1(2)(g), **16(6)(f)(iii)**
- F196** Sum in Sch. 3 para. 18(2)(e) substituted (with effect in accordance with art. 1(2)(g) of the amending S.I.) by The Social Security Benefits Up-rating Order 2000 (S.I. 2000/440), arts. 1(2)(g), **16(6)(g)(i)**
- F197** Sum in Sch. 3 para. 18(2)(e) substituted (with effect in accordance with art. 1(2)(g) of the amending S.I.) by The Social Security Benefits Up-rating Order 2000 (S.I. 2000/440), arts. 1(2)(g), **16(6)(g)(ii)**
- F198** Sum in Sch. 3 para. 18(2)(e) substituted (with effect in accordance with art. 1(2)(g) of the amending S.I.) by The Social Security Benefits Up-rating Order 2000 (S.I. 2000/440), arts. 1(2)(g), **16(6)(g)(iii)**
- F199** Words in Sch. 3 para. 18(7)(a) substituted (29.11.1999) by The Social Security Act 1998 (Commencement No. 12 and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/3178), reg. 3(1)(a), **Sch. 5 para. 9(c)** (with reg. 3(1)(b), Schs. 21-23)
- F200** Words in Sch. 3 para. 18(7)(d) inserted (7.4.1997) by The Social Security and Child Support (Miscellaneous Amendments) Regulations 1997 (S.I. 1997/827), regs. 1(1), **6**



**F201** Word in Sch. 3 para. 18(8) inserted (12.12.1995) by The Social Security (Income Support, Claims and Payments and Adjudication) Amendment Regulations 1995 (S.I. 1995/2927), regs. 1(1), **5(11)(c)**

## Rounding of fractions

**19.** Where any calculation made under this Schedule results in a fraction of a penny, that fraction shall be treated as a penny.]

[<sup>F202</sup>SCHEDULE 3A Regulations 17(1)(g), 18(1)(h) and 71(1)  
(a)(v) and (d)(iv)]

PROTECTED SUM

## Textual Amendments

**F202** Sch. 3A inserted (10.4.1989) by The Income Support (General) Amendment No. 4 Regulations 1988 (S.I. 1988/1445), reg. 1(1)(c), Sch. 1 para. 14, **Sch. 2** (with reg. 28)

## Interpretation

**1.—(1)** In this Schedule—

[<sup>F203</sup>“eligible housing benefit” means—

- (a) for the period of 7 consecutive days beginning on 3rd April 1989, the amount of housing benefit to which the claimant or his partner was entitled in that period which relates to the board and lodging accommodation normally occupied as the home by him or, if he has a partner, by him and his partner;
- (b) for the period of 7 consecutive days beginning on 10th April 1989 or, in a case to which paragraph 7(7)(b) applies, for the period of 7 consecutive days referred to in that paragraph, the amount of the claimant’s or his partner’s maximum housing benefit determined in accordance with regulation 61 of the Housing Benefit (General) Regulations 1987 (maximum housing benefit) which relates to that accommodation;]

“first week” means the benefit week beginning on a day during the period of 7 days commencing on 3rd April 1989;

“income support” includes any sum payable under Part II of the Income Support (Transitional) Regulations 1987;

“protected sum” means the amount applicable under this Schedule [<sup>F204</sup>or by virtue of regulation 87(2) of the Jobseeker’s Allowance Regulations 1996][<sup>F205</sup>to a claimant who in the first week is living in board and lodging accommodation or who or whose partner is temporarily absent in that week from that accommodation];

[<sup>F206</sup>“protected total” means—

- (a) the total of the claimant’s applicable amount under regulation 20 (applicable amounts for persons in board and lodging accommodation) in the first week or, in a case to which paragraph 7(7) applies, if the protected person or any partner of his is temporarily absent from his accommodation in that week, the amount which would have fallen to be calculated under that regulation for that week as if there had been no temporary absence; and

*Status: Point in time view as at 11/04/2000.*

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

- (b) the amount of any eligible housing benefit for the period of 7 consecutive days beginning 3rd April 1989;]

“relevant provisions” means—

- (a) regulation 17(1)(a) to (f) (applicable amounts);
- (b) regulation 18(1)(a) to (g) (polygamous marriages);
- (c) regulation 71(1)(a)(i) to (iv) (urgent cases);
- (d) regulation 71(1)(d)(i) to (iii);
- (e) in relation to a case to which paragraph 17(b)(ii) or (c)(i) of Schedule 7 (persons from abroad) applies, the regulations specified in that paragraph but as if the reference to regulation 17(1)(g) in that paragraph were omitted; or
- (f) in relation to a case to which paragraph 17(d)(i) of that Schedule applies, the regulations specified in that paragraph but as if the reference to regulation 18 were a reference to regulation 18(1)(a) to (g) only;

“second week” means the benefit week beginning on a day during the period of 7 days commencing on 10th April 1989.

[<sup>F207</sup>“third week” means the benefit week beginning on a day during the period of 7 days commencing on 17th April 1989.]

(2) For the purposes of this Schedule—

- (a) in determining a claimant’s applicable amount in his first week, second week or any subsequent benefit week no account shall be taken of any reduction under regulation 22 (reduction in certain cases of unemployment benefit disqualification);
- (b) [<sup>F208</sup>except in so far as it relates to any temporary absence to which paragraph 7(7) refers,] where a change of circumstances takes effect in the claimant’s second week which, had it taken effect in the first week, would have resulted in a lesser applicable amount in respect of that week, his applicable amount in the first week shall be determined as if the change of circumstances had taken effect in that week.

#### Textual Amendments

**F203** Words in Sch. 3A para. 1(1) substituted (with effect in accordance with reg. 1(1)(b) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1989 \(S.I. 1989/534\)](#), regs. 1(1), **7(a)(i)**

**F204** Words in Sch. 3A para. 1(1) 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), **25**

**F205** Words in Sch. 3A para. 1(1) inserted (with effect in accordance with reg. 1(1)(b) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1989 \(S.I. 1989/534\)](#), regs. 1(1), **7(a)(ii)**

**F206** Words in Sch. 3A para. 1(1) substituted (with effect in accordance with reg. 1(1)(b) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1989 \(S.I. 1989/534\)](#), regs. 1(1), **7(a)(iii)**

**F207** Words in Sch. 3A para. 1(1) inserted (with effect in accordance with reg. 1(1)(b) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1989 \(S.I. 1989/534\)](#), regs. 1(1), **7(a)(iv)**

**F208** Words in Sch. 3A para. 1(2)(b) inserted (10.4.1989) by [The Income Support \(General\) Amendment No. 5 Regulations 1988 \(S.I. 1988/2022\)](#), regs. 1(1)(b), **19(b)**

#### Protected sum

2.—(1) [<sup>F209</sup>Subject to sub-paragraph (2) and the following paragraphs] of this Schedule, where the protected total of a claimant is more than—

- (a) his applicable amount in the second week determined in accordance with the relevant provisions; and
- (b) any eligible housing benefit for the period [<sup>F210</sup>of 7 consecutive days] beginning 10th April 1989,

the protected sum applicable to the claimant shall be an amount equal to the difference.

[<sup>F211</sup>(2) Where—

- (a) in the second week a claimant's income calculated in accordance with Part V or, as the case may be, VI exceeds the aggregate of his applicable amount determined in accordance with the relevant provisions and X; and
- (b) the amount of income support to which he is entitled in the first week is more than the amount of housing benefit to which he would, but for this sub-paragraph, have been entitled in the period of 7 consecutive days beginning on 10th April 1989,

the protected sum applicable to the claimant shall, subject to sub-paragraph (3), be an amount equal to X+Y+10 pence.

(3) Where a claimant or his partner is, or both are, entitled in the first, second and third weeks to a relevant social security benefit or to more than one such benefit and consequent upon the Social Security Benefits Up-rating Order 1989 the claimant or his partner is, or both are, entitled to an increase in any one or more of those benefits in the third week, the protected sum under sub-paragraph (2) shall be increased by an amount equal to the difference between—

- (a) the amount of benefit or aggregate amount of those benefits to which the claimant or his partner is, or both are, entitled in the third week; and, if less,
- (b) the amount of benefit or aggregate amount of those benefits to which the claimant or his partner is, or both are, entitled in the second week.

(4) In this paragraph—

“X” means the sum which, but for sub-paragraph (2), would be the protected sum applicable under sub-paragraph (1);

“Y” means the amount of the excess to which sub-paragraph (2)(a) refers;

“relevant social security benefit” means—

- (a) child benefit;
- (b) any benefit under the Social Security Act;
- (c) war disablement pension;
- (d) war widow's pension;
- (e) any payment under a scheme made under the Industrial Injuries and Diseases (Old Cases) Act 1975;
- (f) any concessionary payment.]

#### **Textual Amendments**

**F209** Words in Sch. 3A para. 2 substituted (with effect in accordance with reg. 1(1)(b) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1989 \(S.I. 1989/534\)](#), regs. 1(1), **7(b)(i)**

**F210** Words in Sch. 3A para. 2(b) inserted (with effect in accordance with reg. 1(1)(b) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1989 \(S.I. 1989/534\)](#), regs. 1(1), **7(b)(ii)**

**F211** Sch. 3A para. 2(2)-(4) inserted (10.4.1989) by [The Income Support \(General\) Amendment Regulations 1989 \(S.I. 1989/534\)](#), **regs. 1(1), 1(1)(b), 7(c)**

*Status: Point in time view as at 11/04/2000.*

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

### Persons not entitled to a protected sum

- 3.—(1) A protected sum shall not be applicable to a claimant where in the first week—
- he is aged under 25 and, if he is a member of a couple, his partner is also aged under 25; and
  - he is required to be available for employment for the purposes of section 20(3)(d)(i) of the Act; and
  - he was not in receipt of supplementary benefit as a boarder on 24th November 1985; and
  - none of the conditions in paragraph 16(4) of Schedule 5 (applicable amounts of persons in board and lodging accommodation or hostels) applies to him.

[<sup>F212</sup>(2) A protected sum shall not be applicable to a claimant, [<sup>F213</sup>unless he, or any partner of his, is entitled to housing benefit for the period of 7 consecutive days beginning 10th April 1989 or, where paragraph 7(7)(b) applies, for the period of 7 consecutive days referred to in that paragraph in respect of] the board and lodging accommodation normally occupied as the home by him, or if he has a partner, by him and his partner.]

[<sup>F212</sup>(3) Subject to paragraph 7, a protected sum shall not be applicable to a claimant where he changes or vacates his accommodation during the period of 7 consecutive days beginning 10th April 1989.]

#### Textual Amendments

**F212** Sch. 3A para. 3(2)(3) added (10.4.1989) by [The Income Support \(General\) Amendment No. 5 Regulations 1988 \(S.I. 1988/2022\)](#), regs. 1(1)(b), **19(c)**

**F213** Words in Sch. 3A para. 3(2) substituted (with effect in accordance with reg. 1(1)(b) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1989 \(S.I. 1989/534\)](#), regs. 1(1), **7(d)**

### Period of application

4. Subject to paragraph 7, the protected sum shall not be applicable to a claimant for more than—
- in the case of a claimant who is a member of a family and that family includes a child or young person and during the first week that family was in accommodation not provided or secured by a local authority under section 63 or 65(2) or (3)(a) of the Housing Act 1985 or section 2 of the Housing (Scotland) Act 1987, a period of 52 weeks beginning with the second week;
  - in any other case, a period of 13 weeks beginning with the second week.

### Reduction of protected sum

5.—(1) Subject to [<sup>F214</sup>sub-paragraphs (2) to (6)], the protected sum shall be reduced by the amount of any increase, in a benefit week subsequent to the second week, in the claimant's applicable amount determined in accordance with the relevant provisions.

(2) Where regulation 22 (reduction in certain cases of unemployment benefit disqualification) [<sup>F215</sup>or regulation 21A (reductions in certain cases of failure to attend courses)] ceases to apply to a claimant and as a result his applicable amount increases no account shall be taken of that increase.

[<sup>F216</sup>(3) Where by virtue of the coming into force of regulation 5 of the Income Support (General) Amendment Regulations 1989 the claimant's applicable amount increases in his benefit week beginning on a day during the period of 7 days commencing on 9th October 1989, no account shall be taken of that increase.]

[  
F217(4) Where a claimant's applicable amount increases because a child or young person mentioned in paragraph (5)(c) of regulation 16 (circumstances in which a person is treated or not treated as a member of the household) is treated as a member of the claimant's household under paragraph (6) of that regulation, the claimant's protected sum shall not be reduced by the amount of that increase unless the child or young person has been treated as a member of the household for a continuous period which exceeds 8 weeks.]

[  
F218(5) Where by virtue of the coming into force of regulation 15(a), (b) or (c) of the Income Support (General) Amendment No. 4 Regulations 1991 a claimant's applicable amount increases in his benefit week beginning on a day during the period of 7 days commencing on 1st October 1991, no account shall be taken of that increase.]

[  
F219(6) Where by virtue of the coming into force of regulation 3(1) and (2) of the Income-Related Benefits Amendment Regulations 1992 a claimant's applicable amount increases in his benefit week beginning on a day during the period of 7 days beginning on 5th October 1992, no account shall be taken of that increase.]

#### Textual Amendments

- F214** Words in Sch. 3A para. 5(1) substituted (coming into force in accordance with reg. 2(2) of the amending S.I.) by [The Income-Related Benefits Amendment Regulations 1992 \(S.I. 1992/1326\)](#), regs. 2(2), **3(3)(a)**
- F215** Words in Sch. 3A para. 5(2) inserted (17.12.1990) by [The Income Support \(General and Transitional\) Amendment Regulations 1990\(S.I. 1990/2324\)](#), regs. 1(1), **4**
- F216** Sch. 3A para. 5(3) added (with effect in accordance with reg. 1(1)(b) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1989 \(S.I. 1989/534\)](#), regs. 1(1), **7(e)(ii)**
- F217** Sch. 3A para. 5(4) added (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1990 \(S.I. 1990/547\)](#), regs. 1(1)(b), **19(b)**
- F218** Sch. 3A para. 5(5) added (1.10.1991) by [The Income Support \(General\) Amendment No. 4 Regulations 1991 \(S.I. 1991/1559\)](#), regs. 1(1)(b), **16(b)** (with reg. 1(2))
- F219** Sch. 3A para. 5(6) added (coming into force in accordance with reg. 2(2) of the amending S.I.) by [The Income-Related Benefits Amendment Regulations 1992 \(S.I. 1992/1326\)](#), regs. 2(2), **3(3)(b)**

#### Termination of protected sum

6. Subject to paragraph 7, the protected sum shall cease to be applicable if—
- (a) that amount is reduced to nil under paragraph 5; or
  - (b) the claimant changes or [<sup>F220</sup>vacates] his accommodation; or
  - (c) the claimant ceases to be entitled to income support.

#### Textual Amendments

- F220** Word in Sch. 3A para. 6(b) substituted (10.4.1989) by [The Income Support \(General\) Amendment No. 5 Regulations 1988 \(S.I. 1988/2022\)](#), regs. 1(1)(b), **19(d)**

#### Protected persons

7.—(1) Subject to sub-paragraph (2), for the purposes of this paragraph a protected person is a claimant, where—

*Status: Point in time view as at 11/04/2000.*

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

- (a) in respect of the first week he is entitled to an increase under paragraph 7 of Schedule 5 (applicable amounts of persons in board and lodging accommodation or hostels) because either he or, if he is one of a couple or a member of a polygamous marriage, he or his partner satisfies any of the conditions in paragraph 8 of that Schedule; or
  - (b) in the first week the claimant or, if he has a partner, either he or his partner—
    - (i) is in need of personal care by reason of [<sup>F221</sup>old age,] mental or physical disablement, mental illness, or dependence on alcohol or drugs; and
    - (ii) is receiving both board and personal care in accommodation other than a residential care home or nursing home or residential accommodation within the meaning of regulation 21(3) (special cases)<sup>F222</sup> ...; and
    - (iii) is in accommodation which he entered under arrangements for his personal care made by a statutory authority or a voluntary or charitable body and those arrangements are being supervised on a continuing basis by that authority or body; or
  - (c) he or, if he has a partner, either he or his partner but for his temporary absence from his accommodation for a period not exceeding 13 weeks, which includes the first week, would have satisfied (a) or (b) above.
- (2) A claimant is not a protected person if he or, if he has a partner, he or his partner, in the first week, is temporarily living in board and lodging accommodation and that accommodation is not the accommodation normally occupied as the home.
- (3) Paragraph 4 shall not apply to a protected person.
- (4) Paragraph 6(b) shall not apply to a protected person if:
- (a) he moves to accommodation where he satisfies conditions (i) to (iii) of sub-paragraph (1) (b); or
  - (b) he becomes a patient within the meaning of regulation 21(3); or
  - (c) on his ceasing to be a patient within the meaning of regulation 21(3), either he returns to the accommodation which he occupied immediately before he became a patient, or he moves to other accommodation where he satisfies conditions [<sup>F223</sup>(i) to (iii)] of sub-paragraph (1) (b); or
  - (d) in a case to which sub-paragraph (6) applies, on his becoming re-entitled to income support, he is either in the accommodation which he occupied immediately before he ceased to be entitled to income support, or in accommodation where he satisfies conditions (i) to (iii) of sub-paragraph (1)(b).
- [<sup>F224</sup>(5) Except where sub-paragraph (7) applies, where a protected sum was applicable to a protected person immediately before he or any partner of his became a patient within the meaning of regulation 21(3) for a period of 14 weeks or less, he shall, subject to sub-paragraph (4)(c), on his or, as the case may be, his partner's ceasing to be a patient, be entitled to a protected sum equal to—
- (a) the amount by which his protected total exceeds his applicable amount determined in accordance with the relevant provisions in the first benefit week in which his applicable amount ceases to be determined under paragraph 1 of Schedule 7 and either—
    - (i) any eligible housing benefit for the period of 7 consecutive days beginning on 10th April 1989; or, if greater,
    - (ii) in a case where sub-paragraph (7)(b) applied, any eligible housing benefit for the period of 7 consecutive days referred to in that sub-paragraph; or
  - (b) the amount of the protected sum to which he was entitled in the immediately preceding benefit week,
- whichever is the lower.

(6) Paragraph 6(c) shall not apply to a protected person who has ceased to be entitled to income support for [<sup>F225</sup>a period not exceeding the permitted period determined in accordance with regulation 3A (permitted period)]–

- (a) if immediately before he ceased to be so entitled a protected sum was applicable to him; and
- (b) except where sub-paragraph (7) applies, if during that period the protected person becomes re-entitled, or would by virtue of this sub-paragraph be re-entitled, to income support he shall, subject to sub-paragraph (4)(d), be entitled to a protected sum equal to–
  - (i) the amount by which his protected total exceeds his applicable amount determined in accordance with the relevant provisions in the first benefit week in which he becomes so re-entitled and either any eligible housing benefit for the period of 7 consecutive days beginning 10th April 1989 or, if greater, in a case to which sub-paragraph (7) (b) applied, any eligible housing benefit for the period of 7 consecutive days referred to in that sub-paragraph; or

(ii) the amount of the protected sum to which he was previously entitled,  
whichever is the lower.

(7) Where a protected person or any partner of his is temporarily absent from his accommodation for a period not exceeding 13 weeks which includes the first or second week (or both)–

- (a) in a case where a protected sum was applicable to the protected person immediately before his or, as the case may be, his partner's return to that accommodation and the full charge was made for the accommodation during the temporary absence, on the protected person's or, as the case may be, his partner's return to that accommodation, the protected person shall be entitled to a protected sum equal to–
  - (i) the amount by which his protected total exceeds his applicable amount determined in accordance with the relevant provisions in the first complete benefit week after his or, as the case may be, his partner's return to that accommodation and any eligible housing benefit for the period of 7 consecutive days beginning 10th April 1989; or
  - (ii) the amount of the protected sum which was applicable to him in the immediately preceding benefit week,

whichever is the lower;

- (b) in a case where–
  - (i) a protected sum has not at any time been applicable to the protected person; or
  - (ii) immediately before the protected person's or, as the case may be, his partner's return to that accommodation a protected sum was applicable but a reduced charge was made for the accommodation during the temporary absence,

the protected person on his or, as the case may be, his partner's return to that accommodation shall, subject to sub-paragraph (8), be entitled to a protected sum equal to the amount by which his protected total exceeds his applicable amount determined in accordance with the relevant provisions in the first complete benefit week after his or, as the case may be, his partner's return to that accommodation and the amount of eligible housing benefit for the period of 7 consecutive days beginning on the date determined in accordance with regulation 65 or, as the case may be, 68(2) of the Housing Benefit (General) Regulations 1987 (date on which entitlement is to commence or change of circumstances is to take effect) following that person's return to that accommodation.

(8) Where, in a case to which sub-paragraph (7)(b)(i) applies–

- (a) in the first complete benefit week after the protected person's or, as the case may be, his partner's return to his accommodation the protected person's income calculated in

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

accordance with Part V or, as the case may be, VI exceeds the aggregate of his applicable amount determined in accordance with the relevant provisions and X; and

- (b) the amount of income support to which he was entitled in the first week is more than the amount of housing benefit to which he would, but for this sub-paragraph, have been entitled in the period of 7 consecutive days beginning on the date determined in accordance with regulation 65 or, as the case may be, 68(2) of the Housing Benefit (General) Regulations 1987 following his or, as the case may be, his partner's return to that accommodation,

the protected sum applicable shall, subject to sub-paragraph (9), be an amount equal to X+Y+10 pence.

(9) Where the protected person or, as the case may be, his partner returns to the accommodation in the second week and he or his partner is, or both are, entitled in the first, second and third weeks to a relevant social security benefit or to more than one such benefit and consequent upon the Social Security Benefits Up-rating Order 1989 he or his partner is, or both are, entitled to an increase in any one or more of those benefits in the third week, the protected sum under sub-paragraph (8) shall be increased by an amount equal to the difference between—

- (a) the amount of benefit or aggregate amount of those benefits to which the protected person or his partner is, or both are, entitled in the third week; and, if less,
- (b) the amount of benefit or aggregate amount of those benefits to which the protected person or his partner is, or both are, entitled in the second week.

(10) In sub-paragraph (8)—

“X” means the sum which, but for sub-paragraph (8), would be the protected sum applicable in a case to which sub-paragraph (7)(b)(i) applies;

“Y” means the amount of the excess to which sub-paragraph (8)(a) refers;

“relevant social security benefit” has the same meaning as in paragraph 3(4).]]

#### **Textual Amendments**

**F221** Words in Sch. 3A para. 7(1)(b)(i) inserted (10.4.1989) by [The Income Support \(General\) Amendment No. 5 Regulations 1988 \(S.I. 1988/2022\)](#), regs. 1(1)(b), **19(e)**

**F222** Words in Sch. 3A para. 7(1)(b)(ii) omitted (with effect in accordance with reg. 1(1)(c) of the amending S.I.) by virtue of [The Income Support \(General\) Amendment Regulations 1989 \(S.I. 1989/534\)](#), reg. 1(1), **Sch. 1 para. 11**

**F223** Words in Sch. 3A para. 7(4)(c) substituted (10.4.1989) by [The Income Support \(General\) Amendment No. 5 Regulations 1988 \(S.I. 1988/2022\)](#), regs. 1(1)(b), **19(f)**

**F224** Sch. 3A para. 7(5)-(10) substituted for para. 7(5)-(7) (10.4.1989) by [The Income Support \(General\) Amendment Regulations 1989 \(S.I. 1989/534\)](#), **regs. 1(1), 1(1)(b), 7(f)**

**F225** Words in Sch. 3A para. 7(6) substituted (9.10.1989) by [The Income Support \(General\) Amendment No. 3 Regulations 1989 \(S.I. 1989/1678\)](#), regs. 1(1)(a), **8**



[<sup>F226</sup>SCHEDULE 3B

Regulations 17(1)(g), 18(1)(h) and 71(1)  
(a)(v) and (d)(iv)

PROTECTED SUM

**Textual Amendments**

**F226** Sch. 3B inserted (with effect in accordance with reg. 1(1)(c) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1989 \(S.I. 1989/534\)](#), reg. 1(1), Sch. 1 para. 18, **Sch. 2**

**Interpretation**

1.—(1) In this Schedule—

“eligible housing benefit” means—

- (a) for the period of 7 consecutive days beginning on 2nd October 1989, the amount of housing benefit to which the claimant or his partner was entitled in that period which relates to the hostel normally occupied as the home by him or, if he has a partner, by him and his partner;
- (b) for the period of 7 consecutive days beginning on 9th October 1989 or, in a case to which paragraph 6(4)(b) applies, for the period of 7 consecutive days referred to in that paragraph, the amount of the claimant’s or his partner’s maximum housing benefit determined in accordance with regulation 61 of the Housing Benefit (General) Regulations 1987 (maximum housing benefit) which relates to that accommodation.

“first week” means the benefit week beginning on a day during the period of 7 days commencing on 2nd October 1989;

“hostel” means any establishment which immediately before the commencement of this Schedule was a hostel within the meaning of regulation 20(2) (applicable amounts for persons in hostels);

“income support” includes any sum payable under Part II of the Income Support (Transitional) Regulations 1987;

“March benefit week” means the benefit week beginning on a day during the period of 7 consecutive days beginning 20th March 1989;

“protected sum” means the amount applicable under this Schedule [<sup>F227</sup>or by virtue of regulation 87(2) of the Jobseeker’s Allowance Regulations 1996] to a claimant who in the first week is living in a hostel or who or whose partner is temporarily absent in that week from that accommodation;

“protected total” means—

- (a) the total of the claimant’s applicable amount under regulation 20 in the first week or, <sup>F228</sup>... if the claimant or any partner of his is temporarily absent from his accommodation [<sup>F229</sup>for a period not exceeding 14 weeks which includes that week], the amount which would have fallen to be calculated under that regulation for that week as if there had been no temporary absence; and
- (b) the amount of any eligible housing benefit for the period of 7 consecutive days beginning 2nd October 1989;

“relevant benefit week” means the benefit week beginning on a day during the period of 7 days commencing on 9th April 1990;

“relevant provisions” means—

- (a) regulation 17(1)(a) to (f) (applicable amounts);

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

- (b) regulation 18(1)(a) to (g) (polygamous marriages);
- (c) regulation 71(1)(a)(i) to (iv) (urgent cases);
- (d) regulation 71(1)(d)(i) to (iii);
- (dd) [<sup>F230</sup>paragraph 13 of Schedule 7 (persons in residential accommodation);]
- (e) in relation to a case to which paragraph 17(b)(ii) or (c)(i) of Schedule 7 (persons from abroad) applies, the regulations specified in that paragraph but as if the reference to regulation 17(1)(g) in that paragraph were omitted; or
- (f) in relation to a case to which paragraph 17(d)(i) of that Schedule applies, the regulations specified in that paragraph but as if the reference to regulation 18 were a reference to regulation 18(1)(a) to (g) only;

“second week” means the benefit week beginning on a day during the period of 7 days commencing on 9th October 1989.

(2) For the purposes of this Schedule—

- (a) in determining a claimant’s applicable amount in his first week, second week or any subsequent benefit week no account shall be taken of any reduction under regulation 22 (reduction in certain cases of unemployment benefit disqualification);
- (b) except in so far as it relates to any temporary absence to which paragraph 6(4) refers, where a change of circumstances takes effect in the claimant’s second week which, had it taken effect in the first week, would have resulted in a lesser applicable amount in respect of that week, his applicable amount in the first week shall be determined as if the change of circumstances had taken effect in that week.

#### Textual Amendments

- F227** Words in Sch. 3B para. 1(1) 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), **25**
- F228** Words in Sch. 3B para. 1(1) omitted (with effect in accordance with reg. 1(1)(b) of the amending S.I.) by virtue of [The Income Support \(General\) Amendment No. 3 Regulations 1989 \(S.I. 1989/1678\)](#), regs. 1(1)(b), **9(a)(i)**
- F229** Words in Sch. 3B para. 1(1) substituted (with effect in accordance with reg. 1(1)(b) of the amending S.I.) by [The Income Support \(General\) Amendment No. 3 Regulations 1989 \(S.I. 1989/1678\)](#), regs. 1(1)(b), **9(a)(i)**
- F230** Words in Sch. 3B para. 1(1) inserted (with effect in accordance with reg. 1(1)(b) of the amending S.I.) by [The Income Support \(General\) Amendment No. 3 Regulations 1989 \(S.I. 1989/1678\)](#), regs. 1(1)(b), **9(a)(ii)**

#### Protected sum

2.—(1) Subject to the following provisions of this paragraph and the following paragraphs of this Schedule, where the protected total of a claimant is more than—

- (a) his applicable amount in the second week determined in accordance with the relevant provisions less the amount of any increase consequent on the coming into force of regulation 5 of the Income Support (General) Amendment Regulations 1989; and
- (b) any eligible housing benefit for the period of 7 consecutive days beginning 9th October 1989,

the protected sum applicable to the claimant shall be an amount equal to the difference.

(2) Where—

- (a) in the second week a claimant's income calculated in accordance with Part V or, as the case may be, VI exceeds the aggregate of his applicable amount determined in accordance with the relevant provisions and X; and
- (b) the amount of income support to which he is entitled in the first week is more than the amount of housing benefit to which he would, but for this sub-paragraph, have been entitled in the period of 7 consecutive days beginning on 9th October 1989,

the protected sum applicable to the claimant shall be an amount equal to X+Y+10 pence.

(3) In sub-paragraph (2)—

“X” means the sum which, but for sub-paragraph (2), would be the protected sum applicable under sub-paragraph (1);

“Y” means the amount of the excess to which sub-paragraph (2)(a) refers.

(4) For the period beginning with the claimant's relevant benefit week the protected sum applicable to the claimant shall, subject to sub-paragraph (6) and the following paragraphs of this Schedule, be—

(a) the total of—

- (i) the amount of the allowance for personal expenses for the claimant or, if he is a member of a family, for him and for each member of his family in the first week determined, or which, but for any temporary absence, would have been determined, in accordance with paragraph 11 of Schedule 5 as then in force;
- (ii) [<sup>F231</sup>subject to sub-paragraph (7)] the amount of any increase for meals in the first week determined, or which, but for any temporary absence, would have been determined, in accordance with paragraph 2 of that Schedule; and
- (iii) the amount or, if he is a member of a family, the aggregate of the amounts determined in accordance with sub-paragraph (5),

less the aggregate of his applicable amount in the second week determined, or which, but for any temporary absence, would have been determined, in accordance with the relevant provisions and, where applicable, the amount of any reduction in the protected sum made by virtue of paragraph 4 in a benefit week occurring before the relevant benefit week; or

(b) the amount of the protected sum which was applicable to him in the immediately preceding benefit week,

whichever is the lower.

(5) For the purposes of sub-paragraph (4)(a), where in the first week the accommodation charge makes or, but for any temporary absence, would have made, provision or no provision for meals, as respects each person an amount shall be determined as follows—

(a) in a case where the provision is for at least three meals a day—

- (i) for the claimant, £17.20;
- (ii) for a member of his family aged 16 or over, £12.50;
- (iii) for a member of his family aged less than 16, £6.25;

(b) except where head (c) applies, in a case where the provision is for less than three meals a day—

- (i) for the claimant, £13.85;
- (ii) for a member of his family aged 16 or over, £8.30;
- (iii) for a member of his family aged less than 16, £4.15;

(c) in a case where the provision is for breakfast only—

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

- (i) for the claimant, £7.05;
- (ii) for a member of his family, £1.50;
- (d) in a case where there is no provision for meals, for the claimant or, if he is a member of a family, for the claimant and for the members of his family for whom there is no such provision, £5.55;
- (6) Where in the relevant benefit week the claimant is in, or only temporarily absent from, residential accommodation, the protected sum applicable to the claimant for the period beginning with that week shall<sup>F232</sup>, subject to the following paragraphs of this Schedule,] be—
  - (a) equal to the difference between—
    - (i) the amount of the allowance for personal expenses for the claimant or, if he is a member of a family, for him and for each member of his family in the first week determined, or which, but for any temporary absence, would have been determined, in accordance with paragraph 11 of Schedule 5 as then in force; and
    - (ii) the amount of the allowance for personal expenses for the claimant or, if he is a member of a family, for him and for each member of his family in the second week determined, or which, but for any temporary absence would have been determined, under paragraph 13 of Schedule 7 (persons in residential accommodation),
 less, where applicable, the amount of any reduction in the protected sum made by virtue of paragraph 4 in a benefit week occurring before the relevant benefit week; or
  - (b) the amount of the protected sum which was applicable to him in the immediately preceding benefit week,

whichever is the lower.

<sup>F233</sup>(7) In the case of a member of a family who in the first week is a child aged less than 11, the amount of any increase for meals under sub-paragraph (4)(a)(ii) shall be either—

- (a) the amount of any such increase in the first week determined, or which, but for any temporary absence, would have been determined, in accordance with paragraph 2 of Schedule 5 as then in force; or
- (b) £17.65,

whichever is the lower.]

#### Textual Amendments

**F231** Words in Sch. 3B para. 2(4)(a)(ii) inserted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1990 \(S.I. 1990/547\)](#), regs. 1(1)(b), **20(a)(i)**

**F232** Words in Sch. 3B para. 2(6) inserted (with effect in accordance with reg. 1(1)(b) of the amending S.I.) by [The Income Support \(General\) Amendment No. 3 Regulations 1989 \(S.I. 1989/1678\)](#), regs. 1(1)(b), **9(b)**

**F233** Sch. 3B para. 2(7) added (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1990 \(S.I. 1990/547\)](#), regs. 1(1)(b), **20(a)(ii)**

#### Persons not entitled to a protected sum

3.—(1) Subject to paragraph 6, a protected sum shall not be applicable to a claimant where he changes or vacates his hostel during the period of 7 consecutive days beginning 9th October 1989.

(2) Except where regulation 8(2)(b) of the Housing Benefit (General) Regulations 1987 (eligible housing costs) applies, a protected sum shall not be applicable to a claimant unless he, or any partner

of his, is entitled to housing benefit for the period of 7 consecutive days beginning 9th October 1989 or, where paragraph 6(4)(b) applies, for the period of 7 consecutive days referred to in that paragraph, in respect of the hostel normally occupied as the home by him, or if he has a partner, by him and his partner.

- (3) A protected sum shall not be applicable to a claimant where—
- (a) he has been or would, but for any temporary absence, have been in the same accommodation in both the March benefit week and the second week, and—
    - (i) his applicable amount in both those weeks fell or would have fallen, but for any temporary absence, to be determined under paragraph 13(1) of Schedule 7; or
    - (ii) his applicable amount in the second week fell or would have fallen, but for any temporary absence, to be determined under that paragraph and would also have fallen to be so determined in the March benefit week had his stay in that accommodation been other than temporary; or
  - (b) his applicable amount in the second week fell or would have fallen, but for any temporary absence, to be determined under that paragraph and would also have fallen to be so determined in the March benefit week had he been in the same accommodation in that week and had his stay in that accommodation been other than temporary; <sup>F234</sup>or
  - (c) his applicable amount in the first week fell or would have fallen, but for any temporary absence, to be determined under regulation 20 but would not have fallen to be so determined in the March benefit week had he been in the same accommodation in that week and had his stay in that accommodation been other than temporary.]

<sup>F235</sup>(4) For the purposes of sub-paragraph (3), where—

- (a) a claimant's applicable amount in respect of the March benefit week has been determined under paragraph 13(1) of Schedule 7 and it is subsequently determined <sup>F236</sup>... that it fell to be determined under regulation 20, he shall, notwithstanding [<sup>F237</sup>that determination], be treated as if his applicable amount fell to be determined under that paragraph;
- (b) a claimant has been temporarily absent from his accommodation in the March benefit week and immediately before the period of temporary absence his applicable amount was determined under paragraph 13(1) of Schedule 7, he shall be treated as if his applicable amount would have fallen to be determined under that paragraph during the period of temporary absence notwithstanding that it is subsequently determined <sup>F236</sup>... that immediately before the period of temporary absence it fell to be determined under regulation 20;
- (c) a claimant has entered his accommodation after the March benefit week, he shall be treated as if his applicable amount, had he been in that accommodation in the March benefit week, would not have fallen to be determined under regulation 20 in that week if the applicable amounts of other claimants in that accommodation in that week were determined otherwise than under that regulation notwithstanding that it is subsequently determined <sup>F236</sup>...that they fell to be determined under regulation 20.]

#### Textual Amendments

**F234** Sch. 3B para. 3(3)(c) and word added (with effect in accordance with reg. 1(1)(b) of the amending S.I.) by [The Income Support \(General\) Amendment No. 3 Regulations 1989 \(S.I. 1989/1678\)](#), regs. 1(1)(b), **9(c)(i)**

**F235** Sch. 3B para. 3(4) added (with effect in accordance with reg. 1(1)(b) of the amending S.I.) by [The Income Support \(General\) Amendment No. 3 Regulations 1989 \(S.I. 1989/1678\)](#), regs. 1(1)(b), **9(c)(ii)**

*Status: Point in time view as at 11/04/2000.*

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

- F236** Words in Sch. 3B para. 3(4) omitted (29.11.1999) by virtue of The Social Security Act 1998 (Commencement No. 12 and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/3178), reg. 3(1)(a), **Sch. 5 para. 10(a)** (with reg. 3(1)(b), Schs. 21-23)
- F237** Words in Sch. 3B para. 3(4)(a) substituted (29.11.1999) by The Social Security Act 1998 (Commencement No. 12 and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/3178), reg. 3(1)(a), **Sch. 5 para. 10(b)** (with reg. 3(1)(b), Schs. 21-23)

### Reduction of protected sum

4.—(1) Subject to [<sup>F238</sup>sub-paragraphs (2) to (5)], the protected sum shall be reduced by the amount of any increase, in a benefit week subsequent to the second week, in the claimant's applicable amount determined in accordance with the relevant provisions.

(2) Where regulation 22 (reduction in certain cases of unemployment benefit disqualification) [<sup>F239</sup>or regulation 21A (reductions in certain cases of failure to attend courses)] ceases to apply to a claimant and as a result his applicable amount increases no account shall be taken of that increase.

[<sup>F240</sup>(3) where a claimant's applicable amount increases because a child or young person mentioned in paragraph (5)(c) of regulation 16 (circumstances in which a person is treated or not treated as a member of the household) is treated as a member of the claimant's household under paragraph (6) of that regulation, the claimant's protected sum shall not be reduced by the amount of that increase unless the child or young person has been treated as a member of the household for a continuous period which exceeds 8 weeks.]

[<sup>F241</sup>(4) Where by virtue of the coming into force of regulation 15(a), (b) or (c) of the Income Support (General) Amendment No. 4 Regulations 1991 a claimant's applicable amount increases in his benefit week beginning on a day during the period of 7 days commencing on 1st October 1991, no account shall be taken of that increase.]

[<sup>F242</sup>(5) Where by virtue of the coming into force of regulation 3(1) and (2) of the Income-Related Benefits Amendment Regulations 1992 a claimant's applicable amount increases in his benefit week beginning on a day during the period of 7 days commencing on 5th October 1992, no account shall be taken of that increase.]

### Textual Amendments

- F238** Words in Sch. 3B para. 4(1) substituted (coming into force in accordance with reg. 2(2) of the amending S.I.) by The Income-Related Benefits Amendment Regulations 1992 (S.I. 1992/1326), regs. 2(2), **3(4)(a)**
- F239** Words in Sch. 3B para. 4(2) inserted (17.12.1990) by The Income Support (General and Transitional) Amendment Regulations 1990 (S.I. 1990/2324), regs. 1(1), **5**
- F240** Sch. 3B para. 4(3) added (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by The Income Support (General) Amendment Regulations 1990 (S.I. 1990/547), regs. 1(1)(b), **20(b)(ii)**
- F241** Sch. 3B para. 4(4) added (1.10.1991) by The Income Support (General) Amendment No. 4 Regulations 1991 (S.I. 1991/1559), regs. 1(1)(b), **17(b)** (with reg. 1(2))
- F242** Sch. 3B para. 4(5) added (coming into force in accordance with reg. 2(2) of the amending S.I.) by The Income-Related Benefits Amendment Regulations 1992 (S.I. 1992/1326), regs. 2(2), **3(4)(b)**

### Termination of protected sum

5. Subject to paragraph 6, the protected sum shall cease to be applicable if—

- (a) that amount is reduced to nil under paragraph 4; or
- (b) the claimant changes or vacates his hostel; or
- (c) the claimant ceases to be entitled to income support.

#### **Modifications in cases of temporary absence and loss of entitlement to income support**

6.—(1) Paragraph 5(b) shall not apply to a claimant if—

- (a) he becomes a patient within the meaning of regulation 21(3) (special cases); or
- (b) on his ceasing to be a patient within the meaning of regulation 21(3), he returns to the hostel which he occupied immediately before he became a patient; or
- (c) in a case to which sub-paragraph (3) applies, on his becoming re-entitled to income support, he is in the accommodation which he occupied immediately before he ceased to be entitled to income support.

(2) Except where sub-paragraph (4) applies, where a protected sum was applicable to the claimant immediately before he or any partner of his became a patient within the meaning of regulation 21(3) for a period of 14 weeks or less, he shall, subject to sub-paragraph (1)(b), on his or, as the case may be, his partner ceasing to be a patient be entitled to a protected sum equal to—

- (a) the amount by which his protected total exceeds his applicable amount determined in accordance with the relevant provisions in the first benefit week in which his applicable amount ceases to be determined under paragraph 1 of Schedule 7 and either—
  - (i) any eligible housing benefit for the period of 7 consecutive days beginning on 9th October 1989; or, if greater,
  - (ii) in a case where sub-paragraph (4)(b) applied, any eligible housing benefit for the period of 7 consecutive days referred to in that sub-paragraph; or

[ where the first benefit week in which his applicable amount ceases to be determined under  
<sup>F243</sup>(aa) paragraph 1 of Schedule 7 is the relevant benefit week, the amount determined under paragraph 2(4) or, as the case may be, paragraph 2(6), less any reduction under paragraph 4(1) other than a reduction which arises by virtue of his ceasing to be a patient within the meaning of regulation 21(3); or]

- (b) the amount of the protected sum to which he was entitled in the immediately preceding benefit week,

whichever is the lower.

(3) Paragraph 5(c) shall not apply to a claimant who has ceased to be entitled to income support for [<sup>F244</sup>a period not exceeding the permitted period determined in accordance with regulation 3A (permitted period)]—

- (a) if immediately before he ceased to be so entitled a protected sum was applicable to him; and
- (b) except where sub-paragraph (4) applies, if during that period he becomes re-entitled, or would by virtue of this sub-paragraph be re-entitled, to income support he shall, subject to sub-paragraph (1)(c), be entitled to a protected sum equal to—
  - (i) the amount by which his protected total exceeds his applicable amount determined in accordance with the relevant provisions in the first benefit week in which he becomes so re-entitled and either any eligible housing benefit for the period of 7 consecutive days beginning 9th October 1989 or, if greater, in a case to which sub-paragraph (4) (b) applied, any eligible housing benefit for the period of 7 consecutive days referred to in that sub-paragraph; or

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- [<sup>F245</sup>(ii) where the first benefit week in which he becomes so re-entitled is the relevant benefit week, the amount determined under paragraph 2(4) or, as the case may be, paragraph 2(6), less any reduction under paragraph 4(1) in that benefit week; or
- (iii) where the first benefit week in which he becomes so re-entitled is a week subsequent to the relevant benefit week, the amount which would have been determined under paragraph 2(4) or, as the case may be, paragraph 2(6) had he been entitled in the relevant benefit week, less any reduction under paragraph 4(1) in the benefit week in which he becomes re-entitled; or
- (iv) the amount of the protected sum to which he was previously entitled,]
- whichever is the lower.
- (4) Where a claimant or any partner of his is temporarily absent from his accommodation for a period not exceeding 14 weeks which includes the first or second week (or both)–
- (a) in a case where a protected sum was applicable to the claimant immediately before his or, as the case may be, his partner's return to that accommodation and the full charge was made for the accommodation during the temporary absence, on the claimant's or, as the case may be, his partner's return to that accommodation, the claimant shall be entitled to a protected sum equal to–
- (i) the amount by which his protected total exceeds his applicable amount determined in accordance with the relevant provisions in the first complete benefit week after his, or as the case may be, his partner's return to that accommodation and any eligible housing benefit for the period of 7 consecutive days beginning 9th October 1989; or
- (ii) the amount of the protected sum which was applicable to him in the immediately preceding benefit week,
- whichever is the lower.
- (b) in a case where–
- (i) a protected sum has not at any time been applicable to the claimant; or
- (ii) immediately before the claimant's or, as the case may be, his partner's return to that accommodation a protected sum was applicable to the claimant but a reduced charge was made for the accommodation during the temporary absence,
- the claimant on his or, as the case may be, his partner's return to that accommodation shall, subject to sub-paragraph (5), be entitled to a protected sum equal to the amount by which his protected total exceeds his applicable amount determined in accordance with the relevant provisions in the first complete benefit week after his or, as the case may be, his partner's return to that accommodation and the amount of eligible housing benefit for the period of 7 consecutive days beginning on the date determined in accordance with regulation 65 or, as the case may be, 68(2) of the Housing Benefit (General) Regulations 1987 (date on which entitlement is to commence or change of circumstances is to take effect) following that person's return to that accommodation.
- (5) Where, in a case to which sub-paragraph (4)(b)(i) applies–
- (a) in the first complete benefit week after the claimant's or, as the case may be, his partner's return to his accommodation the claimant's income calculated in accordance with Part V or, as the case may be, VI exceeds the aggregate of his applicable amount determined in accordance with the relevant provisions and X; and
- (b) the amount of income support to which he was entitled in the first week is more than the amount of housing benefit to which he would, but for this sub-paragraph, have been entitled in the period of 7 consecutive days beginning on the date determined in accordance with regulation 65 or, as the case may be, 68(2) of the Housing Benefit



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(General) Regulations 1987 following his or, as the case may be, his partner’s return to that accommodation,

the protected sum applicable to the claimant shall be an amount equal to X+Y+10 pence.

(6) In sub-paragraph (5)–

“X” means the sum which, but for sub-paragraph (5), would be the protected sum applicable in a case to which sub-paragraph (4)(b)(i) applies;

“Y” means the amount of the excess to which sub-paragraph (5)(a) refers.

(7) The foregoing provisions of this paragraph shall not apply to a claimant if he or, if he has a partner, he or his partner, in the first week is temporarily living in a hostel and that accommodation is not the accommodation normally occupied as the home.]

**Textual Amendments**

**F243** Sch. 3B para. 6(2)(aa) inserted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1990 \(S.I. 1990/547\)](#), regs. 1(1)(b), **20(c)(i)**

**F244** Words in Sch. 3B para. 6(3) substituted (with effect in accordance with reg. 1(1)(b) of the amending S.I.) by [The Income Support \(General\) Amendment No. 3 Regulations 1989 \(S.I. 1989/1678\)](#), regs. 1(1)(b), **9(d)**

**F245** Sch. 3B para. 6(3)(b)(ii)-(iv) substituted for Sch. 3B para. 6(3)(b)(ii) (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1990 \(S.I. 1990/547\)](#), regs. 1(1)(b), **20(c)(ii)**

**[<sup>F246</sup>SCHEDULE 3C**

Regulation 2A(1)(b)

**THE GREATER LONDON AREA**

**Textual Amendments**

**F246** Sch. 3C inserted (1.4.1993) by [The Social Security Benefits \(Amendments Consequential Upon the Introduction of Community Care\) Regulations 1992 \(S.I. 1992/3147\)](#), reg. 1(1), **Sch. 2**

The area described in this Schedule comprises—

(a) the Boroughs of

[ <sup>F247</sup> Barking and Dagenham]	Hillington
Barnet	Hounslow
Bexley	Islington
Brent	Kensington and Chelsea
Bromley	Kingston—Upon—Thames
Camden	Lambeth
City of Westminster	Lewisham
Croydon	Merton

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Ealing	Newham
Enfield	Redbridge
Greenwich	Richmond—Upon—Thames
Hackney	Southwark
Haringey	Sutton
Hammersmith & Fulham	Tower Hamlets
Harrow	Waltham Forest
Havering	Wandsworth

- (b) the City of London;
- (c) in the County of Essex that part of the district of Epping Forest which comprises the parishes of Chigwell and Waltham Holy Cross;
- (d) in the County of Hertfordshire, that part of the Borough of Broxbourne which lies south of Cheshunt Park, including Slipe Lane, and that part of the district of Hertsmere which comprises the former parishes of Elstree, Ridge, Shenley and South Mimms;
- (e) in the County of Surrey, the Borough of Spelthorne and that part of the Borough of Elmbridge which was formerly administered by the Old Esher District Council.]

#### Textual Amendments

**F247** Words in [Sch. 3C](#) 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), **10**

## SCHEDULE 4

Regulation 19

### PART I

#### applicable amounts of persons in residential care and nursing homes

1.—(1) Subject to sub-paragraph (2), the weekly applicable amount of a claimant to whom regulation 19 applies shall be the aggregate of—

- (a) subject to paragraph 3, the weekly charge for the accommodation, including all meals and services, provided for him or, if he is a member of a family, for him and his family increased, where appropriate, in accordance with paragraph 2 but, except in a case to which paragraph 12 applies, subject to the maximum determined in accordance with paragraph 5; and
- (b) a weekly amount for personal expenses for him and, if he is a member of a family, for each member of his family determined in accordance with paragraph 13; and
- (c) where he is only temporarily in such accommodation any amount applicable under [<sup>F248</sup>regulation 17(1)(e) or 18(1)(f)] (housing costs) in respect of the dwelling normally occupied as the home; [<sup>F249</sup>and

(d) any amount determined in accordance with regulation 17(1)(f) or 18(1)(g) (applicable amounts).]

(2) No amount shall be included in respect of any child or young person who is a member of the claimant's family if the capital of that child or young person calculated in accordance with Part V in like manner as for the claimant, except where otherwise provided, would exceed £3,000.

#### Textual Amendments

**F248** Words in Sch. 4 para. 1(1)(c) substituted (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **21(a)**

**F249** Sch. 4 para. 1(1)(d) and word added (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **21(b)**

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

**C18** Sch. 4 para. 1(2) sum confirmed (with effect in accordance with art. 1(2)(g) of the amending S.I.) by [The Social Security Benefits Up Rating Order 2000 \(S.I. 2000/440\)](#), arts. 1(2)(g), **16(2)**

#### Commencement Information

**I16** Sch. 4 para. 1 in force at 11.4.1988, see [reg. 1](#)

2.—(1) Where, in addition to the weekly charge for accommodation, a separate charge is made for the provision of heating, attention in connection with bodily functions, supervision, extra baths, laundry or a special diet needed for a medical reason, the weekly charge for the purpose of paragraph 1(1)(a) shall be increased by the amount of that charge.

(2) Where the weekly charge for accommodation does not include the provision of all meals, it shall, for the purpose of paragraph 1(1)(a), be increased in respect of the claimant or, if he is a member of a family, in respect of each member of his family by the following amount:

- (a) if the meals can be purchased within the residential care or nursing home, the amount equal to the actual cost of the meals, calculated on a weekly basis; or
- (b) if the meals cannot be so purchased, the amount calculated on a weekly basis—
  - (i) for breakfast, at a daily rate of £1.10;
  - (ii) for a midday meal, at a daily rate of £1.55; and
  - (iii) for an evening meal, at a daily rate of £1.55;

except that, if some or all of the meals are normally provided free of charge or at a reduced rate, the amount shall be reduced to take account of the lower charge or reduction.

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

**C19** Sch. 4 para. 2(2)(b)(i)-(iii) sums confirmed (with effect in accordance with art. 1(2)(g) of the amending S.I.) by [The Social Security Benefits Up Rating Order 2000 \(S.I. 2000/440\)](#) arts 1(2)(g), 16(7), [Sch. 4. Pt. II](#)

#### Commencement Information

**I17** Sch. 4 para. 2 in force at 11.4.1988, see [reg. 1](#)

3. Where any part of the weekly charge for the accommodation is met by housing benefit, an amount equal to the part so met shall be deducted from the amount calculated in accordance with paragraph 1(1)(a).

*Status: Point in time view as at 11/04/2000.*

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

**Commencement Information**

**I18** Sch. 4 para. 3 in force at 11.4.1988, see [reg. 1](#)

<sup>F250</sup>**4.** . . . . .

**Textual Amendments**

**F250** Sch. 4 para. 4 omitted (11.4.1988) by virtue of [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), [regs. 1\(1\), 31\(a\)](#)

**Commencement Information**

**I19** Sch. 4 para. 4 in force at 11.4.1988, see [reg. 1](#)

- 5.—(1)** Subject to paragraph 12 the maximum referred to in paragraph 1(1)(a) shall be—
- (a) in the case of a single claimant, the appropriate amount in respect of that claimant specified in or determined in accordance with paragraphs 6 to 11;
  - <sup>F251</sup>(b) in the case of a claimant who is a member of a family the aggregate of the following amounts—
    - (i) in respect of the claimant, the appropriate amount in respect of him specified in or determined in accordance with paragraph 6 to 11;
    - (ii) in respect of each member of his family who lives in the home aged under 11, 1½ times the amount specified in paragraph 2(a) of Schedule 2;
    - (iii) in respect of each member of his family aged not less than 11 who lives in the home, an amount which would be the appropriate amount specified in or determined in accordance with paragraph 6 to 11 if the other member were the claimant.]
- (2) The maximum amount in respect of a member of the family aged under 11 calculated in the manner referred to in sub-paragraph (1) (b) (i) shall be rounded to the nearest multiple of 5p by treating an odd amount of 2.5p or more as 5p and by disregarding an odd amount of less than 2.5p.

**Textual Amendments**

**F251** Sch. 4 para. 5(1)(b) substituted (9.10.1989) by [The Income Support \(General\) Amendment No. 3 Regulations 1989 \(S.I. 1989/1678\)](#), [regs. 1\(1\)\(a\), 10](#)

**Commencement Information**

**I20** Sch. 4 para. 5 in force at 11.4.1988, see [reg. 1](#)

**Residential care homes**

- 6.—(1)** Subject to sub-paragraph (2) and paragraphs 8 to 11, where the accommodation provided for the claimant is a residential care home for persons in need of personal care by virtue of—
- (a) old age, the appropriate amount shall be <sup>F252</sup>£221.00] per week;
  - (b) past or present mental disorder but excluding mental handicap, the appropriate amount shall be <sup>F252</sup>£234.00] per week;
  - (c) past or present drug or alcohol dependence, the appropriate amount shall be <sup>F252</sup>£234.00] per week;

- (d) mental handicap, the appropriate amount shall be [<sup>F252</sup>£266.00] per week;
  - (e) physical disablement, the appropriate amount shall be—
    - (i) in the case of a person to whom paragraph 8 applies, [<sup>F252</sup>£303.00] per week, or
    - (ii) in any other case, [<sup>F252</sup>£221.00] per week; or
  - (f) any condition not falling within sub-paragraphs (a) to (e) above, the appropriate amount shall be [<sup>F252</sup>£221.00] per week.
- (2) Where the claimant is over pensionable age and—
- [<sup>F253</sup>(a) he is registered as blind in a register compiled by a local authority under section 29 of the National Assistance Act (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; or]
  - [<sup>F254</sup>(b) he—
    - (i) is entitled to attendance allowance at the higher rate in accordance with section 65(3) of the Contributions and Benefits Act, or the care component of disability living allowance at the highest rate prescribed in accordance with section 72(3) of the Contributions and Benefits Act, or
    - (ii) has made a claim for attendance allowance or disability living allowance and, in respect of that claim, a decision has been made that he satisfies the disability conditions, but he has not yet completed the qualifying period for that benefit; or]
  - (c) he is in receipt of any payment based on need for attendance which is payable—
    - (i) under section 61 of the Social Security Act <sup>F255</sup>
    - (ii) by virtue of article 14 of the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 1983 <sup>F256</sup> or article 14 of the Personal Injuries (Civilians) Scheme 1983 <sup>F257</sup>
- the appropriate amount shall, except where sub-paragraph (1)(d) or (e)(i) applies, be [<sup>F258</sup>£256.00 ]per week.
- [<sup>F259</sup>(3) In this paragraph—
- (a) “the disability conditions” means—
    - (i) in the case of attendance allowance, the conditions in section 64(2) and (3) of the Contributions and Benefits Act; and
    - (ii) in the case of disability living allowance, the conditions in section 72(1)(b) and (c) of the Contributions and Benefits Act;
  - (b) “the qualifying period” means—
    - (i) in the case of attendance allowance, the period specified in section 65(1)(b) of the Contributions and Benefits Act; and
    - (ii) in the case of disability living allowance, the period specified in section 72(2)(a) of the Contributions and Benefits Act.]

#### Textual Amendments

**F252** Sums in Sch. 4 para. 6(1) substituted (with effect in accordance with art. 1(2)(g) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2000 \(S.I. 2000/440\)](#), arts 1(2)(g), 16(7), Sch. 4. Pt. I

**F253** Sch. 4 para. 6(2)(a) substituted (12.12.1988) by [The Income Support \(General\) Amendment No. 5 Regulations 1988 \(S.I. 1988/2022\)](#), regs. 1(1)(a), **20(b)**

*Status: Point in time view as at 11/04/2000.*

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

- F254** Sch. 4 para. 6(2)(b) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 4\) Regulations 1993 \(S.I. 1993/2119\)](#), regs. 1(1)(a), **20(2)(a)**
- F255** subsections (3) and (4) of section 61 were added by the [Social Security Act 1986 \(c. 50\)](#) section 39, Schedule 3 paragraph 6.
- F256** S.I. 1983/883.
- F257** S.I. 1983/686.
- F258** Sum in Sch. 4 para. 6(2) substituted (with effect in accordance with art. 1(2)(g) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2000 \(S.I. 2000/440\)](#), arts. 1(2)(g), **16(7)**
- F259** Sch. 4 para. 6(3) added (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 4\) Regulations 1993 \(S.I. 1993/2119\)](#), regs. 1(1)(a), **20(2)(b)**

#### Commencement Information

- I21** Sch. 4 para. 6 in force at 11.4.1988, see [reg. 1](#)

### Nursing homes

7. Subject to paragraphs 8 to 11, where the accommodation provided for the claimant is a nursing home for persons in need of personal care by virtue of—

- (a) past or present mental disorder but excluding mental handicap, the appropriate amount shall be [<sup>F260</sup>£331.00] per week;
- (b) mental handicap, the appropriate amount shall be [<sup>F260</sup>£337.00] per week;
- (c) past or present drug or alcohol dependence, the appropriate amount shall be [<sup>F260</sup>£331.00] per week;
- (d) physical disablement, the appropriate amount shall be—
  - (i) in the case of a person to whom paragraph 8 applies, [<sup>F260</sup>£373.00] per week, or
  - (ii) in any other case, [<sup>F260</sup>£330.00] per week;
- (e) terminal illness, the appropriate amount shall be [<sup>F260</sup>£330.00] per week; or
- (f) any condition not falling within sub-paragraphs (a) to (e), the appropriate amount shall be [<sup>F260</sup>£330.00] per week.

#### Textual Amendments

- F260** Sums in Sch. 4 para. 7 substituted (with effect in accordance with art. 1(2)(g) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2000 \(S.I. 2000/440\)](#), arts 1(2)(g), 16(7), Sch. 4. Pt. I

#### Commencement Information

- I22** Sch. 4 para. 7 in force at 11.4.1988, see [reg. 1](#)

8. For the purposes of paragraphs 6(e) and 7(d) this paragraph applies to a person under pensionable age or a person over pensionable age who, before attaining pensionable age, had become physically disabled.

#### Commencement Information

- I23** Sch. 4 para. 8 in force at 1.4.1988, see [reg. 1](#)

9. The appropriate amount applicable to a claimant in a residential care home or nursing home shall, subject to paragraph 10, be determined—

- (a) where the home is a residential care home registered under Part I of the Registered Homes Act 1984<sup>F261</sup>, by reference to the particulars recorded in the register kept by the relevant registration authority for the purposes of that Act; or
- (b) where the home is a residential care home not so registered or a nursing home, by reference to the type of care which, taking into account the facilities and accommodation provided, the home is providing to the claimant.

**Textual Amendments**

**F261** 1984 c. 23.

**Commencement Information**

**I24** Sch. 4 para. 9 in force at 11.4.1988, see [reg. 1](#)

10.—(1) Where more than one amount would otherwise be applicable, in accordance with paragraph 9, to a claimant in a residential care home or a nursing home, the appropriate amount in any case shall be determined in accordance with the following sub-paragraphs.

(2) Where the home is a residential care home registered under Part I of the Registered Homes Act 1984 and where the personal care that the claimant is receiving corresponds to the care received by a category of residents for whom the register indicates that the home provides accommodation, the appropriate amount shall be the amount, in paragraph 6 or 8, as the case may be, as is consistent with that personal care.

(3) Where the home is a residential care home which is so registered but where the personal care that the claimant is receiving does not correspond to the care received by a category of residents for whom the register indicates that the home provides accommodation, the appropriate amount shall be the lesser or least amount, in paragraphs 6 or 8, as the case may be, as is consistent with those categories.

(4) In any case not falling within sub-paragraph (2) or (3), the appropriate amount shall be whichever amount of the amounts applicable in accordance with paragraphs 6 or 7 and 9 is, having regard to the types of personal care that the home provides, most consistent with the personal care being received by the claimant in that accommodation.

**Commencement Information**

**I25** Sch. 4 para. 10 in force at 11.4.1988, see [reg. 1](#)

11.—(1) Where the accommodation provided for the claimant is a residential care home or a nursing home which is, in either case, situated in the Greater London area and the actual charge for that accommodation exceeds the appropriate amount in his case by virtue of the preceding paragraphs of this Schedule, the amount shall be increased by any excess up to—

- (a) in the case of a residential care home, [<sup>F262</sup>£46.00];
- (b) in the case of a nursing home, [<sup>F262</sup>£51.00].

(2) In sub-paragraph (1), “the Greater London area” means all those areas specified [<sup>F263</sup>in Schedule 3C].

*Status: Point in time view as at 11/04/2000.*

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

### Textual Amendments

- F262** Sums in Sch. 4 para. 11(1) substituted (with effect in accordance with art. 1(2)(g) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2000 \(S.I. 2000/440\)](#), arts 1(2)(g), 16(7), Sch. 4. Pt. 1
- F263** Words in Sch. 4 para. 11(2) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 4\) Regulations 1993 \(S.I. 1993/2119\)](#), regs. 1(1)(a), **20(3)**

### Commencement Information

- I26** Sch. 4 para. 11 in force at 11.4.1988, see [reg. 1](#)

### Circumstances in which the maximum is not to apply

**12.**—(1) Where a claimant who satisfies the conditions in sub-paragraph (2) has been able to meet the charges referred to in paragraphs 1 and 2 without recourse to income support or supplementary benefit, the maximum determined in accordance with paragraph 5 shall not apply for the period of 13 weeks or, if alternative accommodation is found earlier, such lesser period following the date of claim except to the extent that the claimant is able to meet out of income disregarded for the purposes of Part V the balance of the actual charge over the maximum.

- (2) The conditions for the purposes of sub-paragraph (1) are that—
- (a) the claimant has lived in the same accommodation for more than 12 months; and
  - (b) he was able to afford the charges in respect of that accommodation when he took up residence; and
  - (c) having regard to the availability of suitable alternative accommodation and to the circumstances mentioned in paragraph 10(7)(b) of Schedule 3 (housing costs), it is reasonable that the maximum should not apply in order to allow him time to find alternative accommodation; and
  - (d) he is not a person who is being accommodated—
    - (i) by a housing authority under Part III of the Housing Act 1985 <sup>F264</sup> (housing the homeless), or
    - (ii) by a local authority under [<sup>F265</sup>section 20 of the Children Act 1989 (provision of accommodation for children: general)] or, in Scotland, section 12 of the Social Work (Scotland) Act 1968 <sup>F266</sup> (general welfare); and
  - (e) he is seeking alternative accommodation and intends to leave his present accommodation once alternative accommodation is found.
- (3) Where—
- (a) the claimant was a resident in a residential care home or nursing home immediately before 29 April 1985 and has continued after that date to be resident in the same accommodation, apart from any period of temporary absence; and
  - (b) immediately before that date, the actual charge for the claimant's accommodation was being met either wholly or partly out of the claimant's resources, or, wholly or partly out of other resources which can no longer be made available for this purpose; and
  - (c) since that date the local authority have not at any time accepted responsibility for the making of arrangements for the provision of such accommodation for the claimant; and
  - (d) the Secretary of State, in his discretion, has determined that this sub-paragraph shall have effect in the particular case of the claimant in order to avoid exceptional hardship,



the maximum amount shall be the rate specified in sub-paragraph (4) if that rate exceeds the maximum which, but for this sub-paragraph, would be determined under paragraph 5.

- (4) For the purposes of sub-paragraph (3) the rate is either—
- (a) the actual weekly charge for the accommodation immediately before 29 April 1985 plus £10; or
  - (b) the aggregate of the following amounts—
    - (i) the amount estimated under regulation 9(6) of the Supplementary Benefit (Requirements) Regulations 1983 <sup>F267</sup> as then in force as the reasonable weekly charge for the area immediately before that date;
    - (ii) £26.15; and
    - (iii) if the claimant was entitled at that date to attendance allowance under section 35 of the Social Security Act at the higher rate £28.60 or, as the case may be, at the lower rate, £19.10,
- whichever is the lower amount.

#### Textual Amendments

**F264** 1985 c. 68.

**F265** Words in Sch. 4 para. 12(2)(d)(ii) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1992 \(S.I. 1992/468\)](#), reg. 1(1), Sch. para. 8(a)

**F266** 1968 c. 49.

**F267** S.I. 1983/1399.

#### Commencement Information

**I27** Sch. 4 para. 12 in force at 11.4.1988, see [reg. 1](#)

### Personal allowances

**13.** The allowance for personal expenses for the claimant and each member of his family referred to in paragraph 1(1)(b) shall be—

- (a) for the claimant [<sup>F268</sup>£15.45], and if he has a partner, for his partner, [<sup>F268</sup>£15.45];
- (b) for a young person aged 18, [<sup>F268</sup>£15.00];
- (c) for a young person aged under 18 but over 16, [<sup>F268</sup>£10.40];
- (d) for a child aged under 16 but over 11, [<sup>F268</sup>£9.00];
- (e) for a child aged under 11, [<sup>F268</sup>£6.15].

#### Textual Amendments

**F268** Sums in Sch. 4 para. 13 substituted (with effect in accordance with art. 1(2)(g) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2000 \(S.I. 2000/440\)](#), arts 1(2)(g), 16(7), Sch. 4. Pt. I

#### Commencement Information

**I28** Sch. 4 para. 13 in force at 11.4.1988, see [reg. 1](#)

*Status: Point in time view as at 11/04/2000.  
Changes to legislation: There are currently no known outstanding effects for the  
The Income Support (General) Regulations 1987. (See end of Document for details)*

## PART II

persons to whom regulation 19 does not apply

[<sup>F269</sup>14. A claimant or, if he is a member of a family, the claimant and the members of his family where the accommodation and meals (if any) of the claimant or, as the case may be, the claimant and the members of his family are provided in whole or in part by a close relative of his or of any member of his family, or other than on a commercial basis.]

### Textual Amendments

**F269** Sch. 4 para. 14 substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **31(b)**

### Commencement Information

**I29** Sch. 4 para. 14 in force at 11.4.1988, see [reg. 1](#)

15. A person who is on holiday and during a period which has not continued for more than 13 weeks is absent from his home or from a hospital or similar institution in which he is normally a patient.

### Commencement Information

**I30** Sch. 4 para. 15 in force at 11.4.1988, see [reg. 1](#)

[<sup>F270</sup>16. ....]

### Textual Amendments

**F270** Sch. 4 Pt. II para. 16 revoked (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), **5(6)**

[<sup>F271</sup>17. ....]

### Textual Amendments

**F271** Sch. 4 Pt. II para. 17 revoked (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), **5(6)**

[<sup>F272</sup>18. A person who is living in a residential care home within the meaning of paragraph (d) of the definition of “residential care home” in regulation 19(3) and who is not in receipt of personal care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder.]

### Textual Amendments

**F272** Sch. 4 para. 18 added (7.10.1991) by [The Income Support \(General\) Amendment No. 4 Regulations 1991 \(S.I. 1991/1559\)](#), regs. 1(1)(c), **18** (with [reg. 1\(2\)](#))

**Status:** Point in time view as at 11/04/2000.

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

F273 SCHEDULE 5

Regulation 20

**Textual Amendments**

**F273** Sch. 5 omitted (with effect in accordance with reg. 1(1)(c) of the amending S.I.) by virtue of [The Income Support \(General\) Amendment Regulations 1989 \(S.I. 1989/534\)](#), reg. 1(1), **Sch. 1 para. 12**

SCHEDULE 6

Regulation 20(2) paragraph 5 of Schedule 5

BOARD AND LODGING AREAS

F274 ...

**Textual Amendments**

**F274** Sch. 6 omitted (10.4.1989) by virtue of [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), reg. 1(1)(c), **Sch. 1 para. 10** (with reg. 28)

SCHEDULE 7

Regulation 21

APPLICABLE AMOUNTS IN SPECIAL CASES

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

**C20** Sch. 7 paras. 7, 8, 13A(3)(a)-(c), 13B, 16 and 17 sums confirmed (with effect in accordance with art. 1(2)(g) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2000 \(S.I. 2000/440\)](#), arts. 1(2)(g), 16(8), **Sch. 5**

**Commencement Information**

**I31** Sch. 7 in force at 11.4.1988, see [reg. 1](#)

**Column (1)**

**Column (2)**

[<sup>F275</sup>Patients

1. Subject to paragraphs 2, 2A, 3 and 18, a person who has been a patient for a period of more than six weeks and who is—

- (a) (a) a single claimant; **1**

**Status:** Point in time view as at 11/04/2000.

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

- |   |  |
|---|--|
|   | (a) £16.90 plus any amount applicable under regulation 17(1)(e), (f) or (g);   |
| (b) (b) a lone parent;  | (b) (b) £16.90 plus any amounts applicable to him under regulation 17(1)(b), (c), (e), (f) or (g) or under regulation 17(1)(d) because of paragraph 14 of Schedule 2 (applicable amounts);   |
| (c) (c) a member of a couple—<br>(i) where only one of the couple is a patient or, where both members of the couple are patients but only one has been a patient for that period; | (c) (i) the amount applicable in respect of both of them under regulation 17(1) reduced by £13.50;   |
| (ii) where both members of the couple have been a patient for that period;  | (ii) £33.80 plus any amounts which may be applicable under regulation 17(1)(b), (c), (e), (f) or (g) or under regulation 17(1)(d) because of paragraph 14 of Schedule 2;   |
| (d) (d) a member of a polygamous marriage—<br>(i) where at least one member of the polygamous marriage is not a patient or has not been a patient for more than that period;      | (d) (i) the applicable amount under regulation 18 (polygamous marriages) shall be reduced by £13.50 in respect of each such member who is a patient;   |
| (ii) where all the members of the polygamous marriage have been patients for more than that period.   | (ii) the applicable amount shall be £16.90 in respect of each member plus any amounts applicable under regulation 18(1)(c), (d), (f), (g) or (h), or (e) because of his satisfying the condition specified in paragraph 14 of Schedule 2.] |

[<sup>F276</sup>2. A single claimant who has been a patient for a continuous period of more than 52 weeks, where—

- |   |   |
|---|---|
| (a) (a) the following conditions are satisfied—   | <b>2</b>  |
| (i) a person has been appointed to act for him under regulation 33 of the Social Security (Claims and Payments) Regulations 1987 (persons unable to act); and | (a) Such amount (if any) not exceeding £13.50 as is reasonable having regard to the views of the hospital staff and the patient's relatives if available as to the amount necessary for his personal use; |

- (ii) his income support is payable to an administrative officer of the hospital or other institution either as or at the request of the person so appointed; and
- (iii) a registered medical practitioner treating him certifies that all or part of his income support cannot be used by him or on his behalf; or

- (b) (b) those conditions are not satisfied. (b) (b) £13.50.]

[<sup>F277</sup>**2A.** A single claimant who is detained under the provisions of the Mental Health Act 1983 or, in Scotland, under the provisions of the Mental Health (Scotland) Act 1984 or the Criminal Procedure (Scotland) Act 1995, and who immediately before his detention under any of those Acts was a prisoner. **2A.** £13.50].

[<sup>F278</sup>**3.** Subject to paragraph 18—

- (a) (a) a claimant who is not a patient and who is a member of a family of which another member is a child or young person who has been a patient for a period of more than 12 weeks; or **3**
  - (a) The amount applicable to him under regulation 17(1) or 18 except that the amount applicable under regulation 17(1)(b) or 18(1)(c) in respect of the child or young person referred to in Column (1) of this paragraph shall be £13.50 instead of an amount determined in accordance with paragraph 2 of Schedule 2; or
  - (b) (b) where the person is a member of a family and paragraph 1 applies to him and another member of the family who is a child or young person has been a patient for a period of more than 12 weeks. (b) the amount applicable to him under paragraph 1 except that the amount applicable under regulation 17(1)(b) or 18(1)(c) in respect of the child or young person referred to in Column (1) of this paragraph shall be £13.50 instead of an amount determined in accordance with paragraph 2 of Schedule 2.]

**Status:** Point in time view as at 11/04/2000.  
**Changes to legislation:** There are currently no known outstanding effects for the  
 The Income Support (General) Regulations 1987. (See end of Document for details)

F280

F280

...

...

**Claimants without accommodation**

6. A claimant who is without accommodation. 6. The amount applicable to him under regulation 17[F281(1)](a) only.

**Members of religious orders**

7. A claimant who is a member of and fully maintained by a religious order. 7. Nil.

**Prisoners**

VALID FROM 12/04/2004
8. A person—

- |  |   |
|--|---|
| <p>(a) (a) except where sub-paragraph (b) applies, who is a prisoner;</p> <p>(b) (b) who is detained in custody pending trial or sentence following conviction by a court.</p> | <p>8</p> <p>(a) Nil;</p> <p>(b) (b) only such amount, if any, as may be applicable under regulation 17[F281(1)](e).</p> |
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**Specified cases of temporarily separated couples**

<p>9. A claimant who is a member of a couple and who is temporarily separated from his partner [F282] where—</p> <p>(a) one member of the couple is—</p> <p style="margin-left: 20px;">(i) not a patient but is resident in a nursing home, or</p> <p style="margin-left: 20px;">(ii) resident in a residential care home, or</p> <p style="margin-left: 20px;">(iii) resident in premises used for the rehabilitation of alcoholics or drug addicts, or</p> <p style="margin-left: 20px;">(iv) resident in accommodation provided under section 3 of and Part II of the Schedule to, the Polish Resettlement Act 1947 (provision of accommodation in camps), or</p> <p style="margin-left: 20px;">(v) participating in arrangements for training made under section 2 of the Employment</p>	<p>9. Either—</p> <p>(a) the amount applicable to him as a member of a couple under regulation 17[F281(1)]; or</p> <p>(b) the aggregate of his applicable amount and that of his partner assessed under the provisions of these Regulations as if each of them were a single claimant, or a lone parent, whichever is the greater.</p>
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and Training Act 1973 [<sup>F283</sup>or section 2 of the Enterprise and New Towns (Scotland) Act 1990] or attending a course at an employment rehabilitation centre established under that section [<sup>F284</sup>of the 1973 Act], where the course requires him to live away from the dwelling occupied as the home, or

- (vi) in a probation or bail hostel approved for the purpose by the Secretary of State; and
- (b) the other member of the couple is—
  - (i) living in the dwelling occupied as the home, or
  - (ii) a patient, or
  - (iii) in residential accommodation, or
  - (iv) resident in a residential care home or nursing home.]

**Polygamous marriages where one or more partners are temporarily separated**

**10.** A claimant who is a member of a polygamous marriage and who is temporarily separated from a partner of his, where one of them is living in the home while the other member is—

- (a) not a patient but is resident in a nursing home; or
- (b) resident in a residential care home; or
- (c) <sup>F285</sup> .....
- (d) resident in premises used for the rehabilitation of alcoholics or drug addicts; or
- (e) attending a course of training or instruction provided or approved by the [<sup>F286</sup>Secretary of State for Education and Employment] where the course requires him to live away from home; or
- (f) in a probation or bail hostel approved for the purpose by the Secretary of State.

**10.** Either—

- (a) the amount applicable to the members of the polygamous marriage under regulation 18; or
- (b) the aggregate of the amount applicable for the members of the polygamous marriage who remain in the home under regulation 18 and the amount applicable in respect of those members not in the home calculated as if each of them were a single claimant, or a lone parent,

whichever is the greater.

**Single claimants temporarily in local authority accommodation**

*Status: Point in time view as at 11/04/2000.*

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

<sup>F287</sup>**10A.** A single claimant who is temporarily in accommodation referred to in any of sub-paragraphs (a) to (d) (excluding heads (i) and (ii) of sub-paragraph (d)) of the definition of residential accommodation in regulation 21(3) (special cases). **10A.** £67.50 of which £15.45 is for personal expenses plus any amounts applicable under regulation 17(1)(e), (f) or (g).]

### **Couples and members of polygamous marriages where one member is or all are temporarily in local authority accommodation**

<sup>F288</sup>**10B.** —

(1) A claimant who is a member of a couple and temporarily separated from his partner where one of them is living in the home while the other is in accommodation referred to in any of sub-paragraphs (a) to (d) (excluding heads (i) and (ii) of sub-paragraph (d)) of the definition of residential accommodation in regulation 21(3) (special cases)

(1) The aggregate of the amount applicable for the member who remains in the home calculated as if he were a single claimant under regulation 17(1), 19 or 21 and in respect of the other member £67.50 of which £15.45 is for personal expenses.

(2) A claimant who is a member of a polygamous marriage and who is temporarily separated from a partner of his where one is, or some are, living in the home while one is, or some are, in accommodation referred to in sub-paragraph (1).

(2) The aggregate of the amount applicable, for the members of the polygamous marriage who remain in the home, under regulation 18 and in respect of each member not in the home £67.50 of which £15.45 is for personal expenses.

(3) A claimant who is a member of a couple or a member of a polygamous marriage where both members of that couple or all the members of that marriage are in accommodation referred to in sub-paragraph (1).

(3) For each member of that couple or marriage £67.50 of which £15.45 is for personal expenses plus, if appropriate, the amount applicable under regulation 17(1)(e), (f) or (g) or 18(1)(f), (g) or (h).]

<sup>F289</sup>**Lone parents who are in residential accommodation temporarily**

**10C.** A claimant who is a lone parent who has entered residential accommodation temporarily.

**10C.** £67.50 of which £15.45 is for personal expenses, plus—

- (a) in respect of each child or young person who is a member of his family, the amount in respect of him prescribed in paragraph 2(a), (b), (c) or (d) of Schedule 2 or under this Schedule as appropriate; and
- (b) any amount which would be applicable to the claimant if he were not temporarily living away from the dwelling occupied as his home, under regulation 17(1)(c), (e), (f) or (g).]

<sup>F290</sup>**Lone parents who are in residential care homes or nursing homes temporarily]**



10D. <sup>F291</sup> . . .

F291

. . .

### Couples where one member is abroad

11. [<sup>F292</sup>Subject to paragraph 11A,] a claimant who is a member of a couple and whose partner is temporarily not present in [<sup>F293</sup>United Kingdom.]

11. For the first four weeks of that absence, the amount applicable to them as a couple under regulation 17[<sup>F281</sup>(1)], or [<sup>F294</sup>19 or 21] as the case may be and thereafter the amount applicable to the claimant in Great Britain under regulation 17[<sup>F281</sup>(1)] or [<sup>F294</sup>19 or 21] as the case may be as if the claimant were a single claimant or, as the case may be, a lone parent.

### [<sup>F295</sup>Couple or member of couple taking child or young person abroad for treatment

11A.—(1) A claimant who is a member of a couple where either—

- (a) he or his partner is, or,
- (b) both he and his partner are

absent from the United Kingdom in [<sup>F296</sup>in the circumstances specified in paragraph (2).

(2) For the purposes of sub-paragraph (1), the specified circumstances are—

- (a) in respect of a claimant, those in regulation 4(3)(a) to (d);
- (b) in respect of a claimant's partner, as if regulation 4(3)(a) to (d) applied to that partner.]

11A. For the first 8 weeks of that absence, the amount applicable to the claimant under regulation 17(1), 19 or 21, as the case may be, and, thereafter, if the claimant is in Great Britain the amount applicable to him under regulation 17(1), 19 or 21, as the case may be, as if the claimant were a single claimant, or, as the case may be, a lone parent.]

### [<sup>F297</sup>Polygamous marriages where any member is abroad

12. Subject to paragraph 12A, a claimant who is a member of a polygamous marriage where—

- (a) he or one of his partners is, or
- (b) he and one or more of his partners, are or
- (c) two or more of his partners are,

temporarily absent from the United Kingdom;

12. For the first four weeks of that absence, the amount applicable to the claimant under regulations 18 to 21, as the case may be, and thereafter, if the claimant is in Great Britain the amount applicable to him under regulations 18 to 21, as the case may be, as if any member of the polygamous marriage not in the United Kingdom were not a member of the marriage.]

### [<sup>F298</sup>Polygamous marriage: taking child or young person abroad for treatment

12A.—(1) A claimant who is a member of a polygamous marriage where—

- (a) he or one of his partners is,
- (b) he and one or more of his partners, are or

12A. For the first 8 weeks of that absence, the amount applicable to the claimant under regulations 18 to 21, as the case may be, and thereafter, if the claimant is in Great Britain the amount applicable to him under regulations 18 to 21, as the case may be, as if any member of the

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(c) two or more of his partners are, absent from the United Kingdom in [F299]in the circumstances specified in paragraph (2). polygamous marriage not in the United Kingdom were not a member of the marriage.]

(2) For the purposes of sub-paragraph (1), the specified circumstances are—

- (a) in respect of a claimant, those in regulation 4(3)(a) to (d);
- (b) in respect of a claimant’s partner or partners, as the case may be, as if regulation 4(3)(a) to (d) applied to that partner or those partners.]

[F300] **Persons in residential accommodation**

**13.—(1)** Subject to sub-paragraph (2), a person in or only temporarily absent from residential accommodation who is— **13.—(1)** Any amount applicable under regulation 17(1)(f) or (g) or 18(1)(g) or (h), plus—

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|--|--|
| <ul style="list-style-type: none"> <li>(a) (a) a single claimant;</li> <li>(b) (b) a lone parent;</li> <li>(c) (c) one of a couple;</li> <li>(d) (d) a child or young person;</li> <li>(e) (e) a member of a polygamous marriage.</li> </ul> | <ul style="list-style-type: none"> <li>(a) (a) £67.50 of which £15.45 is for personal expenses;</li> <li>(b) (b) the amount specified in sub-paragraph (a) of this column;</li> <li>(c) (c) twice the amount specified in sub-paragraph (a) of this column;</li> <li>(d) (d) the appropriate amount in respect of him prescribed in paragraph 2 of Schedule 2 (applicable amounts);</li> <li>(e) (e) the amount specified in sub-paragraph (a) of this column multiplied by the number of members of the polygamous marriage in or only temporarily absent from that accommodation.</li> </ul> |
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**2)** A single claimant who has become a patient and whose residential accommodation was provided by and managed by a local authority. **2)** Any amount applicable under regulation 17(1)(f) or (g), plus £15.45.]

[F301] **Polish Resettlement**

**13A. —**

(1) A claimant for whom accommodation is provided under section 3 of, and Part II of the

**13A. —**

(1) The aggregate of—

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Schedule to, the Polish Resettlement Act 1947 (provision of accommodation in camps). where the claimant both requires personal care and is provided with it in the accommodation and—

- (a) is resident in that accommodation on 31st March 1995 or is temporarily absent on that date; or
- (b) is first provided with such accommodation and care on or after 1st April 1995; or
- (c) is re-admitted to such accommodation on or after 1st April 1995 where his absence has been other than temporary.

(2) In this paragraph “personal care” means care which a claimant requires by reason of old age, disablement, past or present dependence on alcohol or drugs, past or present mental disorder or a terminal illness.

(3) An absence is temporary for the purposes of sub-paragraph (1) where the absent resident with the agreement of the manager of the accommodation intends to return to the accommodation in due course.

- (a) the weekly charge for the accommodation provided for him, or if he is a member of a family, for him and his family subject to the maximum determined in accordance with sub-paragraph (2); and
- (b) a weekly amount for personal expenses for him or, if he is a member of a family, for him and for each member of his family determined in accordance with sub-paragraph (3) or, in the case of a claimant to whom sub-paragraph (1) (b) or (c) of Column (1) applies, determined in accordance with sub-paragraph (3A) below.

(2) The maximum referred to in sub-paragraph (1)(a) shall be—

- (a) in the case of a single claimant, £373.00;
- (b) in the case of a claimant who is a member of a family the aggregate of the following amounts—
  - (i) in respect of the claimant, £373.00;
  - (ii) in respect of each member of his family who lives in the accommodation aged under 11, 1½ times the amount specified in paragraph 2(a) of Schedule 2;
  - (iii) in respect of each member of his family aged not less than 11 who lives in the accommodation, £373.00; and
  - (iv) where the claimant is a lone parent, in respect of each member of the family who does not live in the accommodation, the amount which would be applicable in respect of that member under Schedule 2.

(3) Except where the claimant is a person to whom sub-paragraph (1)(b) or (c) of Column (1) refers, the amount for personal expenses referred to in sub-paragraph (1)(b) shall be—

- (a) for the claimant, £17.35;
- (b) for his partner, £17.35;
- (c) for a young person aged 18, £15.55;

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- (d) for a young person aged under 18 but over 16, £10.40;
- (e) for a child aged under 16 but over 11, £9.00;
- (f) for a child aged under 11, £6.15.

(3A) In the case of a claimant to whom sub-paragraph (1)(b) or (c) of Column (1) applies, the amount for personal expenses referred to in sub-paragraph (1)(b) above, shall be the aggregate of the amounts which are relevant to him and which are referred to in Schedule 4 paragraph 13.

(4) The maximum amount in respect of a member of a family aged under 11 calculated in the manner referred to in sub-paragraph (2)(b)(ii) shall be rounded to the nearest multiple of 5p by treating an odd amount of 2.5p or more as 5p and by disregarding an odd amount of less than 2.5p.]

**[<sup>F302</sup>Polish resettlement: Persons temporarily absent from accommodation**

**13B.** Where a claimant or his partner is temporarily absent from accommodation to which paragraph 13A applies for which the claimant is liable to pay a retaining fee, and but for that absence from that accommodation his applicable amount would be calculated in accordance with that paragraph and the absent person—

- (a) is a patient; or
- (b) is a person to whom sub-paragraph (a) does not apply.

**13B.** The amount otherwise applicable to him under these Regulations may be increased to take account of the retaining fee—

- (a) in a case to which sub-paragraph (a) of Column 1 applies—
  - (i) where the person has been a patient for a period of 6 weeks or less, by an amount not exceeding the maximum amount referred to in paragraph 13A(2)(a);
  - (ii) where the person has been a patient for a period of more than 6 weeks, by an amount not exceeding 80 per cent. of the normal weekly charge for that accommodation, but any such increase shall not be for a continuous period of more than 52 weeks;
- (b) in a case of a person to whom sub-paragraph (b) of Column 1 applies, by an amount not exceeding 80 per cent. of the normal weekly charge for that accommodation, but any such increase shall not be for a continuous period of more than 4 weeks.]

**Polish Resettlement**

14 <sup>F303</sup>

F303

...

...

**Resettlement Units**

15 <sup>F304</sup>

F304

...

...

**Persons temporarily absent from board and lodging accommodation or a hostel, residential care or nursing home**

<sup>F305</sup>16. Where a person is temporarily absent from accommodation for which he is liable to pay a retaining fee, and but for his temporary absence from that accommodation his applicable amount would be calculated in accordance with regulation 19 (applicable amounts for persons in residential care and nursing homes), and]

16. The amount otherwise applicable to him under these Regulations may be increased to take account of the retaining fee by an amount not exceeding 80 per cent of the applicable amount referred to in paragraph 1(1)(a) of Schedule 4 (applicable amounts of persons in residential care or nursing homes) <sup>F306</sup>... and—

(a) (a) he is a person in accommodation referred to in <sup>F307</sup>[<sup>F308</sup>any of sub-paragraphs (a) to (c)] of the definition of residential accommodation]<sup>F309</sup> in regulation 21(3)] (special cases) and paragraph 13 does not apply to him by reason only that his stay in that accommodation has not become other than temporary; or

(a) (a) in a case to which sub-paragraph (a) or (b) of Column 1 applies any such increase shall not be for a continuous period of more than 52 weeks;

(b) (b) he is a person to whom paragraph 1 to 3 <sup>F310</sup>or 18(b)(i), (b)(ii) case two, or (b)(iv) cases one and three (patients)] applies; or

(b) (b) in a case of a person to whom only sub-paragraph (c) of Column 1 applies, any such increase shall not be for a continuous period of more than four weeks.

(c) (c) he is absent for a period of at least one week from that accommodation being accommodation either in a residential care home or nursing home and he is not required to be available for employment.

<sup>F311</sup> **Partner of a person subject to immigration control**

(a) (a) A claimant who is the partner of a person subject to immigration control.

(a) (a) The amount applicable in respect of the claimant only under regulation 17(1)(a) plus that in respect of any child or young person who is a member of his family and who is not a person subject to immigration control

(b) Where regulation 18 (polygamous marriages) applies and the claimant is a person—

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- (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 one or more of his partners is subject to immigration control within the meaning of section 115(9) of that Act and section 115 of that Act applies to her for the purposes of exclusion from entitlement to income support.]
- within the meaning of section 115(9) of the Immigration and Asylum Act, and to whom section 115 of that Act does not apply for the purposes of exclusion from entitlement to income support, any amounts which may be applicable to him under regulation 17(1)(b), (c) or (d) plus the amount applicable to him under regulation 17(1)(e), (f) and (g) or, as the case may be, regulation 19 or 21.
- (b) The amount determined in accordance with that regulation or regulation 19 or 21 in respect of the claimant and any partners of his and any child or young person for whom he or his partner is treated as responsible, who are not subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act and to whom section 115 of that Act does not apply for the purposes of exclusion from entitlement to income support.]

#### **Persons from abroad**

[<sup>F313</sup>17. person from abroad]

17. [<sup>F313</sup>nil];

#### **[<sup>F314</sup>Persons in residential care or nursing homes who become patients**

**18.** A claimant to whom regulation 19 (persons in residential care or nursing homes) applies immediately before he or a member of his family became a patient where—

- (a) (a) he or any member of his family has been a patient for a period of six weeks or less and the claimant—
  - (i) continues to be liable to meet the weekly charge for the accommodation without reduction in respect of himself or that member of his family who is a patient;
  - (ii) continues to be liable to meet the weekly charge for the accommodation but at a reduced rate;
- (a) (i) The amount which would be applicable under regulation 19 as if the claimant or the member of the family who is a patient were resident in the accommodation to which regulation 19 applies;
- (ii) the amount which would be applicable under regulation 19 having taken into account the reduced charge, as if the

- claimant or the member of the family who is a patient were resident in the accommodation to which regulation 19 applies;
- (iii) is a single claimant and is likely to return to the accommodation, but has ceased to be liable to meet the weekly charge for that accommodation; or
- (iii) the amount applicable to him (if any) under paragraph 2(2) of Schedule 4 (meal allowances) plus the amount in respect of him as an allowance for personal expenses under paragraph 13 of Schedule 4 as if he were residing in the accommodation to which regulation 19 applies plus any amount applicable under regulation 17(1)(f);
- (iv) is a single claimant who ceases to be liable to meet the weekly charge for the accommodation, and who is unlikely to return to the accommodation;
- (iv) the amount which would be applicable to him under regulation 17(1);
- (b) (b) he or his partner has been a patient for a period of more than six weeks and the patient is—
- (i) a single claimant;
- (b) (i) £16.90, plus any amount applicable under regulation 17(1)(f), plus either the amount prescribed in paragraph 16 in respect of any retaining fee he is liable to pay for the accommodation or the amount applicable by virtue of regulation 17(1)(e), but not both;
- (ii) a lone parent;
- (ii) where one or more children or young persons remain in the accommodation, the amount applicable to the family as if regulation 19, having taken into account any reduction in charge, continued to apply to all the members of the family except that where the lone parent is the patient no amount shall be applicable in respect of him under paragraph 2(2) of Schedule 4 (meals allowances) and for the amount in respect of the allowance for personal expenses prescribed by paragraph 13 of Schedule 4, there shall be substituted the amount £16.90;

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where all the children or young persons are absent from the accommodation, £16.90 plus any amounts applicable to him under regulation 17(1)(b), (c), (d) or (f) plus, if appropriate, either the amount applicable under Column (2) of paragraph 16(a) or the amount applicable by virtue of regulation 17(1)(e) (housing costs) but not both;

where one or more children or young persons are also patients and have been so for more than 12 weeks, in respect of those children and young persons remaining in the accommodation and the lone parent patient the amount specified in case one of Column (2) of sub-paragraph (b)(ii) save that the child or young person who has been a patient for more than 12 weeks shall be disregarded as a member of the family in assessing the amount applicable under regulation 19, and in respect of each such child or young person there shall be added the amount of £16.90;

- (iii) one of a couple or polygamous marriage and one of that couple or marriage is not a patient or has been a patient for six weeks or less;
- (iii) where the members of the family not patients remain in the accommodation, the amount applicable to the family as if regulation 19 having taken into account any reduction in charge, continued to apply to all the members of the family except that in respect of the member of the couple or polygamous marriage who has been a patient for more than six weeks no amount shall be applicable in respect of him, under paragraph 2(2) of Schedule 4 and for the amount in respect of the allowance for personal expenses prescribed by paragraph 13 of Schedule 4 there shall be substituted the amount of £16.90; where one or more children or young persons are also patients and have been so for more than 12 weeks, in respect of those children and young persons and the member of the couple or polygamous marriage remaining in the accommodation the amount specified in case one of Column (2) of sub-paragraph (b)(iii) save that the child or young person who has been a



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patient for more than 12 weeks shall be disregarded as a member of the family in assessing the amount applicable under regulation 19 and in respect of each such child or young person there shall be added the amount of £13.50;

- (iv) one of a couple or polygamous marriage where all the members of that couple or marriage are patients and have been so for more than six weeks;
- (iv) where there is no child or young person in the family £16.90 in respect of each member of the couple or polygamous marriage, plus any amount applicable under regulation 17(1)(f) or 18(1)(g), plus either the amount prescribed in paragraph 16 in respect of any retaining fee he is liable to pay for the accommodation or the amount applicable by virtue of regulation 17(1)(e) or 18(1)(f), but not both;

where there is a child or young person remaining in the accommodation, the amount which would be applicable in respect of the family as if regulation 19 having taken into account any reduction in charge, continued to apply to all the members of the family except that in respect of each member of the couple or polygamous marriage no amount shall be applicable in respect of him under paragraph 2(2) of Schedule 4, and for the amount in respect of the allowance for personal expenses prescribed by paragraph 13 of Schedule 4 in respect of each member there shall be substituted the amount of £16.90;

where there is a child or young person in the family but no child or young person remains in the accommodation, the amount applicable under paragraph 1(c) or 1(d) as is appropriate plus either the amount applicable under Column (2) of paragraph 16(a) or the amount applicable by virtue of regulation 17(1)(e) or 18(1)(f) but not both;

where one or more children or young persons are also patients and have been so for more than 12 weeks, in respect of those children and young persons remaining in the accommodation and the members of the couple or polygamous

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marriage, the amount specified in case two of Column (2) of sub-paragraph (b) (iv) save that the child or young person who has been a patient for more than 12 weeks shall be disregarded as a member of the family in assessing the amount applicable under regulation 19, and in respect of each such child or young person there shall be added the amount of £13.50;

- (c) (c) a child or young person who has been a patient for a period of more than 12 weeks.
- (c) (c) the amount applicable under regulation 19 as if that child or young person was not a member of the family plus an amount of £13.50 in respect of that child or young person.]

**Claimants entitled to the disability premium for a past period**

19. A claimant—

- (a) whose time for claiming income support has been extended under regulation [F<sup>315</sup>19(4)] of the Social Security (Claims and Payments) Regulations 1987 F<sup>316</sup> (time for claiming benefit); and
- (b) whose partner was entitled to income support in respect of the period beginning with the day on which the claimant's claim is treated as made under [F<sup>317</sup>regulation 6(3) of those Regulations] and [F<sup>318</sup>ending with the day before the day] on which the claim is actually made; and
- (c) who satisfied the condition in paragraph 11(b) of Schedule 2 and the additional condition referred to in that paragraph and specified in paragraph 12(1)(b) of that Schedule in respect of that period.

19. The amount only of the disability premium applicable by virtue of paragraph 11(b) of Schedule 2 as specified in paragraph 15(4)(b) of that Schedule.

**Rounding of fractions**

20. Where any calculation under this Schedule or as a result of income support being awarded for a period less than one complete benefit week results in a fraction of a penny that fraction shall be treated as a penny.

**Textual Amendments**

- F275** Sch. 7 para. 1 amended (with effect in accordance with art. 1(2)(g) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2000 \(S.I. 2000/440\)](#), arts. 1(2)(g), 16(8), **Sch. 5**
- F276** Sch. 7 para. 2 amended (with effect in accordance with art. 1(2)(h) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2000 \(S.I. 2000/440\)](#), arts. 1(2)(g), 16(8), **Sch. 5**
- F277** Sch. 7 para. 2A amended (with effect in accordance with art. 1(2)(g) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2000 \(S.I. 2000/440\)](#), arts. 1(2)(g), 16(8), **Sch. 5**
- F278** Sch. 7 para. 3 amended (with effect in accordance with art. 1(2)(g) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2000 \(S.I. 2000/440\)](#), arts. 1(2)(g), 16(8), **Sch. 5**
- F279** Sch. 7 para. 4 omitted (10.4.1989) by virtue of [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), reg. 1(1)(c), **Sch. 1 para. 10** (with reg. 28)
- F280** Sch. 7 para. 5 omitted (10.4.1989) by virtue of [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), reg. 1(1)(c), **Sch. 1 para. 10** (with reg. 28)
- F281** Word in Sch. 7 inserted (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **23**
- F282** Words in Sch. 7 para. 9 substituted (9.10.1989) by [The Income Support \(General\) Amendment No. 3 Regulations 1989 \(S.I. 1989/1678\)](#), regs. 1(1)(a), **11(a)**
- F283** Words in Sch. 7 para. 9(a)(v) inserted (1.4.1991) by [The Enterprise \(Scotland\) Consequential Amendments Order 1991 \(S.I. 1991/387\)](#), arts. 1, 2, **Sch.**
- F284** Words in Sch. 7 para. 9(a)(v) added (1.4.1991) by [The Enterprise \(Scotland\) Consequential Amendments Order 1991 \(S.I. 1991/387\)](#), arts. 1, **9(e)**
- F285** Words in Sch. 7 para. 10 omitted (11.4.1988) by virtue of [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), **regs. 1(1), 33(a)**
- F286** Words in Sch. 7 para. 10 substituted (1.1.1996) by [The Transfer of Functions \(Education and Employment\) Order 1995 \(S.I. 1995/2986\)](#), arts. 1, **6(5)**
- F287** Sch. 7 para. 10A amended (with effect in accordance with art. 1(2)(g) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2000 \(S.I. 2000/440\)](#), arts. 1(2)(g), 16(8), **Sch. 5**
- F288** Sch. 7 para. 10B amended (with effect in accordance with art. 1(2)(g) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2000 \(S.I. 2000/440\)](#), arts. 1(2)(g), 16(8), **Sch. 5**
- F289** Sch. 7 para. 10C amended (with effect in accordance with art. 1(2)(g) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2000 \(S.I. 2000/440\)](#), arts. 1(2)(g), 16(8), **Sch. 5**
- F290** Sch. 7 para. 10D inserted (9.10.1989) by [The Income Support \(General\) Amendment No. 3 Regulations 1989 \(S.I. 1989/1678\)](#), regs. 1(1)(a), **11(b)**
- F291** Sch. 7 para. 10D omitted (1.4.1993) by virtue of [The Social Security Benefits \(Amendments Consequential Upon the Introduction of Community Care\) Regulations 1992 \(S.I. 1992/3147\)](#), reg. 1(1), **Sch. 1 para. 6(c)**
- F292** Words in Sch. 7 para. 11 inserted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1990 \(S.I. 1990/547\)](#), regs. 1(1)(b), **21(g)**
- F293** Words in Sch. 7 para. 11 substituted (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **23(c)**
- F294** Words in Sch. 7 para. 11 substituted (with effect in accordance with reg. 1(1)(c) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1989 \(S.I. 1989/534\)](#), reg. 1(1), **Sch. 1 para. 13(c)**
- F295** Sch. 7 para. 11A inserted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1990 \(S.I. 1990/547\)](#), regs. 1(1)(b), **21(h)**
- F296** Words in Sch. 7 para. 11A substituted (7.10.1991) by [The Income Support \(General\) Amendment No. 4 Regulations 1991 \(S.I. 1991/1559\)](#), regs. 1(1)(c), **19(a)** (with reg. 1(2))
- F297** Sch. 7 para. 12 substituted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1990 \(S.I. 1990/547\)](#), regs. 1(1)(b), **21(i)**
- F298** Sch. 7 para. 12A inserted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1990 \(S.I. 1990/547\)](#), regs. 1(1)(b), **21(j)**

*Status: Point in time view as at 11/04/2000.*

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

- F299** Words in Sch. 7 para. 12A substituted (7.10.1991) by The Income Support (General) Amendment No. 4 Regulations 1991 (S.I. 1991/1559), regs. 1(1)(c), **19(b)** (with reg. 1(2))
- F300** Sch. 7 para. 13 amended (with effect in accordance with art. 1(2)(g) of the amending S.I.) by The Social Security Benefits Up Rating Order 2000 (S.I. 2000/440), arts. 1(2)(g), 16(8), **Sch. 5**
- F301** Sch. 7 para. 13A amended (with effect in accordance with art. 1(2)(g) of the amending S.I.) by The Social Security Benefits Up-rating Order 2000 (S.I. 2000/440), arts. 1(2)(g), 16(8), **Sch. 5**
- F302** Sch. 7 para. 13B amended (with effect in accordance with art. 1(2)(g) of the amending S.I.) by The Social Security Benefits Up-rating Order 1996 (S.I. 1996/599), arts. 1(2)(g), 18(10), **Sch. 7 Pt. I**
- F303** Sch. 7 para. 14 omitted (with effect in accordance with reg. 1(1)(c) of the amending S.I.) by virtue of The Income Support (General) Amendment Regulations 1989 (S.I. 1989/534), reg. 1(1), **Sch. 1 para. 13(e)**
- F304** Sch. 7 para. 15 omitted (with effect in accordance with reg. 1(1)(c) of the amending S.I.) by virtue of The Income Support (General) Amendment Regulations 1989 (S.I. 1989/534), reg. 1(1), **Sch. 1 para. 13(e)**
- F305** Words in Sch. 7 para. 16 substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Income-related Benefits Schemes (Miscellaneous Amendments) (No. 4) Regulations 1993 (S.I. 1993/2119), regs. 1(1)(a), **21(3)**
- F306** Words in Sch. 7 para. 16 omitted (with effect in accordance with reg. 1(1)(c) of the amending S.I.) by virtue of The Income Support (General) Amendment Regulations 1989 (S.I. 1989/534), reg. 1(1), **Sch. 1 para. 13(f)(ii)**
- F307** Words in Sch. 7 para. 16 substituted (with effect in accordance with reg. 1(1)(a) of the amending S.I.) by The Income Support (General) Amendment Regulations 1989 (S.I. 1989/534), regs. 1(1), **9**
- F308** Words in Sch. 7 para. 16 substituted (1.4.1993) by The Social Security Benefits (Amendments Consequential Upon the Introduction of Community Care) Regulations 1992 (S.I. 1992/3147), reg. 1(1), **Sch. 1 para. 6(d)**
- F309** Words in Sch. 7 para. 16(a) substituted (11.4.1988) by The Income Support (General) Amendment Regulations 1988 (S.I. 1988/663), regs. 1(1), **33(c)**
- F310** Words in Sch. 7 para. 16 substituted (12.9.1988) by The Income Support (General) Amendment No. 4 Regulations 1988 (S.I. 1988/1445), regs. 1(1)(b), **23(e)**
- F311** Sch. 7 para. 16A inserted (3.4.2000) by The Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000 (S.I. 2000/636), regs. 1(1), **3(10)(a)**
- F312** Sch. 7 para 16A inserted (3.4.2000) by The Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000 (S.I. 2000/636), regs. 1(1), **3(10)(b)**
- F313** Words in Sch. 7 para. 17 substituted (3.4.2000) by The Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000 (S.I. 2000/636), regs. 1(1), **3(11)**
- F314** Sch. 7 para. 18 amended (with effect in accordance with art. 1(2)(g) of the amending S.I.) by The Social Security Benefits Up-rating Order 2000 (S.I. 2000/440), arts. 1(2)(g), 16(8), **Sch. 5**
- F315** Word in Sch. 7 para. 19 substituted (3.4.2000) by The Social Security (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/681), regs. 1(1)(c), **6**
- F316** S.I. 1987/1968.
- F317** Words in Sch. 7 para. 19(b) substituted (10.4.1995) by The Income-related Benefits Schemes (Miscellaneous Amendments) Regulations 1995 (S.I. 1995/516), regs. 1(1)(a), **26(3)(a)** (with reg. 1(2))
- F318** Words in Sch. 7 para. 19(b) substituted (10.4.1995) by The Income-related Benefits Schemes (Miscellaneous Amendments) Regulations 1995 (S.I. 1995/516), regs. 1(1)(a), **26(3)(b)** (with reg. 1(2))

## SCHEDULE 8

Regulations 36(2), 38(2) and 44(6)

### SUMS TO BE DISREGARDED IN THE CALCULATION OF EARNINGS

1. In the case of a claimant who has been engaged in remunerative work as an employed earner [<sup>F319</sup>or, had the employment been in Great Britain, would have been so engaged]—

- (a) any earnings paid or due to be paid [<sup>F320</sup>in respect of that employment which has terminated]—
- (i) by way of retirement but only if on retirement he is entitled to a retirement pension under the Social Security Act, or would be so entitled if he satisfied the contribution conditions;
  - (ii) otherwise than by retirement except earnings to which regulation 35(1)(b) to (e) and [<sup>F321</sup>(g) to (i)] applies (earnings of employed earners);

[<sup>F322</sup>(b) where—

- (i) the employment has not been terminated, but
- (ii) the claimant is not engaged in remunerative work,

any earnings in respect of that employment except earnings to which regulation 35(1)(d) and (e) applies; but this sub-paragraph shall not apply where the claimant has been suspended from his employment.]

#### Textual Amendments

- F319** Words in Sch. 8 para. 1 inserted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **34(a)**
- F320** Words in Sch. 8 para. 1(a) substituted (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **24(a)**
- F321** Words in Sch. 8 para. 1(a)(ii) substituted (9.10.1989) by [The Income Support \(General\) Amendment No. 2 Regulations 1989 \(S.I. 1989/1323\)](#), regs. 1(1)(b), **18**
- F322** Sch. 8 para. 1(b) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 4\) Regulations 1993 \(S.I. 1993/2119\)](#), regs. 1(1)(a), **22(2)**

#### Commencement Information

- I32** Sch. 8 para. 1 in force at 11.4.1988, see [reg. 1](#)

[<sup>F323</sup>2. In the case of a claimant who, before the date of claim—

- (a) has been engaged in part-time employment as an employed earner or, where the employment has been outside Great Britain, would have been so engaged had the employment been in Great Britain, and
- (b) has ceased to be engaged in that employment, whether or not that employment has been terminated,

any earnings in respect of that employment except any payment to which regulation 35(1)(e) applies; but this paragraph shall not apply where the claimant has been suspended from his employment.]

#### Textual Amendments

- F323** [Sch. 8 para. 2](#) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 4\) Regulations 1993 \(S.I. 1993/2119\)](#), regs. 1(1)(a), **22(3)**

3. In the case of a claimant who has been engaged in remunerative work or part-time employment as a self-employed earner [<sup>F324</sup>or, had the employment been in Great Britain, would have been so engaged] and who has ceased to be so employed, from the date of the cessation of his employment

*Status: Point in time view as at 11/04/2000.*

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

any earnings derived from that employment except earnings to which regulation 30(2) (royalties etc.) applies.

**Textual Amendments**

**F324** Words in Sch. 8 para. 3 inserted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **34(b)**

**Commencement Information**

**I33** Sch. 8 para. 3 in force at 11.4.1988, see [reg. 1](#)

<sup>F325</sup>4.—(1) In a case to which this paragraph applies, £15; but notwithstanding regulation 23 (calculation of income and capital of members of claimant’s family and of a polygamous marriage), if this paragraph applies to a claimant it shall not apply to his partner except where, and to the extent that, the earnings of the claimant which are to be disregarded under this paragraph are less than £15.

(2) This paragraph applies where the claimant’s applicable amount includes, or but for his being an in-patient or in accommodation in a residential care home or nursing home or in residential accommodation would include, an amount by way of a disability premium under Schedule 2 (applicable amounts).

(3) This paragraph applies where—

(a) the claimant is a member of a couple, and—

- (i) his applicable amount would include an amount by way of the disability premium under Schedule 2 but for the higher pensioner premium under that Schedule being applicable; or
- (ii) had he not been an in-patient or in accommodation in a residential care home or nursing home or in residential accommodation his applicable amount would include the higher pensioner premium under that Schedule and had that been the case he would also satisfy the condition in (i) above; and

(b) he or his partner is under the age of 60 and at least one is engaged in part-time employment.

(4) This paragraph applies where—

- (a) the claimant’s applicable amount includes, or but for his being an in-patient or in accommodation in a residential care home or nursing home or in residential accommodation would include, an amount by way of the higher pensioner premium under Schedule 2; and
- (b) the claimant or, if he is a member of a couple, either he or his partner has attained the age of 60; and
- (c) immediately before attaining that age he or, as the case may be, he or his partner was engaged in part-time employment and the claimant was entitled by virtue of subparagraph (2) or (3) to a disregard of £15; and
- (d) he or, as the case may be, he or his partner has continued in part-time employment.

<sup>F326</sup>(5) .....

<sup>F326</sup>(6) .....

<sup>F327</sup>(7) For the purposes of this paragraph—

- (a) except where head (b) or (c) applies, no account shall be taken of any period not exceeding eight consecutive weeks occurring—

- (i) on or after the date on which the claimant or, if he is a member of a couple, he or his partner attained the age of 60 during which either was or both were not engaged in part-time employment or the claimant was not entitled to income support; or
- (ii) immediately after the date on which the claimant or his partner ceased to participate in arrangements for training made under section 2 of the Employment and Training Act 1973 <sup>F328</sup> or section 2 of the Enterprise and New Towns (Scotland) Act 1990] or to attend a course at an employment rehabilitation centre established under that section <sup>F329</sup> of the 1973 Act];
- (b) in a case where the claimant has ceased to be entitled to income support because he, or if he is a member of a couple, he or his partner becomes engaged in remunerative work, no account shall be taken of any period, during which he was not entitled to income support, not exceeding the permitted period determined in accordance with regulation 3A (permitted period) occurring on or after the date on which the claimant or, as the case may be, his partner attained the age of 60;
- (c) no account shall be taken of any period occurring on or after the date on which the claimant or, if he is a member of a couple, he or his partner attained the age of 60 during which the claimant was not entitled to income support because he or his partner was participating in arrangements for training made under section 2 of the Employment and Training Act 1973 <sup>F330</sup> or section 2 of the Enterprise and New Towns (Scotland) Act 1990] or attending a course at an employment rehabilitation centre established under that section <sup>F331</sup> of the 1973 Act].]

#### Textual Amendments

- F325** Sch. 8 para. 4 substituted (with effect in accordance with reg. 1(1)(c) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1989 \(S.I. 1989/534\)](#), regs. 1(1), **10**
- F326** Sch. 8 para. 4(5)(6) revoked (3.4.2000) by [The Social Security \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/681\)](#), regs. 1(1)(c), **12(a)**
- F327** Sch. 8 para. 4(7) substituted (with effect in accordance with reg. 1(1)(b) of the amending S.I.) by [The Income Support \(General\) Amendment No. 3 Regulations 1989 \(S.I. 1989/1678\)](#), regs. 1(1)(b), **12(a)**
- F328** Words in Sch. 8 para. 4(7)(a)(ii) inserted (1.4.1991) by [The Enterprise \(Scotland\) Consequential Amendments Order 1991 \(S.I. 1991/387\)](#), arts. 1, 2, **Sch.**
- F329** Words in Sch. 8 para. 4(7)(a)(ii) inserted (1.4.1991) by [The Enterprise \(Scotland\) Consequential Amendments Order 1991 \(S.I. 1991/387\)](#), arts. 1, **9(f)(i)**
- F330** Words in Sch. 8 para. 4(7)(c) inserted (S.) (1.4.1991) by [The Enterprise \(Scotland\) Consequential Amendments Order 1991 \(S.I. 1991/387\)](#), arts. 1, 2, **Sch.**
- F331** Words in Sch. 8 para. 4(7)(c) inserted (1.4.1991) by [The Enterprise \(Scotland\) Consequential Amendments Order 1991 \(S.I. 1991/387\)](#), arts. 1, **9(f)(ii)**

#### Commencement Information

- I34** Sch. 8 para. 4 in force at 11.4.1988, see [reg. 1](#)

<sup>F332</sup>5. In a case where the claimant is a lone parent and paragraph 4 does not apply, £15.]

#### Textual Amendments

- F332** Sch. 8 para. 5 substituted (6.4.1998) by [The Social Security Amendment \(Lone Parents\) Regulations 1998 \(S.I. 1998/766\)](#), regs. 1(1), **13**

<sup>F333</sup>6. Where the claimant is a member of a couple—

**Status:** Point in time view as at 11/04/2000.

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- (a) in a case to which none of paragraphs 4, 6A, 6B, 7 and 8 applies, £10; but notwithstanding regulation 23 (calculation of income and capital of members of claimant's family and of a polygamous marriage), if this paragraph applies to a claimant it shall not apply to his partner except where, and to the extent that, the earnings of the claimant which are to be disregarded under this sub-paragraph are less than £10;
- (b) in a case to which one or more of paragraphs 4, 6A, 6B, 7 and 8 applies and the total amount disregarded under those paragraphs is less than £10, so much of the claimant's earnings as would not in aggregate with the amount disregarded under those paragraphs exceed £10.]

#### Textual Amendments

**F333** Sch. 8 para. 6 substituted (with effect in accordance with reg. 1(6) of the amending S.I) by [The Income-related Benefits Schemes and Social Fund \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/1944\)](#), regs. 1(1)(a), **6(11)(a)** (with reg. 13)

#### Commencement Information

**I35** Sch. 8 para. 6 in force at 11.4.1988, see [reg. 1](#)

<sup>F334</sup>**6A.**—(1) In a case to which none of paragraphs 4 to 6 applies to the claimant, and subject to sub-paragraph (2), where the claimant's applicable amount includes an amount by way of the carer premium under Schedule 2 (applicable amounts), £15 of the earnings of the person who is, or at any time in the preceding eight weeks was, in receipt of invalid care allowance or treated in accordance with paragraph 14ZA(2) of that Schedule as being in receipt of invalid care allowance.

(2) Where the carer premium is awarded in respect of the claimant and of any partner of his, their earnings shall for the purposes of this paragraph be aggregated, but the amount to be disregarded in accordance with sub-paragraph (1) shall not exceed £15 of the aggregated amount.]

#### Textual Amendments

**F334** Sch. 8 paras. 6A, 6B inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1993 \(S.I. 1993/315\)](#), regs. 1(1)(c), **8(2)**

<sup>F334</sup>**6B.** Where the carer premium is awarded in respect of a claimant who is a member of a couple and whose earnings are less than £15, but is not awarded in respect of the other member of the couple, and that other member is engaged in an employment—

- (a) specified in paragraph 7(1), so much of the other member's earnings as would not when aggregated with the amount disregarded under paragraph 6A exceed £15;
- (b) other than one specified in paragraph 7(1), so much of the other member's earnings from such other employment up to £5 as would not when aggregated with the amount disregarded under paragraph 6A exceed £15.]

#### Textual Amendments

**F334** Sch. 8 paras. 6A, 6B inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1993 \(S.I. 1993/315\)](#), regs. 1(1)(c), **8(2)**



**Status:** Point in time view as at 11/04/2000.

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7.—(1) In a case to which none of paragraphs [<sup>F335</sup>4 to 6B] applies to the claimant, £15 of earnings derived from one or more employments as—

- (a) a part-time fireman in a fire brigade maintained in pursuance of the Fire Services Acts 1947 to 1959<sup>F336</sup>;
- (b) an auxiliary coastguard in respect of coast rescue activities;
- (c) a person engaged part time in the manning or launching of a life boat;
- (d) a member of any territorial or reserve force prescribed in Part I of Schedule 3 to the Social Security (Contributions) Regulations 1979<sup>F337</sup>;

but, notwithstanding regulation 23 (calculation of income and capital of members of claimant's family and of a polygamous marriage), if this paragraph applies to a claimant it shall not apply to his partner except to the extent specified in sub-paragraph (2).

(2) If the claimant's partner is engaged in employment—

- (a) specified in sub-paragraph (1) so much of his earnings as would not in aggregate with the amount of the claimant's earnings disregarded under this paragraph exceed £15;
- (b) other than one specified in sub-paragraph (1) so much of his earnings from that employment up to £5 as would not in aggregate with the claimant's earnings disregarded under this paragraph exceed £15.

#### Textual Amendments

**F335** Words in Sch. 8 para. 7 substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1993 \(S.I. 1993/315\)](#), regs. 1(1)(c), **8(3)**

**F336** 1947 c. 41, 1951 c. 27, 1959 c. 44.

**F337** S.I. 1979/591; Part I of Schedule 3 substituted by [S.I. 1980/1975](#).

#### Commencement Information

**I36** Sch. 8 para. 7 in force at 11.4.1988, see [reg. 1](#)

8. Where the claimant is engaged in one or more employments specified in paragraph 7(1) but his earnings derived from such employments are less than £15 in any week and he is also engaged in any other part-time employment so much of his earnings from that other employment up to £5 as would not in aggregate with the amount of his earnings disregarded under paragraph 7 exceed £15.

#### Commencement Information

**I37** Sch. 8 para. 8 in force at 11.4.1988, see [reg. 1](#)

9. In a case to which none of paragraphs 4 to 8 applies to the claimant, £5.

#### Commencement Information

**I38** Sch. 8 para. 9 in force at 11.4.1988, see [reg. 1](#)

<sup>F338</sup>10. Notwithstanding the foregoing provisions of this Schedule, where two or more payments of the same kind and from the same source are to be taken into account in the same benefit week, because it has not been practicable to treat the payments under regulation 31(1)(b) (date on which income treated as paid) as paid on the first day of the benefit week in which they were due to be

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paid, there shall be disregarded from each payment the sum that would have been disregarded if the payment had been taken into account on the date on which it was due to be paid.]

#### Textual Amendments

**F338** Sch. 8 para. 10 substituted (with effect in accordance with reg. 1(6) of the amending S.I) by [The Income-related Benefits Schemes and Social Fund \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/1944\)](#), regs. 1(1)(a), **6(11)(b)** (with reg. 13)

#### Commencement Information

**I39** Sch. 8 para. 10 in force at 11.4.1988, see [reg. 1](#)

**11.** Any earnings derived from employment which are payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of those earnings.

#### Commencement Information

**I40** Sch. 8 para. 11 in force at 11.4.1988, see [reg. 1](#)

**12.** Where a payment of earnings is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.

#### Commencement Information

**I41** Sch. 8 para. 12 in force at 11.4.1988, see [reg. 1](#)

**13.** Any earnings which is due to be paid before the date of claim and which would otherwise fall to be taken into account in the same benefit week as a payment of the same kind and from the same source.

#### Commencement Information

**I42** Sch. 8 para. 13 in force at 11.4.1988, see [reg. 1](#)

**14.** Any earnings of a child or young person except earnings to which paragraph 15 applies.

#### Commencement Information

**I43** Sch. 8 para. 14 in force at 11.4.1988, see [reg. 1](#)

**15.** [<sup>F339</sup>In the case of earnings of a child or young person who although not receiving full-time education for the purposes of section 2 of the Child Benefit Act 1975 (meaning of “child”) is nonetheless treated for the purposes of these Regulations as receiving relevant education and] who is engaged in remunerative work, if—

- (a) an amount by way of a disabled child premium under Schedule 2 (applicable amounts) is, or but for his accommodation in a [<sup>F340</sup>residential care home or nursing home] would be, included in the calculation of his applicable amount and his earning capacity is not, by reason of his disability, less than 75 per cent of that which he would, but for that disability normally be expected to earn, £15;

(b) in any other case, £5.

#### Textual Amendments

**F339** Words in Sch. 8 para. 15 substituted (6.4.1992) by [The Income Support \(General\) Amendment Regulations 1992 \(S.I. 1992/468\)](#), [regs. 1\(1\), 7](#) (with [reg. 1\(2\)](#))

**F340** Words in Sch. 8 para. 15 substituted (with effect in accordance with [reg. 1\(1\)\(c\)](#) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1989 \(S.I. 1989/534\)](#), [reg. 1\(1\)](#), **Sch. 1 para. 14(b)**

#### Commencement Information

**I44** Sch. 8 para. 15 in force at 11.4.1988, see [reg. 1](#)

[<sup>F341</sup>**15A.** In the case of a claimant who—

- (a) has been engaged in employment as a member of any territorial or reserve force prescribed in Part I of Schedule 3 to the Social Security (Contributions) Regulations 1979; and
- (b) by reason of that employment has failed to satisfy any of the conditions for entitlement to income support other than section 124(1)(b) of the Contributions and Benefits Act (income support in excess of the applicable amount),

any earnings from that employment paid in respect of the period in which the claimant was not entitled to income support.]

#### Textual Amendments

**F341** [Sch. 8 para. 15A](#) inserted (with effect in accordance with [reg. 1\(6\)](#) of the amending S.I.) by [The Income-related Benefits Schemes and Social Fund \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/1944\)](#), [regs. 1\(1\)\(a\), 6\(11\)\(c\)](#) (with [reg. 13](#))

[<sup>F342</sup>**15B.** In the case of a person to whom regulation 6(2) (persons not treated as engaged in remunerative work) applies, any earnings which derive from the work referred to in subparagraph (a) of that paragraph but only to the extent that they relate to work performed during the period specified in regulation 6(3).]

#### Textual Amendments

**F342** [Sch. 8 para. 15B](#) inserted (4.10.1999) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 1999 \(S.I. 1999/2556\)](#), [regs. 1, 2\(9\)](#)

**16.** In this Schedule “part-time employment” means employment in which the person is not to be treated as engaged in remunerative work under regulation 5 or 6 (persons treated, or not treated, as engaged in remunerative work).

#### Commencement Information

**I45** Sch. 8 para. 16 in force at 11.4.1988, see [reg. 1](#)

**Status:** Point in time view as at 11/04/2000.

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

## SCHEDULE 9

Regulation 40 (2)

## SUMS TO BE DISREGARDED IN THE CALCULATION OF INCOME OTHER THAN EARNINGS

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

- C21** Sch. 9 para. 67 modified (temp.) (29.11.1999) by [The Social Security \(New Deal Pilot\) Regulations 1999](#) (S.I. 1999/3156), regs. 1(1), **16** (with regs. 1(2), 11, 19)
- C22** Sch. 9 para. 68 modified (temp.) (29.11.1999) by [The Social Security \(New Deal Pilot\) Regulations 1999](#) (S.I. 1999/3156), regs. 1(1), **16** (with regs. 1(2), 11, 19)

1. Any amount paid by way of tax on income which is taken into account under regulation 40 (calculation of income other than earnings).

**Commencement Information**

- I46** Sch. 9 para. 1 in force at 11.4.1988, see [reg. 1](#)

2. Any payment in respect of any expenses incurred by a claimant who is—
- engaged by a charitable or <sup>F343</sup>voluntary organisation]; or
  - a volunteer,

if he otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under regulation 42 (6) (notional income).

**Textual Amendments**

- F343** Words in Sch. 9 para. 2 substituted (10.4.1995) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1995](#) (S.I. 1995/516), regs. 1(1)(a), **27(a)** (with reg. 1(2))

**Commencement Information**

- I47** Sch. 9 para. 2 in force at 11.4.1988, see [reg. 1](#)

3. In the case of employment as an employed earner, any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment.

**Commencement Information**

- I48** Sch. 9 para. 3 in force at 11.4.1988, see [reg. 1](#)

4. In the case of a payment of statutory sick pay under Part I of the Social Security and Housing Benefits Act 1982 or statutory maternity pay under Part V of the Act or any remuneration paid by or on behalf of an employer to the claimant who for the time being is unable to work due to illness or maternity—

- any amount deducted by way of primary Class 1 contributions under the Social Security Act;
- one-half of any sum paid by the claimant by way of a contribution towards an occupational or personal pension scheme.

#### Commencement Information

**I49** Sch. 9 para. 4 in force at 11.4.1988, see [reg. 1](#)

<sup>F344</sup>**4A.** In the case of the payment of statutory sick pay under Part II of the Social Security (Northern Ireland) Order 1982 or statutory maternity pay under Part VI of the Social Security (Northern Ireland) Order 1986—

- (a) any amount deducted by way of primary Class 1 contributions under the Social Security (Northern Ireland) Act 1975;
- (b) one-half of any sum paid by way of a contribution towards an occupational or personal pension scheme.]

#### Textual Amendments

**F344** Sch. 9 para. 4A inserted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), [regs. 1\(1\)](#), **35(a)**

**5.** Any housing benefit <sup>F345</sup>including any amount of housing benefit to which a person is entitled by virtue of regulation 7B of the Housing Benefit (General) Regulations 1987 (entitlement of a refugee to housing benefit).]

#### Textual Amendments

**F345** Words in [Sch. 9 para. 5](#) added (15.10.1996) by [The Income Support and Social Security \(Claims and Payments\) \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/2431\)](#), [regs. 1\(1\)](#), **5(a)**

#### Commencement Information

**I50** Sch. 9 para. 5 in force at 11.4.1988, see [reg. 1](#)

**6.** Any mobility allowance <sup>F346</sup>or the mobility component of disability living allowance].

#### Textual Amendments

**F346** Words in [Sch. 9 para. 6](#) inserted (6.4.1992) by [The Disability Living Allowance and Disability Working Allowance \(Consequential Provisions\) Regulations 1991 \(S.I. 1991/2742\)](#), [regs. 1\(1\)](#), **11(6)(a)** (with [reg. 1\(2\)](#))

#### Commencement Information

**I51** Sch. 9 para. 6 in force at 11.4.1988, see [reg. 1](#)

**7.** Any concessionary payment made to compensate for the non-payment of—

- (a) any payment specified in <sup>F347</sup>paragraph 6 <sup>F348</sup>[<sup>F348</sup>or 9]];
- (b) income support <sup>F349</sup>[<sup>F349</sup>or jobseeker's allowance].

#### Textual Amendments

**F347** Words in [Sch. 9 para. 7\(a\)](#) substituted (6.4.1992) by [The Disability Living Allowance and Disability Working Allowance \(Consequential Provisions\) Regulations 1991 \(S.I. 1991/2742\)](#), [regs. 1\(1\)](#), **11(6)(b)** (with [reg. 1\(2\)](#))

*Status: Point in time view as at 11/04/2000.*

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

**F348** Words in Sch. 9 para. 7(a) 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), **15(1)(a)**

**F349** Words in Sch. 9 para. 7(b) added (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), **15(1)(b)**

**Commencement Information**

**I52** Sch. 9 para. 7 in force at 11.4.1988, see [reg. 1](#)

**8.** Any mobility supplement or any payment intended to compensate for the non-payment of such a supplement.

**Commencement Information**

**I53** Sch. 9 para. 8 in force at 11.4.1988, see [reg. 1](#)

<sup>F350</sup>**9.** Any attendance allowance or the care component of disability living allowance, but, where the claimant’s applicable amount falls to be calculated in accordance with Part I of Schedule 4 <sup>F351</sup>or paragraph 13A of Schedule 7] only to the extent that it exceeds the amount for the time being specified as the higher rate of attendance allowance for the purposes of section 64(3) of the Social Security Contributions and Benefits Act 1992 or, as the case may, be the highest rate of the care component of disability living allowance for the purposes of section 72(4)(a) of that Act.]

**Textual Amendments**

**F350** Sch. 9 para. 9 substituted (1.4.1993) by [The Social Security Benefits \(Miscellaneous Amendments\) Regulations 1993 \(S.I. 1993/518\)](#), regs. 1, **5(5)(a)**

**F351** Words in Sch. 9 para. 9 inserted (with effect in accordance with reg. 1(4) of the amending S.I.) by [The Income-related Benefits Schemes and Social Security \(Claims and Payments\) \(Miscellaneous Amendments\) Regulations 1995 \(S.I. 1995/2303\)](#), regs. 1(1)(a), **6(9)(a)** (with reg. 8)

<sup>F352</sup>**9A.** . . . . .

**Textual Amendments**

**F352** Sch. 9 para. 9A omitted (with effect in accordance with reg. 1(2) of the amending S.I.) by virtue of [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 4\) Regulations 1993 \(S.I. 1993/2119\)](#), regs. 1(1)(a), **23(2)**

**10.** Any payment to the claimant as holder of the Victoria Cross or George Cross or any analogous payment.

**Commencement Information**

**I54** Sch. 9 para. 10 in force at 11.4.1988, see [reg. 1](#)

<sup>F353</sup>**11.** Any–

- (a) education maintenance allowance payable by virtue of regulations made under section 518 of the Education Act 1996 (payment of school expenses; grant of scholarships etc.) (“the 1996 Act”); or
- (b) sum (not being an allowance coming within sub-paragraph (a)) in respect of a course of study attended by a child or young person payable by virtue of regulations made under section 518 of the 1996 Act, section 49 of the Education (Scotland) Act 1980 (power to assist persons to take advantage of educational facilities) or section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992 (provision of financial assistance to students).]

**Textual Amendments**

**F353** Sch. 9 para. 11 substituted (7.2.2000) by [The Social Security Amendment \(Education Maintenance Allowance\) Regulations 2000 \(S.I. 2000/55\)](#), regs. 1(1), **2(1)(2)**

<sup>F354</sup>**12.** . . . . .

**Textual Amendments**

**F354** Sch. 9 para. 12 revoked (3.4.2000) by [The Social Security \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/681\)](#), regs. 1(1)(c), **12(a)**

<sup>F355</sup>**13.** In the case of a claimant participating in arrangements for training made under section 2 of the Employment and Training Act 1973 [<sup>F356</sup>or section 2 of the Enterprise and New Towns (Scotland) Act 1990] or attending a course at an employment rehabilitation centre established under that section [<sup>F357</sup>of the 1973 Act]—

- (a) any travelling expenses reimbursed to the claimant;
- (b) any living away from home allowance under section 2(2)(d) [<sup>F358</sup>of the 1973 Act or section 2(4)(c) of the 1990 Act] but only to the extent that rent or rates payable in respect of accommodation not normally occupied by him as his home are not met by housing benefit;
- (c) any training premium,

<sup>F359</sup>(d) any child care expenses reimbursed to the claimant in respect of his participation in—

- (i) an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker’s Allowance Regulations 1996 or in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations; or
- (ii) the New Deal for Lone Parents or in a scheme which has been approved by the Secretary of State as supporting the objectives of the New Deal for Lone Parents.]

but this paragraph, except in so far as it relates to a payment under subparagraph (a), [<sup>F360</sup>(b), (c) or (d)], does not apply to any part of any allowance under section 2(2)(d) [<sup>F358</sup>of the 1973 Act or section 2(4)(c) of the 1990 Act].]

**Textual Amendments**

**F355** Sch. 9 para. 13 substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **35(b)**

**F356** Words in Sch. 9 para. 13 inserted (1.4.1991) by [The Enterprise \(Scotland\) Consequential Amendments Order 1991 \(S.I. 1991/387\)](#), arts. 1, 2, **Sch.**

**F357** Words in Sch. 9 para. 13 added (1.4.1991) by [The Enterprise \(Scotland\) Consequential Amendments Order 1991 \(S.I. 1991/387\)](#), arts. 1, **9(g)(i)**

*Status: Point in time view as at 11/04/2000.*

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

- F358** Words in Sch. 9 para. 13 substituted (1.4.1991) by [The Enterprise \(Scotland\) Consequential Amendments Order 1991 \(S.I. 1991/387\)](#), arts. 1, **9(g)(ii)**
- F359** Sch. 9 para. 13(d) substituted (4.10.1999) by [Income Support \(General\) Amendment Regulations 1999 \(S.I. 1999/2554\)](#), regs. 1(a), **2(3)**
- F360** Words in Sch. 9 para. 13 substituted (5.1.1998) by [The Social Security Amendment \(New Deal\) Regulations 1997 \(S.I. 1997/2863\)](#), regs. 1(1), **17(7)(b)(8)(e)**

**Commencement Information**

- I55** Sch. 9 para. 13 in force at 11.4.1988, see [reg. 1](#)

<sup>F361</sup>**14.** . . . . .

**Textual Amendments**

- F361** Sch. 9 para. 14 omitted (with effect in accordance with reg. 1(4) of the amending S.I.) by virtue of [The Income-related Benefits Schemes and Social Security \(Claims and Payments\) \(Miscellaneous Amendments\) Regulations 1995 \(S.I. 1995/2303\)](#), regs. 1(1)(a), **6(9)(b)** (with reg. 8)

<sup>F362</sup>**15.**—<sup>F363</sup>(1) Subject to sub-paragraph (3) and paragraphs 36, 37 and 39, [<sup>F364</sup>£20] of any charitable payment or of any voluntary payment made or due to be made at regular intervals, except any payment to which sub-paragraph (2) or paragraph 15A applies.]

(2) Subject to [<sup>F365</sup>sub-paragraphs (3) and (6)] and paragraph 39, any charitable payment or voluntary payment made or due to be made at regular intervals which is intended and used for an item other than food, ordinary clothing or footwear, household fuel, rent or rates for which housing benefit is payable, <sup>F366</sup>... any housing costs to the extent that they are met under regulation 17(1) (e) or 18(1)(f) (housing costs) or any accommodation charges to the extent that they are met under regulation 19 (persons in residential care or nursing homes)<sup>F367</sup> ..., of a single claimant or, as the case may be, of the claimant or any other member of his family<sup>F368</sup>, or is used for any [<sup>F369</sup>council tax] or water charges for which that claimant or member is liable].

- (3) Sub-paragraphs (1) and (2) shall not apply—
  - (a) to a payment which is made by a person for the maintenance of any member of his family or of his former partner or of his children;
  - (b) in the case of a person to whom section 23 of the Act (trade disputes) applies or in respect of whom section 20(3) of the Act (conditions of entitlement to income support) has effect as modified by section 23A(b) of the Act (effect of return to work).

(4) For the purposes of sub-paragraph (1) where a number of charitable or voluntary payments fall to be taken into account in any one week they shall be treated as though they were one such payment.

(5) For the purposes of sub-paragraph (2) the expression “ordinary clothing or footwear” means clothing or footwear for normal daily use, but does not include school uniforms, or clothing or footwear used solely for sporting activities.]

<sup>F370</sup>(6) Sub-paragraph (2) shall apply to a claimant in a residential care home or nursing home only if his applicable amount falls to be calculated in accordance with regulation 19.]

**Textual Amendments**

- F362** Sch. 9 para. 15 substituted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1990 \(S.I. 1990/547\)](#), regs. 1(1)(b), **22(a)**



- F363** Sch. 9 para. 15(1) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 4\) Regulations 1993 \(S.I. 1993/2119\)](#), regs. 1(1)(a), **23(3)(a)**
- F364** Word in Sch. 9 para. 15(1) substituted (8.4.1996) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/462\)](#), regs. 1(2), **8(a)**
- F365** Words in Sch. 9 para. 15(2) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 4\) Regulations 1993 \(S.I. 1993/2119\)](#), regs. 1(1)(a), **23(3)(b)**
- F366** Words in Sch. 9 para. 15(2) omitted (7.10.1991) by virtue of [The Income Support \(General\) Amendment No. 4 Regulations 1991 \(S.I. 1991/1559\)](#), regs. 1(1)(c), **20(a)(i)** (with reg. 1(2))
- F367** Words in Sch. 9 para. 15(2) omitted (with effect in accordance with reg. 1(3) of the amending S.I.) by virtue of [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1994 \(S.I. 1994/527\)](#), regs. 1(1)(b), **9(2)**
- F368** Words in Sch. 9 para. 15(2) added (7.10.1991) by [The Income Support \(General\) Amendment No. 4 Regulations 1991 \(S.I. 1991/1559\)](#), regs. 1(1)(c), **20(a)(ii)** (with reg. 1(2))
- F369** Words in Sch. 9 para. 15(2) substituted (1.4.1993) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1993 \(S.I. 1993/315\)](#), reg. 1(1)(b), **Sch. para. 5(2)**
- F370** Sch. 9 para. 15(6) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 4\) Regulations 1993 \(S.I. 1993/2119\)](#), regs. 1(1)(a), **23(3)(c)**

#### Commencement Information

- I56** Sch. 9 para. 15 in force at 11.4.1988, see [reg. 1](#)

<sup>F371</sup>**15A.**—(1) Subject to the following provisions of this paragraph, in the case of a claimant placed in a residential care home or nursing home by a local authority under section 26 of the National Assistance Act 1948, [<sup>F372</sup>sections 13A, 13B and 59(2)(c) of the Social Work (Scotland) Act 1968 or section 7 of the Mental Health (Scotland) Act 1984] any charitable payment or voluntary payment made or due to be made at regular intervals.

(2) This paragraph shall apply only where—

- (a) the claimant was placed in the residential care or nursing home by the local authority because the home was the preferred choice of the claimant, and
- (b) the cost of the accommodation was in excess of what the authority would normally expect to pay having regard to the needs of the claimant assessed in accordance with section 47 of the National Health Service and Community Care Act 1990.

(3) This paragraph shall not apply in the case of a person whose applicable amount falls to be calculated under regulation 19 (persons in residential care or nursing homes with preserved rights).

(4) The amount to be disregarded under sub-paragraph (1) shall not exceed the difference between the actual cost of the accommodation provided by the local authority and the cost the authority would normally incur for a person with the particular needs of the claimant.]

#### Textual Amendments

- F371** Sch. 9 para. 15A inserted (1.4.1993) by [The Social Security Benefits \(Miscellaneous Amendments\) Regulations 1993 \(S.I. 1993/518\)](#), regs. 1, **5(5)(c)**
- F372** Words in Sch. 9 para. 15A inserted (10.4.1995) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1995 \(S.I. 1995/516\)](#), regs. 1(1)(a), **27(b)** (with reg. 1(2))

<sup>F373</sup>**15B.**—(1) Subject to sub-paragraphs (2) and (3), where a claimant—

*Status: Point in time view as at 11/04/2000.*

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

- (a) is a person to whom regulation 19 (preserved rights to income support) or paragraph 13A, 13B, 16 or 18 of Schedule 7 (applicable amounts in special cases) applies;
- (b) is not residing with his spouse; and
- (c) at least 50 per cent. of any occupational pension of his<sup>F374</sup>, or of any income from a personal pension scheme or a retirement annuity contract of his,] is being paid to, or in respect of, his spouse for that spouse's maintenance,

an amount equal to 50 per cent. of the pension<sup>F375</sup>, pensions or income] concerned.

[<sup>F376</sup>(2) Where a claimant is entitled to pensions or income referred to in sub-paragraph (1) from more than one source, all such pensions and income to which he is entitled shall be aggregated for the purposes of that sub-paragraph.]

(3) This paragraph shall not have effect in respect of that part of any [<sup>F377</sup>pension or income referred to in sub-paragraph (1)] to which a spouse is legally entitled whether under a court order or not.]

#### Textual Amendments

**F373** Sch. 9 para. 15B inserted (8.4.1996) by [The Income Support \(General\) Amendment Regulations 1996 \(S.I. 1996/606\)](#), regs. 1(1), 2 (with reg. 1(2))

**F374** Words in [Sch. 9 para. 15B\(1\)\(c\)](#) inserted (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), **2(3)(a)(i)(aa)**

**F375** Words in [Sch. 9 para. 15B\(1\)](#) 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), **2(3)(a)(i)(bb)**

**F376** [Sch. 9 para. 15B\(2\)](#) 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), **2(3)(a)(ii)**

**F377** Words in [Sch. 9 para. 15B\(3\)](#) 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), **2(3)(a)(iii)**

[<sup>F378</sup>16. Subject to paragraphs 36 and 37, £10 of any of the following, namely—

- (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 8 or 9);
- (b) a war widow's pension;
- (c) a pension payable to a person as a widow under the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983 insofar as that Order is made under the Naval and Marine Pay and Pensions Act 1865 [<sup>F379</sup>or the Pensions and Yeomanry Pay Act 1884], or is made only under section 12(1) of the Social Security (Miscellaneous Provisions) Act 1977 and any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
- (d) a payment made to compensate for the non-payment of such a pension as is mentioned in any of the preceding sub-paragraphs;
- (e) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions mentioned in sub-paragraphs (a) to (c) above;

- (f) a pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.]

#### Textual Amendments

- F378** Sch. 9 para. 16 substituted (28.10.1995) by [The Income-related Benefits Schemes Amendment \(No. 2\) Regulations 1995 \(S.I. 1995/2792\)](#), regs. 1, **6(3)**
- F379** Words in Sch. 9 para. 16(c) inserted (20.12.1995) by [The Income-related Benefits Schemes \(Widows' etc. Pensions Disregards\) Amendment Regulations 1995 \(S.I. 1995/3282\)](#), regs. 1, **2(1)(e)**

17. Where a claimant receives income under an annuity purchased with a loan which satisfies the following conditions—

- (a) that the loan was made as part of a scheme under which not less than 90 per cent of the proceeds of the loan were applied to the purchase by the person to whom it was made of an annuity ending with his life or with the life of the survivor of two or more persons (in this paragraph referred to as “the annuitants”) who include the person to whom the loan was made;
- (b) that the interest on the loan is payable by the person to whom it was made or by one of the annuitants;
- (c) that at the time the loan was made the person to whom it was made or each of the annuitants had attained the age of 65;
- (d) that the loan was secured on a dwelling in Great Britain and the person to whom the loan was made or one of the annuitants owns an estate or interest in that dwelling; and
- (e) that the person to whom the loan was made or one of the annuitants occupies the accommodation on which it was secured as his home at the time the interest is paid,

the amount, calculated on a weekly basis equal to—

- [<sup>F380</sup>(i) where, or insofar as, section 369 of the Income and Corporation Taxes Act 1988 (mortgage interest payable under deduction of tax) applies to the payments of interest on the loan, the interest which is payable after deduction of a sum equal to income tax on such payments at the applicable percentage of income tax within the meaning of section 369(1A) of that Act;]
- (ii) in any other case the interest which is payable on the loan without deduction of such a sum.

#### Textual Amendments

- F380** Sch. 9 para. 17(i) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No.5\) Regulations 1994 \(S.I. 1994/2139\)](#), regs. 1(1)(a), **32(2)**

#### Commencement Information

- I57** Sch. 9 para. 17 in force at 11.4.1988, see [reg. 1](#)

[<sup>F381</sup>18. Any payment made to the claimant by a person who normally resides with the claimant, which is a contribution towards that person’s living and accommodation costs, except where that person is residing with the claimant in circumstances to which paragraph 19 or 20 refers.]

*Status: Point in time view as at 11/04/2000.*

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

### Textual Amendments

**F381** Sch. 9 para. 18 substituted (10.4.1995) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1995 \(S.I. 1995/516\)](#), regs. 1(1)(a), **27(c)** (with reg. 1(2))

<sup>F382</sup>**19.** Where the claimant occupies a dwelling as his home and the dwelling is also occupied by <sup>F383</sup>another person] and there is a contractual liability to make payments to the claimant in respect of the occupation of the dwelling by that person or a member of his family—

- (a) £4 of the aggregate of any payments made in respect of any one week in respect of the occupation of the dwelling by that person or a member of his family, or by that person and a member of his family; and
- (b) a further [<sup>F384</sup>£9.25], where the aggregate of any such payments is inclusive of an amount for heating.]

### Textual Amendments

**F382** Sch. 9 para. 19 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), **9(3)**

**F383** Words in Sch. 9 para. 19 substituted (10.4.1995) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1995 \(S.I. 1995/516\)](#), regs. 1(1)(a), **27(d)** (with reg. 1(2))

**F384** Sum in Sch. 9 para. 19(b) substituted (coming into force in accordance with art. 1(2)(g) of the amending S.I.) by [The Social Security Benefits Up-rating Order 1996 \(S.I. 1996/599\)](#), arts. 1(2)(g), **18(13)**

### Commencement Information

**I58** Sch. 9 para. 19 in force at 11.4.1988, see [reg. 1](#)

<sup>F385</sup>**20.** Where the claimant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for whom such accommodation is provided for the whole or any part of a week, equal to—

- (a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed £20.00, 100% of such payments; or
- (b) where the aggregate of any such payments exceeds £20.00, £20.00 and 50% of the excess over £20.00.]

### Textual Amendments

**F385** Sch. 9 para. 20 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), **9(4)**

### Commencement Information

**I59** Sch. 9 para. 20 in force at 11.4.1988, see [reg. 1](#)

<sup>F386</sup>**21.**—(1) [<sup>F387</sup>Subject to sub-paragraphs (2) and (3)], except where [<sup>F388</sup>regulation 40(4)(b) (provision of support under section 95 or 98 of the Immigration and Asylum Act including support provided by virtue of regulations made under Schedule 9 to that Act in the calculation of income

other than earnings) or] regulation 42(4)(a)(i) (notional income) applies or in the case of a person to whom section 23 of the Act (trade disputes) applies, any income in kind;

(2) The exception under sub-paragraph (1) shall not apply where the income in kind is received from the Macfarlane Trust<sup>F389</sup>, the Macfarlane (Special Payments) Trust<sup>F390</sup>, the Macfarlane (Special Payments) (No. 2) Trust<sup>F391</sup>, the Fund<sup>F392</sup>, the Eileen Trust<sup>F393</sup> or <sup>F394</sup>the Independent Living Funds<sup>F394</sup>.]

<sup>F395</sup>(3) The first exception under sub-paragraph (1) shall not apply where the claimant is the partner of a person subject to immigration control and whose partner is receiving support provided under section 95 or 98 of the Immigration and Asylum Act including support provided by virtue of regulations made under Schedule 9 to that Act and the income in kind is support provided in respect of essential living needs of the partner of the claimant and his dependants (if any) as is specified in regulations made under paragraph 3 of Schedule 8 to the Immigration and Asylum Act.]

#### Textual Amendments

- F386** Sch. 9 para. 21 substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **35(d)**
- F387** Words in Sch. 9 para. 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(12)(a)**
- F388** Words in Sch. 9 para. 21(1) added (3.4.2000) by [The Social Security \(Immigration and Asylum\) Consequential Amendments Regulations 2000 \(S.I. 2000/636\)](#), regs. 1(1), **3(12)(b)**
- F389** Words in Sch. 9 para. 21(2) inserted (31.1.1990) by [The Income-related Benefits Schemes Amendment Regulations 1990 \(S.I. 1990/127\)](#), regs. 1(1), **3(3)(e)**
- F390** Words in Sch. 9 para. 21(2) inserted (11.5.1991) by [The Income-related Benefits Schemes and Social Security \(Recoupment\) Amendment Regulations 1991 \(S.I. 1991/1175\)](#), regs. 1(1), **5(7)(a)**
- F391** Words in Sch. 9 para. 21(2) inserted (7.5.1992) by [The Income-related Benefits Schemes and Social Security \(Recoupment\) Amendment Regulations 1992 \(S.I. 1992/1101\)](#), regs. 1(1), **6(7)(a)**
- F392** Words in Sch. 9 para. 21(2) inserted (14.5.1993) by [The Income-related Benefits Schemes and Social Security \(Recoupment\) Amendment Regulations 1993 \(S.I. 1993/1249\)](#), regs. 1(1)(a), **4(4)(a)**
- F393** Words in Sch. 9 para. 21(2) inserted (9.6.1988) by [The Family Credit and Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/999\)](#), regs. 1(1), **5(d)**
- F394** Words in Sch. 9 para. 21(2) substituted (22.4.1993) by [The Social Security Benefits \(Miscellaneous Amendments\) \(No. 2\) Regulations 1993 \(S.I. 1993/963\)](#), regs. 1, **2(3)(4)**
- F395** Sch. 9 para. 21(3) added (3.4.2000) by [The Social Security \(Immigration and Asylum\) Consequential Amendments Regulations 2000 \(S.I. 2000/636\)](#), regs. 1(1), **3(12)(c)**

#### Commencement Information

- I60** Sch. 9 para. 21 in force at 11.4.1988, see [reg. 1](#)

**22.**—(1) Any income derived from capital to which the claimant is or is treated under regulation 52 (capital jointly held) as beneficially entitled but, subject to sub-paragraph (2), not income derived from capital disregarded under paragraph 1, 2, 4, 6 <sup>F396</sup>12 or 25 to 28] of Schedule 10.

(2) Income derived from capital disregarded under paragraph 2 <sup>F397</sup>4 or 25 to 28] of Schedule 10 but <sup>F398</sup>only to the extent of—

- (a) any mortgage repayments made in respect of the dwelling or premises in the period during which that income accrued; or
- (b) any council tax or water charges which the claimant is liable to pay in respect of the dwelling or premises and which are paid in the period during which that income accrued.]

*Status: Point in time view as at 11/04/2000.*

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

[<sup>F399</sup>(3) The definition of “water charges” in regulation 2(1) shall apply to sub-paragraph (2) with the omission of the words “in so far as such charges are in respect of the dwelling which a person occupies as his home”.]

#### Textual Amendments

**F396** Words in Sch. 9 para. 22(1) substituted (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **25(a)(i)**

**F397** Words in Sch. 9 para. 22(2) substituted (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **25(a)(ii)**

**F398** Words in Sch. 9 para. 22(2) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1993 \(S.I. 1993/315\)](#), regs. 1(1)(b)(c), **9(2)**

**F399** Sch. 9 para. 22(3) added (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1993 \(S.I. 1993/315\)](#), regs. 1(1)(b)(c), **9(3)**

#### Commencement Information

**I61** Sch. 9 para. 22 in force at 11.4.1988, see [reg. 1](#)

**23.** Any income which is payable in a country outside the United Kingdom for such period during which there is prohibition against the transfer to the United Kingdom of that income.

#### Commencement Information

**I62** Sch. 9 para. 23 in force at 11.4.1988, see [reg. 1](#)

**24.** Where a payment of income is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.

#### Commencement Information

**I63** Sch. 9 para. 24 in force at 11.4.1988, see [reg. 1](#)

**25.—(1)** Any payment made to the claimant in respect of a child or young person who is a member of his family—

[<sup>F400</sup>(a) in accordance with regulations made pursuant to section 57A of the Adoption Act 1976(permitted allowances) or with a scheme approved by the Secretary of State under section 51 of the Adoption (Scotland) Act 1978(schemes for payment of allowances to adopters);]

[<sup>F401</sup>(b) which is a payment made by a local authority in pursuance of section 34(6) or, as the case may be, section 50 of the Children Act 1975 (contributions towards the cost of the accommodation and maintenance of a child);

(c) which is a payment made by a local authority in pursuance of section 15(1) of, and paragraph 15 of Schedule 1 to, the Children Act 1989 (local authority contribution to a child’s maintenance where the child is living with a person as a result of a residence order);

(d) which is a payment made by an authority, as defined in Article 2 of the Children Order, in pursuance of Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to child’s maintenance);]

to the extent specified in sub-paragraph (2).

- (2) In the case of a child or young person—
- (a) to whom regulation 44 (5) (capital in excess of £3,000) applies, the whole payment;
  - (b) to whom that regulation does not apply, so much of the weekly amount of the payment as exceeds the applicable amount in respect of that child or young person and where applicable to him any amount by way of a disabled child premium.

#### Textual Amendments

- F400** Sch. 9 para. 25(1)(a) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1992 \(S.I. 1992/468\)](#), reg. 1(1), Sch. para. 9(a), (with Sch. para. 11)
- F401** Sch. 9 para. 25(1)(b)(c)(d) substituted for Sch. 9 para. 25(1)(b) (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), **15(2)**

#### Commencement Information

- I64** Sch. 9 para. 25 in force at 11.4.1988, see [reg. 1](#)

**26.** Any payment made by a local authority to the claimant with whom a person is [<sup>F402</sup>accommodated by virtue of arrangements made under section 23(2)(a) of the Children Act 1989 (provision of accommodation and maintenance for a child whom they are looking after)] or, as the case may be, [<sup>F403</sup>section 21] of the Social Work (Scotland) Act 1968 <sup>F404</sup> or by a voluntary organisation under [<sup>F405</sup>section 59(1)(a) of the 1989 Act (provision of accommodation by voluntary organisations)] or by a care authority under regulation 9 of the Boarding Out and Fostering of Children (Scotland) Regulations 1985 <sup>F406</sup> (provision of accommodation and maintenance for children in care).

#### Textual Amendments

- F402** Words in Sch. 9 para. 26 substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1992 \(S.I. 1992/468\)](#), regs. 1(1), **Sch. para. 9(b)(i)** (with **Sch. para. 11**)
- F403** Words in Sch. 9 para. 26 substituted (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **25(b)**
- F404** 1968 c. 49.
- F405** Words in Sch. 9 para. 26 substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1992 \(S.I. 1992/468\)](#), regs. 1(1), **Sch. para. 9(b)(ii)** (with **Sch. para. 11**)
- F406** S.I. 1985/1799.

#### Commencement Information

- I65** Sch. 9 para. 26 in force at 11.4.1988, see [reg. 1](#)

[<sup>F407</sup>**27.** Any payment made to the claimant or his partner for a person (“the person concerned”), who is not normally a member of the claimant’s household but is temporarily in his care, by—

- (a) a health authority;
- (b) a local authority;
- (c) a voluntary organisation; or

*Status: Point in time view as at 11/04/2000.*

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

(d) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948.]

#### Textual Amendments

**F407** Sch. 9 para. 27 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), **7(3)(4)(e)**

**28.** Except in the case of a person to whom section 23 of the Act (trade disputes) applies [<sup>F408</sup>or in respect of whom section 20(3) of the Act (conditions of entitlement to income support) has effect as modified by section 23A(b) of the Act (effect of return to work)], [<sup>F409</sup>any payment made by a local authority [<sup>F410</sup>in accordance with section 17 or 24 of the Children Act 1989] or, as the case may be, section 12, 24 or 26 of the Social Work (Scotland) Act 1968 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care).]

#### Textual Amendments

**F408** Words in Sch. 9 para. 28 substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **35(c)**

**F409** Words in Sch. 9 para. 28 substituted (10.7.1989) by [The Family Credit and Income Support \(General\) Amendment Regulations 1989 \(S.I. 1989/1034\)](#), regs. 1(1)(a), **12**

**F410** Words in Sch. 9 para. 28 substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1992 \(S.I. 1992/468\)](#), reg. 1(1), **Sch. para. 9(c)**

#### Commencement Information

**I66** Sch. 9 para. 28 in force at 11.4.1988, see [reg. 1](#)

[<sup>F411</sup>**29.**—(1) Subject to sub-paragraph (2) any payment received under an insurance policy, taken out to insure against the risk of being unable to maintain repayments on a loan which qualifies under paragraph 15 or 16 of Schedule 3 (housing costs in respect of loans to acquire an interest in a dwelling, or for repairs and improvements to the dwelling, occupied as the home) and used to meet such repayments, to the extent that it does not exceed the aggregate of—

- (a) the amount, calculated on a weekly basis, of any interest on that loan which is in excess of the amount met in accordance with Schedule 3 (housing costs);
- (b) the amount of any payment, calculated on a weekly basis, due on the loan attributable to the repayment of capital; and
- (c) any amount due by way of premiums on—
  - (i) that policy, or
  - (ii) a policy of insurance taken out to insure against loss or damage to any building or part of a building which is occupied by the claimant as his home.

(2) This paragraph shall not apply to any payment which is treated as possessed by the claimant by virtue of regulation 42(4)(a)(ii) (notional income).]

#### Textual Amendments

**F411** Sch. 9 para. 29 substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Social Security \(Income Support and Claims and Payments\) Amendment Regulations 1995 \(S.I. 1995/1613\)](#), reg. 1(1), **Sch. 3**



<sup>F412</sup>**30.**—(1) Except where paragraph 29 <sup>F413</sup>or 30ZA] applies, and subject to sub-paragraph (2), any payment made to the claimant which is intended to be used and is used as a contribution towards—

- (a) any payment due on a loan if secured on the dwelling occupied as the home which does not qualify under Schedule 3 (housing costs);
- (b) any interest payment or charge which qualifies in accordance with paragraphs 15 to 17 of Schedule 3 to the extent that the payment or charge is not met;
- (c) any payment due on a loan which qualifies under paragraph 15 or 16 of Schedule 3 attributable to the payment or capital;
- (d) any amount due by way of premiums on—
  - (i) <sup>F414</sup>an insurance policy taken out to insure against the risk of being unable to make the payments referred to in (a) to (c) above;] or
  - (ii) a policy of insurance taken out to insure against loss or damage to any building or part of a building which is occupied by the claimant as his home.
- (e) his rent in respect of the dwelling occupied by him as his home but only to the extent that it is not met by housing benefit; or his accommodation charge but only to the extent that the actual charge increased, where appropriate, in accordance with paragraph 2 of Schedule 4 exceeds the amount determined in accordance with regulation 19 (residential care and nursing homes) or the amount payable by a local authority in accordance with Part III of the National Assistance Act 1948.

(2) This paragraph shall not apply to any payment which is treated as possessed by the claimant by virtue of regulation 42(4)(a)(ii) (notional income).]

#### **Textual Amendments**

**F412** Sch. 9 para. 30 substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Social Security \(Income Support and Claims and Payments\) Amendment Regulations 1995 \(S.I. 1995/1613\)](#), reg. 1(1), **Sch. 3**

**F413** Words in Sch. 9 para. 30(1) inserted (1.6.1998 for specified purposes) by [The Social Security \(Miscellaneous Amendments\) \(No.3\) Regulations 1998 \(S.I. 1998/1173\)](#), regs. 1(3), **4(a)**

**F414** Words in Sch. 9 para. 30(1)(d) substituted (12.12.1995) by [The Social Security \(Income Support, Claims and Payments and Adjudication\) Amendment Regulations 1995 \(S.I. 1995/2927\)](#), regs. 1(1), **6**

<sup>F415</sup>**30ZA.**—(1) Subject to sub-paragraph (2), any payment received under an insurance policy, other than an insurance policy referred to in paragraph 29, taken out to insure against the risk of being unable to maintain repayments under a regulated agreement as defined for the purposes of the Consumer Credit Act 1974 or under a hire-purchase agreement or a conditional sale agreement as defined for the purposes of Part III of the Hire-Purchase Act 1964.

(2) A payment referred to in sub-paragraph (1) shall only be disregarded to the extent that the payment received under that policy does not exceed the amounts, calculated on a weekly basis, which are used to—

- (a) maintain the repayments referred to in sub-paragraph (1); and
- (b) meet any amount due by way of premiums on that policy.]

*Status: Point in time view as at 11/04/2000.*

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

#### Textual Amendments

**F415** Sch. 9 para. 30ZA inserted (1.6.1998 for specified purposes) by [The Social Security \(Miscellaneous Amendments\) \(No.3\) Regulations 1998 \(S.I. 1998/1173\)](#), regs. 1(3), **4(b)**

**[<sup>F416</sup>30A.**—(1) Subject to sub-paragraphs (2) and (3), in the case of a claimant in a residential care home or nursing home, any payment, whether or not the payment is charitable or voluntary but not a payment to which paragraph 15A applies, made to the claimant which is intended to be used and is used to meet the cost of maintaining the claimant in that home.

(2) This paragraph shall not apply to a claimant for whom accommodation in a residential care home or nursing home is provided by a local authority under section 26 of the National Assistance Act 1948, or whose applicable amount falls to be calculated in accordance with regulation 19.

(3) The amount to be disregarded under this paragraph shall not exceed the difference between—

- (a) the claimant's applicable amount less any of the amounts referred to in paragraph 13 of Schedule 4 (personal allowances) which would be applicable to the claimant if his applicable amount fell to be calculated in accordance with that Schedule, and
- (b) the weekly charge for the accommodation.]

#### Textual Amendments

**F416** Sch. 9 para. 30A added (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 4\) Regulations 1993 \(S.I. 1993/2119\)](#), regs. 1(1)(a), **23(6)**

**[<sup>F417</sup>31.** Any social fund payment made pursuant to Part III of the Act.]

#### Textual Amendments

**F417** Sch. 9 para. 31 substituted (6.4.1992) by [The Income Support \(General\) Amendment Regulations 1992 \(S.I. 1992/468\)](#), regs. 1(1), **8(2)** (with reg. 1(2))

#### Commencement Information

**I67** Sch. 9 para. 31 in force at 11.4.1988, see [reg. 1](#)

**32.** Any payment of income which under regulation 48 (income treated as capital) is to be treated as capital.

#### Commencement Information

**I68** Sch. 9 para. 32 in force at 11.4.1988, see [reg. 1](#)

**33.** Any payment under paragraph 2 of Schedule 6 to the Act (pensioner's Christmas bonus).

#### Commencement Information

**I69** Sch. 9 para. 33 in force at 11.4.1988, see [reg. 1](#)

**34.** In the case of a person to whom section 23 of the Act (trade disputes) applies and for so long as it applies, any payment up to the amount of the relevant sum within the meaning of subsection 6

of that section made by a trade union; but, notwithstanding regulation 23 (calculation of income and capital of members of claimant's family and of a polyamous marriage) if this paragraph applies to a claimant it shall not apply to his partner except where, and to the extent that, the amount to be disregarded under this paragraph is less than the relevant sum.

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#### Commencement Information

**I70** Sch. 9 para. 34 in force at 11.4.1988, see [reg. 1](#)

**35.** Any payment which is due to be paid before the date of claim which would otherwise fall to be taken into account in the same benefit week as a payment of the same kind and from the same source.

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#### Commencement Information

**I71** Sch. 9 para. 35 in force at 11.4.1988, see [reg. 1](#)

**36.** The total of a claimant's income or, if he is a member of a family, the family's income and the income of any person which he is treated as possessing under regulation 23 (3) (calculation of income and capital of members of claimant's family and of a polygamous marriage) to be disregarded under regulation 63 (2) (b) and 64 (1) (c) (calculation of covenant income where a contribution assessed)<sup>[F418]</sup>, regulation 66A(2) (treatment of student loans)] and <sup>[F419]</sup> paragraphs 15(1)] and 16 shall in no case exceed <sup>[F420]</sup>£20] per week.

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#### Textual Amendments

**F418** Words in Sch. 9 para. 36 inserted (1.9.1990) by [The Income-Related Benefits Amendment Regulations 1990 \(S.I. 1990/1657\)](#), regs. 1, **5(4)**

**F419** Words in Sch. 9 para. 36 substituted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1990 \(S.I. 1990/547\)](#), regs. 1(1)(b), **22(d)(i)**

**F420** Word in Sch. 9 para. 36 substituted (8.4.1996) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/462\)](#), regs. 1(2), **8(a)**

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#### Commencement Information

**I72** Sch. 9 para. 36 in force at 11.4.1988, see [reg. 1](#)

**37.** Notwithstanding paragraph 36 where two or more payments of the same kind and from the same source are to be taken into account in the same benefit week, there shall be disregarded from each payment the sum which would otherwise fall to be disregarded under this Schedule; but this paragraph shall only apply in the case of a payment which it has not been practicable to treat under regulation 31 (1) (b) (date on which income treated as paid) as paid on the first day of the benefit week in which it is due to be paid.

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#### Commencement Information

**I73** Sch. 9 para. 37 in force at 11.4.1988, see [reg. 1](#)

<sup>[F421]</sup>**38.** Any resettlement benefit which is paid to the claimant by virtue of regulation 3 of the Social Security (Hospital In-Patients) Amendment (No. 2) Regulations 1987.]

*Status: Point in time view as at 11/04/2000.*

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

### Textual Amendments

**F421** Sch. 9 paras. 38, 39 added (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **35(f)**

<sup>F422</sup>**39.**—(1) Any payment made under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust (“the Trusts”), [<sup>F423</sup>the Fund<sup>F424</sup>, the Eileen Trust]] or [<sup>F425</sup>the Independent Living Funds].

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia [<sup>F423</sup>or who is or was a qualifying person], which derives from a payment made under any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

- (a) that person’s partner or former partner from whom he is not, or where that person has died was not, estranged or divorced;
- (b) any child who is a member of that person’s family or who was such a member and who is a member of the claimant’s family; or
- (c) any young person who is a member of that person’s family or who was such a member and who is a member of the claimant’s family.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia [<sup>F426</sup>or who is or was a qualifying person] provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced, which derives a payment made under any of the Trusts to which sub-paragraph (1) refers and which is made to or fro the benefit of—

- (a) the person who is suffering from haemophilia [<sup>F427</sup>or who is a qualifying person];
- (b) any child who is a member of that person’s family or who was such a member and who is a member of the claimant’s family; or
- (c) any young person who is a member of that person’s family or who was such a member and who is a member of the claimant’s family.

(4) Any payment by a person who is suffering from haemophilia [<sup>F428</sup>or who is a qualifying person], which derives from a payment under any of the Trusts to which sub-paragraph (1) refers, where—

- (a) that person has no partner or former partner from whom he is not estranged or divorced, nor any child or young person who is or had been a member of that person’s family; and
- (b) the payment is made either—
  - (i) to that person’s parent or step-parent, or
  - (ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian,

but only for a period from the date of the payment until the end of two years from that person’s death.

(5) Any payment out of the estate of a person who suffered from haemophilia [<sup>F428</sup>or who was a qualifying person], which derives from a payment under any of the Trusts to which sub-paragraph (1) refers, where—

- (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced, nor any child or young person who was or had been a member of his family; and
- (b) the payment is made either—

- (i) to that person's parent or step-parent, or
- (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,

but only for a period of two years from the relevant date.

(6) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any income which derives from any payment of income or capital made under or deriving from any of the Trusts.]

[<sup>F429</sup>(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund [<sup>F430</sup>and the Eileen Trust].]

#### Textual Amendments

- F422** Sch. 9 para. 39 substituted (11.5.1991) by [The Income-related Benefits Schemes and Social Security \(Recoupment\) Amendment Regulations 1991 \(S.I. 1991/1175\)](#), regs. 1(1), **5(7)(b)**
- F423** Words in Sch. 9 para. 39(1)(2) inserted (7.5.1992) by [The Income-related Benefits Schemes and Social Security \(Recoupment\) Amendment Regulations 1992 \(S.I. 1992/1101\)](#), regs. 1(1), **6(7)(b)(i)(ii)**
- F424** Words in Sch. 9 para. 39(1) inserted (14.5.1993) by [The Income-related Benefits Schemes and Social Security \(Recoupment\) Amendment Regulations 1993 \(S.I. 1993/1249\)](#), regs. 1(1)(a), **4(4)(b)(i)**
- F425** Words in Sch. 9 para. 39(1) substituted (22.4.1993) by [The Social Security Benefits \(Miscellaneous Amendments\) \(No. 2\) Regulations 1993 \(S.I. 1993/963\)](#), regs. 1, **2(3)(4)**
- F426** Words in Sch. 9 para. 39(3) inserted (7.5.1992) by [The Income-related Benefits Schemes and Social Security \(Recoupment\) Amendment Regulations 1992 \(S.I. 1992/1101\)](#), regs. 1(1), **6(7)(b)(iii)(aa)**
- F427** Words in Sch. 9 para. 39(3)(a) inserted (7.5.1992) by [The Income-related Benefits Schemes and Social Security \(Recoupment\) Amendment Regulations 1992 \(S.I. 1992/1101\)](#), regs. 1(1), **6(7)(b)(iii)(bb)**
- F428** Words in Sch. 9 para. 39(4)(5) inserted (7.5.1992) by [The Income-related Benefits Schemes and Social Security \(Recoupment\) Amendment Regulations 1992 \(S.I. 1992/1101\)](#), regs. 1(1), **6(7)(b)(iv)(v)**
- F429** Sch. 9 para. 39(7) added (7.5.1992) by [The Income-related Benefits Schemes and Social Security \(Recoupment\) Amendment Regulations 1992 \(S.I. 1992/1101\)](#), regs. 1(1), **6(7)(b)(vi)**
- F430** Words in Sch. 9 para. 39(7) added (14.5.1993) by [The Income-related Benefits Schemes and Social Security \(Recoupment\) Amendment Regulations 1993 \(S.I. 1993/1249\)](#), regs. 1(1)(a), **4(4)(b)(ii)**

[<sup>F431</sup>**40.** Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.]

#### Textual Amendments

- F431** Sch. 9 para. 40 added (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **25(d)**

[<sup>F432</sup>**41.** Any payment made by the Secretary of State to compensate a person who was entitled to supplementary benefit in respect of a period ending immediately before 11th April 1988 but who did not become entitled to income support in respect of a period beginning with that day.]

#### Textual Amendments

- F432** Sch. 9 paras. 41-44 added (12.12.1988) by [The Income Support \(General\) Amendment No. 5 Regulations 1988 \(S.I. 1988/2022\)](#), regs. 1(1)(a), **22(b)**

*Status: Point in time view as at 11/04/2000.*

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

[<sup>F432</sup>42. Any payment made by the Secretary of State to compensate for the loss of housing benefit supplement under regulation 19 of the Supplementary Benefit (Requirements) Regulations 1983.]

**Textual Amendments**

**F432** Sch. 9 paras. 41-44 added (12.12.1988) by [The Income Support \(General\) Amendment No. 5 Regulations 1988 \(S.I. 1988/2022\)](#), regs. 1(1)(a), **22(b)**

[<sup>F432</sup>43. Any payment made to a juror or a witness in respect of attendance at a court other than compensation for loss of earnings or for the loss of a benefit payable under the benefit Acts.]

**Textual Amendments**

**F432** Sch. 9 paras. 41-44 added (12.12.1988) by [The Income Support \(General\) Amendment No. 5 Regulations 1988 \(S.I. 1988/2022\)](#), regs. 1(1)(a), **22(b)**

<sup>F433</sup>44. ....

**Textual Amendments**

**F433** Sch. 9 para. 44 omitted (1.4.1993) by virtue of [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1993 \(S.I. 1993/315\)](#), reg. 1(1)(b), **Sch. para. 5(3)**

[<sup>F434</sup>45. Any community charge benefit.]

**Textual Amendments**

**F434** Sch. 9 paras. 45-47 added (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1990 \(S.I. 1990/547\)](#), regs. 1(1)(a), **22(e)**

[<sup>F434</sup>46. Any payment in consequence of a reduction of a personal community charge pursuant to regulations under section 13A of the Local Government Finance Act 1988 or section 9A of the Abolition of Domestic Rates Etc (Scotland) Act 1987 (reduction of liability for personal community charges) [<sup>F435</sup>or reduction of council tax under section 13 or, as the case may be, section 80 of the Local Government Finance Act 1992 (reduction of liability for council tax)].]

**Textual Amendments**

**F434** Sch. 9 paras. 45-47 added (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1990 \(S.I. 1990/547\)](#), regs. 1(1)(a), **22(e)**

**F435** Words in Sch. 9 para. 46 added (1.4.1993) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1993 \(S.I. 1993/315\)](#), reg. 1(1)(b), **Sch. para. 5(4)**

[<sup>F434</sup>47. Any special war widows payment made under—  
(a) the Naval and Marine Pay and Pensions (Special War Widows Payment) Order 1990 made under section 3 of the Naval and Marine Pay and Pensions Act 1865;  
(b) the Royal Warrant dated 19th February 1990 amending the Schedule to the Army Pensions Warrant 1977;

- (c) the Queen's Order dated 26th February 1990 made under section 2 of the Air Force (Constitution) Act 1917;
- (d) the Home Guard War Widows Special Payments Regulations 1990 made under section 151 of the Reserve Forces Act 1980;
- (e) the Orders dated 19th February 1990 amending Orders made on 12th December 1980 concerning the Ulster Defence Regiment made in each case under section 140 of the Reserve Forces Act 1980;

and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under the provisions mentioned in sub- paragraphs (a) to (e) of this paragraph.]

**Textual Amendments**

**F434** Sch. 9 paras. 45-47 added (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1990 \(S.I. 1990/547\)](#), regs. 1(1)(a), **22(e)**

[<sup>F436</sup>**48.**—(1) Any payment or repayment made—

- (a) as respects England and Wales, under regulation 3, 5 or 8 of the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988 (travelling expenses and health service supplies);
- (b) as respects Scotland, under regulation 3, 5 or 8 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Regulations 1988 (travelling expenses and health service supplies).

(2) Any payment or repayment made by the Secretary of State for Health, the Secretary of State for Scotland or the Secretary of State for Wales which is analogous to a payment or repayment mentioned in sub-paragraph (1).]

**Textual Amendments**

**F436** Sch. 9 paras. 48-50 added (1.10.1990) by [The Income Support \(General\) Amendment No. 3 Regulations 1990 \(S.I. 1990/1776\)](#), regs. 1(1)(a), **10(b)** (with reg. 1(2))

[<sup>F436</sup>**49.** Any payment made under regulation 9 to 11 or 13 of the Welfare Food Regulations 1988 (payments made in place of milk tokens or the supply of vitamins).]

**Textual Amendments**

**F436** Sch. 9 paras. 48-50 added (1.10.1990) by [The Income Support \(General\) Amendment No. 3 Regulations 1990 \(S.I. 1990/1776\)](#), regs. 1(1)(a), **10(b)** (with reg. 1(2))

[<sup>F436</sup>**50.** Any payment made either by the Secretary of State for the Home Department or by the Secretary of State for Scotland under a scheme established to assist relatives and other persons to visit persons in custody.]

**Textual Amendments**

**F436** Sch. 9 paras. 48-50 added (1.10.1990) by [The Income Support \(General\) Amendment No. 3 Regulations 1990 \(S.I. 1990/1776\)](#), regs. 1(1)(a), **10(b)** (with reg. 1(2))

*Status: Point in time view as at 11/04/2000.*

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

[<sup>F437</sup>51. Any payment (other than a training allowance) made, whether by the Secretary of State or by any other person, under the Disabled Persons (Employment) Act 1944 or in accordance with arrangements made under section 2 of the Employment and Training Act 1973 to assist disabled persons to obtain or retain employment despite their disability.]

#### Textual Amendments

**F437** Sch. 9 para. 51 added (6.4.1992) by [The Income Support \(General\) Amendment Regulations 1992 \(S.I. 1992/468\)](#), regs. 1(1), **8(3)** (with reg. 1(2))

[<sup>F438</sup>52. Any council tax benefit [<sup>F439</sup>including any amount of council tax benefit to which a person is entitled by virtue of regulation 4D of the Council Tax Benefit (General) Regulations 1992 (entitlement of a refugee to council tax benefit).]]

#### Textual Amendments

**F438** Sch. 9 para. 52 added (1.4.1993) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1993 \(S.I. 1993/315\)](#), reg. 1(1)(b), **Sch. para. 5(5)**

**F439** Words in Sch. 9 para. 52 added (15.10.1996) by [The Income Support and Social Security \(Claims and Payments\) \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/2431\)](#), regs. 1(1), **5(b)**

[<sup>F440</sup>53. Where the claimant is in receipt of any benefit under Parts II, III or V of the Contributions and Benefits Act [<sup>F441</sup>or pension under the Naval Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983], any increase in the rate of that benefit arising under Part IV (increases for dependants) or section 106(a) (unemployability supplement) of that Act [<sup>F442</sup>or the rate of that pension under that Order] where the dependant in respect of whom the increase is paid is not a member of the claimant's family.]

#### Textual Amendments

**F440** Sch. 9 para. 53 added (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), **9(5)**

**F441** Words in Sch. 9 para. 53 inserted (with effect in accordance with reg. 1(4) of the amending S.I.) by [The Income-related Benefits Schemes and Social Security \(Claims and Payments\) \(Miscellaneous Amendments\) Regulations 1995 \(S.I. 1995/2303\)](#), regs. 1(1)(a), **6(9)(c)(i)** (with reg. 8)

**F442** Words in Sch. 9 para. 53 inserted (with effect in accordance with reg. 1(4) of the amending S.I.) by [The Income-related Benefits Schemes and Social Security \(Claims and Payments\) \(Miscellaneous Amendments\) Regulations 1995 \(S.I. 1995/2303\)](#), regs. 1(1)(a), **6(9)(c)(ii)** (with reg. 8)

[<sup>F443</sup>54. Any supplementary pension under article 29(1A) of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983 (pensions to widows).

#### Textual Amendments

**F443** Sch. 9 paras. 54-56 added (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No.5\) Regulations 1994 \(S.I. 1994/2139\)](#), regs. 1(1)(a), **32(3)**



**55.** In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983 (pensions to widows), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.

**Textual Amendments**

**F443** Sch. 9 paras. 54-56 added (with effect in accordance with reg. 1(2) of the amending S.I.) by The Income-related [Benefits Schemes \(Miscellaneous Amendments\) \(No.5\) Regulations 1994 \(S.I. 1994/2139\)](#), regs. 1(1)(a), **32(3)**

**56.**—(1) Any payment which is—

- (a) made under any of the Dispensing Instruments to a widow of a person—
  - (i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and
  - (ii) whose service in such capacity terminated before 31st March 1973; and
- (b) equal to the amount specified in article 29(1A) of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983 (pensions to widows).

(2) In this paragraph “the Dispensing Instruments” means the Order in Council of 19th December 1881, the Royal Warrant of 27th October 1884 and the Order by His Majesty of 14th January 1992 (exceptional grants of pay, non-effective pay and allowances).]

**Textual Amendments**

**F443** Sch. 9 paras. 54-56 added (with effect in accordance with reg. 1(2) of the amending S.I.) by The Income-related [Benefits Schemes \(Miscellaneous Amendments\) \(No.5\) Regulations 1994 \(S.I. 1994/2139\)](#), regs. 1(1)(a), **32(3)**

[<sup>F444</sup>**57.** Any amount of income support to which a person is entitled by virtue of [<sup>F445</sup>regulation 21ZB] above (treatment of refugees).]

**Textual Amendments**

**F444** Sch. 9 para. 57 added (15.10.1996) by [The Income Support and Social Security \(Claims and Payments\) \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/2431\)](#), regs. 1(1), **5(c)**

**F445** Words in Sch. 9 para. 57 substituted (3.4.2000) by [The Social Security \(Immigration and Asylum\) Consequential Amendments Regulations 2000 \(S.I. 2000/636\)](#), regs. 1(1), **3(13)**

[<sup>F446</sup>**58.** Any payment made under the Community Care (Direct Payments) Act 1996 or under section 12B of the Social Work (Scotland) Act 1968.

**Textual Amendments**

**F446** Sch. 9 paras. 58-61 added (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), **2(3)(b)**

*Status: Point in time view as at 11/04/2000.*

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

**59.**—(1) Subject to paragraph 60, any Career Development Loan paid to the claimant pursuant to section 2 of the Employment and Training Act 1973 except to the extent that the loan has been applied for and paid in respect of living expenses for the period of education and training supported by that loan and those expenses relate to any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel, rent for which housing benefit is payable, or any housing costs to the extent that they are met under regulation 17(1)(e) or 18(1)(f) (housing costs) or any accommodation charges to the extent that they are met under regulation 19 (persons in residential care or nursing homes), of the claimant or, where the claimant is a member of a family, any other member of his family, or any council tax or water charges for which that claimant or member is liable.

(3) For the purposes of this paragraph, “ordinary clothing and footwear” means clothing or footwear for normal daily use, but does not include school uniforms, or clothing and footwear used solely for sporting activities.

#### Textual Amendments

**F446** Sch. 9 paras. 58-61 added (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), **2(3)(b)**

**60.** Any Career Development Loan paid to the claimant pursuant to section 2 of the Employment and Training Act 1973 where the period of education and training supported by that loan has been completed.

#### Textual Amendments

**F446** Sch. 9 paras. 58-61 added (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), **2(3)(b)**

**61.**—(1) Any payment specified in sub-paragraph (2) to a claimant who was formerly a student and who has completed the course in respect of which those payments were made.

(2) The payments specified for the purposes of sub-paragraph (1) are—

(a) any grant income and covenant income as defined for the purposes of Chapter VIII of Part V;

[<sup>F447</sup>(b) any student loan as defined in Chapter VIII of Part V;]]

[<sup>F447</sup>(c) any contribution as defined in Chapter VIII of Part V which—

(i) is taken into account in ascertaining the amount of a student loan referred to in head (b); and

(ii) has been paid.

#### Textual Amendments

**F446** Sch. 9 paras. 58-61 added (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), **2(3)(b)**

**F447** Sch. 9 para. 61(2)(b)(c) substituted for Sch. 9 para. 61(2)(b) (1.8.1999, 30.8.1999 in so far as not already in force) by [The Social Security Amendment \(Students\) Regulations 1999 \(S.I. 1999/1935\)](#), regs. 1(1)(b), **3(8)**

**[<sup>F448</sup>62.—(1)** Any mandatory top-up payment made to a person pursuant to section 2 of the Employment and Training Act 1973 in respect of that person's participation in an employment programme specified in—

- (a) regulation 75(1)(a)(ii)(aa)(ii) of the Jobseeker's Allowance Regulations 1996 (self-employment route of the Employment Option of the New Deal);
- (b) regulation 75(1)(a)(ii)(bb) of those Regulations (Voluntary Sector Option of the New Deal); or
- (c) regulation 75(1)(a)(ii)(cc) of those Regulations (Environment Task Force Option of the New Deal).]

#### Textual Amendments

**F447** Sch. 9 para. 61(2)(b)(c) substituted for Sch. 9 para. 61(2)(b) (1.8.1999, 30.8.1999 in so far as not already in force) by [The Social Security Amendment \(Students\) Regulations 1999 \(S.I. 1999/1935\)](#), regs. 1(1)(b), **3(8)**

**F448** Sch. 9 para. 62 substituted (1.6.1998) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 1998 \(S.I. 1998/1174\)](#), regs. 1(1), **7(3)(4)(e)**

**[<sup>F449</sup>63.—(1)** Any discretionary payment to meet, or to help meet, special needs made to a person pursuant to section 2 of the Employment and Training Act 1973 in respect of that person's participation in the Full-Time Education and Training Option of the New Deal as specified in regulation 75(1)(b)(ii) of the Jobseeker's Allowance Regulations 1996]]

#### Textual Amendments

**F447** Sch. 9 para. 61(2)(b)(c) substituted for Sch. 9 para. 61(2)(b) (1.8.1999, 30.8.1999 in so far as not already in force) by [The Social Security Amendment \(Students\) Regulations 1999 \(S.I. 1999/1935\)](#), regs. 1(1)(b), **3(8)**

**F449** Sch. 9 para. 63 added (5.1.1998) by [The Social Security Amendment \(New Deal\) Regulations 1997 \(S.I. 1997/2863\)](#), reg. 1(1), **reg 17(9)10**

#### Textual Amendments

**F446** Sch. 9 paras. 58-61 added (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), **2(3)(b)**

**F447** Sch. 9 para. 61(2)(b)(c) substituted for Sch. 9 para. 61(2)(b) (1.8.1999, 30.8.1999 in so far as not already in force) by [The Social Security Amendment \(Students\) Regulations 1999 \(S.I. 1999/1935\)](#), regs. 1(1)(b), **3(8)**

**F448** Sch. 9 para. 62 substituted (1.6.1998) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 1998 \(S.I. 1998/1174\)](#), regs. 1(1), **7(3)(4)(e)**

**F449** Sch. 9 para. 63 added (5.1.1998) by [The Social Security Amendment \(New Deal\) Regulations 1997 \(S.I. 1997/2863\)](#), reg. 1(1), **reg 17(9)10**

*Status: Point in time view as at 11/04/2000.*

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

<sup>F450</sup>64. ....

**Textual Amendments**

**F450** Sch. 9 para. 64 omitted (24.9.1998) by virtue of [The Social Security Amendment \(New Deal\) \(No.2\) Regulations 1998 \(S.I. 1998/2117\)](#), regs. 1(1), **6(2)(a)**

[<sup>F451</sup>64.—(1) Subject to sub-paragraph (2), in the case of a person who is receiving, or who has received, assistance under an employment programme specified in regulation 75(1)(a)(ii)(aa)(ii) of the Jobseeker’s Allowance Regulations 1996 (self-employment route of the Employment Option of the New Deal), any payment to the person—

- (a) to meet expenses wholly and necessarily incurred whilst carrying on the commercial activity;
- (b) which is used or intended to be used to maintain repayments on a loan taken out by that person for the purpose of establishing or carrying on the commercial activity,

in respect of which such assistance is or was received.

(2) Sub-paragraph (1) shall apply only in respect of payments which are paid to that person from the special account as defined for the purposes of Chapter IVA of Part V.]

**Textual Amendments**

**F451** Sch. 9 para. 64 added (1.6.1998) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 1998 \(S.I. 1998/1174\)](#), regs. 1(1), **6(4)**

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

**C23** Sch. 9 para. 64 modified (temp.) (29.11.1999) by [The Social Security \(New Deal Pilot\) Regulations 1999 \(S.I. 1999/3156\)](#), regs. 1(1), **18(2)(3)** (with regs. 1(2), 11, 19)

[<sup>F452</sup>65.—(1) Subject to sub-paragraph (2), any discretionary payment made pursuant to section 2 of the Employment and Training Act 1973 to meet, or help meet, special needs of a person who is undertaking a qualifying course within the meaning specified in regulation 17A(7) of the Jobseeker’s Allowance Regulations 1996.

(2) No amount shall be disregarded pursuant to sub-paragraph (1) in respect of travel expenses incurred as a result of the student’s attendance on the course where an amount in respect of those expenses has already been disregarded pursuant to regulation 66(1) (student’s income to be disregarded).]

**Textual Amendments**

**F452** Sch. 9 para. 65 added (24.9.1998) by [The Social Security Amendment \(New Deal\) \(No.2\) Regulations 1998 \(S.I. 1998/2117\)](#), **regs. 1(1), 4(4)**

**Textual Amendments**

**F451** Sch. 9 para. 64 added (1.6.1998) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 1998 \(S.I. 1998/1174\)](#), regs. 1(1), **6(4)**

**F452** Sch. 9 para. 65 added (24.9.1998) by [The Social Security Amendment \(New Deal\) \(No.2\) Regulations 1998 \(S.I. 1998/2117\)](#), regs. **1(1), 4(4)**

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

**C23** Sch. 9 para. 64 modified (temp.) (29.11.1999) by [The Social Security \(New Deal Pilot\) Regulations 1999 \(S.I. 1999/3156\)](#), regs. 1(1), **18(2)(3)** (with regs. 1(2), 11, 19)

[<sup>F453</sup>**66.** Any payment made with respect to a person on account of the provision of after-care under section 117 of the Mental Health Act 1983 or section 8 of the Mental Health (Scotland) Act 1984 or the provision of accommodation or welfare services to which [<sup>F454</sup>Part III of the National Assistance Act 1948 refers or to which the Social Work (Scotland) Act 1968 refers], which falls to be treated as notional income under paragraph (4A) of regulation 42 above (payments made in respect of a person in a residential care or nursing home).]

**Textual Amendments**

**F453** Sch. 9 para. 66 added (24.9.1998) by [The Social Security Amendment \(New Deal\) \(No.2\) Regulations 1998 \(S.I. 1998/2117\)](#), regs. **1(1), 6(2)(b)**

**F454** Words in Sch. 9 para. 66 substituted (3.4.2000) by [The Social Security \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/681\)](#), regs. 1(1)(c), **7**

[<sup>F455</sup>**69.**—(1) Any payment of a sports award except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel, rent for which housing benefit is payable or any housing costs to the extent that they are met under regulation 17(1)(e) or 18(1)(f) (housing costs) or any accommodation charges to the extent that they are met under regulation 19 (persons in residential care or nursing homes), of the claimant or, where the claimant is a member of a family, any other member of his family, or any council tax or water charges for which that claimant or member is liable.

(3) For the purposes of sub-paragraph (2)—

“food” does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made;

“ordinary clothing and footwear” means clothing or footwear for normal daily use but does not include school uniforms or clothing or footwear used solely for sporting activities.]

**Textual Amendments**

**F455** Sch. 9 para. 69 added (23.8.1999) by [The Social Security Amendment \(Sports Awards\) Regulations 1999 \(S.I. 1999/2165\)](#), regs. 1(1), **6(4)**

[<sup>F456</sup>**70.** In the case of a person to whom regulation 6(2) (persons not treated as engaged in remunerative work) applies, any working families tax credit or disabled person’s tax credit to which section 128 or as the case may be 129 of the Contributions and Benefits Act refers which is paid to that person.]

*Status: Point in time view as at 11/04/2000.*

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

#### Textual Amendments

**F456** Sch. 9 para. 70 added (4.10.1999) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 1999 \(S.I. 1999/2556\)](#), regs. 1, **2(10)**

[<sup>F457</sup>71. Where the amount of a subsistence allowance paid to a person in a benefit week exceeds the amount of income-based jobseeker's allowance that person would have received in that benefit week had it been payable to him, less 50p, that excess amount.]

#### Textual Amendments

**F457** Sch. 9 paras. 71, 72 added (3.4.2000) by [The Social Security Amendment \(Employment Zones\) Regulations 2000 \(S.I. 2000/724\)](#), regs. 1(1), **3(3)(a)**

[<sup>F457</sup>72. In the case of a claimant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the claimant, being a fee, grant, loan or otherwise.]

#### Textual Amendments

**F457** Sch. 9 paras. 71, 72 added (3.4.2000) by [The Social Security Amendment \(Employment Zones\) Regulations 2000 \(S.I. 2000/724\)](#), regs. 1(1), **3(3)(a)**

#### Textual Amendments

**F455** Sch. 9 para. 69 added (23.8.1999) by [The Social Security Amendment \(Sports Awards\) Regulations 1999 \(S.I. 1999/2165\)](#), regs. 1(1), **6(4)**

**F456** Sch. 9 para. 70 added (4.10.1999) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 1999 \(S.I. 1999/2556\)](#), regs. 1, **2(10)**

**F457** Sch. 9 paras. 71, 72 added (3.4.2000) by [The Social Security Amendment \(Employment Zones\) Regulations 2000 \(S.I. 2000/724\)](#), regs. 1(1), **3(3)(a)**

## SCHEDULE 10

Regulation 46(2)

### CAPITAL TO BE DISREGARDED

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

**C24** Sch. 10 para. 54 modified (temp.) (29.11.1999) by [The Social Security \(New Deal Pilot\) Regulations 1999 \(S.I. 1999/3156\)](#), regs. 1(1), **17** (with regs. 1(2), 11, 19)

**C25** Sch. 10 para. 55 modified (temp.) (29.11.1999) by [The Social Security \(New Deal Pilot\) Regulations 1999 \(S.I. 1999/3156\)](#), regs. 1(1), **17** (with regs. 1(2), 11, 19)

1. The dwelling occupied as the home but, notwithstanding regulation 23 (calculation of income and capital of members of claimant's family and of a polygamous marriage), only one dwelling shall be disregarded under this paragraph.

**Commencement Information**

**I74** Sch. 10 para. 1 in force at 11.4.1988, see [reg. 1](#)

2. Any premises acquired for occupation by the claimant which he intends to occupy [<sup>F458</sup>as his home] within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the claimant to obtain possession and commence occupation of the premises.

**Textual Amendments**

**F458** Words in Sch. 10 para. 2 inserted (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **26(a)**

**Commencement Information**

**I75** Sch. 10 para. 2 in force at 11.4.1988, see [reg. 1](#)

3. Any sum directly attributable to the proceeds of sale of any premises formerly occupied by the claimant as his home which is to be used for the purchase of other premises intended for such occupation within 26 weeks of the date of sale or such longer period as is reasonable in the circumstances to enable the claimant to complete the purchase.

**Commencement Information**

**I76** Sch. 10 para. 3 in force at 11.4.1988, see [reg. 1](#)

4. Any premises occupied in whole or in part by—

- (a) a partner or relative of [<sup>F459</sup>a single claimant or any member of] the family [<sup>F460</sup>as his home] where that person is aged 60 or over or is incapacitated;
- (b) the former partner of a claimant <sup>F461</sup>... as his home; but this provision shall not apply where the former partner is a person from whom the claimant is estranged or divorced.

**Textual Amendments**

**F459** Words in Sch. 10 para. 4(a) substituted (1.10.1990) by [The Income Support \(General\) Amendment No. 3 Regulations 1990 \(S.I. 1990/1776\)](#), regs. 1(1)(a), **11(a)** (with [reg. 1\(2\)](#))

**F460** Words in Sch. 10 para. 4(a) inserted (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **26(b)**

**F461** Words in Sch. 10 para. 4(b) omitted (30.5.1988) by virtue of [The Income Support \(General\) Amendment No. 2 Regulations 1988 \(S.I. 1988/910\)](#), regs. 1(1), **3(a)**

**Commencement Information**

**I77** Sch. 10 para. 4 in force at 11.4.1988, see [reg. 1](#)

[<sup>F462</sup>5. Any future interest in property of any kind, other than land or premises in respect of which the claimant has granted in subsisting lease or tenancy, including sub-leases or sub-tenancies,]

*Status: Point in time view as at 11/04/2000.*

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

### Textual Amendments

**F462** Sch. 10 para. 5 substituted (with effect in accordance with reg. 1(4) of the amending S.I.) by [The Income-related Benefits Schemes and Social Security \(Claims and Payments\) \(Miscellaneous Amendments\) Regulations 1995 \(S.I. 1995/2303\)](#), regs. 1(1)(a), **6(10)(a)** (with reg. 8)

6.—(1) The assets of any business owned in whole or in part by the claimant and for the purposes of which he is engaged as a self-employed earner or, if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of any such asset.

[<sup>F463</sup>(2) The assets of any business owned in whole or in part by the claimant where—

- (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but
- (b) he intends to become engaged (or, as the case may be, re-engaged) as a self-employed earner in that business as soon as he recovers or is able to become engaged, or re-engaged, in that business;

for a period of 26 weeks from the date on which the claim for income support is made, or is treated as made, or, if it is unreasonable to expect him to become engaged or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.]

[<sup>F464</sup>(3) In the case of a person who is receiving assistance under an employment programme specified in regulation 75(1)(a)(ii)(aa)(ii) of the Jobseeker's Allowance Regulations 1996 (self-employment route of the Employment Option of the New Deal), the assets acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is being received.

(4) In the case of a person who has ceased carrying on the commercial activity in respect of which assistance was received as specified in sub-paragraph (3), the assets relating to that activity for such period as may be reasonable in the circumstances to allow for disposal of any such asset.]

### Textual Amendments

**F463** Sch. 10 para. 6(2) added (1.10.1990) by [The Income Support \(General\) Amendment No. 3 Regulations 1990 \(S.I. 1990/1776\)](#), regs. 1(1)(a), **11(b)** (with reg. 1(2))

**F464** Sch. 10 para. 6(3)(4) added (1.6.1998) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 1998 \(S.I. 1998/1174\)](#), regs. 1(1), **7(7)(8)(e)**

### Modifications etc. (not altering text)

**C26** Sch. 10 para. 6 modified (temp.) (29.11.1999) by [The Social Security \(New Deal Pilot\) Regulations 1999 \(S.I. 1999/3156\)](#), regs. 1(1), **18(2)(3)** (with regs. 1(2), 11, 19)

### Commencement Information

**I78** Sch. 10 para. 6 in force at 11.4.1988, see [reg. 1](#)

7. Any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of—

- (a) any payment specified in paragraph 6, [<sup>F465</sup> 8, 9 or 9A] of Schedule 9 (other income to be disregarded);



- (b) an income-related benefit or [<sup>F466</sup>an income-based jobseeker's allowance,] supplementary benefit, family income supplement under the Family Income Supplements Act 1970 <sup>F467</sup> or housing benefit under Part II of the Social Security and Housing Benefits Act 1982;
- (c) [<sup>F468</sup>any earnings top-up,]

but only for a period of 52 weeks from the date of the receipt of the arrears or of the concessionary payment.

#### Textual Amendments

- F465** Words in Sch. 10 para. 7(a) substituted (6.4.1992) by [The Disability Living Allowance and Disability Working Allowance \(Consequential Provisions\) Regulations 1991 \(S.I. 1991/2742\)](#), regs. 1(1), **11(7)** (with reg. 1(2))
- F466** Words in Sch. 10 para. 7(b) 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), **26**
- F467** 1970 c. 55.
- F468** Sch. 10 para. 7(c) added (with effect in accordance with reg. 1(6) of the amending S.I.) by [The Income-related Benefits Schemes and Social Fund \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/1944\)](#), reg. 1(1)(a), Sch. paras. 7(1)(2)(e) (with reg. 13)

#### Commencement Information

- I79** Sch. 10 para. 7 in force at 11.4.1988, see [reg. 1](#)

#### 8. Any sum—

- (a) paid to the claimant in consequence of damage to, or loss of the home or any personal possession and intended for its repair or replacement; or
- (b) acquired by the claimant (whether as a loan or otherwise) on the express condition that it is to be used for effecting essential repairs or improvements to the home, and which is to be used for the intended purpose, for a period of 26 weeks from the date on which it was so paid or acquired or such longer period as is reasonable in the circumstances to enable the claimant to effect the repairs, replacement or improvements.

#### Commencement Information

- I80** Sch. 10 para. 8 in force at 11.4.1988, see [reg. 1](#)

#### 9. Any sum—

- (a) deposited with a housing association as defined in section 1(1) of the Housing Associations Act 1985 <sup>F469</sup> or section 338(1) of the Housing (Scotland) Act 1987 <sup>F470</sup> as a condition of occupying the home;
- (b) which was so deposited and which is to be used for the purchase of another home, for the period of 26 weeks or such longer period as is reasonable in the circumstances to complete the purchase.

#### Textual Amendments

- F469** 1985 c. 69.
- F470** 1987 c. 26.

*Status: Point in time view as at 11/04/2000.*

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

**Commencement Information**

**I81** Sch. 10 para. 9 in force at 11.4.1988, see [reg. 1](#)

**10.** Any personal possessions except those which had or have been acquired by the claimant with the intention of reducing his capital in order to secure entitlement to supplementary benefit or income support or to increase the amount of that benefit.

**Commencement Information**

**I82** Sch. 10 para. 10 in force at 11.4.1988, see [reg. 1](#)

**11.** The value of the right to receive any income under an annuity and the surrender value (if any) of such an annuity.

**Commencement Information**

**I83** Sch. 10 para. 11 in force at 11.4.1988, see [reg. 1](#)

[<sup>F471</sup>**12.** Where the funds of a trust are derived from a payment made in consequence of any personal injury to the claimant, the value of the trust fund and the value of the right to receive any payment under that trust.]

**Textual Amendments**

**F471** Sch. 10 para. 12 substituted (1.10.1990) by [The Income Support \(General\) Amendment No. 3 Regulations 1990 \(S.I. 1990/1776\)](#), [reg. 11\(c\)](#) (with [reg. 1\(2\)](#))

**Commencement Information**

**I84** Sch. 10 para. 12 in force at 11.4.1988, see [reg. 1](#)

**13.** The value of the right to receive any income under a life interest or from a liferent.

**Commencement Information**

**I85** Sch. 10 para. 13 in force at 11.4.1988, see [reg. 1](#)

**14.** The value of the right to receive any income which is disregarded under paragraph 11 of Schedule 8 or paragraph 23 of Schedule 9 (earnings or other income to be disregarded).

**Commencement Information**

**I86** Sch. 10 para. 14 in force at 11.4.1988, see [reg. 1](#)

**15.** The surrender value of any policy of life insurance.

**Commencement Information**

**I87** Sch. 10 para. 15 in force at 11.4.1988, see [reg. 1](#)

16. Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.

#### Commencement Information

**I88** Sch. 10 para. 16 in force at 11.4.1988, see [reg. 1](#)

17. Except in the case of a person to whom section 23 of the Act (trade disputes) applies [<sup>F472</sup>or in respect of whom section 20(3) of the Act (conditions of entitlement to income support) has effect as modified by section 23A(b) of the Act (effect of return to work)], [<sup>F473</sup>any payment made by a local authority [<sup>F474</sup>in accordance with section 17 or 24 of the Children Act 1989] or, as the case may be, section 12, 24 or 26 of the Social Work (Scotland) Act 1968 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care).]

#### Textual Amendments

**F472** Words in Sch. 10 para. 17 substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), [regs. 1\(1\), 36\(a\)](#)

**F473** Words in Sch. 10 para. 17 substituted (10.7.1989) by [The Family Credit and Income Support \(General\) Amendment Regulations 1989 \(S.I. 1989/1034\)](#), [regs. 1\(1\)\(a\), 12](#)

**F474** Words in [Sch. 10 para. 17](#) substituted (with effect in accordance with [reg. 1\(2\)](#) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1992 \(S.I. 1992/468\)](#), [reg. 1\(1\), Sch. para 10](#)

#### Commencement Information

**I89** Sch. 10 para. 17 in force at 11.4.1988, see [reg. 1](#)

[<sup>F475</sup>18. Any social fund payment made pursuant to Part III of the Act.]

#### Textual Amendments

**F475** Sch. 10 para. 18 substituted (6.4.1992) by [The Income Support \(General\) Amendment Regulations 1992 \(S.I. 1992/468\)](#), [regs. 1\(1\), 9\(2\)](#) (with [reg. 1\(2\)](#))

#### Commencement Information

**I90** Sch. 10 para. 18 in force at 11.4.1988, see [reg. 1](#)

19. Any refund of tax which falls to be deducted under section 26 of the Finance Act 1982 [<sup>F476</sup>(deductions of tax from certain loan interest) on a payment of relevant loan interest for the purpose of acquiring an interest in the home or carrying out repairs or improvements in the home.

#### Textual Amendments

**F476** 1982 c. 39.

#### Commencement Information

**I91** Sch. 10 para. 19 in force at 11.4.1988, see [reg. 1](#)

20. Any capital which under [<sup>F477</sup>regulation 41, 44(1) or 66A (capital treated as income, modifications in respect of children and young persons or treatment of student loans)] is to be treated as income.

*Status: Point in time view as at 11/04/2000.*

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

### Textual Amendments

**F477** Words in Sch. 10 para. 20 substituted (1.9.1990) by [The Social Security Benefits \(Student Loans and Miscellaneous Amendments\) Regulations 1990 \(S.I. 1990/1549\)](#), regs. 1(1)(a), **5(9)** (with reg. 7(1))

### Commencement Information

**I92** Sch. 10 para. 20 in force at 11.4.1988, see [reg. 1](#)

**21.** Where a payment of capital is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.

### Commencement Information

**I93** Sch. 10 para. 21 in force at 11.4.1988, see [reg. 1](#)

<sup>[F478]</sup>**22.**—(1) Any payment made under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust (“the Trusts”), <sup>[F479]</sup>the Fund<sup>[F480]</sup>, the Eileen Trust]] or <sup>[F481]</sup>the Independent Living Funds].

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia <sup>[F479]</sup>or who is or was a qualifying person], which derives from a payment made under any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

- (a) that person’s partner or former partner from whom he is not, or where that person has died was not, estranged or divorced;
- (b) any child who is a member of that person’s family or who was such a member and who is a member of the claimant’s family; or
- (c) any young person who is a member of that person’s family or who was such a member and who is a member of the claimant’s family.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia <sup>[F482]</sup>or who is or was a qualifying person] provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced, which derives from a payment made under any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

- (a) the person who is suffering from haemophilia <sup>[F483]</sup>or who is a qualifying person];
- (b) any child who is a member of that person’s family or who was such a member and who is a member of the claimant’s family; or
- (c) any young person who is a member of that person’s family or who was such a member and who is a member of the claimant’s family.

(4) Any payment by a person who is suffering from haemophilia <sup>[F484]</sup>or who is a qualifying person], which derives from a payment under any of the Trusts to which sub-paragraph (1) refers, where—

- (a) that person has no partner or former partner from whom he is not estranged or divorced, nor any child or young person who is or had been a member of that person’s family; and
- (b) the payment is made either—
  - (i) to that person’s parent or step-parent, or

- (ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian,

but only for a period from the date of the payment until the end of two years from that person's death.

(5) Any payment out of the estate of a person who suffered from haemophilia [<sup>F484</sup>or who was a qualifying person], which derives from a payment under any of the Trusts to which sub-paragraph (1) refers, where—

- (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced, nor any child or young person who was or had been a member of his family; and
- (b) the payment is made either—
  - (i) to that person's parent or step-parent, or
  - (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,

but only for a period of two years from the relevant date.

(6) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any capital resource which derives from any payment of income or capital made under or deriving from any of the Trusts.]

[<sup>F485</sup>(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund [<sup>F486</sup>and the Eileen Trust].]

#### Textual Amendments

- F478** Sch. 10 para. 22 substituted (11.5.1991) by [The Income-related Benefits Schemes and Social Security \(Recoupment\) Amendment Regulations 1991 \(S.I. 1991/1175\)](#), regs. 1(1), **5(8)(a)**
- F479** Words in Sch. 10 para. 22(1)(2) inserted (7.5.1992) by [The Income-related Benefits Schemes and Social Security \(Recoupment\) Amendment Regulations 1992 \(S.I. 1992/1101\)](#), regs. 1(1), **6(8)(a)(i)(ii)**
- F480** Words in Sch. 10 para. 22(1) inserted (14.5.1993) by [The Income-related Benefits Schemes and Social Security \(Recoupment\) Amendment Regulations 1993 \(S.I. 1993/1249\)](#), regs. 1(1)(a), **4(5)(a)**
- F481** Words in Sch. 10 para. 22(1) substituted (22.4.1993) by [The Social Security Benefits \(Miscellaneous Amendments\) \(No. 2\) Regulations 1993 \(S.I. 1993/963\)](#), regs. 1, **2(3)(4)**
- F482** Words in Sch. 10 para. 22(3) inserted (7.5.1992) by [The Income-related Benefits Schemes and Social Security \(Recoupment\) Amendment Regulations 1992 \(S.I. 1992/1101\)](#), regs. 1(1), **6(8)(a)(iii)(aa)**
- F483** Words in Sch. 10 para. 22(3) inserted (7.5.1992) by [The Income-related Benefits Schemes and Social Security \(Recoupment\) Amendment Regulations 1992 \(S.I. 1992/1101\)](#), regs. 1(1), **6(8)(a)(iii)(bb)**
- F484** Words in Sch. 10 para. 22(4)(5) inserted (7.5.1992) by [The Income-related Benefits Schemes and Social Security \(Recoupment\) Amendment Regulations 1992 \(S.I. 1992/1101\)](#), regs. 1(1), **6(8)(a)(iv)(v)**
- F485** Sch. 10 para. 22(7) added (7.5.1992) by [The Income-related Benefits Schemes and Social Security \(Recoupment\) Amendment Regulations 1992 \(S.I. 1992/1101\)](#), regs. 1(1), **6(8)(a)(vi)**
- F486** Words in Sch. 10 para. 22(7) added (14.5.1993) by [The Income-related Benefits Schemes and Social Security \(Recoupment\) Amendment Regulations 1993 \(S.I. 1993/1249\)](#), regs. 1(1)(a), **4(5)(b)**

[<sup>F487</sup>**23.** The value of the right to receive an occupational [<sup>F488</sup>or personal] pension.]

*Status: Point in time view as at 11/04/2000.*

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

#### Textual Amendments

**F487** Sch. 10 paras. 22-24 added (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988](#) (S.I. 1988/663), regs. 1(1), **36(b)**

**F488** Words in Sch. 10 para. 23 inserted (7.10.1991) by [The Income Support \(General\) Amendment No. 4 Regulations 1991](#) (S.I. 1991/1559), regs. 1(1)(c), **21** (with reg. 1(2))

[<sup>F489</sup>**23A.** The value of any funds held under a personal pension scheme or retirement annuity contract.]

#### Textual Amendments

**F489** Sch. 10 para. 23A inserted (with effect in accordance with reg. 1(4) of the amending S.I.) by [The Income-related Benefits Schemes and Social Security \(Claims and Payments\) \(Miscellaneous Amendments\) Regulations 1995](#) (S.I. 1995/2303), regs. 1(1)(a), **6(10)(b)** (with reg. 8)

[<sup>F487</sup>**24.** The value of the right to receive any rent [<sup>F490</sup>except where the claimant has a reversionary interest in the property in respect of which rent is due.]]

#### Textual Amendments

**F487** Sch. 10 paras. 22-24 added (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988](#) (S.I. 1988/663), regs. 1(1), **36(b)**

**F490** Words in Sch. 10 para. 24 added (with effect in accordance with reg. 1(4) of the amending S.I.) by [The Income-related Benefits Schemes and Social Security \(Claims and Payments\) \(Miscellaneous Amendments\) Regulations 1995](#) (S.I. 1995/2303), regs. 1(1)(a), **6(10)(c)** (with reg. 8)

[<sup>F491</sup>**25.** Where a claimant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling.]

#### Textual Amendments

**F491** Sch. 10 paras. 25-28 added (30.5.1988) by [The Income Support \(General\) Amendment No. 2 Regulations 1988](#) (S.I. 1988/910), regs. 1(1), **3(b)**

[<sup>F491</sup>**26.** Any premises where the claimant is taking reasonable steps to dispose of those premises, for a period of 26 weeks from the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises.]

#### Textual Amendments

**F491** Sch. 10 paras. 25-28 added (30.5.1988) by [The Income Support \(General\) Amendment No. 2 Regulations 1988](#) (S.I. 1988/910), regs. 1(1), **3(b)**

[<sup>F492</sup>**27.** Any premises which the claimant intends to occupy as his home, and in respect of which he is taking steps to obtain possession and has sought legal advice or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which he first sought such advice or first commenced such proceedings whichever is earlier, or such longer

period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.]

#### Textual Amendments

**F492** Sch. 10 para. 27 substituted (12.12.1988) by [The Income Support \(General\) Amendment No. 5 Regulations 1988 \(S.I. 1988/2022\)](#), regs. 1(1)(a), **23(a)**

[<sup>F491</sup>**28.** Any premises which the claimant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the claimant first takes steps to effect those repairs or alterations, or such longer period as is reasonable in the circumstances to enable those repairs or alterations to be carried out and the claimant to commence occupation of the premises.]

#### Textual Amendments

**F491** Sch. 10 paras. 25-28 added (30.5.1988) by [The Income Support \(General\) Amendment No. 2 Regulations 1988 \(S.I. 1988/910\)](#), regs. 1(1), **3(b)**

[<sup>F493</sup>**29.** Any payment in kind made by a charity [<sup>F494</sup>or under the Macfarlane (Special Payments) Trust][<sup>F495</sup>, the Macfarlane (Special Payments) (No. 2) Trust [<sup>F496</sup>the Fund or the Independent Living (1993) Fund.]]]

#### Textual Amendments

**F493** Sch. 10 paras. 29-31 added (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **26(e)**

**F494** Words in Sch. 10 para. 29 added (31.1.1990) by [The Income-related Benefits Schemes Amendment Regulations 1990 \(S.I. 1990/127\)](#), regs. 1(1), **3(4)**

**F495** Words in Sch. 10 para. 29 substituted (7.5.1992) by [The Income-related Benefits Schemes and Social Security \(Recoupment\) Amendment Regulations 1992 \(S.I. 1992/1101\)](#), regs. 1(1), **6(8)(b)**

**F496** Words in Sch. 10 para. 29 substituted (22.4.1993) by [The Social Security Benefits \(Miscellaneous Amendments\) \(No. 2\) Regulations 1993 \(S.I. 1993/963\)](#), regs. 1, **2(5)**

[<sup>F493</sup>**30.** [<sup>F497</sup>£200 of any payment, or, if the payment is less than £200, the whole of any payment] made under section 2 of the Employment and Training Act 1973 (functions of the Secretary of State) [<sup>F498</sup>or section 2 of the Enterprise and New Towns (Scotland) Act 1990] as a training bonus to a person participating in arrangements for training made under that section [<sup>F499</sup>of the 1973 Act].]

#### Textual Amendments

**F493** Sch. 10 paras. 29-31 added (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **26(c)**

**F497** Words in Sch. 10 para. 30 substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 4\) Regulations 1993 \(S.I. 1993/2119\)](#), regs. 1(1)(a), **24**

**F498** Words in Sch. 10 para. 30 inserted (1.4.1991) by [The Enterprise \(Scotland\) Consequential Amendments Order 1991 \(S.I. 1991/387\)](#), arts. 1, 2, **Sch.**

**F499** Words in Sch. 10 para. 30 inserted (1.4.1991) by [The Enterprise \(Scotland\) Consequential Amendments Order 1991 \(S.I. 1991/387\)](#), arts. 1, **9(h)**

*Status: Point in time view as at 11/04/2000.*

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

[<sup>F493</sup>31. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.]

**Textual Amendments**

**F493** Sch. 10 paras. 29-31 added (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **26(c)**

[<sup>F500</sup>32. Any payment made by the Secretary of State to compensate a person who was entitled to supplementary benefit in respect of a period ending immediately before 11th April 1988 but who did not become entitled to income support in respect of a period beginning with that day.]

**Textual Amendments**

**F500** Sch. 10 paras. 32-35 added (12.12.1988) by [The Income Support \(General\) Amendment No. 5 Regulations 1988 \(S.I. 1988/2022\)](#), regs. 1(1)(a), **23(b)**

[<sup>F500</sup>33. Any payment made by the Secretary of State to compensate for the loss of housing benefit supplement under regulation 19 of the Supplementary Benefit (Requirements) Regulations 1983.]

**Textual Amendments**

**F500** Sch. 10 paras. 32-35 added (12.12.1988) by [The Income Support \(General\) Amendment No. 5 Regulations 1988 \(S.I. 1988/2022\)](#), regs. 1(1)(a), **23(b)**

[<sup>F500</sup>34. Any payment made to a juror or a witness in respect of attendance at a court other than compensation for loss of earnings or for the loss of a benefit payable under the benefit Acts.]

**Textual Amendments**

**F500** Sch. 10 paras. 32-35 added (12.12.1988) by [The Income Support \(General\) Amendment No. 5 Regulations 1988 \(S.I. 1988/2022\)](#), regs. 1(1)(a), **23(b)**

[<sup>F501</sup>35. ....]

**Textual Amendments**

**F501** Sch. 10 para. 35 omitted (1.4.1993) by virtue of [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1993 \(S.I. 1993/315\)](#), reg. 1(1)(b), **Sch. para. 6(2)**

[<sup>F502</sup>36. Any payment in consequence of a reduction of a personal community charge pursuant to regulations under section 13A of the Local Government Finance Act 1988 or section 9A of the Abolition of Domestic Rates Etc (Scotland) Act 1987 (reduction of liability for personal community charge) [<sup>F503</sup>or reduction of council tax under section 13 or, as the case may be, section 80 of the Local Government Finance Act 1992 (reduction of liability for council tax),] but only for a period of 52 weeks from the date of the receipt of the payment.]



**Textual Amendments**

**F502** Sch. 10 para. 36 added (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1990 \(S.I. 1990/547\)](#), regs. 1(1)(a), **23(a)**

**F503** Words in Sch. 10 para. 36 inserted (1.4.1993) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1993 \(S.I. 1993/315\)](#), reg. 1(1)(b), **Sch. para. 6(3)**

[<sup>F504</sup>**37.** Any grant made to the claimant in accordance with a scheme made under section 129 of the Housing Act 1988 or section 66 of the Housing (Scotland) Act 1988 (schemes for payments to assist local housing authority and local authority tenants to obtain other accommodation) which is to be used—

- (a) to purchase premises intended for occupation as his home; or
- (b) to carry out repairs or alterations which are required to render premises fit for occupation as his home

for a period of 26 weeks from the date on which he received such a grant or such longer period as is reasonable in the circumstances to enable the purchase, repairs or alterations to be completed and the claimant to commence occupation of those premises as his home.]

**Textual Amendments**

**F504** Sch. 10 para. 37 added (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1990 \(S.I. 1990/547\)](#), regs. 1(1)(b), **23(b)**

[<sup>F505</sup>**38.**—(1) Any payment or repayment made—

- (a) as respects England and Wales, under regulation 3, 5 or 8 of the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988 (travelling expenses and health service supplies);
- (b) as respects Scotland, under regulation 3, 5 or 8 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Regulations 1988 (travelling expenses and health service supplies);

but only for a period of 52 weeks from the date of receipt of the payment or repayment.

(2) Any payment or repayment made by the Secretary of State for Health, the Secretary of State for Scotland or the Secretary of State for Wales which is analogous to a payment or repayment mentioned in sub-paragraph (1); but only for a period of 52 weeks from the date of receipt of the payment or repayment.]

**Textual Amendments**

**F505** Sch. 10 paras. 38-41 added (1.10.1990) by [The Income Support \(General\) Amendment No. 3 Regulations 1990 \(S.I. 1990/1776\)](#), regs. 1(1)(a), **11(d)** (with reg. 1(2))

[<sup>F505</sup>**39.** Any payment made under regulation 9 to 11 or 13 of the Welfare Food Regulations 1988 (payments made in place of milk tokens or the supply of vitamins), but only for a period of 52 weeks from the date of receipt of the payment.]

*Status: Point in time view as at 11/04/2000.*

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

#### Textual Amendments

**F505** Sch. 10 paras. 38-41 added (1.10.1990) by [The Income Support \(General\) Amendment No. 3 Regulations 1990 \(S.I. 1990/1776\)](#), regs. 1(1)(a), **11(d)** (with reg. 1(2))

[<sup>F505</sup>**40.** Any payment made either by the Secretary of State for the Home Department or by the Secretary of State for Scotland under a scheme established to assist relatives and other persons to visit persons in custody, but only for a period of 52 weeks from the date of receipt of the payment.]

#### Textual Amendments

**F505** Sch. 10 paras. 38-41 added (1.10.1990) by [The Income Support \(General\) Amendment No. 3 Regulations 1990 \(S.I. 1990/1776\)](#), regs. 1(1)(a), **11(d)** (with reg. 1(2))

[<sup>F505</sup>**41.** Any arrears of special war widows payment which is disregarded under paragraph 47 of Schedule 9 (sums to be disregarded in the calculation of income other than earnings) [<sup>F506</sup>or of any amount which is disregarded under paragraph 54, 55 or 56 of that Schedule], but only for a period of 52 weeks from the date of receipt of the arrears.]

#### Textual Amendments

**F505** Sch. 10 paras. 38-41 added (1.10.1990) by [The Income Support \(General\) Amendment No. 3 Regulations 1990 \(S.I. 1990/1776\)](#), regs. 1(1)(a), **11(d)** (with reg. 1(2))

**F506** Words in Sch. 10 para. 41 inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No.5\) Regulations 1994 \(S.I. 1994/2139\)](#), regs. 1(1)(a), **33(a)**

[<sup>F507</sup>**42.** Any payment (other than a training allowance, or a training bonus under section 2 of the Employment and Training Act 1973) made, whether by the Secretary of State or by any other person, under the Disabled Persons (Employment) Act 1944 or in accordance with arrangements made under section 2 of the Employment and Training Act 1973 to assist disabled persons to obtain or retain employment despite their disability.]

#### Textual Amendments

**F507** Sch. 10 paras. 42, 43 added (6.4.1992) by [The Income Support \(General\) Amendment Regulations 1992 \(S.I. 1992/468\)](#), regs. 1(1), **9(3)** (with reg. 1(2))

[<sup>F507</sup>**43.** Any payment made by a local authority under section 3 of the Disabled Persons (Employment) Act 1958 to homeworkers assisted under the Blind Homeworkers' Scheme.]

#### Textual Amendments

**F507** Sch. 10 paras. 42, 43 added (6.4.1992) by [The Income Support \(General\) Amendment Regulations 1992 \(S.I. 1992/468\)](#), regs. 1(1), **9(3)** (with reg. 1(2))

[<sup>F508</sup>**44.** Any sum of capital administered on behalf of a person <sup>F509</sup>... by the High Court under the provisions of Order 80 of the Rules of the Supreme Court, the County Court under Order 10 of the County Court Rules 1981, or the Court of Protection, where such sum derives from—

- (a) an award of damages for a personal injury to that person; or

- (b) compensation for the death of one or both parents <sup>F510</sup>where the person concerned is under the age of 18].

**Textual Amendments**

- F508** Sch. 10 paras. 44, 45 added (with effect in accordance with reg. 1(2) of the amending S.I.) by The Income-related Benefits Schemes (Miscellaneous Amendments) (No.5) Regulations 1994 (S.I. 1994/2139), regs. 1(1)(a), **33(b)**
- F509** Words in Sch. 10 para. 44 omitted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by virtue of The Income-related Benefits and Jobseeker's Allowance (Amendment) (No. 2) Regulations 1997 (S.I. 1997/2197), regs. 1(2), **7(9)(a)(10)(e)**
- F510** Words in Sch. 10 para. 44 added (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(9)(b)(10)(e)**

**45.** Any sum of capital administered on behalf of a person <sup>F511</sup>... in accordance with an order made under Rule 43.15 of the Act of Sederunt (Rules of the Court of Session 1994) 1994 or under Rule 131 of the Act of Sederunt (Rules of the Court, consolidation and amendment) 1965, or under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of the Ordinary Cause Rules, where such sum derives from—

- (a) an award of damages for a personal injury to that person; or
- (b) compensation for the death of one or both parents <sup>F512</sup>where the person concerned is under the age of 18].

**Textual Amendments**

- F508** Sch. 10 paras. 44, 45 added (with effect in accordance with reg. 1(2) of the amending S.I.) by The Income-related Benefits Schemes (Miscellaneous Amendments) (No.5) Regulations 1994 (S.I. 1994/2139), regs. 1(1)(a), **33(b)**
- F511** Words in Sch. 10 para. 45 omitted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by virtue of The Income-related Benefits and Jobseeker's Allowance (Amendment) (No. 2) Regulations 1997 (S.I. 1997/2197), regs. 1(2), **7(9)(a)(10)(e)**
- F512** Words in Sch. 10 para. 45 added (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(9)(b)(10)(e)**

<sup>F513</sup>**46.** Any payment to the claimant as holder of the Victoria Cross or George Cross.]

**Textual Amendments**

- F513** Sch. 10 para. 46 added (8.4.1996) by The Income-related Benefits Schemes (Miscellaneous Amendments) Regulations 1996 (S.I. 1996/462), regs. 1(2), **11(1)**

<sup>F514</sup>**47.** Any amount of council tax benefit to which a person is entitled by virtue of regulation 4D of the Council Tax Benefit (General) Regulations 1992 (entitlement of a refugee to council tax benefit), but only for a period of 52 weeks from the date that such an amount is received.]

*Status: Point in time view as at 11/04/2000.*

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

#### Textual Amendments

**F514** Sch. 10 paras. 47-49 added (15.10.1996) by [The Income Support and Social Security \(Claims and Payments\) \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/2431\)](#), regs. 1(1), **6**

[<sup>F514</sup>**48.** Any amount of housing benefit to which a person is entitled by virtue of regulation 7B of the Housing Benefit (General) Regulations 1987 (entitlement of a refugee to housing benefit), but only for a period of 52 weeks from the date that such an amount is received.]

#### Textual Amendments

**F514** Sch. 10 paras. 47-49 added (15.10.1996) by [The Income Support and Social Security \(Claims and Payments\) \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/2431\)](#), regs. 1(1), **6**

[<sup>F514</sup>**49.** Any amount of income support to which a person is entitled by virtue of [<sup>F515</sup>regulation 21ZB] above (treatment of refugees), but only for a period of 52 weeks from the date that such an amount is received.]

#### Textual Amendments

**F514** Sch. 10 paras. 47-49 added (15.10.1996) by [The Income Support and Social Security \(Claims and Payments\) \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/2431\)](#), regs. 1(1), **6**

**F515** Words in Sch. 10 para. 49 substituted (3.4.2000) by [The Social Security \(Immigration and Asylum\) Consequential Amendments Regulations 2000 \(S.I. 2000/636\)](#), regs. 1(1), **3(13)**

[<sup>F516</sup>**50.** Any mandatory top-up payment made to a person pursuant to section 2 of the Employment and Training Act 1973 in respect of that person's participation in an employment programme specified in—

- (a) regulation 75(1)(a)(ii)(aa)(ii) of the Jobseeker's Allowance Regulations 1996 (self-employment route of the Employment Option of the New Deal);
- (b) regulation 75(1)(a)(ii)(bb) of those Regulations (Voluntary Sector Option of the New Deal); or
- (c) regulation 75(1)(a)(ii)(cc) of those Regulations (Environment Task Force Option of the New Deal),

but only for a period of 52 weeks from the date of receipt of the payment.]

#### Textual Amendments

**F516** Sch. 10 para. 50 substituted (1.6.1998) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 1998 \(S.I. 1998/1174\)](#), regs. 1(1), **7(9)(10)(e)**

[<sup>F517</sup>**51.** Any discretionary payment to meet, or to help meet, special needs made to a person pursuant to section 2 of the Employment and Training Act 1973 in respect of that person's participation in the Full-Time Education and Training Option of the New Deal as specified in regulation 75(1)(b)(ii) of the Jobseeker's Allowance Regulations 1996 but only for a period of 52 weeks from the date of receipt of the payment.]

#### Textual Amendments

**F517** Sch. 10 para. 51 added (5.1.1998) by [The Social Security Amendment \(New Deal\) Regulations 1997](#) (S.I. 1997/2863), reg. 1(1), **reg. 17(11)(12)**

[<sup>F518</sup>**52.** In the case of a person who is receiving, or who has received, assistance under an employment programme specified in regulation 75(1)(a)(ii)(aa)(ii) of the Jobseeker's Allowance Regulations 1996 (self-employment route of the Employment Option of the New Deal), any sum of capital which is acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is or was received but only for a period of 52 weeks from the date on which that sum was acquired.]

#### Textual Amendments

**F518** Sch. 10 para. 52 added (1.6.1998) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 1998](#) (S.I. 1998/1174), regs. 1(1), **7(11)(12)(e)**

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

**C27** Sch. 10 para. 52 modified (temp.) (29.11.1999) by [The Social Security \(New Deal Pilot\) Regulations 1999](#) (S.I. 1999/3156), reg. 1(1), **18(2)(3)** (with regs. 1(2), 11, 19)

[<sup>F519</sup>**53.** Any discretionary payment made pursuant to section 2 of the Employment and Training Act 1973 to meet, or help meet, special needs of a person who is undertaking a qualifying course within the meaning specified in regulation 17A(7) of the Jobseeker's Allowance Regulations 1996 but only for the period of 52 weeks from the date of receipt of that payment.]

#### Textual Amendments

**F519** Sch. 10 para. 53 added (24.9.1998) by [The Social Security Amendment \(New Deal\) \(No.2\) Regulations 1998](#) (S.I. 1998/2117), reg. 1(1), **5(2)(3)(c)**

[<sup>F520</sup>**56.**—(1) Any payment of a sports award for a period of 26 weeks from the date of receipt of that payment except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel, rent for which housing benefit is payable or any housing costs to the extent that they are met under regulation 17(1)(e) or 18(1)(f) (housing costs) or any accommodation charges to the extent that they are met under regulation 19 (persons in residential care or nursing homes), of the claimant or, where the claimant is a member of a family, any other member of his family, or any council tax or water charges for which that claimant or member is liable.

(3) For the purposes of sub-paragraph (2)—

“food” does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made;

“ordinary clothing and footwear” means clothing or footwear for normal daily use but does not include school uniforms or clothing or footwear used solely for sporting activities.]

*Status: Point in time view as at 11/04/2000.*

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

#### Textual Amendments

**F520** Sch. 10 para. 56 added (23.8.1999) by [The Social Security Amendment \(Sports Awards\) Regulations 1999 \(S.I. 1999/2165\)](#), regs. 1(1), **6(5)**

[<sup>F521</sup>**57.** In the case of a person to whom regulation 6(2) (persons not treated as engaged in remunerative work) applies, the amount of any—

- (a) back to work bonus payable to that lone parent by way of a jobseeker's allowance or income support in accordance with section 26 of the Jobseekers Act 1995 or a corresponding payment under article 28 of the Jobseekers (Northern Ireland) Order 1995; or
- (b) child maintenance bonus payable to that lone parent by way of a jobseeker's allowance or income support in accordance with section 10 of the Child Support Act 1995 or a corresponding payment under article 4 of the Child Support (Northern Ireland) Order 1995,

which is paid during the period specified in regulation 6(3).]

#### Textual Amendments

**F521** Sch. 10 para. 57 added (4.10.1999) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 1999 \(S.I. 1999/2556\)](#), regs. 1, **2(11)**

[<sup>F522</sup>**57.** Any education maintenance allowance payable by virtue of regulations made under section 518 of the Education Act 1996 (payment of school expenses; grant of scholarships etc.) which is payable as a termly bonus or as an achievement bonus at the end of an academic term but only for a period of 52 weeks from the date of receipt of that allowance.]

#### Textual Amendments

**F522** Sch. 10 para. 57 added (7.2.2000) by [The Social Security Amendment \(Education Maintenance Allowance\) Regulations 2000 \(S.I. 2000/55\)](#), regs. 1(1), **2(3)(4)**

[<sup>F523</sup>**58.** In the case of a claimant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the claimant, being a fee, grant, loan or otherwise, but only for the period of 52 weeks from the date of receipt of the payment.]

#### Textual Amendments

**F523** Sch. 10 paras. 58, 59 added (3.4.2000) by [The Social Security Amendment \(Employment Zones\) Regulations 2000 \(S.I. 2000/724\)](#), regs. 1(1), **3(4)(a)**

[<sup>F523</sup>**59.** Any arrears of subsistence allowance paid as a lump sum but only for the period of 52 weeks from the date of receipt of the payment.]

#### Textual Amendments

**F523** Sch. 10 paras. 58, 59 added (3.4.2000) by [The Social Security Amendment \(Employment Zones\) Regulations 2000 \(S.I. 2000/724\)](#), regs. 1(1), **3(4)(a)**

[<sup>F524</sup>**60.** Any payment made to a person under regulation 11 of the Social Security (Payments to Reduce Under-occupation) Regulations 2000, but only for a period of 52 weeks from the date of payment.]

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**Textual Amendments**

**F524** Sch. 10 para. 60 added (3.4.2000) by The Social Security (Payments to Reduce Under-occupation) Regulations 2000 (S.I. 2000/637), regs. 1(2), **12(1)(2)(c) (with reg. 15)**

**Status:**

Point in time view as at 11/04/2000.

**Changes to legislation:**

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