

F¹SCHEDULE 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**

F¹SCHEDULE 1A

Regulation 13A

[F²SCHEDULE 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Status: Point in time view as at 14/04/2008.

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 ^{F3}... 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 ^{F4}... 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 ^{F5}(*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;]^{F6}or]
- (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 ^{F7}(*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 [^{F8}who is both entitled to, and in receipt of,]^{F9}a carer's allowance]^{F10} or would be in receipt of that allowance but for the application of a restriction under section 7 of the Social Security Fraud Act 2001 (loss of benefit provisions)].

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** Word in Sch. 1B para. 4(a)(*ia*) inserted (coming into force in accordance with reg. 1(3) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2001 \(S.I. 2001/859\)](#), regs. 1(3), **3(4)**
- F7** 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)**
- F8** 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)**
- F9** Words in Sch. 1B substituted (1.4.2003) by [The Social Security Amendment \(Carer's Allowance\) Regulations 2002 \(S.I. 2002/2497\)](#), reg. 1(b), Sch. 2 paras. 1, **2**
- F10** Words in Sch. 1B para. 4(b) added (1.4.2002) by [The Social Security \(Loss of Benefit\) \(Consequential Amendments\) Regulations 2002 \(S.I. 2002/490\)](#), regs. 1(1), **4**

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** Word in Sch. 1B para. 4(a)(iia) inserted (coming into force in accordance with reg. 1(3) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2001 \(S.I. 2001/859\)](#), regs. 1(3), **3(4)**
- F7** 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)**
- F8** 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)**
- F9** Words in Sch. 1B substituted (1.4.2003) by [The Social Security Amendment \(Carer's Allowance\) Regulations 2002 \(S.I. 2002/2497\)](#), reg. 1(b), Sch. 2 paras. 1, **2**
- F10** Words in Sch. 1B para. 4(b) added (1.4.2002) by [The Social Security \(Loss of Benefit\) \(Consequential Amendments\) Regulations 2002 \(S.I. 2002/490\)](#), regs. 1(1), **4**

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

Status: Point in time view as at 14/04/2008.

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) is entitled to statutory sick pay.

Disabled workers

8. A person to whom [^{F11}regulation 6(4)(a)] (persons not treated as engaged in remunerative work) applies.

Textual Amendments

F11 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 [^{F12}regulation 6(4)(d)] applies.

Textual Amendments

F12 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)**

[^{F13}Persons who have commenced remunerative work

9A. A person to whom regulation 6(5) (persons not treated as engaged in remunerative work) applies.]

Textual Amendments

F13 [Sch. 1B para. 9A](#) inserted (9.4.2001) by [The Social Security \(Miscellaneous Amendments\) Regulations 2001 \(S.I. 2001/488\)](#), regs. 1(1), **5**

Disabled students

10. A person who is a [^{F14}full-time 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.

Textual Amendments

F14 Words in [Sch. 1B para. 10](#) substituted (31.7.2000) by [The Social Security Amendment \(Students\) Regulations 2000 \(S.I. 2000/1981\)](#), regs. 1(1), 5(5), **Sch.**

11. A person who is a [^{F15}full-time 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.

Textual Amendments

- F15** Words in [Sch. 1B para. 11](#) substituted (31.7.2000) by [The Social Security Amendment \(Students\) Regulations 2000 \(S.I. 2000/1981\)](#), regs. 1(1), 5(5), [Sch.](#)

Textual Amendments

- F14** Words in [Sch. 1B para. 10](#) substituted (31.7.2000) by [The Social Security Amendment \(Students\) Regulations 2000 \(S.I. 2000/1981\)](#), regs. 1(1), 5(5), [Sch.](#)
- F15** Words in [Sch. 1B para. 11](#) substituted (31.7.2000) by [The Social Security Amendment \(Students\) Regulations 2000 \(S.I. 2000/1981\)](#), regs. 1(1), 5(5), [Sch.](#)

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

- [^{F16}**12.** A person who is a full-time student in respect of whom—
- (a) a supplementary requirement has been determined under paragraph 9 of Part II of Schedule 2 to the Education (Mandatory Awards) Regulations 1999;
 - (b) an allowance or, as the case may be, bursary has been granted which includes a sum under paragraph (1)(d) of regulation 4 of the Students' Allowances (Scotland) Regulations 1999 or, as the case may be, under paragraph (1)(d) of regulation 4 of the Education Authority (Bursaries) (Scotland) Regulations 1995, in respect of expenses incurred;
 - (c) a payment has been made under section 2 of the Education Act 1962;
 - (d) a grant has been made under regulation 13 of the Education (Student Support) Regulations 2000, or under regulation 13 of the Education (Student Support) Regulations (Northern Ireland) 2000; or
 - (e) a supplementary requirement has been determined under paragraph 9 of Schedule 6 to the Students Awards Regulations (Northern Ireland) 1999 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.]

Textual Amendments

- F16** [Sch. 1B para. 12](#) substituted (for specified purposes and with effect in accordance with reg. 1(b)(i) (ii) of the amending S.I.) by [The Social Security Amendment \(Students and Income-related Benefits\) Regulations 2000 \(S.I. 2000/1922\)](#), regs. 1, [2\(8\)](#)

Status: Point in time view as at 14/04/2008.

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

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 [^{F17}where the expected week of confinement begins prior to 6th April 2003 or fifteen weeks after the date on which her pregnancy ends where the expected week of confinement begins on or after 6th April 2003].

Textual Amendments

F17 Words in Sch. 1B para. 14(b) inserted (24.11.2002) by [The Social Security \(Paternity and Adoption\) Amendment Regulations 2002 \(S.I. 2002/2689\)](#), regs. 1(1)(a), **2(5)(a)**

[^{F18}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 ^{F19}..., [^{F20}working tax credit, child tax credit payable at a rate higher than the family element,] housing benefit or council tax benefit on the day before that leave begins.

(2) In this paragraph “remuneration” means payment of any kind [^{F21}and “family element” means in a case where any child in respect of whom child tax credit is payable is under the age of one year, the amount specified in regulation 7(3)(a) of the Child Tax Credit Regulations 2002 or in any other case, the amount specified in regulation 7(3)(b) of those Regulations][^{F22}but subject in any case to calculations of those amounts made in accordance with the Tax Credits (Income Thresholds and Determination of Rates) Regulations 2002].]

Textual Amendments

F18 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)**

F19 Words in Sch. 1B para. 14A(1)(c) omitted (8.8.2003) by virtue of [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) \(No. 3\) Regulations 2003 \(S.I. 2003/1731\)](#), regs. 1(1), **2(3)(a)**

F20 Words in Sch. 1B para. 14A(1)(c) inserted (7.4.2003) by [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), reg. 1(5)(b), **Sch. 1 para. 19(a)**

- F21** Words in Sch. 1B para. 14A(2) added (7.4.2003) by The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), reg. 1(5)(b), **Sch. 1 para. 19(b)**
- F22** Words in Sch. 1B para. 14A(2) added (8.8.2003) by The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) (No. 3) Regulations 2003 (S.I. 2003/1731), regs. 1(1), **2(3)(b)**

[^{F23}Paternality Leave

14B.—(1) A person who is entitled to, and is taking, paternity leave and who satisfies either or both of the conditions set out in sub-paragraph (2) below.

(2) The conditions for the purposes of sub-paragraph (1) are—

- (a) he is not entitled to statutory paternity pay by virtue of Part 12ZA of the Contributions and Benefits Act, or to any remuneration from his employer in respect of that leave for the period to which his claim for income support relates;
- (b) he is entitled to^{F24} ..., [^{F25}working tax credit, child tax credit payable at a rate higher than the family element,] housing benefit or council tax benefit on the day before that leave begins.

(3) In this paragraph “remuneration” means payment of any kind [^{F26}and “family element” means in a case where any child in respect of whom child tax credit is payable is under the age of one year, the amount specified in regulation 7(3)(a) of the Child Tax Credit Regulations 2002 or in any other case, the amount specified in regulation 7(3)(b) of those Regulations]]^{F27}but subject in any case to calculations of those amounts made in accordance with the Tax Credits (Income Thresholds and Determination of Rates) Regulations 2002.]]

Textual Amendments

- F23** Sch. 1B para. 14B inserted (8.12.2002) by The Social Security (Paternity and Adoption) Amendment Regulations 2002 (S.I. 2002/2689), regs. 1(1)(b), **2(5)(b)**
- F24** Words in Sch. 1B para. 14B(2)(b) omitted (8.8.2003) by virtue of The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) (No. 3) Regulations 2003 (S.I. 2003/1731), regs. 1(1), **2(3)(a)**
- F25** Words in Sch. 1B para. 14B(2)(b) inserted (7.4.2003) by The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), reg. 1(5)(b), **Sch. 1 para. 19(a)**
- F26** Words in Sch. 1B para. 14B(3) added (7.4.2003) by The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), reg. 1(5)(b), **Sch. 1 para. 19(b)**
- F27** Words in Sch. 1B para. 14B(3) added (8.8.2003) by The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) (No. 3) Regulations 2003 (S.I. 2003/1731), regs. 1(1), **2(3)(b)**

Persons in education

15. A person to whom any provision of regulation 13(2)(a) to (e) (persons receiving relevant education who are parents, [^{F28}disabled persons, persons with limited leave to enter or remain], orphans and persons estranged from their parents or guardian) applies.

Textual Amendments

- F28** Words in Sch. 1B para. 15 substituted (10.4.2006) by The Social Security (Young Persons) Amendment Regulations 2006 (S.I. 2006/718), regs. 1(2)(a), **2(7)(a)**

Status: Point in time view as at 14/04/2008.
Changes to legislation: There are currently no known outstanding effects for the
The Income Support (General) Regulations 1987. (See end of Document for details)

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

^{F29}**16.**

Textual Amendments

F29 Sch. 1B para. 16 omitted (7.10.2006) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 2006 \(S.I. 2006/2378\)](#), regs. 1(6), **5(6)**

Certain persons aged between 55 and 60 whose spouse or civil partner has died

^{F30}**16A.**

Textual Amendments

F30 Sch. 1B para. 16A revoked (10.4.2006) by [The Social Security \(Miscellaneous Amendments\) Regulations 2006 \(S.I. 2006/588\)](#), regs. 1(7), **2(4)(d)**

Persons aged 60 or over

^{F31}**17.**

Textual Amendments

F31 Sch. 1B para. 17 omitted (6.10.2003) by virtue of [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(b), **29(4)**

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.

^{F32}**18A.**

Textual Amendments

F32 Sch. 1B para. 18A ceases to have effect (14.6.2007) by virtue of [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), **ss. 12(2)(a)(ii)**, 48(3)(c); S.I. 2007/1602, art. 2(1) (with art. 2(3))

[^{F33}Persons required to attend court or tribunal

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

(2) In this paragraph, “tribunal” means any tribunal listed in Schedule 1 to the Tribunals and Inquiries Act 1992.]

Textual Amendments

F33 Sch. 1B para. 19 substituted (30.5.2006) by [The Social Security \(Income Support and Jobseeker’s Allowance\) Amendment Regulations 2006 \(S.I. 2006/1402\)](#), regs. 1, **3(2)**

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 [^{F34}regulation 70(2A)] (applicable amount of certain persons from abroad) applies.

Textual Amendments

F34 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 [^{F35}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 [^{F36}decision which embodies a] determination that he is not so incapable,

Status: Point in time view as at 14/04/2008.
Changes to legislation: There are currently no known outstanding effects for the
The Income Support (General) Regulations 1987. (See end of Document for details)

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

Textual Amendments

F35 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)**

F36 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—

- (a) in respect of whom it has been determined for the purposes of section 171C of the Contributions and Benefits Act (the [^{F37}personal capability assessment]) that he is not incapable of work; and
- (b) who has made and is pursuing an appeal against the [^{F38}decision which embodies a] determination that he is not so incapable,

but only for the period [^{F39}beginning with the date on which that determination takes effect until] the determination of his appeal.

Textual Amendments

F37 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**

F38 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)**

F39 Words in Sch. 1B para. 25 substituted (18.3.2005) by The Social Security, Child Support and Tax Credits (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/337), regs. 1, **6**

^{F40}26.

Textual Amendments

F40 Sch. 1B paras. 26, 27 omitted (14.4.2008) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2008 (S.I. 2008/698), regs. 1(1), **2(11)**

^{F40}27.

Textual Amendments

F40 Sch. 1B paras. 26, 27 omitted (14.4.2008) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2008 (S.I. 2008/698), regs. 1(1), **2(11)**

[^{F41}Persons engaged in training]

28. A person who is [^{F42}not a qualifying young person or child within the meaning of section 142 of the Contributions and Benefits Act (child and qualifying young person) and 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 [^{F43}secured by the Learning and Skills Council for England or by the [^{F44}National Assembly for Wales]] 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).]

Textual Amendments

- F41** Sch. 1B para. 28 heading inserted (10.4.2006) by [The Social Security \(Young Persons\) Amendment Regulations 2006 \(S.I. 2006/718\)](#), regs. 1(2)(a), **2(7)(b)**
- F42** Words in Sch. 1B para. 28 inserted (10.4.2006) by [The Social Security \(Young Persons\) Amendment Regulations 2006 \(S.I. 2006/718\)](#), regs. 1(2)(a), **2(7)(c)**
- F43** Words in Sch. 1B para. 28 substituted (26.3.2001) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2001 \(S.I. 2001/652\)](#), regs. 1(1)(a), **4**
- F44** Words in Sch. 1B para. 28 substituted (1.4.2006) by [The National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238 \(W. 243\)\)](#), art. 1(1), **Sch. 2 para. 1(2)** (with art. 7)

SCHEDULE 2

Regulations 17^[F45(1)] and 18

APPLICABLE AMOUNTS

Textual Amendments

- F45** 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**

Modifications etc. (not altering text)

- C3** Sch. 2 applied (with modifications) (S.) (6.10.2003) by [The National Health Service \(Travelling Expenses and Remission of Charges\) \(Scotland\) \(No. 2\) Regulations 2003 \(S.S.I. 2003/460\)](#), reg. 1, **sch. Pt. II** Table B (with reg. 13)

Regulations 17^[F45(1)](a) and (b) and 18(a) (b) and (c)

PART I

personal allowances

1. [^{F46}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).]

Column (1)
Person or Couple

Column (2)
Amount

Status: Point in time view as at 14/04/2008.
Changes to legislation: There are currently no known outstanding effects for the
 The Income Support (General) Regulations 1987. (See end of Document for details)

[^{F47}1) Single claimant aged—

(a) (a) except where head (b) or (c) of this sub-paragraph applies, less than 18; (a) (a) [^{F48}£47.95;]

[^{F49}(b) [^{F49}(b) less than 18 who falls within any of the circumstances specified in paragraph 1A;] (b) (b) [^{F48}£47.95;]

(c) (c) less than 18 who satisfies the condition in [^{F50}paragraph 11(1)(a)]; (c) (c) [^{F48}£47.95;]

(d) (d) not less than 18 but less than 25; (d) (d) [^{F48}£47.95;]

(e) (e) not less than 25. (e) (e) [^{F48}£60.50;]

(2) Lone parent aged—

(a) (a) except where head (b) or (c) of this sub-paragraph applies, less than 18; (a) (a) [^{F48}£47.95;]

[^{F49}(b) [^{F49}(b) less than 18 who falls within any of the circumstances specified in paragraph 1A;] (b) (b) [^{F48}£47.95;]

(c) (c) less than 18 who satisfies the condition in [^{F51}paragraph 11(1)(a)]; (c) (c) [^{F48}£47.95;]

(d) (d) not less than 18. (d) (d) [^{F48}£60.50;]

[^{F49}(3) Couple—

(a) (a) where both members are aged less than 18 and— (a) (a) [^{F48}£72.35;]

(i) at least one of them is treated as responsible for a child; or

(ii) had they not been members of a couple, each would have qualified for income support under regulation 4ZA; or

- (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
- (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);
 - (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; (b) (b) [^{F48}£47.95;]
 - (c) (c) where both members are aged less than 18 and heads (a) and (b) do not apply; (c) (c) [^{F48}£47.95;]
 - (d) (d) where both members are aged not less than 18; (d) (d) [^{F48}£94.95;]
 - (e) (e) where one member is aged not less than 18 and the other member is a person under 18 who— (e) (e) [^{F48}£94.95;]
- (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) [^{F48}£47.95;]
- (i) would not qualify for income support under regulation 4ZA if he were not a member of a couple; and

Status: Point in time view as at 14/04/2008.

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

- (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) [^{F48}£60.50;]
- (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).]

Textual Amendments

- F46** 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
- F47** 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**
- F48** Sch. 2 Pt. I: sums substituted (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2008 \(S.I. 2008/632\)](#), art. 16(3), **Sch. 2**
- F49** 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**
- F50** Words in Sch. 2 para. 1(1)(c) substituted (coming into force in accordance with reg. 1(7) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) Regulations 2007 \(S.I. 2007/719\)](#), regs. 1(6), **2(7)(a)**
- F51** Words in Sch. 2 para. 1(2)(c) substituted (coming into force in accordance with reg. 1(7) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) Regulations 2007 \(S.I. 2007/719\)](#), regs. 1(6), **2(7)(a)**

Commencement Information

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

- [^{F52}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

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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)

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

F47 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**

F52 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**

[^{F53}2. [^{F54}[^{F55}—(1)]]The weekly amounts specified in column (2) below in respect of each person specified in column (1) shall [^{F56}, 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).

| Column (1) | Column (2) |
|---|------------------------------------|
| Child or Young Person | Amount |
| [^{F57} 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) [^{F48} £52.59;] |
| (b) (b) beginning on the first Monday in September following that person's sixteenth birthday and ending on the day preceding that person's [^{F58} twentieth] birthday. | (b) (b) [^{F48} £52.59;]] |

[^{F53}2.—[^{F59}(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

F47 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**

F48 Sch. 2 Pt. I: sums substituted (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2008 \(S.I. 2008/632\)](#), art. 16(3), **Sch. 2**

F53 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))

F54 Sch. 2 para. 2 omitted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by virtue of [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), **Sch. 1 para. 20(a)**

F55 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)

Status: Point in time view as at 14/04/2008.

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

- F56** 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)
- F57** 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)**
- F58** Word in Sch. 2 para. 2(1)(b) substituted (10.4.2006) by *The Social Security (Young Persons) Amendment Regulations 2006* (S.I. 2006/718), regs. 1(2)(b), **2(8)**
- F59** 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

F602A.]

Textual Amendments

- F47** 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**
- F60** Sch. 2 para. 2A omitted (6.10.2003) by virtue of *The Social Security (Removal of Residential Allowance and Miscellaneous Amendments) Regulations 2003* (S.I. 2003/1121), reg. 1, **Sch. 1 para. 6**

Regulations 17^[F45](1)(c) and 18(d)

PART II

family premium

3.—^[F61]^[F62](1)

The weekly amount for the purposes of regulations 17^[F45](1)(c) ^[F63]and 18(1)(d) in respect of a family of which at least one member is a child or young person shall be

- ^[F64](a) where the claimant is a lone parent ^[F65]to whom the conditions in both sub-paragraphs (2) and (3) apply] and no premium is applicable under paragraph 9, 9A, 10 or 11, ^[F66]£16.75];
- (b) in any other case,]^[F67]£16.75].

^[F68](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.

Status: Point in time view as at 14/04/2008.

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

(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.]

[^{F69}(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

- F45** 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**
- F61** [Sch. 2 para. 3](#) omitted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by virtue of [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), **Sch. 1 para. 20(a)**
- F62** [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**
- F63** 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)**
- F64** 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)**
- F65** 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)**
- F66** Word in [Sch. 2 para. 3\(1\)\(a\)](#) substituted (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2008 \(S.I. 2008/632\)](#), **art. 16(4)(a)**
- F67** Word in [Sch. 2 para. 3\(1\)\(b\)](#) substituted (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2008 \(S.I. 2008/632\)](#), **art. 16(4)(b)**
- F68** [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)
- F69** [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^[F45](1)(d) and 18(e)

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^[F45](1)(d) ^[F70]and 18(1)(e), be applicable to a claimant who satisfies the condition specified in ^[F71]^[F72]paragraphs 9^[F72]^[F73]paragraphs 8A^[F73] to 14ZA in respect of that premium.

Textual Amendments

F45 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**

F70 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)**

F71 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)**

F72 Words in Sch. 2 para. 4 substituted (temp. until 10.4.2006) (9.4.2001) by [The Social Security Amendment \(Bereavement Benefits\) Regulations 2000 \(S.I. 2000/2239\)](#), [regs. 1\(1\)](#), **2(3)(a)** (with [reg. 6](#))

F73 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](#)

^[F74]6.—(1) Subject to sub-paragraph (2), the following premiums, namely—

- (a) a severe disability premium to which paragraph 13 applies;
- (b) an enhanced disability premium to which paragraph 13A applies;
- (c) ^[F75]a disabled child premium to which paragraph 14 applies; and
- (d) a carer premium to which paragraph 14ZA applies,

may be applicable in addition to any other premium which may apply under this Schedule.

(2) An enhanced disability premium in respect of a person shall not be applicable in addition to—

- (a) a pensioner premium under paragraph 9 or 9A; or

Status: Point in time view as at 14/04/2008.

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) a higher pensioner premium under paragraph 10.]

Textual Amendments

- F74** Sch. 2 para. 6 substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Social Security Amendment \(Enhanced Disability Premium\) Regulations 2000 \(S.I. 2000/2629\)](#), regs. 1(1)(c), **2(c)(i)**
- F75** Sch. 2 para. 6(1)(c) omitted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by virtue of [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), **Sch. 1 para. 20(a)**

7.—^{F76}(1) ^{F77}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—

- (a) in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979 ^{F78} 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 ^{F79}Secretary of State ^{F80}...] under section 2 of the Employment and Training Act 1973 ^{F81}^{F82} or by Scottish Enterprise or Highlands and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990, ^{F83} or for any period during which he is in receipt of a training allowance].

^{F84}(2) For the purposes of the carer premium under paragraph 14ZA, a person shall be treated as being in receipt of ^{F85}carer's 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 ^{F86}, 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

- F76** 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))
- F77** 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))
- F78** S.I. 1979/597.
- F79** 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)**
- F80** Words in Sch. 2 para. 7(1)(b) omitted (14.4.2008) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/698\)](#), regs. 1(1), **2(12)**
- F81** 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 \(c. 57\)](#).
- F82** 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)**
- F83** 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)**
- F84** 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))
- F85** Words in Sch. 2 Pt. III substituted (1.4.2003) by [The Social Security Amendment \(Carer's Allowance\) Regulations 2002 \(S.I. 2002/2497\)](#), reg. 1(b), Sch. 2 paras. 1, **2**

Status: Point in time view as at 14/04/2008.

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

F86 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

I6 Sch. 2 para. 7 in force at 11.4.1988, see [reg. 1](#)

Lone Parent Premium

^{F87}**8.**

Textual Amendments

F87 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)**

Bereavement Premium

^{F88}**8A.**

Textual Amendments

F88 Sch. 2 para. 8A revoked (1.10.2007) by [The Social Security \(Miscellaneous Amendments\) \(No. 5\) Regulations 2007 \(S.I. 2007/2618\)](#), reg. 1(1), **Sch.**

Pensioner premium for persons under 75

[^{F89}**9.** The condition is that the claimant has a partner aged not less than 60 but less than 75.]

Textual Amendments

F89 Sch. 2 para. 9 substituted (6.10.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(b), **29(5)(a)**

Pensioner premium for persons 75 and over

[^{F90}**9A.** The condition is that the claimant has a partner aged not less than 75 but less than 80.]

Textual Amendments

F90 Sch. 2 para. 9A substituted (6.10.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(b), **29(5)(b)**

Higher Pensioner Premium

10.—[^{F91}(1) [^{F92}Subject to sub-paragraph (6), the] condition is that—

- (a) the claimant's partner is aged not less than 80; or

Status: Point in time view as at 14/04/2008.

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 claimant's partner is aged less than 80 but not less than 60 and either—
- (i) the additional condition specified in [F93 paragraph 12(1)(a), (c) or (d)] is satisfied; or
 - (ii) the claimant was entitled to, or was treated as being in receipt of, income support and—
 - (aa) 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 partner's 60th birthday; and
 - (bb) he has, subject to sub-paragraph (3), remained continuously entitled to income support since his partner attained the age of 60.]
- (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 [F94 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 [F95 sub-paragraph (1)(b)(ii) is] concerned, if a claimant ceases to be entitled to [F94 or treated as entitled to] income support for a period not exceeding eight weeks which includes his [F95 partner's] 60th birthday, he shall, on becoming re-entitled to income support, thereafter be treated as having been continuously entitled thereto.
- [F96(4) In the case of a claimant who is a welfare to work beneficiary, references in sub-paragraphs (1)(b)(ii) F97... and (3)(b) to a period of 8 weeks shall be treated as references to a period of [F98 104 weeks].]
- [F99(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.]
- [F100(6) The condition is not satisfied if the claimant's partner to whom sub-paragraph (1) refers is a long-term patient.]

Textual Amendments

- F91** Sch. 2 para. 10(1) substituted for Sch. 2 para. 10(1) (6.10.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(b), **29(5)(c)(i)**
- F92** Words in Sch. 2 para. 10(1) substituted (coming into force in accordance with reg. 1(7) of the amending S.I.) by The Social Security (Miscellaneous Amendments) Regulations 2007 (S.I. 2007/719), regs. 1(6), **2(7)(b)(i)**
- F93** Words in Sch. 2 Pt. III para. 10(1)(b)(i) substituted (6.10.2003) by The Income Support (General) Amendment Regulations 2003 (S.I. 2003/2379), regs. 1, **2(2)**
- F94** 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)**
- F95** Words in Sch. 2 para. 10(3)(b) substituted and words inserted (6.10.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(b), **29(5)(c)(ii)**
- F96** 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)**

- F97** Words in Sch. 2 para. 10(4) omitted (coming into force in accordance with reg. 1(7) of the amending S.I.) by virtue of *The Social Security (Miscellaneous Amendments) Regulations 2007* (S.I. 2007/719), regs. 1(2), **2(7)(b)(ii)**
- F98** Words in Sch. 2 para. 10(4) substituted (9.10.2006) by *The Social Security (Miscellaneous Amendments) (No. 4) Regulations 2006* (S.I. 2006/2378), regs. 1(7), **5(7)(a)**
- F99** 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)**
- F100** Sch. 2 para. 10(6) inserted (coming into force in accordance with reg. 1(7) of the amending S.I.) by *The Social Security (Miscellaneous Amendments) Regulations 2007* (S.I. 2007/719), regs. 1(6), **2(7)(b)(iii)**

Commencement Information

- I7** Sch. 2 para. 10 in force at 11.4.1988, see [reg. 1](#)

Disability Premium

- 11.**—^{F101}(1) ^{F102}Subject to sub-paragraph (2), the] condition is that—
- (a) where the claimant is a single claimant or a lone parent,^{F103}... the additional condition specified in paragraph 12 is satisfied; or
 - (b) where the claimant has a partner, either—
 - ^{F104}(i) the claimant satisfies the additional condition specified in ^{F105}paragraph 12(1)(a), (b), (c) or (d)]; or]
 - (ii) his partner is aged less than 60 and the additional condition specified in ^{F106}paragraph 12(1)(a), (c) or (d)] is satisfied by his partner.
- ^{F107}(2) The condition is not satisfied if—
- (a) the claimant is a single claimant or a lone parent and (in either case) is a long-term patient;
 - (b) the claimant is a member of a couple or polygamous marriage and each member of the couple or polygamous marriage is a long-term patient; or
 - (c) the claimant is a member of a couple or a polygamous marriage and a member of that couple or polygamous marriage is—
 - (i) a long-term patient; and
 - (ii) the only member of the couple or polygamous marriage to whom sub-paragraph (1) (b) refers.]

Textual Amendments

- F101** Sch. 2 para. 11(1): Sch. 2 para. 11 renumbered as Sch. 2 para. 11(1) (coming into force in accordance with reg. 1(7) of the amending S.I.) by *The Social Security (Miscellaneous Amendments) Regulations 2007* (S.I. 2007/719), regs. 1(6), **2(7)(c)(i)**
- F102** Words in Sch. 2 para. 11(1) substituted (coming into force in accordance with reg. 1(7) of the amending S.I.) by *The Social Security (Miscellaneous Amendments) Regulations 2007* (S.I. 2007/719), regs. 1(6), **2(7)(c)(ii)**
- F103** Words in Sch. 2 para. 11(a) omitted (6.10.2003) by virtue of *The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002* (S.I. 2002/3019), regs. 1(2)(b), **29(5)(d)(i)**
- F104** Sch. 2 para. 11(b)(i) substituted (6.10.2003) by *The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002* (S.I. 2002/3019), regs. 1(2)(b), **29(5)(d)(ii)**
- F105** Words in Sch. 2 Pt. III para. 11(b)(i) substituted (6.10.2003) by *The Income Support (General) Amendment Regulations 2003* (S.I. 2003/2379), regs. 1, **2(3)(a)**

Status: Point in time view as at 14/04/2008.

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

F106 Words in Sch. 2 Pt. III para. 11(b)(ii) substituted (6.10.2003) by The Income Support (General) Amendment Regulations 2003 (S.I. 2003/2379), regs. 1, 2(3)(b)

F107 Sch. 2 para. 11(2) inserted (coming into force in accordance with reg. 1(7) of the amending S.I.) by The Social Security (Miscellaneous Amendments) Regulations 2007 (S.I. 2007/719), regs. 1(6), 2(7)(c)(iii)

Commencement Information

I8 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, [^{F108}disability living allowance, [^{F109}the disability element or the severe disability element of working tax credit as specified in regulation 20(1)(b) and (f) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002]], mobility supplement, [^{F110}long-term incapacity benefit] under [^{F111}Part II of the Contributions and Benefits Act or severe disablement allowance under Part III of that Act][^{F112}but, in the case of [^{F110}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 ^{F113} (other services) or, in Scotland, under section 46 of the National Health Service (Scotland) Act 1978 ^{F114} (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 ^{F115} (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

[^{F116}(b) the claimant—

(i) is entitled to statutory sick pay or [^{F117}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[^{F118}, 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) [^{F119}subject to [^{F120}paragraph 2A] of Schedule 7,] 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]

[^{F121}(c) the claimant's partner was in receipt of long-term incapacity benefit under Part II of the Contributions and Benefits Act when entitlement to that benefit ceased on account of the payment of a retirement pension under that Act and—

(i) the claimant has since remained continuously entitled to income support;

Status: Point in time view as at 14/04/2008.

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

- (ii) the higher pensioner premium or disability premium has been applicable to the claimant; and
- (iii) the partner is still alive;
- (d) except where paragraph ^{F122}2A ^{F123}... of Schedule 7 (patients) applies, the claimant or, as the case may be, his partner was in receipt of attendance allowance or disability living allowance—
 - (i) but payment of that benefit has been suspended under the ^{F124}Social Security (Attendance Allowance) Regulations 1991 or the Social Security (Disability Living Allowance) Regulations 1991] or otherwise abated as a consequence of the claimant or his partner becoming a patient within the meaning of regulation 21(3); and
 - (ii) a higher pensioner premium or disability premium has been applicable to the claimant.]

^{F125}(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 ^{F126}104 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.

^{F127}(3)

(4) For the purpose of [^{F128}sub-paragraph (1)(c) and (d)], 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 [^{F128}sub-paragraph (1)(c) and (d)].

^{F129}(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 [^{F130}or for any period during which he is in receipt of a training allowance].]

^{F131}(6) For the purposes of [^{F132}sub-paragraph (1)(a)(i) and (c)], 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.]

^{F133}(7)

Textual Amendments

F108 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))**

F109 Words in Sch. 2 para. 12(1)(a)(i) substituted (for specified purposes and with effect in accordance with reg. 1(5)(a) of the amending S.I.) by [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), **Sch. 1 para. 20(b)**

Status: Point in time view as at 14/04/2008.

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

- F110** 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))
- F111** 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)**
- F112** 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)**
- F113** 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).
- F114** 1978 c. 29.
- F115** 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.
- F116** 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))
- F117** 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)
- F118** 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)
- F119** Words in Sch. 2 Pt. III para. 12(1)(b)(ii)(bb) inserted (for specified purposes and with effect in accordance with reg. 1(c) of the amending S.I.) by The Social Security (Hospital In-Patients) Regulations 2005 (S.I. 2005/3360), **reg. 4(3)(a)**
- F120** Words in Sch. 2 para. 12(1)(b)(ii)(bb) substituted (coming into force in accordance with reg. 1(7) of the amending S.I.) by The Social Security (Miscellaneous Amendments) Regulations 2007 (S.I. 2007/719), regs. 1(6), **2(7)(d)(i)**
- F121** Sch. 2 para. 12(1)(c), (d) substituted for Sch. 2 para. 12(1)(c) (6.10.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(b), **29(5)(e)**
- F122** Words in Sch. 2 Pt. III para. 12(1)(d) substituted (for specified purposes and with effect in accordance with reg. 1(c) of the amending S.I.) by The Social Security (Hospital In-Patients) Regulations 2005 (S.I. 2005/3360), **reg. 4(3)(b)**
- F123** Words in Sch. 2 para. 12(1)(d) omitted (coming into force in accordance with reg. 1(7) of the amending S.I.) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2007 (S.I. 2007/719), regs. 1(6), **2(7)(d)(ii)**
- F124** Words in Sch. 2 para. 12(1)(d)(i) substituted (12.5.2004) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2004 (S.I. 2004/1141), regs. 1(1), **6**
- F125** 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)**
- F126** Words in Sch. 2 para. 12(1A) substituted (9.10.2006) by The Social Security (Miscellaneous Amendments) (No. 4) Regulations 2006 (S.I. 2006/2378), regs. 1(7), **5(7)(a)**
- F127** 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))
- F128** Words in Sch. 2 Pt. III para. 12(4) substituted (6.10.2003) by The Income Support (General) Amendment Regulations 2003 (S.I. 2003/2379), regs. 1, **2(4)(a)**
- F129** 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)**

F130 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)**

F131 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))

F132 Words in Sch. 2 Pt. III para. 12(6) substituted (6.10.2003) by *The Income Support (General) Amendment Regulations 2003* (S.I. 2003/2379), regs. 1, **2(4)(b)**

F133 Sch. 2 para. 12(7) omitted (25.10.2004) by virtue of *The Social Security (Back to Work Bonus and Lone Parent Run-on) (Amendment and Revocation) Regulations 2003* (S.I. 2003/1589), regs. 1(1), **2(d)**

Modifications etc. (not altering text)

C4 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

I9 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^[F134], 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^[F135], 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 ^[F136]normally residing with him or with whom he is normally residing,] and

^[F137](iii) no person is entitled to, and in receipt of, ^[F85]a carer's allowance] under section 70 of the Contributions and Benefits Act in respect of caring for him;]

(b) ^[F138]in the case of a claimant who] has a partner—

(i) he is in receipt of attendance allowance^[F139], 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 ^[F140]normally residing with him or with whom he is normally residing,]

and, either ^[F141]a person is entitled to, and in receipt of, ^[F85]a carer's 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.

^[F142](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.]

Status: Point in time view as at 14/04/2008.

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

- (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^{F143}, 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
 - ^{F144}(b)
 - (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; ^{F145}or
 - (d) a person who is blind or is treated as blind within the meaning of paragraph 12(1)(a)(iii) and (2).]
- ^{F146}(3A) For the purposes of sub-paragraph (2)(b) a person shall be treated^{F147} ...—
- (a) [^{F148}as being in receipt of] attendance allowance^{F149}, 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;]
 - ^{F150}(b) as being entitled to and in receipt of [^{F85}a carer's 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.]
- ^{F151}(3ZA) For the purposes of sub-paragraph (2)(a)(iii) and (2)(b), no account shall be taken of an award of [^{F85}carer's allowance] to the extent that payment of such an award is back-dated for a period before [^{F152}the date on which the award is first paid].]
- (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.
- ^{F153}(5) In sub-paragraph (2)(a)(iii) and (b), references to a person being in receipt of [^{F85}a carer's allowance] shall include references to a person who would have been in receipt of that allowance but for the application of a restriction under section 7 of the Social Security Fraud Act 2001 (loss of benefit provisions).]

| Textual Amendments | |
|---------------------------|--|
| F85 | Words in Sch. 2 Pt. III substituted (1.4.2003) by The Social Security Amendment (Carer's Allowance) Regulations 2002 (S.I. 2002/2497) , reg. 1(b), Sch. 2 paras. 1, 2 |
| F134 | 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) |
| F135 | 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)) |
| F136 | 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) |
| F137 | 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) |
| F138 | 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) |
| F139 | 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)) |
| F140 | 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) |

Status: Point in time view as at 14/04/2008.

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

- F141** 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)**
- F142** 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)**
- F143** 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))
- F144** 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)**
- F145** 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)**
- F146** 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)**
- F147** 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)**
- F148** 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)**
- F149** 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))
- F150** 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)**
- F151** 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)**
- F152** Words in Sch. 2 para. 13(3ZA) substituted (coming into force in accordance with reg. 1(7) of the amending S.I.) by The Social Security (Miscellaneous Amendments) Regulations 2007 (S.I. 2007/719), regs. 1(2), **2(7)(e)**
- F153** Sch. 2 para. 13(5) added (1.4.2002) by The Social Security (Loss of Benefit) (Consequential Amendments) Regulations 2002 (S.I. 2002/490), regs. 1(1), **2(1)(a)**

Modifications etc. (not altering text)

- C5** 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)
- C6** 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

- I10** Sch. 2 para. 13 in force at 11.4.1988, see reg. 1

^{F154}Enhanced disability premium

13A.—(1) Subject to sub-paragraph (2), the condition is that the care component of disability living allowance is, or would, but for a suspension of benefit in accordance with regulations under section 113(2) of the Contributions and Benefits Act or but for an abatement as a consequence of hospitalisation, be payable at the highest rate prescribed under section 72(3) of the Contributions and Benefits Act in respect of—

(a) the claimant; or

^{F155}(b) [^{F156}a member of the claimant's family][^{F156}the claimant's partner (if any)] who is aged less than 60.]

Status: Point in time view as at 14/04/2008.

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

- [^{F157}(2) The condition is not satisfied if the person to whom sub-paragraph (1) refers is—
- (a) a child or young person—
 - (i) whose capital if calculated in accordance with Part 5 of these Regulations in like manner as for the claimant, except as provided in regulation 44(1), would exceed £3,000; or
 - (ii) who is a long-term patient;
 - (b) a single claimant or a lone parent and (in either case) is a long-term patient;
 - (c) a member of a couple or polygamous marriage and each member of the couple or polygamous marriage is a long-term patient; or
 - (d) a member of a couple or polygamous marriage who—
 - (i) is a long-term patient; and
 - (ii) is the only member of the couple or polygamous marriage to whom sub-paragraph (1) refers.]]

Textual Amendments

F154 Sch. 2 para. 13A inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Social Security Amendment \(Enhanced Disability Premium\) Regulations 2000 \(S.I. 2000/2629\)](#), regs. 1(1)(c), **2(c)(ii)**

F155 Sch. 2 para. 13A(1)(b) substituted (6.10.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(b), **29(5)(f)**

F156 Words in Sch. 2 para. 13A(1)(b) substituted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), **Sch. 1 para. 20(c)(i)**

F157 Sch. 2 para. 13A(2) substituted (coming into force in accordance with reg. 1(7) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) Regulations 2007 \(S.I. 2007/719\)](#), regs. 1(6), **2(7)(f)**

Modifications etc. (not altering text)

C7 Sch. 2 para. 13A(2)(a): sum confirmed (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2008 \(S.I. 2008/632\)](#), **art. 16(2)(b)**

Disabled Child Premium

[^{F158}**14.**—(1) Subject to sub-paragraph (2), the condition is that where the 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 is—

- (a) in receipt of 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
 - (b) blind or treated as blind within the meaning of paragraph 12(1)(a)(iii) and (2).
- (2) The condition is not satisfied in respect of a child or young person—
- (a) whose capital, if calculated in accordance with Part 5 of these Regulations in like manner as for the claimant, except as provided in regulation 44(1), would exceed £3,000; or
 - (b) who is a long-term patient.]

Textual Amendments

F158 Sch. 2 para. 14 substituted (coming into force in accordance with reg. 1(7) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) Regulations 2007 \(S.I. 2007/719\)](#), regs. 1(6), **2(7)(g)**

Modifications etc. (not altering text)

C8 Sch. 2 para. 14(2)(a): sum confirmed (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2008 \(S.I. 2008/632\)](#), **art. 16(2)(b)**

[^{F159}Carer premium

14ZA.—(1) [^{F160}Subject to sub-paragraphs (3) and (4),] the condition is that the claimant or his partner is, or both of them are, [^{F161}entitled to [^{F85}a carer’s allowance] under section 70 of the Contributions and Benefits Act].

^{F162}(2)]

[^{F163}(3) Where a carer premium is awarded but—

- (a) the person in respect of whose care the [^{F85}carer’s allowance] has been awarded dies; or
- (b) in any other case the person in respect of whom a carer premium has been awarded ceases to be entitled ^{F164}...to [^{F85}a carer’s allowance],

the condition for the award of the premium shall be treated as satisfied for a period of eight weeks from the relevant date specified in sub-paragraph (3A) below.

(3A) The relevant date for the purposes of sub-paragraph (3) above shall be—

- (a) [^{F165}where sub-paragraph (3)(a) applies,] the Sunday following the death of the person in respect of whose care [^{F85}a carer’s allowance] has been awarded or the date of death if the death occurred on a Sunday;

^{F166}(b)

- (c) in any other case, the date on which the person who has been entitled to [^{F85}a carer’s allowance] ceases to be entitled to that allowance.]

(4) Where a person who has been entitled to [^{F85}a carer’s 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—

[^{F167}(a) the person in respect of whose care the [^{F85}carer’s allowance] has been awarded dies;

^{F168}(b)

- (c) [^{F169}in any other case, the person who has been entitled to a carer’s allowance ceased to be entitled to that allowance.]]

Textual Amendments

F85 Words in Sch. 2 Pt. III substituted (1.4.2003) by [The Social Security Amendment \(Carer’s Allowance\) Regulations 2002 \(S.I. 2002/2497\)](#), reg. 1(b), Sch. 2 paras. 1, 2

F159 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))

F160 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))

Status: Point in time view as at 14/04/2008.

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

- F161** 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)**
- F162** Sch. 2 para. 14ZA(2) omitted (1.10.2003) by virtue of The Social Security (Miscellaneous Amendments) (No.2) Regulations 2003 (S.I. 2003/2279), regs. 1(a), **2(3)(a)**
- F163** Sch. 2 para. 14ZA(3)(3A) substituted for Sch. 2 para. 14ZA(3) (28.10.2002) by The Social Security Amendment (Carer Premium) Regulations 2002 (S.I. 2002/2020), regs. 1, **2(a)**
- F164** Words in Sch. 2 para. 14ZA(3)(b) omitted (1.10.2003) by virtue of The Social Security (Miscellaneous Amendments) (No.2) Regulations 2003 (S.I. 2003/2279), regs. 1(a), **2(3)(b)**
- F165** Words in Sch. 2 para. 14ZA(3A)(a) inserted (1.10.2003) by The Social Security (Miscellaneous Amendments) (No.2) Regulations 2003 (S.I. 2003/2279), regs. 1(a), **2(3)(c)(i)**
- F166** Sch. 2 para. 14ZA(3A)(b) omitted (1.10.2003) by virtue of The Social Security (Miscellaneous Amendments) (No.2) Regulations 2003 (S.I. 2003/2279), regs. 1(a), **2(3)(c)(ii)**
- F167** Sch. 2 para. 14ZA(4)(a)-(c) substituted for Sch. 2 para. 14ZA(4)(a)(b) (28.10.2002) by The Social Security Amendment (Carer Premium) Regulations 2002 (S.I. 2002/2020), regs. 1, **2(b)**
- F168** Sch. 2 para. 14ZA(4)(b) omitted (1.10.2003) by virtue of The Social Security (Miscellaneous Amendments) (No.2) Regulations 2003 (S.I. 2003/2279), regs. 1(a), **2(3)(d)(i)**
- F169** Sch. 2 para. 14ZA(4)(c) substituted (1.10.2003) by The Social Security (Miscellaneous Amendments) (No.2) Regulations 2003 (S.I. 2003/2279), regs. 1(a), **2(3)(d)(ii)**

[^{F170}Persons in receipt of concessionary payments

14A. For the purpose of determining whether a premium is applicable to a person [^{F171}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

- F170** 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)**
- F171** 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))

[^{F172}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

- F172** 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

| <i>Premium</i> | <i>Amount</i> |
|--|--|
| [^{F173} 15 | |
| (1A) ^{F174} . . . | (1A) ^{F174} . . . |
| (2) Pensioner premium for persons to whom paragraph 9 applies. | (2) £94.40; |
| (2A) Pensioner premium for persons to whom paragraph 9A applies. | (2A) £94.40; |
| (3) Higher pensioner premium for persons to whom paragraph 10 applies. | (3) £94.40; |
| (4) Disability Premium— | |
| (a) (a) where the claimant satisfies the condition in [^{F175} paragraph 11(1)(a)]; | (a) (4) (a) £25.85; |
| (b) (b) where the claimant satisfies the condition in [^{F176} paragraph 11(1)(b)]. | (b) (b) £36.85; |
| (5) Severe Disability Premium— | |
| (a) (a) where the claimant satisfies the condition in paragraph 13(2)(a); | (a) (5) (a) £50.35; |
| (b) (b) where the claimant satisfies the condition in paragraph 13(2)(b)— | (b) (b) |
| (i) if there is someone in receipt of a carer's allowance or if he or any partner satisfies that condition only by virtue of paragraph 13(3A); | (i) £50.35; |
| (ii) if no-one is in receipt of such an allowance. | (ii) £100.70; |
| (6) [^{F177} Disabled Child Premium.] | (6) [^{F177} £48.72 in respect of each child or young person in respect of whom the condition specified in paragraph 14 is satisfied.] |
| (7) Carer Premium. | (7) £27.75 in respect of each person who satisfied the condition specified in paragraph 14ZA. |
| (8) Enhanced disability premium where the conditions in paragraph 13A are satisfied. | (a) (8) (a) [^{F177} £19.60 in respect of each child or young person in respect of whom the conditions specified in paragraph 13A are satisfied;] (b) £12.60 in respect of each person who is neither— (i) a child or young person; nor |

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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>Premium</i> | <i>Amount</i> |
|----------------|---|
| | (ii) a member of a couple or a polygamous marriage, in respect of whom the conditions specified in paragraph 13A are satisfied; |
| | (c) £18.15 where the claimant is a member of a couple or a polygamous marriage and the conditions specified in paragraph 13A are satisfied in respect of a member of that couple or polygamous marriage.] |

Textual Amendments

- F173** Sums in [Sch. 2 Pt. IV](#) substituted (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by [The Social Security Benefits Up Rating Order 2008 \(S.I. 2008/632\)](#), art. 16(5), [Sch. 3](#)
- F174** [Sch. 2 para. 15\(1A\)](#) revoked (1.10.2007) by [The Social Security \(Miscellaneous Amendments\) \(No. 5\) Regulations 2007 \(S.I. 2007/2618\)](#), reg. 1(1), [Sch.](#)
- F175** Words in [Sch. 2 para. 15\(4\)\(a\)](#) substituted (coming into force in accordance with reg. 1(7) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) Regulations 2007 \(S.I. 2007/719\)](#), regs. 1(6), [2\(7\)\(h\)\(i\)](#)
- F176** Words in [Sch. 2 para. 15\(4\)\(b\)](#) substituted (coming into force in accordance with reg. 1(7) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) Regulations 2007 \(S.I. 2007/719\)](#), regs. 1(6), [2\(7\)\(h\)\(ii\)](#)
- F177** Words in [Sch. 2 para. 15](#) omitted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by virtue of [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), [Sch. 1 para. 20\(d\)](#)

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

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

[^{F178}SCHEDULE 3

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

HOUSING COSTS

Textual Amendments

F178 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**

Modifications etc. (not altering text)

C9 Sch. 3 applied (with modifications) (S.) (6.10.2003) by [The National Health Service \(Travelling Expenses and Remission of Charges\) \(Scotland\) \(No. 2\) Regulations 2003 \(S.S.I. 2003/460\)](#), reg. 1, **sch. Pt. II** Table B (with reg. 13)

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”)—

[^{F179}(a) which replaces an existing agreement, provided that the person liable to meet the housing costs—

- (i) remains the same in both agreements, or
- (ii) where in either agreement more than one person is liable to meet the housing costs, the person is liable to meet the housing costs in both the existing agreement and the new agreement;]
- (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 ^{F180}... 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 [^{F181}determined in accordance with] paragraph 12.

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

- (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

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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) ^{F182} ... 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 [^{F183}; or
- (c) who is disabled or severely disabled for the purposes of section 9(6) (maximum rate) of the Tax Credits Act 2002.]

(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

- F179** Words in Sch. 3 para. 1(2) substituted (28.11.2004) by *The Social Security (Housing Costs Amendments) Regulations 2004* (S.I. 2004/2825), regs. 1(2)(a), **2(5)**
- F180** 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)**
- F181** Words in Sch. 3 para. 1(2) substituted (28.11.2004) by *The Social Security (Housing Costs Amendments) Regulations 2004* (S.I. 2004/2825), regs. 1(2)(a), **2(2)**
- F182** 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)**
- F183** Sch. 3 para. 1(3)(c) and word inserted (2.10.2006) by *The Social Security (Miscellaneous Amendments) (No. 4) Regulations 2006* (S.I. 2006/2378), regs. 1(3), **5(8)(a)**

^{F184}^{F185} **Previous entitlement to income-based jobseeker's allowance or state pension credit**

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 [^{F186} paragraphs 14 to 16] 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.

[^{F187}(1A) Where a claimant or his partner was in receipt of state pension credit 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 appropriate minimum guarantee included an amount in respect of housing costs under paragraphs 11 to 13 of Schedule II to the State Pension Credit Regulations 2002; 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 amount applicable in respect of those costs current when entitlement to state pension credit was last determined.]

(2) Where, in the period since housing costs were last calculated for income-based jobseeker's allowance [^{F188}or (as the case may be) state pension credit], 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

- F184** 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)**
- F185** Sch. 3 para. 1A heading substituted (17.12.2007) by [The Social Security \(Housing Costs and Miscellaneous Amendments\) Regulations 2007 \(S.I. 2007/3183\)](#), regs. 1, **3(3)(a)(i)**
- F186** Words in Sch. 3 para. 1A(1)(a) substituted (17.12.2007) by [The Social Security \(Housing Costs and Miscellaneous Amendments\) Regulations 2007 \(S.I. 2007/3183\)](#), regs. 1, **3(3)(a)(ii)**
- F187** Sch. 3 para. 1A(1A) inserted (17.12.2007) by [The Social Security \(Housing Costs and Miscellaneous Amendments\) Regulations 2007 \(S.I. 2007/3183\)](#), regs. 1, **3(3)(a)(iii)**
- F188** Words in Sch. 3 para. 1A(2) inserted (17.12.2007) by [The Social Security \(Housing Costs and Miscellaneous Amendments\) Regulations 2007 \(S.I. 2007/3183\)](#), regs. 1, **3(3)(a)(iv)**

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 [^{F189}full-time 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

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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 [^{F189}full-time student] or is on a training course and it is unavoidable that he or they should occupy two separate dwellings and it is 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 [^{F190}from the first day of the benefit week in which the move occurs] if his liability to make payments in respect of two dwellings is unavoidable.

(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
 - [^{F191}(ii) the move was delayed pending the outcome of an application under Part 8 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—
 - (aa) a member of the claimant's family is aged five or under,
 - (bb) the claimant's applicable amount includes a premium under paragraph 9, 9A, 10, 11, 13 or 14 of Schedule 2 (applicable amounts), or
 - (cc) a child tax credit is paid for a member of the claimant's family who is disabled or severely disabled for the purposes of section 9(6) (maximum rate) of the Tax Credits Act 2002; or]

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(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—

[^{F192}(i) detained in custody on remand pending trial or, as a condition of bail, required to reside—

- (aa) in a dwelling, other than the dwelling he occupies as his home; or
- (bb) in premises approved under section 9 of the Criminal Justice and Court Services Act 2000,

or, 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

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- (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 [^{F193}full-time 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^{F194}, 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;
 - ^{F195}(c) “residential accommodation” means accommodation which is a care home, an Abbeyfield Home or an independent hospital;]
 - (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.

Textual Amendments

- F189** Words in Sch. 3 para. 3(3), (6)(b) substituted (31.7.2000) by The Social Security Amendment (Students) Regulations 2000 (S.I. 2000/1981), regs. 1(1), 5(5), **Sch.**
- F190** Words in Sch. 3 para. 3(6)(c) inserted (8.1.2007) by The Social Security (Miscellaneous Amendments) (No. 5) Regulations 2006 (S.I. 2006/3274), regs. 1, 2
- F191** Sch. 3 para. 3(7)(c)(ii) substituted (2.10.2006) by The Social Security (Miscellaneous Amendments) (No. 4) Regulations 2006 (S.I. 2006/2378), regs. 1(3), **5(8)(b)**
- F192** Sch. 3 para. 3(11)(c)(i) substituted (4.4.2005) by The Social Security (Housing Benefit, Council Tax Benefit, State Pension Credit and Miscellaneous Amendments) Regulations 2004 (S.I. 2004/2327), regs. 1(1)(c), **5(a)**
- F193** Words in Sch. 3 para. 3(11)(c)(viii) substituted (31.7.2000) by The Social Security Amendment (Students) Regulations 2000 (S.I. 2000/1981), regs. 1(1), 5(5), **Sch.**
- F194** 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)**
- F195** Sch. 3 para. 3(13)(c) substituted (24.10.2005) by The Social Security (Care Homes and Independent Hospitals) Regulations 2005 (S.I. 2005/2687), reg. 1, **Sch. 1 para. 8(a)**

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

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- (b) where the claimant is [^{F196}living in care home, an Abbeyfield Home or an independent hospital except where he is living in such a home or hospital] 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.

[^{F197}(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.]

[^{F198}(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[^{F199}, in the Intensive Activity Period specified in regulation 75(1)(a)(iv) of those Regulations ^{F200} ...]; 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.]

[^{F201}(4B) A person treated by virtue of paragraph 14 as being in receipt of income support for the purposes of this Schedule is not to be treated as entitled to income support for the purposes of sub-paragraph (4).]

- (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 [^{F202}during the relevant period]; or

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[^{F203}(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 ^{F204}... 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 paragraph 16; so however that the amount to be met [^{F205}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

- F196** Words in Sch. 3 para. 4(1)(b) substituted (24.10.2005) by [The Social Security \(Care Homes and Independent Hospitals\) Regulations 2005 \(S.I. 2005/2687\)](#), reg. 1, **Sch. 1 para. 8(b)**
- F197** 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)**
- F198** 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)**
- F199** Words in Sch. 3 para. 4(4A)(a) added (9.4.2001) by [The Social Security Amendment \(New Deal\) Regulations 2001 \(S.I. 2001/1029\)](#), regs. 1(1), **14(a)**
- F200** Words in Sch. 3 para. 4(4A)(a) omitted (14.4.2008) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/698\)](#), regs. 1(1), **2(8)(c)**
- F201** Sch. 3 para. 4(4B) inserted (17.12.2007) by [The Social Security \(Housing Costs and Miscellaneous Amendments\) Regulations 2007 \(S.I. 2007/3183\)](#), reg. 1, **3(3)(b)**
- F202** 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)
- F203** 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)
- F204** 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)**
- F205** 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—
- (a) 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
 - (b) 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.

Status: Point in time view as at 14/04/2008.

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

(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)

C10 Sch. 3 para. 5(3): sum confirmed (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2008 \(S.I. 2008/632\)](#), art. 16(8), [Sch. 5](#)

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 [^{F206}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 [^{F206}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.

[^{F207}(1A) For the purposes of sub-paragraph (1) [^{F208}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.]

[^{F209}(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 [^{F210}or state pension credit] 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) 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

- F206** 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)**
- F207** 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)**
- F208** 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)**
- F209** 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)**
- F210** Words in Sch. 3 para. 6(1B) inserted (6.10.2003) by *The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002* (S.I. 2002/3019), **regs. 1(2)(b), 29(6)(a)**

Modifications etc. (not altering text)

- C11** Sch. 3 para. 6(1)(b): sum confirmed (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by *The Social Security Benefits Up-rating Order 2008* (S.I. 2008/632), art. 16(8), **Sch. 5**
- C12** Sch. 3 para. 6(1)(c): sum confirmed (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by *The Social Security Benefits Up-rating Order 2008* (S.I. 2008/632), art. 16(8), **Sch. 5**

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.

Status: Point in time view as at 14/04/2008.

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

(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.

[^{F211}(4A) For the purposes of sub-paragraphs (3) and (4), there is an increase in the amount of existing housing costs where in any benefit week, those costs are higher than they were in the previous benefit week (whether or not those costs are higher than they were in the second benefit week).]

(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 [^{F212}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.

[^{F213}(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 [^{F214}104 weeks].]

Textual Amendments

F211 Sch. 3 para. 7(4A) inserted (2.10.2006) by The Social Security (Miscellaneous Amendments) (No. 4) Regulations 2006 (S.I. 2006/2378), regs. 1(3), **5(8)(c)**

F212 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)**

F213 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)**

F214 Words in Sch. 3 para. 7(10) substituted (9.10.2006) by The Social Security (Miscellaneous Amendments) (No. 4) Regulations 2006 (S.I. 2006/2378), regs. 1(7), **5(7)(b)**

Modifications etc. (not altering text)

C13 Sch. 3 para. 7(8): sum confirmed (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by The Social Security Benefits Up-rating Order 2008 (S.I. 2008/632), art. 16(8), **Sch. 5**

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 [^{F215}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.

[^{F216}(1A) For the purposes of sub-paragraph (1) [^{F217}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.]

[^{F218}(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 [^{F219}or state pension credit] 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—

- [^{F220}(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,

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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

- F215** 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)**
- F216** 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)**
- F217** 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)**
- F218** 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)**
- F219** Words in Sch. 3 para. 8(1B) inserted (6.10.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(b), **29(6)(b)**
- F220** 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)

- C14** Sch. 3 para. 8(1)(b): sum confirmed (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2008 \(S.I. 2008/632\)](#), art. 16(8), **Sch. 5**

General exclusions from paragraphs 6 and 8

9.—(1) Paragraphs 6 and 8 shall not apply where—

- (a) [^{F221}the claimant's partner has attained the qualifying age for state pension credit;]
- (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).

Textual Amendments

F221 Sch. 3 para. 9(1)(a) substituted (6.10.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(b), **29(6)(c)**

[^{F222}The calculation for loans

10. 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—

$A \times B52$

where—

- A = the amount of the loan which qualifies under paragraph 15 or 16;
- B = the standard rate for the time being [^{F223}applicable in respect of that loan].]

Textual Amendments

F222 Sch. 3 para. 10 substituted (10.12.2001) by [The Income Support \(General\) and Jobseeker's Allowance Amendment Regulations 2001 \(S.I. 2001/3651\)](#), regs. 1, **2(1)**

F223 Words in Sch. 3 para. 10 substituted (28.11.2004) by [The Social Security \(Housing Costs Amendments\) Regulations 2004 \(S.I. 2004/2825\)](#), regs. 1(2)(a), **2(3)(a)**

Modifications etc. (not altering text)

C15 Sch. 3 para. 10: sum confirmed (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2008 \(S.I. 2008/632\)](#), art. 16(8), **Sch. 5**

General provisions applying to new and existing housing costs

11.—^{F224}(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) [^{F225}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.

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(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).

(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.

[^{F226}(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.]

[^{F226}(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

F224 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)**

F225 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)**

F226 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)

C16 Sch. 3 para. 11(5): sum confirmed (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2008 \(S.I. 2008/632\)](#), art. 16(8), **Sch. 5**

- C17** Sch. 3 para. 11(7)(a): sum confirmed (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2008 \(S.I. 2008/632\)](#), art. 16(8), **Sch. 5**
- C18** Sch. 3 para. 11(11): sum confirmed (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2008 \(S.I. 2008/632\)](#), art. 16(8), **Sch. 5**

The standard rate

^{F227}**12.**—(1) The standard rate is the rate of interest applicable per annum to a loan which qualifies under this Schedule.

(2) Subject to ^{F228}sub-paragraph (3)], the standard rate shall be 1.58 per cent. plus—

- (a) the rate announced from time to time by the Monetary Policy Committee of the Bank of England as the official dealing rate, being the rate at which the Bank is willing to enter into transactions for providing short term liquidity in the money markets, or
- (b) where an order under section 19 of the Bank of England Act 1998 (reserve powers) is in force, any equivalent rate determined by the Treasury under that section.

(3) The Secretary of State shall determine the date from which the standard rate calculated in accordance with sub-paragraph (2) takes effect.

^{F229}(4)

^{F229}(5)

^{F229}(6)]

Textual Amendments

F227 Sch. 3 para. 12(1)-(6) substituted for Sch. 3 para. 12 (28.11.2004) by [The Social Security \(Housing Costs Amendments\) Regulations 2004 \(S.I. 2004/2825\)](#), regs. 1(2)(a), **2(4)(a)**

F228 Words in Sch. 3 para. 12(2) substituted (17.12.2007) by [The Social Security \(Housing Costs and Miscellaneous Amendments\) Regulations 2007 \(S.I. 2007/3183\)](#), regs. 1, **3(3)(c)(i)**

F229 Sch. 3 para. 12(4)-(6) omitted (17.12.2007) by virtue of [The Social Security \(Housing Costs and Miscellaneous Amendments\) Regulations 2007 \(S.I. 2007/3183\)](#), regs. 1, **3(3)(c)(ii)**

Modifications etc. (not altering text)

C19 Sch. 3 para. 12(2): sum confirmed (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2008 \(S.I. 2008/632\)](#), art. 16(8), **Sch. 5**

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.

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(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).

[^{F230}(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 ^{F231}... 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

F230 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)

F231 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 [^{F232}determined] that he was entitled to income support; and
 - (ii) any period of 12 weeks or less [^{F233}or, as the case may be, 52 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 ^{F234}...;
- [^{F235}(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 [^{F236}determined] that he was not so entitled;
- (c) where—
 - (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 [^{F237}or, as the case may be, 52 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 [^{F238}or, as the case may be, 52 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;

[^{F239}(ee) where the claimant—

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- (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^{F240}, in the Intensive Activity Period specified in regulation 75(1)(a)(iv) of those Regulations^{F241}..., 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^{F242}or, as the case may be, 52 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^{F243} calculation] concerned is terminated or replaced^{F244}... by a lower^{F243} calculation] 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^{F243} calculation] concerned is an^{F245} interim maintenance decision or default maintenance decision] and, in circumstances other than those referred to in head (a), it is terminated or replaced after termination by another^{F245} interim maintenance decision or default maintenance decision] or by a maintenance^{F243} calculation] made in accordance with Part I of Schedule 1 to the Child Support Act 1991, in either case of a lower amount than the^{F243} calculation] 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.

^{F246}(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^{F247}, in the Intensive Activity Period specified in regulation 75(1)(a)(iv) of those Regulations^{F248} ...^{F249} 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 [^{F250}or activity].]

^{F251}(3A) Where, for the purposes of sub-paragraphs [^{F252}(1), (3) and (3ZA)], a person is treated as being in receipt of income support, for a certain period, he shall^{F253}, subject to sub-paragraph (3AA),] be treated as being entitled to income support for the same period.]

^{F254}(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 [^{F255}104 weeks] or less because he or his partner is a welfare to work beneficiary.]

^{F256}(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^{F257}, in the Intensive Activity Period specified in regulation 75(1)(a)(iv) of those Regulations^{F258} ...] 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 [^{F259}£16,000]; or
- (b) income exceeding the applicable amount which applies in his case, or
- (c) both capital exceeding [^{F260}£16,000] 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 [^{F261}more] than 39 weeks which comprises only days—

- (a) on which he is entitled to unemployment benefit, [^{F262}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 [^{F263}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.

^{F264}(5A) Subject to sub-paragraph (5B), a person to whom sub-paragraph (4) applies and who is either a person to whom [^{F265}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

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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.]

[^{F264}(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;

[^{F266}(b) is a [^{F267}full-time 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) [^{F268}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,

[^{F269}sub-paragraphs (5) and (5A)] shall have effect as if for the words “throughout any period of not [^{F270}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”.

^{F271}(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 [^{F272}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 [^{F272}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.

[^{F273}(10) In the case of a person who is a welfare to work beneficiary, the references in sub-paragraphs (1)(a)(ii), [^{F274}(1)(c)(iv),] (1)(d) and (1)(f)(iii) to a period of 12 weeks shall be treated as references to a period of [^{F255}104 weeks].]

[^{F275}(11) For the purposes of sub-paragraph (1)(a)(ii), (1)(c)(iv), (1)(d) and (1)(f)(iii), the relevant period shall be—

(a) 52 weeks in the case of a person to whom sub-paragraph (12) applies;

(b) subject to sub-paragraph (10), 12 weeks in any other case.

(12) This sub-paragraph applies, subject to sub-paragraph (13), in the case of a person who, on or after 9th April 2001, has ceased to be entitled to income support because he or his partner—

- (a) has commenced employment as an employed earner or as a self-employed earner or has increased the hours in which he is engaged in such employment;
- (b) is taking active steps to establish himself in employment as an employed earner or as a self-employed earner under any scheme for assisting persons to become so employed which is mentioned in regulation 19(1)(r)(i) to (iii) of the Jobseeker's Allowance Regulations 1996; or
- (c) is participating in—
 - (i) a New Deal option;
 - (ii) an employment zone programme; or
 - (iii) the self-employment route; [^{F276}or
 - (iv) the Intensive Activity Period specified in regulation 75(1)(a)(iv) of the Jobseeker's Allowance Regulations 1996 ^{F277} ...,]

and, as a consequence, he or his partner was engaged in remunerative work or had income in excess of the applicable amount as prescribed in Part IV.

(13) Sub-paragraph (12) shall only apply to the extent that immediately before the day on which the person ceased to be entitled to income support, his housing costs were being met in accordance with paragraph 6(1)(a) [^{F278}, 6(1)(b)] or 8(1)(a) or would have been so met but for any non-dependant deduction under paragraph 18.]

[^{F279}(14) For the purpose of determining whether the linking rules set out in this paragraph apply in a case where a claimant's former partner was entitled to state pension credit, any reference to income support in this Schedule shall be taken to include also a reference to state pension credit.]

Textual Amendments

- F232** 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)
- F233** Words in Sch. 3 para. 14(1)(a)(ii) inserted (9.4.2001) by The Social Security (Miscellaneous Amendments) Regulations 2001 (S.I. 2001/488), regs. 1(1), **6(a)(i)**
- F234** 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)
- F235** 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)
- F236** 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)
- F237** Words in Sch. 3 para. 14(1)(c)(iv) inserted (9.4.2001) by The Social Security (Miscellaneous Amendments) Regulations 2001 (S.I. 2001/488), regs. 1(1), **6(a)(ii)**
- F238** Words in Sch. 3 para. 14(1)(d) inserted (9.4.2001) by The Social Security (Miscellaneous Amendments) Regulations 2001 (S.I. 2001/488), regs. 1(1), **6(a)(iii)**
- F239** 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)**
- F240** Words in Sch. 3 para. 14(1)(ee)(i) inserted (9.4.2001) by The Social Security Amendment (New Deal) Regulations 2001 (S.I. 2001/1029), regs. 1(1), **14(b)(i)**

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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)*

- F241** Words in Sch. 3 para. 14(1)(ee)(i) omitted (14.4.2008) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2008 (S.I. 2008/698), regs. 1(1), **2(8)(c)**
- F242** Words in Sch. 3 para. 14(1)(f)(iii) inserted (9.4.2001) by The Social Security (Miscellaneous Amendments) Regulations 2001 (S.I. 2001/488), regs. 1(1), **6(a)(iv)**
- F243** Word in Sch. 3 para. 14(2) substituted (3.3.2003 for specified purposes) by The Child Support (Consequential Amendments and Transitional Provisions) Regulations 2001 (S.I. 2001/158), regs. 1(3), **6(3)(a)** (with reg. 10); S.I. 2003/192, art. 3(1), Sch.
- F244** 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)
- F245** Words in Sch. 3 para. 14(2)(b) substituted (3.3.2003 for specified purposes) by The Child Support (Consequential Amendments and Transitional Provisions) Regulations 2001 (S.I. 2001/158), regs. 1(3), **6(3)(b)** (with reg. 10); S.I. 2003/192, art. 3(1), Sch.
- F246** 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)**
- F247** Words in Sch. 3 para. 14(3ZA)(a) inserted (9.4.2001) by The Social Security Amendment (New Deal) Regulations 2001 (S.I. 2001/1029), regs. 1(1), **14(b)(ii)(aa)**
- F248** Words in Sch. 3 para. 14(3ZA)(a) omitted (14.4.2008) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2008 (S.I. 2008/698), regs. 1(1), **2(13)**
- F249** 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)**
- F250** Words in Sch. 3 para. 14(3ZA) added (9.4.2001) by The Social Security Amendment (New Deal) Regulations 2001 (S.I. 2001/1029), regs. 1(1), **14(b)(ii)(bb)**
- F251** 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)**
- F252** 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)**
- F253** 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)**
- F254** 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)**
- F255** Words in Sch. 3 para. 14(3AA)(b) and (10) substituted (9.10.2006) by The Social Security (Miscellaneous Amendments) (No. 4) Regulations 2006 (S.I. 2006/2378), regs. 1(7), **5(7)(b)**
- F256** 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)**
- F257** Words in Sch. 3 para. 14(3B) inserted (9.4.2001) by The Social Security Amendment (New Deal) Regulations 2001 (S.I. 2001/1029), regs. 1(1), **14(b)(iii)**
- F258** Words in Sch. 3 para. 14(3B) omitted (14.4.2008) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2008 (S.I. 2008/698), regs. 1(1), **2(8)(c)**
- F259** Word in Sch. 3 para. 14(4)(a) substituted (with effect in accordance with reg. 1(6) of the amending S.I.) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2005 (S.I. 2005/2465), regs. 1(6)(a), **2(7)**
- F260** Word in Sch. 3 para. 14(4)(c) substituted (with effect in accordance with reg. 1(6) of the amending S.I.) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2005 (S.I. 2005/2465), regs. 1(6)(a), **2(7)**
- F261** 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)**
- F262** 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)**
- F263** 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**

- F264** 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)**
- F265** 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)**
- F266** 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)**
- F267** Words in Sch. 3 para. 14(5B)(b) substituted (31.7.2000) by The Social Security Amendment (Students) Regulations 2000 (S.I. 2000/1981), regs. 1(1), 5(5), **Sch.**
- F268** 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)**
- F269** 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)**
- F270** 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)**
- F271** 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)**
- F272** 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)**
- F273** 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)**
- F274** Words in Sch. 3 para. 14(10) inserted (9.4.2001) by The Social Security (Miscellaneous Amendments) Regulations 2001 (S.I. 2001/488), regs. 1(1), **6(b)**
- F275** Sch. 3 para. 14(11)(12)(13) added (9.4.2001) by The Social Security (Miscellaneous Amendments) Regulations 2001 (S.I. 2001/488), regs. 1(1), **6(c)**
- F276** Sch. 3 para. 14(12)(c)(iv) and word added (coming into force in accordance with reg. 1(2) of the amending S.I.) by The Social Security Amendment (New Deal) Regulations 2001 (S.I. 2001/1029), regs. 1(2), **14(b)(iv)**
- F277** Words in Sch. 3 para. 14(12)(c)(iv) omitted (14.4.2008) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2008 (S.I. 2008/698), regs. 1(1), **2(8)(c)**
- F278** Word in Sch. 3 para. 14(13) inserted (8.4.2002) by The Social Security (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/841), regs. 1(1), **6**
- F279** Sch. 3 para. 14(14) added (6.10.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(b), **29(6)(d)**

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 subparagraph (1) above.

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

Status: Point in time view as at 14/04/2008.

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

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 ^{F280} ...;
- (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 [F²⁸¹paragraph 6(2) of Schedule 1 to the Housing Benefit Regulations 2006] (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 [F²⁸²paragraph 1 of Schedule 1 to the Housing Benefit Regulations 2006] (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;
- (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—

- (a) pays for reasonable repairs or redecorations to be carried out to the dwelling they occupy; and
- (b) that work was not the responsibility of the claimant or any member of his family; and
- (c) 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—

- (a) where the amount payable in respect of water charges is known, by that amount;
- (b) 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.

Textual Amendments

F280 Words in Sch. 3 para. 17(1)(a) omitted (2.10.2006) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 2006](#) (S.I. 2006/2378), regs. 1(3), **5(8)(d)**

F281 Words in Sch. 3 para. 17(2)(a) substituted (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006](#) (S.I. 2006/217), reg. 1(1), **Sch. 2 para. 1(5)(a)** (with regs. 2, 3, Sch. 3, Sch. 4)

F282 Words in Sch. 3 para. 17(2)(b) substituted (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006](#) (S.I. 2006/217), reg. 1(1), **Sch. 2 para. 1(5)(b)** (with regs. 2, 3, Sch. 3, Sch. 4)

Status: Point in time view as at 14/04/2008.

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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—

- ^[F283](a) in respect of a non-dependant aged 18 or over who is engaged in any remunerative work, £47.75;
- (b) in respect of a non-dependant aged 18 or over to whom paragraph (a) does not apply, £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 ^[F284]remunerative] work, where the claimant satisfies the ^[F285]Secretary of State] that the non-dependant's gross weekly income is—

- (a) less than ^[F286]£116.00] the deduction to be made under this paragraph shall be the deduction specified in sub-paragraph (1)(b);
- (b) not less than ^[F287]£116.00] but less than ^[F288]£172.00] the deduction to be made under this paragraph shall be ^[F289]£17.00;]
- (c) not less than ^[F290]£172.00] but less than ^[F291]£223.00] the deduction to be made under this paragraph shall be ^[F292]£23.35.]
- ^[F293](d) not less than ^[F294]£223.00] but less than ^[F295]£296.00] the deduction to be made under this paragraph shall be ^[F296]£38.20;]
- (e) not less than ^[F297]£296.00] but less than ^[F298]£369.00] the deduction to be made under this paragraph shall be ^[F299]£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 ^[F300]Secretary 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 [^{F301}or 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 [^{F302}regulation 74 of the Housing Benefit Regulations 2006] (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 [^{F303}52] weeks, or is a prisoner, and for these purposes—
 - (i) [^{F304}“patient” has the meaning given in paragraph 3(13)(b) and “prisoner” has the meaning given in regulation 21(3); and
 - (ii) in calculating a period of 52 weeks as a patient, any two or more distinct periods separated by one or more intervals each not exceeding 28 days shall be treated as a single period; or]
 - [^{F305}(h) if he is in receipt of state pension credit.]
- (8) In the case of a non-dependant to whom sub-paragraph (2) applies because he is in [^{F306}remunerative] 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 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

- F283** Sch. 3 para. 18(1)(a)(b) substituted for Sch. 3 para. 18(1)(a)-(c) (4.4.2005) by The Social Security (Housing Benefit, Council Tax Benefit, State Pension Credit and Miscellaneous Amendments) Regulations 2004 (S.I. 2004/2327), regs. 1(1)(c), **5(b)(i)**
- F284** 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)**
- F285** 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)
- F286** Word in Sch. 3 para. 18(2)(a) substituted (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by The Social Security Benefits Up-rating Order 2008 (S.I. 2008/632), **art. 16(6)(c)**
- F287** Word in Sch. 3 para. 18(2)(b) substituted (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by The Social Security Benefits Up-rating Order 2008 (S.I. 2008/632), **art. 16(6)(d)(i)**
- F288** Word in Sch. 3 para. 18(2)(b) substituted (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by The Social Security Benefits Up-rating Order 2008 (S.I. 2008/632), **art. 16(6)(d)(ii)**

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- F289** 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)**
- F290** Word in Sch. 3 para. 18(2)(c) substituted (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by The Social Security Benefits Up-rating Order 2008 (S.I. 2008/632), **art. 16(6)(e)(i)**
- F291** Word in Sch. 3 para. 18(2)(c) substituted (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by The Social Security Benefits Up-rating Order 2008 (S.I. 2008/632), **art. 16(6)(e)(ii)**
- F292** 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)**
- F293** 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)**
- F294** Word in Sch. 3 para. 18(2)(d) substituted (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by The Social Security Benefits Up-rating Order 2008 (S.I. 2008/632), **art. 16(6)(f)(i)**
- F295** Word in Sch. 3 para. 18(2)(d) substituted (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by The Social Security Benefits Up-rating Order 2008 (S.I. 2008/632), **art. 16(6)(f)(ii)**
- F296** 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)**
- F297** Word in Sch. 3 para. 18(2)(e) substituted (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by The Social Security Benefits Up-rating Order 2008 (S.I. 2008/632), **art. 16(6)(g)(i)**
- F298** Word in Sch. 3 para. 18(2)(e) substituted (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by The Social Security Benefits Up-rating Order 2008 (S.I. 2008/632), **art. 16(6)(g)(ii)**
- F299** 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)**
- F300** 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)
- F301** 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**
- F302** Words in Sch. 3 para. 18(7)(e) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 2 para. 1(5)(c)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F303** Word in Sch. 3 para. 18(7)(g) substituted (coming into force in accordance with reg. 1(c) of the amending S.I.) by The Social Security (Hospital In-Patients and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/1195), regs. 1(c), **3(4)**
- F304** Sch. 3 para. 18(7)(g)(i)(ii) substituted (for specified purposes and with effect in accordance with reg. 1(c) of the amending S.I.) by The Social Security (Hospital In-Patients) Regulations 2005 (S.I. 2005/3360), **reg. 4(4)**
- F305** Sch. 3 para. 18(7)(h) added (4.4.2005) by The Social Security (Housing Benefit, Council Tax Benefit, State Pension Credit and Miscellaneous Amendments) Regulations 2004 (S.I. 2004/2327), regs. 1(1)(c), **5(b)(ii)(bb)**
- F306** 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)**

Modifications etc. (not altering text)

- C20** Sch. 3 para. 18(1)(a): sum confirmed (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by The Social Security Benefits Up-rating Order 2008 (S.I. 2008/632), **art. 16(6)(a)**
- C21** Sch. 3 para. 18(1)(b): sum confirmed (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by The Social Security Benefits Up-rating Order 2008 (S.I. 2008/632), **art. 16(6)(b)**
- C22** Sch. 3 para. 18(2)(b): sum confirmed (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by The Social Security Benefits Up-rating Order 2008 (S.I. 2008/632), **art. 16(6)(d)(iii)**
- C23** Sch. 3 para. 18(2)(c): sum confirmed (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by The Social Security Benefits Up-rating Order 2008 (S.I. 2008/632), **art. 16(6)(e)(iii)**
- C24** Sch. 3 para. 18(2)(d): sum confirmed (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by The Social Security Benefits Up-rating Order 2008 (S.I. 2008/632), **art. 16(6)(f)(iii)**

Status: Point in time view as at 14/04/2008.

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

C25 Sch. 3 para. 18(2)(e): sum confirmed (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2008 \(S.I. 2008/632\)](#), **art. 16(6)(g)(iii)**

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.]

^{F307}SCHEDULE 3A Regulations 17(1)(g), 18(1)(h) and 71(1)(a)(v) and (d)(iv)

.....

Textual Amendments
F307 Sch. 3A revoked (3.4.2006) by [The Social Security \(Miscellaneous Amendments\) Regulations 2006 \(S.I. 2006/588\)](#), regs. 1(5), **2(4)(e)**

^{F308}SCHEDULE 3B Regulations 17(1)(g), 18(1)(h) and 71(1)(a)(v) and (d)(iv)

.....

Textual Amendments
F308 Sch. 3B revoked (3.4.2006) by [The Social Security \(Miscellaneous Amendments\) Regulations 2006 \(S.I. 2006/588\)](#), regs. 1(5), **2(4)(f)**

SCHEDULE 3C Regulation 2A(1)(b)

THE GREATER LONDON AREA

^{F309} ...
^{F309}

Textual Amendments
F309 Sch. 3C omitted (6.10.2003) by virtue of [The Social Security \(Removal of Residential Allowance and Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/1121\)](#), reg. 1, **Sch. 1 para. 7**

Status: Point in time view as at 14/04/2008.
Changes to legislation: There are currently no known outstanding effects for the The Income Support (General) Regulations 1987. (See end of Document for details)

F310 SCHEDULE 4

Regulation 19

Textual Amendments

F310 Sch. 4 omitted (8.4.2002) by virtue of [The Social Security Amendment \(Residential Care and Nursing Homes\) Regulations 2001 \(S.I. 2001/3767\)](#), reg. 1, **Sch. Pt. I para. 16**

F311 SCHEDULE 5

Regulation 20

Textual Amendments

F311 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

F312
...

Textual Amendments

F312 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

[F313 Regulations 21 and 21AA]

APPLICABLE AMOUNTS IN SPECIAL CASES

Textual Amendments

F313 Words in [Sch. 7](#) heading substituted (2.4.2007) by [The Social Security \(Miscellaneous Amendments\) Regulations 2007 \(S.I. 2007/719\)](#), regs. 1(2), **2(8)(a)**

Status: Point in time view as at 14/04/2008.

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)

C26 Sch. 7 applied (with modifications) (6.10.2003) by *The National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003* (S.S.I. 2003/460), reg. 1, **sch. Pt. II** Table B (with reg. 13)

Commencement Information

I12 Sch. 7 in force at 11.4.1988, see reg. 1

| Column (1) | Column (2) |
|--|------------------------|
| Patients | F314 1. |
| F314 1. | |
| F315 2. ... | F315 2. ... |
| [F316 2A. A claimant who is detained, or liable to be detained, under— | [F317 2A. Nil.] |
| <ul style="list-style-type: none"> (a) section 45A of the Mental Health Act 1983 (hospital and limitation directions) or section 59A of the Criminal Procedure (Scotland) Act 1995 (hospital direction); or (b) section 47 of the Mental Health Act 1983 (removal to hospital of persons serving sentences of imprisonment, etc.) or section 136 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (transfer of prisoners for treatment for mental disorder), <p>but not if his detention continues after the date which the Secretary of State certifies or Scottish Ministers certify would have been the earliest date on which he could have been released in respect of, or from, the prison sentence if he had not been detained in hospital.]</p> | |
| 2B. F318 ... | F318 ... |
| 3. F319F320 ... | |
| 4. F321 ... | F321 ... |
| 5. F322 ... | F322 ... |

Claimants without accommodation

Status: Point in time view as at 14/04/2008.

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

6. A claimant who is without accommodation. 6. The amount applicable to him under regulation 17^{F323}(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

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^{F323}(1)(e).</p> |
|--|--|

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 ^{F324}where—</p> <p>(a) one member of the couple is—</p> <p style="margin-left: 20px;">^{F325}(i) not a patient but is residing in a care home, an Abbeyfield Home or an independent hospital, 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 and Training Act 1973 ^{F326}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 ^{F327}of the 1973 Act],</p> | <p>9. Either—</p> <p>(a) the amount applicable to him as a member of a couple under regulation 17^{F323}(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> |
|---|---|

Status: Point in time view as at 14/04/2008.

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

- 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
 - [^{F328}(iii) residing in a care home, an Abbeyfield Home or an independent hospital.]]

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—

- [^{F329}(a) not a patient but is residing in a care home, an Abbeyfield Home or an independent hospital, or]
- (c) ^{F330}
- (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 [^{F331}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.

[^{F332}**Single claimants temporarily in local authority accommodation**

| | | |
|------------|-----------------|-----------------|
| 10A | ^{F333} | ^{F333} |
| ... | | ... |

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

| | | |
|------------|-----------------|-----------------|
| 10B | ^{F334} | ^{F334} |
| ... | | ... |

*Status: Point in time view as at 14/04/2008.
 Changes to legislation: There are currently no known outstanding effects for the
 The Income Support (General) Regulations 1987. (See end of Document for details)*

Lone parents who are in residential accommodation temporarily]

10C ^{F335} ^{F335}

[^{F336}Lone parents who are in residential care homes or nursing homes temporarily]

10D. ^{F337} ^{F337}

Couples where one member is abroad

11. [^{F338}Subject to paragraph 11A,] a claimant who is a member of a couple and whose partner is temporarily not present in [^{F339}United Kingdom.] **11.** For the first four weeks of that absence, the amount applicable to them as a couple under regulation 17[^{F323}(1)], ^{F340} ... [^{F341}or 21] as the case may be and thereafter the amount applicable to the claimant in Great Britain under regulation 17[^{F323}(1)]^{F340} ... [^{F341}or 21] as the case may be as if the claimant were a single claimant or, as the case may be, a lone parent.

[^{F342}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— **11A.** For the first 8 weeks of that absence, the amount applicable to the claimant under regulation 17(1)^{F344} ... 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)^{F344} ... or 21, as the case may be, as if the claimant were a single claimant, or, as the case may be, a lone parent.]

(a) he or his partner is, or

(b) both he and his partner are absent from the United Kingdom in [^{F343}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.]

[^{F345}Polygamous marriages where any member is abroad

12. Subject to paragraph 12A, a claimant who is a member of a polygamous marriage where— **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.]

(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;

[^{F346}Polygamous marriage: taking child or young person abroad for treatment

Status: Point in time view as at 14/04/2008.

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

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
 - (c) two or more of his partners are,
- absent from the United Kingdom in [^{F347}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 or partners, as the case may be, as if regulation 4(3)(a) to (d) applied to that partner or those partners.]

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 polygamous marriage not in the United Kingdom were not a member of the marriage.]

[^{F348}**Persons in residential accommodation]**

13 ^{F349} **F349**

... ...

[^{F350}**Polish Resettlement]**

13A ^{F351} **F351**

... ...

[^{F352}**Polish resettlement: Persons temporarily absent from accommodation]**

13B ^{F353} **13B** ^{F353}

... ...

Polish Resettlement

14 ^{F354} **F354**

... ...

Resettlement Units

15 ^{F355} **F355**

... ...

Persons temporarily absent from board and lodging accommodation or a hostel, residential care or nursing home

16. ^{F356} **F356**

... ...

[^{F357}**Partner of a person subject to immigration control**

- (a) (a) A claimant who is the partner of a person subject to immigration control.
- (a)

[^{F358}The amount applicable in respect of the claimant only under regulation 17(1)(a), any amount which may be applicable to him under

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- | | |
|---|---|
| <p>(b) Where regulation 18 (polygamous marriages) applies and the claimant is a person—</p> <p>(i) who is not subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act; or</p> <p>(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</p> <p>(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.]</p> | <p>regulation 17(1)(d) plus the amount applicable to him under regulation 17(1)(e), (f) and (g) or, as the case may be, regulation 21.]</p> <p>(b)</p> <p>[^{F358}The amount determined in accordance with that regulation or regulation 21 in respect of the claimant and any partners of his 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.]]</p> |
|---|---|

Persons from abroad

- | | |
|------------------------|----------|
| 17. person from abroad | 17. nil; |
|------------------------|----------|

Persons in residential care or nursing homes who become patients

- | | |
|---------------------------|--------------------------|
| 18. ^{F359} . . . | ^{F359} . . . |
|---------------------------|--------------------------|

Claimants entitled to the disability premium for a past period

- | | |
|---|---|
| <p>19. A claimant—</p> <p>(a) whose time for claiming income support has been extended under regulation [^{F360}19(4)] of the Social Security (Claims and Payments) Regulations 1987 ^{F361} (time for claiming benefit); and</p> <p>(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 [^{F362}regulation 6(3) of those Regulations] and [^{F363}ending with the day before the day] on which the claim is actually made; and</p> | <p>19. The amount only of the disability premium applicable by virtue of [^{F364}paragraph 11(1)(b)] of Schedule 2 as specified in paragraph 15(4)(b) of that Schedule.</p> |
|---|---|

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- (c) who satisfied the condition in [^{F364}paragraph 11(1)(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.

[^{F365}Persons who have commenced remunerative work

19A. A person to whom regulation 6(5) (persons not treated as in remunerative work) applies.]

[^{F366}19A.—(1) Subject to sub-paragraph (2), the lowest of either—

- (a) the amount determined in accordance with—
 - (i) Schedule 3 (housing costs); or
 - (ii) as the case may be, Schedule 2 to the Jobseeker's Allowance Regulations 1996 (housing costs),
which was applicable to the claimant or his partner immediately before he or his partner commenced the remunerative work referred to in regulation 6(5)(a); or
- (b) the amount of income support or, as the case may be, income-based jobseeker's allowance which the claimant or his partner was entitled to in the benefit week immediately before the benefit week in which he or his partner commenced the remunerative work referred to in regulation 6(5)(a) or, where he or his partner was in receipt of a training allowance in that benefit week, the amount of income support or income-based jobseeker's allowance which he would have been entitled to in that week had he not been in receipt of a training allowance.

(2) Nothing in sub-paragraph (1) shall prevent any adjustment being made to the amount referred to in (a) or, as the case may be, (b) of that sub-paragraph during the period referred to in regulation 6(6), in order to reflect changes during that period to the amounts prescribed in Schedule 2 ^{F367}... or in this Schedule or to reflect changes in circumstances during that period relating to the matters specified to in sub-paragraph (3).

(3) The changes in circumstances referred to in sub-paragraph (2) are changes to the amount

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of housing costs to be met in accordance with Schedule 3 in the claimant's case occasioned by—

- (a) the claimant becoming entitled to income support for a continuous period of 26 weeks or more;
- (b) a change to the standard interest rate; or
- (c) any non-dependant deduction becoming applicable, or ceasing to be applicable.

(4) In sub-paragraph (1), a reference to the claimant or his partner being entitled to and in receipt of an income-based jobseeker's allowance or to an amount being applicable to either of them under the Jobseeker's Allowance Regulations 1996 shall include a reference to the claimant and his partner being entitled to, and in receipt of, a joint-claim jobseeker's allowance and to an amount being applicable to that couple under those Regulations.]

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

- F314** Sch. 7 para. 1 omitted (for specified purposes and with effect in accordance with reg. 1(c) of the amending S.I.) by virtue of [The Social Security \(Hospital In-Patients\) Regulations 2005 \(S.I. 2005/3360\)](#), **reg. 4(5)(a)**
- F315** Sch. 7 para. 2 omitted (for specified purposes and with effect in accordance with reg. 1(c) of the amending S.I.) by virtue of [The Social Security \(Hospital In-Patients\) Regulations 2005 \(S.I. 2005/3360\)](#), **reg. 4(5)(a)**
- F316** Sch. 7 para. 2A substituted (for specified purposes and with effect in accordance with reg. 1(c) of the amending S.I.) by [The Social Security \(Hospital In-Patients\) Regulations 2005 \(S.I. 2005/3360\)](#), **reg. 4(5)(b)(i)**
- F317** Sch. 7 para. 2A substituted (for specified purposes and with effect in accordance with reg. 1(c) of the amending S.I.) by [The Social Security \(Hospital In-Patients\) Regulations 2005 \(S.I. 2005/3360\)](#), **reg. 4(5)(b)(ii)**
- F318** Words in Sch. 7 omitted (coming into force in accordance with reg. 1(6) of the amending S.I.) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 2007 \(S.I. 2007/719\)](#), regs. 1(6), **2(8)(b)**
- F319** Words in Sch. 7 omitted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by virtue of [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), **Sch. 1 para. 21(d)**
- F320** Words in Sch. 7 omitted (with application in accordance with reg. 1(5) of the amending S.I.) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 2007 \(S.I. 2007/719\)](#), regs. 1(3), **2(8)(c)**
- F321** 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)

Status: Point in time view as at 14/04/2008.

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

- F322** 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)
- F323** 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**
- F324** 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)**
- F325** Sch. 7 para. 9(a)(i) substituted for Sch. 7 para. 9(a)(i)(ii) (24.10.2005) by *The Social Security (Care Homes and Independent Hospitals) Regulations 2005* (S.I. 2005/2687), reg. 1, **Sch. 1 para. 10(a)(i)**
- F326** 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.**
- F327** 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)**
- F328** Sch. 7 para. 9(b)(iii) substituted for Sch. 7 para. 9(b)(iii)(iv) (24.10.2005) by *The Social Security (Care Homes and Independent Hospitals) Regulations 2005* (S.I. 2005/2687), reg. 1, **Sch. 1 para. 10(a)(ii)**
- F329** Sch. 7 para. 10(a) substituted for Sch. 7 para. 10(a)(b) (24.10.2005) by *The Social Security (Care Homes and Independent Hospitals) Regulations 2005* (S.I. 2005/2687), reg. 1, **Sch. 1 para. 10(b)**
- F330** 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)**
- F331** 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)**
- F332** Sch. 7 paras. 10A-10C substituted (8.4.2002 for specified purposes and with application in accordance with art. 1(2)(g)(4)) by *The Social Security Benefits Up Rating Order 2002* (S.I. 2002/668), arts. 1(2)(g), 16(7), **Sch. 4 Pt. I**
- F333** Sch. 7 para. 10A omitted (6.10.2003) by virtue of *The Social Security (Removal of Residential Allowance and Miscellaneous Amendments) Regulations 2003* (S.I. 2003/1121), reg. 1, **Sch. 1 para. 8(a)(i)**
- F334** Sch. 7 para. 10B omitted (6.10.2003) by virtue of *The Social Security (Removal of Residential Allowance and Miscellaneous Amendments) Regulations 2003* (S.I. 2003/1121), reg. 1, **Sch. 1 para. 8(a)(ii)**
- F335** Sch. 7 para. 10C omitted (6.10.2003) by virtue of *The Social Security (Removal of Residential Allowance and Miscellaneous Amendments) Regulations 2003* (S.I. 2003/1121), reg. 1, **Sch. 1 para. 8(a)(iii)**
- F336** 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)**
- F337** 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)**
- F338** 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)**
- F339** 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)**
- F340** Words in Sch. 7 para. 11 omitted (8.4.2002) by virtue of *The Social Security Amendment (Residential Care and Nursing Homes) Regulations 2001* (S.I. 2001/3767), **Sch. Pt. 1 para. 17(c)**
- F341** 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)**
- F342** 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)**
- F343** 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))
- F344** Word in Sch. 7 para. 11A omitted (8.4.2002) by virtue of *The Social Security Amendment (Residential Care and Nursing Homes) Regulations 2001* (S.I. 2001/3767), **Sch. Pt. 1 para. 17(d)**
- F345** 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)**
- F346** 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 14/04/2008.

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

- F347** 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))
- F348** Sch. 7 para. 13 substituted (8.4.2002 for specified purposes and with application in accordance with art. 1(2)(g)(4)) by The Social Security Benefits Up Rating Order 2002 (S.I. 2002/668), arts. 1(2)(g), 16(7), **Sch. 4 Pt. I**
- F349** Sch. 7 para. 13(1) omitted (6.10.2003) by virtue of The Social Security (Removal of Residential Allowance and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/1121), reg. 1, **Sch. 1 para. 8(a)(iv)**
- F350** Sch. 7 para. 13A substituted (8.4.2002 for specified purposes and with application in accordance with art. 1(2)(g)(4)) by The Social Security Benefits Up Rating Order 2002 (S.I. 2002/668), arts. 1(2)(g), 16(7), **Sch. 4 Pt. I**
- F351** Sch. 7 para. 13A omitted (6.10.2003) by virtue of The Social Security (Removal of Residential Allowance and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/1121), reg. 1, **Sch. 1 para. 8(a)(v)**
- F352** 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**
- F353** Sch. 7 para. 13B omitted (6.10.2003) by virtue of The Social Security (Removal of Residential Allowance and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/1121), reg. 1, **Sch. 1 para. 8(a)(vi)**
- F354** 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)**
- F355** 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)**
- F356** Sch. 7 para. 16 omitted (8.4.2002) by virtue of The Social Security Amendment (Residential Care and Nursing Homes) Regulations 2001 (S.I. 2001/3767), **Sch. Pt. 1 para. 17(f)**
- F357** 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)**
- F358** Words in Sch. 7 substituted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), **Sch. 1 para. 21(i)**
- F359** Sch. 7 para. 18 omitted (8.4.2002) by virtue of The Social Security Amendment (Residential Care and Nursing Homes) Regulations 2001 (S.I. 2001/3767), **Sch. Pt. 1 para. 17(h)**
- F360** 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**
- F361** S.I. 1987/1968.
- F362** 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))
- F363** 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))
- F364** Words in Sch. 7 substituted (coming into force in accordance with reg. 1(6) of the amending S.I.) by The Social Security (Miscellaneous Amendments) Regulations 2007 (S.I. 2007/719), regs. 1(6), **2(8)(d)**
- F365** Sch. 7 para. 19A inserted (9.4.2001) by The Social Security (Miscellaneous Amendments) Regulations 2001 (S.I. 2001/488), regs. 1(1), **7(a)**
- F366** Sch. 7 para. 19A inserted (9.4.2001) by The Social Security (Miscellaneous Amendments) Regulations 2001 (S.I. 2001/488), regs. 1(1), **7(b)**
- F367** Words in Sch. 7 para. 19A omitted by S.I. 2001/3767, Sch. Pt. 1 para. 17(i) (as added) (8.4.2002) by virtue of The Social Security Amendment (Residential Care and Nursing Homes) Regulations 2002 (S.I. 2002/398), regs. 1, **4(2)(c)**

Modifications etc. (not altering text)

- C27** Sch. 7 para. 2A: sum confirmed (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by The Social Security Benefits Up-rating Order 2008 (S.I. 2008/632), art. 16(7), **Sch. 4**
- C28** Sch. 7 para. 7: sum confirmed (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by The Social Security Benefits Up-rating Order 2008 (S.I. 2008/632), art. 16(7), **Sch. 4**

Status: Point in time view as at 14/04/2008.

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

- C29** Sch. 7 para. 8(a): sum confirmed (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2008 \(S.I. 2008/632\)](#), art. 16(7), **Sch. 4**
- C30** Sch. 7 para. 17: sum confirmed (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2008 \(S.I. 2008/632\)](#), art. 16(7), **Sch. 4**

SCHEDULE 8

Regulations 36(2), 38(2) and 44(6)

SUMS TO BE DISREGARDED IN THE CALCULATION OF EARNINGS

Modifications etc. (not altering text)

- C31** Sch. 8 applied (with modifications) (S.) (6.10.2003) by [The National Health Service \(Travelling Expenses and Remission of Charges\) \(Scotland\) \(No. 2\) Regulations 2003 \(S.S.I. 2003/460\)](#), reg. 1, **sch. Pt. I** Table A (with [reg. 13](#))

^{F368}**1.**—(1) In the case of a claimant who has been engaged in remunerative work as an employed earner or, had the employment been in Great Britain, would have been so engaged—

- (a) any earnings, other than items to which sub-paragraph (2) applies, paid or due to be paid from that employment which terminated before the first day of entitlement to income support;
- (b) any earnings, other than a payment of the nature described in regulation 35(1)(e), paid or due to be paid from that employment which has not been terminated where the claimant is not—
- (i) engaged in remunerative work, or
- (ii) suspended from his employment.
- (2) This sub-paragraph applies to—
- (a) any payment of the nature described in regulation 35(1)(e); and
- (b) any award, sum or payment of the nature described in—
- (i) regulation 35(1)(g) or (h), or
- (ii) section 34 or 70 of the Employment Rights Act 1996 (guarantee payments and suspension from work: complaints to employment tribunals),
- including any payment made following the settlement of a complaint to an employment tribunal or of court proceedings.]

Textual Amendments

- F368** Sch. 8 para. 1 substituted (1.10.2007) by [The Social Security \(Miscellaneous Amendments\) \(No. 5\) Regulations 2007 \(S.I. 2007/2618\)](#), regs. 1(1), **5(11)(a)**

^{F369}**1A.** If the claimant's partner has been engaged in remunerative work as an employed earner or, had the employment been in Great Britain, would have been so engaged, any earnings paid or due to be paid on termination of that employment by way of retirement but only if the partner has attained the qualifying age for state pension credit on retirement.]

Status: Point in time view as at 14/04/2008.

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

F369 Sch. 8 para. 1A inserted (6.10.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(b), **29(7)(b)**

^{F370}2.—(1) In the case of a claimant to whom this paragraph applies, any earnings (other than a payment of the nature described in regulation 35(1)(e)) which relate to employment which ceased before the first day of entitlement to income support whether or not that employment has terminated.

(2) This paragraph applies to a claimant who has been engaged in part-time employment as an employed earner or, had the employment been in Great Britain, would have been so engaged; but it does not apply to a claimant who has been suspended from his employment.]

Textual Amendments

F370 Sch. 8 para. 2 substituted (1.10.2007) by [The Social Security \(Miscellaneous Amendments\) \(No. 5\) Regulations 2007 \(S.I. 2007/2618\)](#), regs. 1(1), **5(11)(b)**

3. In the case of a claimant who has been engaged in remunerative work or part-time employment as a self-employed earner [^{F371}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 any earnings derived from that employment except earnings to which regulation 30(2) (royalties etc.) applies.

Textual Amendments

F371 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

I13 Sch. 8 para. 3 in force at 11.4.1988, see [reg. 1](#)

^{F372}4.—(1) In a case to which this paragraph applies, [^{F373}£20]; 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 [^{F373}£20].

(2) This paragraph applies where the claimant's applicable amount includes, or but for his being an in-patient ^{F374}... ^{F375}... 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 ^{F376}... ^{F377}... 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

- ^{F378}(b)
- (4) This paragraph applies where—
- (a) the claimant’s applicable amount includes, or but for his being an in-patient ^{F379} ... ^{F380} ... would include, an amount by way of the higher pensioner premium under Schedule 2; and
 - (b) [^{F381}the claimant’s partner has attained the qualifying age for state pension credit;]
 - (c) immediately before attaining that age ^{F382}... his partner was engaged in part-time employment and the claimant was entitled by virtue of sub-paragraph (2) ^{F382}... to a disregard of [^{F373}£20]; and
 - (d) he or, as the case may be, he or his partner has continued in part-time employment.
- ^{F383}(5)
- ^{F383}(6)
- [^{F384}(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) [^{F385}on or after the date on which the claimant’s partner attained the qualifying age for state pension credit during which the partner was 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 [^{F386}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 [^{F387}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 [^{F388}the claimant’s partner attains the qualifying age for state pension credit.];
 - (c) no account shall be taken of any period occurring on or after the date on which [^{F389}the claimant’s partner, if he is a member of a couple, attained the qualifying age for state pension credit] 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 [^{F390}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 [^{F391}of the 1973 Act].]

Textual Amendments

- F372** 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**
- F373** Word in [Sch. 8 para. 4](#) substituted (1.4.2001 for specified purposes, 2.4.2001 for specified purposes, 9.4.2001 in so far as not already in force) by [The Social Security Amendment \(Capital Limits and Earnings Disregards\) Regulations 2000 \(S.I. 2000/2545\)](#), regs. 1(1)(a)(ii)(b)(c), 3, **Sch. para. 2(a)** (with reg. 4)
- F374** Words in [Sch. 8 para. 4\(2\)](#) omitted (8.4.2002) by virtue of [The Social Security Amendment \(Residential Care and Nursing Homes\) Regulations 2001 \(S.I. 2001/3767\)](#), reg. 1, **Sch. Pt. 01 para. 018(a)**

Status: Point in time view as at 14/04/2008.

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

- F375** Words in Sch. 8 para. 4(2) omitted (24.10.2005) by virtue of The Social Security (Care Homes and Independent Hospitals) Regulations 2005 (S.I. 2005/2687), reg. 1, **Sch. 1 para. 11**
- F376** Words in Sch. 8 para. 4(3)(a)(ii) omitted (8.4.2002) by virtue of The Social Security Amendment (Residential Care and Nursing Homes) Regulations 2001 (S.I. 2001/3767), reg. 1, **Sch. Pt. 01 para. 018(a)**
- F377** Words in Sch. 8 para. 4(3)(a)(ii) omitted (24.10.2005) by virtue of The Social Security (Care Homes and Independent Hospitals) Regulations 2005 (S.I. 2005/2687), reg. 1, **Sch. 1 para. 11**
- F378** Sch. 8 para. 4(3)(b) omitted (6.10.2003) by virtue of The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(b), **29(7)(c)(i)**
- F379** Words in Sch. 8 para. 4(4)(a) omitted (8.4.2002) by virtue of The Social Security Amendment (Residential Care and Nursing Homes) Regulations 2001 (S.I. 2001/3767), reg. 1, **Sch. Pt. 01 para. 018(a)**
- F380** Words in Sch. 8 para. 4(4)(a) omitted (24.10.2005) by virtue of The Social Security (Care Homes and Independent Hospitals) Regulations 2005 (S.I. 2005/2687), reg. 1, **Sch. 1 para. 11**
- F381** Sch. 8 para. 4(4)(b) substituted (6.10.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(b), **29(7)(c)(ii)(aa)**
- F382** Words in Sch. 8 para. 4(4)(c) omitted (6.10.2003) by virtue of The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(b), **29(7)(c)(ii)(bb)**
- F383** 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)**
- F384** 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)**
- F385** Sch. 8 para. 4(7)(a)(i) substituted (6.10.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(b), **29(7)(iii)(aa)**
- F386** 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.**
- F387** 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)**
- F388** Words in Sch. 8 para. 4(7)(b) substituted (6.10.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(b), **29(7)(iii)(bb)**
- F389** Words in Sch. 8 para. 4(7)(c) substituted (6.10.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(b), **29(7)(iii)(cc)**
- F390** 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.**
- F391** 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

- I14** Sch. 8 para. 4 in force at 11.4.1988, see reg. 1

[^{F392}5. In a case where the claimant is a lone parent and paragraph 4 does not apply, [^{F393}£20].]

Textual Amendments

- F392** 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**
- F393** Word in Sch. 8 para. 5 substituted (1.4.2001 for specified purposes, 2.4.2001 for specified purposes, 9.4.2001 in so far as not already in force) by The Social Security Amendment (Capital Limits and Earnings Disregards) Regulations 2000 (S.I. 2000/2545), regs. 1(1)(a)(ii)(b)(c), 3, **Sch. para. 2(b)**

- ^{F394}6. Where the claimant is a member of a couple—
- (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

F394 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

I15 Sch. 8 para. 6 in force at 11.4.1988, see [reg. 1](#)

^{F395}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), [^{F396}£20] of the earnings of the person who is, or at any time in the preceding eight weeks was, in receipt of [^{F397}carer's allowance] or treated in accordance with paragraph 14ZA(2) of that Schedule as being in receipt of [^{F397}carer's 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 [^{F396}£20] of the aggregated amount.]

Textual Amendments

F395 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)**

F396 Word in Sch. 8 para. 6A substituted (1.4.2001 for specified purposes, 2.4.2001 for specified purposes, 9.4.2001 in so far as not already in force) by [The Social Security Amendment \(Capital Limits and Earnings Disregards\) Regulations 2000 \(S.I. 2000/2545\)](#), regs. 1(1)(a)(ii)(b)(c), 3, **Sch. para. 2(c)**

F397 Words in Sch. 8 substituted (1.4.2003) by [The Social Security Amendment \(Carer's Allowance\) Regulations 2002 \(S.I. 2002/2497\)](#), reg. 1(b), Sch. 2 paras. 1, 2

^{F395}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 [^{F398}£20], 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 [^{F398}£20];
- (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 [^{F398}£20].]

Status: Point in time view as at 14/04/2008.

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

- F395** 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)**
- F398** Word in [Sch. 8 para. 6B](#) substituted (1.4.2001 for specified purposes, 2.4.2001 for specified purposes, 9.4.2001 in so far as not already in force) by [The Social Security Amendment \(Capital Limits and Earnings Disregards\) Regulations 2000](#) (S.I. 2000/2545), regs. 1(1)(a)(ii)(b)(c), 3, **Sch. para. 2(d)**

7.—(1) In a case to which none of paragraphs [^{F399}4 to 6B] applies to the claimant, [^{F400}£20] of earnings derived from one or more employments as—

- (a) [^{F401}a part-time fireman in a fire brigade maintained in pursuance of the Fire Services Acts 1947 to 1959^{F402}];
- [^{F403}(aa) a part-time fire-fighter employed by a fire and rescue authority;]
- [^{F404}(aa) a part-time fire-fighter employed by a fire and rescue authority;]
- [^{F405}(ab) a part-time fire-fighter employed by a fire and rescue authority (as defined in section 1 of the [Fire \(Scotland\) Act 2005](#) (asp 5)) or a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of that Act;]
- (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 [^{F406}Schedule 6 to the Social Security (Contributions) Regulations 2001];

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 [^{F400}£20];
- (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 [^{F400}£20].

Textual Amendments

- F399** 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)**
- F400** Word in [Sch. 8 para. 7](#) substituted (1.4.2001 for specified purposes, 2.4.2001 for specified purposes, 9.4.2001 in so far as not already in force) by [The Social Security Amendment \(Capital Limits and Earnings Disregards\) Regulations 2000](#) (S.I. 2000/2545), regs. 1(1)(a)(ii)(b)(c), 3, **Sch. para. 2(e)**
- F401** [Sch. 8 para. 7\(1\)\(a\)](#) revoked (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Provisions and Modifications\) Order 2005](#) (S.I. 2005/2060), art. 1(2)(f), **Sch. para. 5(a)**
- F402** 1947 c. 41, 1951 c. 27, 1959 c. 44.
- F403** [Sch. 8 para. 7\(1\)\(aa\)](#) inserted (E.) (30.12.2004) by [The Fire and Rescue Services Act 2004 \(Consequential Amendments\) \(England\) Order 2004](#) (S.I. 2004/3168), arts. 1(1), **14**
- F404** [Sch. 8 para. 7\(1\)\(aa\)](#) inserted (W.) (25.10.2005) by [The Fire and Rescue Services Act 2004 \(Consequential Amendments\) \(Wales\) Order 2005](#) (S.I. 2005/2929), arts. 1(1), **15**

Status: Point in time view as at 14/04/2008.

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

F405 Sch. 8 para. 7(1)(ab) inserted (S.) (2.8.2005) by *The Fire (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005 (S.I. 2005/2060)*, art. 1(2)(f), **Sch. para. 5(b)**

F406 Words in Sch. 8 para. 7(1)(d) substituted (2.10.2006) by *The Social Security (Miscellaneous Amendments) (No. 4) Regulations 2006 (S.I. 2006/2378)*, regs. 1(3), **5(9)**

Commencement Information

I16 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 [^{F407}£20] 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 [^{F407}£20].

Textual Amendments

F407 Word in Sch. 8 para. 8 substituted (1.4.2001 for specified purposes, 2.4.2001 for specified purposes, 9.4.2001 in so far as not already in force) by *The Social Security Amendment (Capital Limits and Earnings Disregards) Regulations 2000 (S.I. 2000/2545)*, regs. 1(1)(a)(ii)(b)(c), 3, **Sch. para. 2(f)**

Commencement Information

I17 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

I18 Sch. 8 para. 9 in force at 11.4.1988, see [reg. 1](#)

[^{F408}**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 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

F408 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

I19 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.

Status: Point in time view as at 14/04/2008.

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

I20 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

I21 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

I22 Sch. 8 para. 13 in force at 11.4.1988, see [reg. 1](#)

14. Any earnings of a child or young person^[F409] except earnings to which paragraph 15 applies].

Textual Amendments

F409 Words in [Sch. 8 para. 14](#) omitted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by virtue of [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003](#) (S.I. 2003/455), [Sch. 1 para. 22\(a\)](#)

Commencement Information

I23 Sch. 8 para. 14 in force at 11.4.1988, see [reg. 1](#)

15. ^[F410]^[F411]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^{F412}... 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, ^[F413]£20];
- (b) in any other case, £5.]

Textual Amendments

F410 [Sch. 8 para. 15](#) omitted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by virtue of [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003](#) (S.I. 2003/455), [Sch. 1 para. 22\(b\)](#)

F411 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\(2\)](#))

F412 Words in [Sch. 8 para. 15\(a\)](#) omitted (8.4.2002) by virtue of [The Social Security Amendment \(Residential Care and Nursing Homes\) Regulations 2001](#) (S.I. 2001/3767), [reg. 1](#), [Sch. Pt. 1 para. 18\(b\)](#)

Status: Point in time view as at 14/04/2008.

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

F413 Word in [Sch. 8 para. 15](#) substituted (1.4.2001 for specified purposes, 2.4.2001 for specified purposes, 9.4.2001 in so far as not already in force) by [The Social Security Amendment \(Capital Limits and Earnings Disregards\) Regulations 2000 \(S.I. 2000/2545\)](#), regs. 1(1)(a)(ii)(b)(c), 3, [Sch. para. 2\(g\)](#)

Commencement Information

I24 Sch. 8 para. 15 in force at 11.4.1988, see [reg. 1](#)

[^{F414}**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 [^{F415}Schedule 6 to the Social Security (Contributions) Regulations 2001]; 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

F414 [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(1)(c)** (with reg. 13)

F415 Words in [Sch. 8 para. 15A\(a\)](#) substituted (2.10.2006) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 2006 \(S.I. 2006/2378\)](#), regs. 1(3), **5(9)**

[^{F416}**15B.**]

Textual Amendments

F416 [Sch. 8 para. 15B](#) omitted (25.10.2004) by virtue of [The Social Security \(Back to Work Bonus and Lone Parent Run-on\) \(Amendment and Revocation\) Regulations 2003 \(S.I. 2003/1589\)](#), regs. 1(1), **2(d)**

[^{F417}**15C.** In the case of a person to whom paragraph (5) of regulation 6 (persons not treated as in remunerative work) applies, any earnings.]

Textual Amendments

F417 [Sch. 8 para. 15C](#) inserted (9.4.2001) by [The Social Security \(Miscellaneous Amendments\) Regulations 2001 \(S.I. 2001/488\)](#), regs. 1(1), **8**

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

I25 Sch. 8 para. 16 in force at 11.4.1988, see [reg. 1](#)

Status: Point in time view as at 14/04/2008.

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)

- C32** Sch. 9 applied (with modifications) (6.10.2003) by [The National Health Service \(Travelling Expenses and Remission of Charges\) \(Scotland\) \(No. 2\) Regulations 2003 \(S.S.I. 2003/460\)](#), reg. 1, **sch. Pt. I** Table A (with reg. 13)
- C33** Sch. 9 applied (with modifications) (1.10.2007) by S.I. 2003/2382 (as amended (E.) by [The National Health Service \(Travel Expenses and Remission of Charges\) \(Amendment No.2\) Regulations 2007 \(S.I. 2007/2590\)](#)), regs. 1(1), **2(2)**)

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

- I26** Sch. 9 para. 1 in force at 11.4.1988, see [reg. 1](#)

2. Any payment in respect of any expenses incurred^[F418], or to be incurred,] by a claimant who is—

- (a) engaged by a charitable or ^[F419]voluntary organisation]; or
- (b) 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

- F418** Words in [Sch. 9 para. 2](#) inserted (24.9.2001) by [The Social Security Amendment \(Volunteers\) Regulations 2001 \(S.I. 2001/2296\)](#), regs. 1, **2(1)(2)(c)**
- F419** 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

- I27** 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

- I28** Sch. 9 para. 3 in force at 11.4.1988, see [reg. 1](#)

4. In the case of a payment ^[F420]under Parts 11 to^[F421]12ZB of the Contributions and Benefits 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 ^[F422]or who is taking paternity leave or adoption leave]—

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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)

- (a) any amount deducted by way of primary Class 1 contributions under the Social Security Act;
- (b) one-half of any sum paid by the claimant by way of a contribution towards an occupational or personal pension scheme.

Textual Amendments

- F420** Words in Sch. 9 para. 4 substituted (14.4.2008) by [The Social Security \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/698\)](#), regs. 1(1), **2(14)(a)**
- F421** Words in Sch. 9 para. 4 inserted (8.12.2002) by [The Social Security \(Paternity and Adoption\) Amendment Regulations 2002 \(S.I. 2002/2689\)](#), regs. 1(1)(b), **2(6)(a)(i)**
- F422** Words in Sch. 9 para. 4 added (8.12.2002) by [The Social Security \(Paternity and Adoption\) Amendment Regulations 2002 \(S.I. 2002/2689\)](#), regs. 1(1)(b), **2(6)(a)(ii)**

Commencement Information

- I29** Sch. 9 para. 4 in force at 11.4.1988, see [reg. 1](#)

[^{F423}**4A.** In the case of the payment of statutory sick pay under Part II of the Social Security (Northern Ireland) Order 1982]^{F424}, statutory maternity pay under Part XII of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 or a payment under any enactment having effect in Northern Ireland corresponding to a payment of statutory paternity pay or statutory adoption pay]—

- (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

- F423** 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)**
- F424** Words in Sch. 9 para. 4A substituted (8.12.2002) by [The Social Security \(Paternity and Adoption\) Amendment Regulations 2002 \(S.I. 2002/2689\)](#), regs. 1(1)(b), **2(6)(b)**

5. Any housing benefit [^{F425}to which the claimant is entitled][^{F426}including any amount of housing benefit to which a person is entitled by virtue of [^{F427}regulation 10A of the Housing Benefit Regulations 2006] (entitlement of a refugee to housing benefit).]

Textual Amendments

- F425** Words in Sch. 9 para. 5 inserted (4.4.2005) by [The Social Security \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/574\)](#), regs. 1(1), **3(5)(a)**
- F426** 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)**
- F427** Words in Sch. 9 para. 5 substituted (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 1(8)** (with regs. 2, 3, Sch. 3, Sch. 4)

Commencement Information

- I30** Sch. 9 para. 5 in force at 11.4.1988, see [reg. 1](#)

Status: Point in time view as at 14/04/2008.

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

[^{F428}5A. Any guardian's allowance.]

Textual Amendments

F428 Sch. 9 para. 5A inserted (for specified purposes and with effect in accordance with reg. 1(5)(a) of the amending S.I.) by [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), **Sch. 1 para. 23(a)**

[^{F429}5B. –

- (1) Any child tax credit.
- (2) Any child benefit.]

Textual Amendments

F429 Sch. 9 para. 5B inserted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), **Sch. 1 para. 23(b)**

6. Any mobility allowance [^{F430}or the mobility component of disability living allowance].

Textual Amendments

F430 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

I31 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 [^{F431}paragraph 6 [^{F432}or 9]];
 - (b) income support [^{F433}or jobseeker's allowance].

Textual Amendments

F431 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))

F432 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)**

F433 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

I32 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

I33 Sch. 9 para. 8 in force at 11.4.1988, see [reg. 1](#)

[^{F434}9. Any attendance allowance or the care component of disability living allowance^{F435}....]

Textual Amendments

F434 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)**

F435 Words in Sch. 9 para. 9 omitted (6.10.2003) by virtue of [The Social Security \(Removal of Residential Allowance and Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/1121\)](#), reg. 1, **Sch. 1 para. 9(a)**

^{F436}9A.

Textual Amendments

F436 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

I34 Sch. 9 para. 10 in force at 11.4.1988, see [reg. 1](#)

[^{F437}11.—(1) Any payment—

- (a) by way of an education maintenance allowance made pursuant to—
 - (i) regulations made under section 518 of the Education Act 1996;
 - (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980;
 - (iii) directions made under sections 12(2)(c) and 21 of the Further and Higher Education (Scotland) Act 1992; or
- (b) corresponding to such an education maintenance allowance, made pursuant to—
 - (i) section 14 or section 181 of the Education Act 2002; or
 - (ii) regulations made under section 181 of that Act.

(2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to—

- (a) regulations made under section 518 of the Education Act 1996;
- (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
- (c) directions made under sections 12(2)(c) and 21 of the Further and Higher Education (Scotland) Act 1992,

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in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance made pursuant to any provision specified in sub-paragraph (1).]

Textual Amendments

F437 Sch. 9 para. 11 substituted (coming into force in accordance with reg. 1(1)(b)(i)(ii) of the amending S.I.) by [The Social Security \(Students and Income-related Benefits\) Amendment Regulations 2004 \(S.I. 2004/1708\)](#), regs. 1(1)(b), **5(2)**

[^{F438}**11A.** Any payment made to the claimant by way of a repayment under regulation 11(2) of the Education (Teacher Student Loans) (Repayment etc) Regulations 2002.]

Textual Amendments

F438 Sch. 9 para. 11A inserted (14.10.2002) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2002 \(S.I. 2002/2380\)](#), regs. 1(b), **2(a)**

^{F439}**12.**

Textual Amendments

F439 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)**

[^{F440}**13.**—(1) Any payment made pursuant to section 2 of the Employment and Training Act 1973 (functions of the Secretary of State) or section 2 of the Enterprise and New Towns (Scotland) Act 1990 (functions in relation to training for employment etc.) except a payment—

- (a) made as a substitute for income support, a jobseeker’s allowance, incapacity benefit or severe disablement allowance;
- (b) of an allowance referred to in section 2(3) of the Employment and Training Act 1973 or section 2(5) of the Enterprise and New Towns (Scotland) Act 1990;
- (c) intended to meet the cost of living expenses which relate to any one or more of the items specified in sub-paragraph (2) whilst a claimant is participating in an education, training or other scheme to help him enhance his employment prospects unless the payment is a Career Development Loan paid pursuant to section 2 of the Employment and Training Act 1973 and the period of education or training or the scheme, which is supported by that loan, has been completed; or
- (d) made in respect of the cost of living away from home to the extent that the payment relates to rent for which housing benefit is payable in respect of accommodation which is not normally occupied by the claimant as his home.

(2) The items specified in this sub-paragraph for the purposes of sub-paragraph (1)(c) 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), 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 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.]

Status: Point in time view as at 14/04/2008.

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

F440 Sch. 9 para. 13 substituted (1.4.2004) by [The Social Security \(Miscellaneous Amendments\) Regulations 2004 \(S.I. 2004/565\)](#), regs. 1(2)(a), **2(3)(a)**

^{F441}**14.**

Textual Amendments

F441 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)

^{F442}**15.**—^{F443}(1) Subject to sub-paragraph (3) and paragraph 39, any relevant payment made or due to be made at regular intervals.]

^{F444}(2)

(3) [^{F445}Sub-paragraph (1)] 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).

^{F444}(4)

^{F444}(5)]

^{F446}(5A) In this paragraph, “relevant payment” means—

- (a) a charitable payment;
- (b) a voluntary payment;
- (c) a payment (not falling within sub-paragraph (a) or (b) above) from a trust whose funds are derived from a payment made in consequence of any personal injury to the claimant;
- (d) a payment under an annuity purchased—
 - (i) pursuant to any agreement or court order to make payments to the claimant; or
 - (ii) from funds derived from a payment made, in consequence of any personal injury to the claimant; or
- (e) a payment (not falling within sub-paragraphs (a) to (d) above) received by virtue of any agreement or court order to make payments to the claimant in consequence of any personal injury to the claimant.]

^{F447}(6)

Textual Amendments

F442 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)**

F443 Sch. 9 para. 15(1) substituted (for specified purposes and with effect in accordance with reg. 1(4) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 2006 \(S.I. 2006/2378\)](#), **reg. 5(10)(a)(i)**

Status: Point in time view as at 14/04/2008.

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

- F444** Sch. 9 para. 15(2)(4)(5) omitted (for specified purposes and with effect in accordance with reg. 1(4) of the amending S.I.) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 2006](#) (S.I. 2006/2378), **reg. 5(10)(a)(iii)**
- F445** Words in Sch. 9 para. 15(3) substituted (for specified purposes and with effect in accordance with reg. 1(4) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 2006](#) (S.I. 2006/2378), **reg. 5(10)(a)(ii)**
- F446** Sch. 9 para. 15(5A) added (28.10.2002) by [The Social Security Amendment \(Personal Injury Payments\) Regulations 2002](#) (S.I. 2002/2442), regs. 1(1), **3(1)(d)(2)(c)**
- F447** Sch. 9 para. 15(6) omitted (8.4.2002) by virtue of [The Social Security Amendment \(Residential Care and Nursing Homes\) Regulations 2001](#) (S.I. 2001/3767), **Sch. Pt. 1 para. 19(b)(ii)**

Commencement Information

I35 Sch. 9 para. 15 in force at 11.4.1988, see [reg. 1](#)

^{F448}**15A.**

Textual Amendments

F448 Sch. 9 para. 15A omitted (for specified purposes and with effect in accordance with reg. 1(4) of the amending S.I.) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 2006](#) (S.I. 2006/2378), **reg. 5(10)(b)**

^{F449}**15B.**

Textual Amendments

F449 Sch. 9 para. 15B omitted (6.10.2003) by virtue of [The Social Security \(Removal of Residential Allowance and Miscellaneous Amendments\) Regulations 2003](#) (S.I. 2003/1121), **reg. 1, Sch. 1 para. 9(b)**

- ^{F450}**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 [^{F451}or war widower’s pension];
 - (c) a pension payable to a person as a [^{F452}widow, widower or surviving civil partner] 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 [^{F453}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;
- ^{F454}(cc) a guaranteed income payment;
- (d) a payment made to compensate for the non-payment of such a pension [^{F455}or payment] 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 [^{F456}pensions or payments mentioned in sub-paragraphs (a) to (cc) 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.]
- [^{F457}(g) any widowed mother's allowance paid pursuant to section 37 of the Contributions and Benefits Act;
- (h) any widowed parent's allowance paid pursuant to section 39A of the Contributions and Benefits Act.]

Textual Amendments

- F450** 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)**
- F451** Words in Sch. 9 para. 16(b) inserted (8.4.2002) by The Social Security (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/841), regs. 1(1), **2(4)(a)**
- F452** Words in Sch. 9 para. 16(c) substituted (5.12.2005) by The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877), art. 1, **Sch. 3 para. 13(8)(a)** (with art. 3)
- F453** 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)**
- F454** Sch. 9 para. 16(cc) inserted (4.4.2005) by The Social Security (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/574), regs. 1(1), **2(7)(a)(8)(a)**
- F455** Words in Sch. 9 para. 16(d) inserted (4.4.2005) by The Social Security (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/574), regs. 1(1), **2(7)(b)(8)(a)**
- F456** Words in Sch. 9 para. 16(e) substituted (4.4.2005) by The Social Security (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/574), regs. 1(1), **2(7)(c)(8)(a)**
- F457** Sch. 9 para. 16(g)(h) added (with effect in accordance with reg. 1(2) of the amending S.I.) by The Social Security Amendment (Bereavement Benefits) Regulations 2000 (S.I. 2000/2239), regs. 1(1), **2(4)**

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—

- [^{F458}(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;]

Status: Point in time view as at 14/04/2008.

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

- (ii) in any other case the interest which is payable on the loan without deduction of such a sum.

Textual Amendments

F458 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

I36 Sch. 9 para. 17 in force at 11.4.1988, see [reg. 1](#)

[^{F459}**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.]

Textual Amendments

F459 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\(2\)](#))

[^{F460}**19.** Where the claimant occupies a dwelling as his home and the dwelling is also occupied by [^{F461}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—

- [^{F462}(a) where 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, is less than £20, the whole of that amount; or
(b) where the aggregate of any such payments is £20 or more per week, £20.]]

Textual Amendments

F460 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)**

F461 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\(2\)](#))

F462 Sch. 9 para. 19(a)(b) substituted (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) \(No. 5\) Regulations 2007 \(S.I. 2007/2618\)](#), regs. 1(2), **5(12)**

Commencement Information

I37 Sch. 9 para. 19 in force at 11.4.1988, see [reg. 1](#)

[^{F463}**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

F463 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

I38 Sch. 9 para. 20 in force at 11.4.1988, see [reg. 1](#)

[^{F464}**21.**—(1) [^{F465}Subject to sub-paragraphs (2) and (3)], except where [^{F466}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^{F467}, the Macfarlane (Special Payments) Trust^{F468}, the Macfarlane (Special Payments) (No. 2) Trust^{F469}, the Fund^{F470}, the Eileen Trust^{F471} or [^{F472}the Independent Living Funds].]

[^{F473}(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.]

[^{F474}(4) The reference in sub-paragraph (1) to “income in kind” does not include a payment to a third party made in respect of the claimant which is used by the third party to provide benefits in kind to the claimant.]

Textual Amendments

F464 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)**

F465 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)**

F466 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)**

F467 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)**

F468 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)**

F469 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)**

F470 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)**

F471 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)**

Status: Point in time view as at 14/04/2008.

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

- F472** 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)**
- F473** 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)**
- F474** Sch. 9 para. 21(4) added (3.10.2005) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2005 \(S.I. 2005/2465\)](#), regs. 1(2), **2(8)(a)**

Commencement Information

- I39** 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 [^{F475}12 or 25 to 28] of Schedule 10.

(2) Income derived from capital disregarded under paragraph 2 [^{F476}4 or 25 to 28] of Schedule 10 but [^{F477}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.]

[^{F478}(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

- F475** 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)**
- F476** 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)**
- F477** 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)**
- F478** 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

- I40** 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

- I41** 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

I42 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—

[^{F479}(a) [^{F480}pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002 or in accordance] 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);]

[^{F481}(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);]

[^{F482}(e) in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services);]

[^{F483}to the extent specified in sub-paragraph (2)].

[^{F484}(1A) Any payment, other than a payment to which sub-paragraph (1)(a) applies, made to the claimant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.]

(2) [^{F485}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

F479 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)

F480 Words in Sch. 9 para. 25(1)(a) substituted (30.12.2005) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2005 \(S.I. 2005/2465\)](#), regs. 1(3)(a), **2(8)(b)**

F481 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)**

F482 Sch. 9 para. 25(1)(e) added (4.10.2004) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2004 \(S.I. 2004/2308\)](#), regs. 1(1), **4(3)(4)(a)**

F483 Words in Sch. 9 para. 25(1) omitted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by virtue of [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), **Sch. 1 para. 23(c)**

F484 Sch. 9 para. 25(1A) substituted (30.12.2005) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2005 \(S.I. 2005/2465\)](#), regs. 1(3)(a), **2(8)(c)**

Status: Point in time view as at 14/04/2008.

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

F485 Sch. 9 para. 25(2) omitted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by virtue of *The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003* (S.I. 2003/455), **Sch. 1 para. 23(c)**

Commencement Information

I43 Sch. 9 para. 25 in force at 11.4.1988, see [reg. 1](#)

^{F486}**25A.** In the case of a claimant who has a child or young person—

- (a) who is a member of his family, and
- (b) who is residing at an educational establishment at which he is receiving relevant education,

any payment made to that educational establishment, in respect of that child or young person's maintenance by or on behalf of a person who is not a member of the family or by a member of the family out of funds contributed for that purpose by a person who is not a member of the family.]

Textual Amendments

F486 Sch. 9 para. 25A inserted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by *The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003* (S.I. 2003/455), **Sch. 1 para. 23(d)**

26. Any payment made by a local authority to the claimant with whom a person is ^{F487}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, ^{F488}section 26 of the Children (Scotland) Act 1995] or by a voluntary organisation under ^{F489}section 59(1)(a) of the 1989 Act (provision of accommodation by voluntary organisations)] or by a ^{F490}local authority under regulation 9 of the Fostering of Children (Scotland) Regulations 1996 (payment of allowances)].

Textual Amendments

F487 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**)

F488 Words in Sch. 9 para. 26 substituted (12.5.2004) by *The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2004* (S.I. 2004/1141), regs. 1(1), **4(1)(2)(c)**

F489 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**)

F490 Words in Sch. 9 para. 26 substituted (2.10.2006) by *The Social Security (Miscellaneous Amendments) (No. 4) Regulations 2006* (S.I. 2006/2378), regs. 1(3), **5(10)(c)**

Commencement Information

I44 Sch. 9 para. 26 in force at 11.4.1988, see [reg. 1](#)

^{F491}**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 ^{F492}but excluding payments of housing benefit made in respect of the person concerned];

- (c) a voluntary organisation; or
- (d) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948;]^{F493}or
- (e) a primary care trust established under section 16A of the National Health Service Act 1977.]

Textual Amendments

- F491** 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)**
- F492** Words in Sch. 9 para. 27(b) added (4.4.2005) by [The Social Security \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/574\)](#), regs. 1(1), **3(5)(c)**
- F493** Sch. 9 para. 27(e) and word added (coming into force in accordance with reg. 1(3) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2001 \(S.I. 2001/859\)](#), regs. 1(3), **6(3)(c)**

^{F494}**28.**—(1) Any payment made by a local authority in accordance with—

- (a) section 17, 23B, 23C or 24A of the Children Act 1989,
- (b) section 12 of the Social Work (Scotland) Act 1968, or
- (c) section 29 or 30 of the Children (Scotland) Act 1995.

(2) Any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ("A") which A passes on to the claimant.

(3) Sub-paragraphs (1) and (2) are subject to the following provisions.

(4) Neither of those sub-paragraphs applies where the claimant is a person—

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

(5) Sub-paragraph (2) applies only where A—

- (a) was formerly in the claimant's care, and
- (b) is aged 18 or over, and
- (c) continues to live with the claimant.]

Textual Amendments

- F494** Sch. 9 para. 28 substituted (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/698\)](#), **reg. 2(14)(b)**

^{F495}**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—

Status: Point in time view as at 14/04/2008.

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) 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

F495 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**

[^{F496}**30**.—(1) Except where paragraph 29 [^{F497}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) [^{F498}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 [^{F499}exceeds] 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

F496 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**

F497 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)**

F498 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**

Status: Point in time view as at 14/04/2008.

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

F499 Word in Sch. 9 para. 30(1)(e) substituted (8.4.2002) by *The Social Security Amendment (Residential Care and Nursing Homes) Regulations 2001 (S.I. 2001/3767)*, **Sch. Pt. 1 para. 19(e)**

[^{F500}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.]

Textual Amendments

F500 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)**

[^{F501}30A.—(1) Subject to sub-paragraphs (2) and (3), in the case of a claimant [^{F502}residing in a care home, an Abbeyfield Home or an independent hospital], any payment, [^{F503}except a charitable or voluntary payment disregarded under paragraph 15]^{F504} ..., made to the claimant which is intended to be used and is used to meet the cost of maintaining the claimant in that home [^{F505}or hospital].

(2) This paragraph shall not apply to a claimant for whom accommodation in a [^{F506}care home, an Abbeyfield Home or an independent hospital] is provided by a local authority under section 26 of the National Assistance Act 1948^{F507}....

(3) The amount to be disregarded under this paragraph shall not exceed the difference between—

- [^{F508}(a)** the claimant's applicable amount; and
- (b)** the weekly charge for the accommodation.]

Textual Amendments

F501 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)**

F502 Words in Sch. 9 para. 30A(1) substituted (24.10.2005) by *The Social Security (Care Homes and Independent Hospitals) Regulations 2005 (S.I. 2005/2687)*, reg. 1, **Sch. 1 para. 12(b)(i)**

F503 Words in Sch. 9 para. 30A(1) substituted (2.4.2007) by *The Social Security (Miscellaneous Amendments) Regulations 2007 (S.I. 2007/719)*, regs. 1(2), **2(9)**

F504 Words in Sch. 9 para. 30A omitted (for specified purposes and with effect in accordance with reg. 1(4) of the amending S.I.) by virtue of *The Social Security (Miscellaneous Amendments) (No. 4) Regulations 2006 (S.I. 2006/2378)*, **reg. 5(10)(d)**

F505 Words in Sch. 9 para. 30A(1) inserted (24.10.2005) by *The Social Security (Care Homes and Independent Hospitals) Regulations 2005 (S.I. 2005/2687)*, reg. 1, **Sch. 1 para. 12(b)(i)**

F506 Words in Sch. 9 para. 30A(2) substituted (24.10.2005) by *The Social Security (Care Homes and Independent Hospitals) Regulations 2005 (S.I. 2005/2687)*, reg. 1, **Sch. 1 para. 12(b)(ii)**

F507 Words in Sch. 9 para. 30A(2) omitted (8.4.2002) by virtue of *The Social Security Amendment (Residential Care and Nursing Homes) Regulations 2001 (S.I. 2001/3767)*, **Sch. Pt. 1 para. 19(f)(i)**

Status: Point in time view as at 14/04/2008.

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

F508 Sch. 9 para. 30A(3)(a) substituted (8.4.2002) by [The Social Security Amendment \(Residential Care and Nursing Homes\) Regulations 2001 \(S.I. 2001/3767\)](#), **Sch. Pt. 1 para. 19(f)(ii)**

[^{F509}31. Any social fund payment made pursuant to Part III of the Act.]

Textual Amendments

F509 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

I45 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

I46 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

I47 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.

Commencement Information

I48 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.

Commencement Information

I49 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)[^{F510}, regulation 66A(2) (treatment of student loans)][^{F511}, regulation 66B(3) (treatment of payments from access funds)] and [^{F512}paragraph 16] shall in no case exceed [^{F513}£20] per week.

Status: Point in time view as at 14/04/2008.

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

- F510** 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)**
- F511** Words in Sch. 9 para. 36 inserted (for specified purposes and with effect in accordance with reg. 1(b) (i)(ii) of the amending S.I.) by [The Social Security Amendment \(Students and Income-related Benefits\) Regulations 2000 \(S.I. 2000/1922\)](#), regs. 1, **2(9)**
- F512** Words in Sch. 9 para. 36 substituted (for specified purposes and with effect in accordance with reg. 1(4) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 2006 \(S.I. 2006/2378\)](#), **reg. 5(10)(e)**
- F513** 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)**

Commencement Information

- I50** 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.

Commencement Information

- I51** Sch. 9 para. 37 in force at 11.4.1988, see [reg. 1](#)

^{F514}**38.**

Textual Amendments

- F514** [Sch. 9 para. 38](#) omitted (for specified purposes and with effect in accordance with reg. 1(c) of the amending S.I.) by virtue of [The Social Security \(Hospital In-Patients\) Regulations 2005 \(S.I. 2005/3360\)](#), **reg. 4(6)**

^{F515}**39.**—(1) Any payment made under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust (“the Trusts”), ^{F516}the Fund^{F517}, the Eileen Trust]] or ^{F518}the Independent Living Funds].

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia ^{F516}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 ^{F519}or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death];
- (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.

Status: Point in time view as at 14/04/2008.

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

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia [^{F520}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 [^{F521}or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death], 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 [^{F522}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 [^{F523}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 [^{F524}or with whom he has formed a civil partnership that has not been dissolved], 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 [^{F525}full-time 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 [^{F523}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 [^{F526}or with whom he had formed a civil partnership that had not been dissolved], 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 [^{F527}full-time 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.]

[^{F528}(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 [^{F529}, the Eileen Trust [^{F530}, the Skipton Fund and the London Bombings Relief Charitable Fund]].]

Textual Amendments

- F515** 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)**
- F516** 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)**
- F517** 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)**
- F518** 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)**
- F519** Words in Sch. 9 para. 39(2)(a) inserted (5.12.2005) by The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877), art. 1, **Sch. 3 para. 13(8)(b)(i)** (with art. 3)
- F520** 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)**
- F521** Words in Sch. 9 para. 39(3) inserted (5.12.2005) by The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877), art. 1, **Sch. 3 para. 13(8)(b)(ii)** (with art. 3)
- F522** 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)**
- F523** 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)**
- F524** Words in Sch. 9 para. 39(4)(a) inserted (5.12.2005) by The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877), art. 1, **Sch. 3 para. 13(8)(b)(iii)** (with art. 3)
- F525** Words in Sch. 9 para. 39(4)(b)(ii) substituted (31.7.2000) by The Social Security Amendment (Students) Regulations 2000 (S.I. 2000/1981), regs. 1(1), 5(5), **Sch.**
- F526** Words in Sch. 9 para. 39(5)(a) inserted (5.12.2005) by The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877), art. 1, **Sch. 3 para. 13(8)(b)(iv)** (with art. 3)
- F527** Words in Sch. 9 para. 39(5)(b)(ii) substituted (31.7.2000) by The Social Security Amendment (Students) Regulations 2000 (S.I. 2000/1981), regs. 1(1), 5(5), **Sch.**
- F528** 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)**
- F529** Words in Sch. 9 para. 39(7) substituted (4.10.2004) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2004 (S.I. 2004/2308), regs. 1(1), **3(3)(4)(a)**
- F530** Words in Sch. 9 para. 39(7) substituted (12.12.2005) by The Income-related Benefits (Amendment) (No. 2) Regulations 2005 (S.I. 2005/3391), regs. 1, **2(4)**

[^{F531}**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

- F531** 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)**

^{F532}**41.**

Status: Point in time view as at 14/04/2008.

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

F532 Sch. 9 para. 42 omitted (14.4.2008) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/698\)](#), regs. 1(1), **2(14)(c)**

^{F532}**42.**

Textual Amendments

F532 Sch. 9 para. 42 omitted (14.4.2008) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/698\)](#), regs. 1(1), **2(14)(c)**

[^{F533}**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

F533 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)**

^{F534}**44.**

Textual Amendments

F534 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)**

[^{F535}**45.** Any community charge benefit.]

Textual Amendments

F535 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)**

[^{F536}**46.** Any payment in consequence of a reduction of council tax under section 13 or 80 of the Local Government Finance Act 1992 (reduction of liability for council tax).]

Textual Amendments

F536 Sch. 9 para. 46 substituted (14.4.2008) by [The Social Security \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/698\)](#), regs. 1(1), **2(14)(d)**

[^{F535}**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;

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- (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

F535 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)**

[^{F537}**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

F537 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))

[^{F537}**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

F537 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))

[^{F537}**50.** Any payment made either by the Secretary of State for [^{F538}Justice] 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

F537 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 14/04/2008.

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

F538 Word in Sch. 9 para. 50 substituted (22.8.2007) by *The Secretary of State for Justice Order 2007 (S.I. 2007/2128)*, art. 1(2), **Sch. para. 13(2)**

[^{F539}**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 ^{F540} ... to assist disabled persons to obtain or retain employment despite their disability.]

Textual Amendments

F539 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))

F540 Words in Sch. 9 para. 51 omitted (1.4.2004) by virtue of *The Social Security (Miscellaneous Amendments) Regulations 2004 (S.I. 2004/565)*, regs. 1(2)(a), **2(3)(b)**

[^{F541}**52.** Any council tax benefit [^{F542}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

F541 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)**

F542 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)**

[^{F543}**53.** Where the claimant is in receipt of any benefit under Parts II, III or V of the Contributions and Benefits Act [^{F544}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 [^{F545}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

F543 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)**

F544 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)

F545 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)

[^{F546}**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 [^{F547}widows, widowers or surviving civil partners]).]

Status: Point in time view as at 14/04/2008.

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

- F546** 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)**
- F547** Words in Sch. 9 para. 54 substituted (5.12.2005) by The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877), art. 1, **Sch. 3 para. 13(8)(c)** (with art. 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 [^{F548}widows, widowers or surviving civil partners]), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.

Textual Amendments

- F546** 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)**
- F548** Words in Sch. 9 para. 55 substituted (5.12.2005) by The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877), art. 1, **Sch. 3 para. 13(8)(d)** (with art. 3)

56.—(1) Any payment which is—

- (a) made under any of the Dispensing Instruments to a [^{F549}widow, widower or surviving civil partner] 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 [^{F550}widows, widowers or surviving civil partners]).

(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

- F546** 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)**
- F549** Words in Sch. 9 para. 56(1)(a) substituted (5.12.2005) by The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877), art. 1, **Sch. 3 para. 13(8)(e)(i)** (with art. 3)
- F550** Words in Sch. 9 para. 56(1)(b) substituted (5.12.2005) by The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877), art. 1, **Sch. 3 para. 13(8)(e)(ii)** (with art. 3)

^{F551}**57.**

Status: Point in time view as at 14/04/2008.

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

F551 Sch. 9 para. 57 ceases to have effect (14.6.2007) by virtue of *Asylum and Immigration (Treatment of Claimants, etc.) Act 2004* (c. 19), **ss. 12(2)(a)(iii)**, 48(3)(c); S.I. 2007/1602, art. 2(1) (with art. 2(3))

[^{F552}**58.** Any payment made under the Community Care (Direct Payments) Act 1996 or under section 12B of the Social Work (Scotland) Act 1968 [^{F553}or under regulations made under section 57 of the Health and Social Care Act 2001 (direct payments)][^{F554}or under regulations made under section 57 of the Health and Social Care Act 2001 (direct payments)].

Textual Amendments

F552 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)**

F553 Words in Sch. 9 para. 58 inserted (W.) (1.11.2004) by *The Community Care, Services for Carers and Children’s Services (Direct Payments) (Wales) Regulations 2004* (S.I. 2004/1748), reg. 1(b), **Sch. 2 para. 2**

F554 Words in Sch. 9 para. 58 inserted (E.) (8.4.2003) by *The Community Care, Services for Carers and Children’s Services (Direct Payments) (England) Regulations 2003* (S.I. 2003/762), regs. 1(1), 11(2), **Sch. 2**

^{F555}**59.**

Textual Amendments

F552 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)**

F555 Sch. 9 para. 59 omitted (1.4.2004) by virtue of *The Social Security (Miscellaneous Amendments) Regulations 2004* (S.I. 2004/565), regs. 1(2)(a), **2(3)(d)**

^{F556}**60.**

Textual Amendments

F552 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)**

F556 Sch. 9 para. 60 omitted (1.4.2004) by virtue of *The Social Security (Miscellaneous Amendments) Regulations 2004* (S.I. 2004/565), regs. 1(2)(a), **2(3)(d)**

61.—(1) Any payment specified in sub-paragraph (2) to a claimant who was formerly a [^{F557}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—

Status: Point in time view as at 14/04/2008.

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) any grant income and covenant income as defined for the purposes of Chapter VIII of Part V;

[^{F558}(b) any student loan as defined in Chapter VIII of Part V;]

[^{F558}(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

F552 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)**

F557 Word in Sch. 9 para. 61(1) substituted (29.3.2001) by [The Income Support \(General\) Amendment Regulations 2001 \(S.I. 2001/721\)](#), regs. 1, **2(c)(i)**

F558 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)**

^{F559}**62.**

Textual Amendments

F559 Sch. 9 para. 62 omitted (1.4.2004) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 2004 \(S.I. 2004/565\)](#), regs. 1(2)(a), **2(3)(d)**

^{F560}**62A.**

Textual Amendments

F560 Sch. 9 para. 62A omitted (1.4.2004) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 2004 \(S.I. 2004/565\)](#), regs. 1(2)(a), **2(3)(d)**

^{F561}**63.**

Textual Amendments

F561 Sch. 9 para. 63 omitted (1.4.2004) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 2004 \(S.I. 2004/565\)](#), regs. 1(2)(a), **2(3)(d)**

^{F562}**64.**

Status: Point in time view as at 14/04/2008.

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

F562 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)**

^{F563}**64.**—(1) Subject to sub-paragraph (2), in the case of a person who is receiving, or who has received, assistance under ^{F564}[the self-employment route], 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

F563 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)**

F564 Words in Sch. 9 para. 64(1) substituted (27.11.2000) by [The Social Security Amendment \(Employment Zones\) \(No. 2\) Regulations 2000 \(S.I. 2000/2910\)](#), regs. 1(1), **4(1)(2)(e)(i)**

^{F565}**65.**

Textual Amendments

F565 Sch. 9 para. 65 omitted (1.4.2004) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 2004 \(S.I. 2004/565\)](#), regs. 1(2)(a), **2(3)(d)**

^{F566}**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 ^{F567}[section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003] or the provision of accommodation or welfare services to which ^{F568}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 ^{F569}living in a care home, an Abbeyfield Home or an independent hospital).]

Textual Amendments

F566 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)**

F567 Words in Sch. 9 para. 66 substituted (E.W.) (5.10.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/2078\)](#), art. 1(1), **Sch. 2 para. 3(6)(b)**; and (S.) (5.10.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Modification of Subordinate Legislation\) Order 2005 \(S.S.I. 2005/445\)](#), arts. 1, 2, **sch. para. 3(5)(b)**

Status: Point in time view as at 14/04/2008.

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

F568 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

F569 Words in Sch. 9 para. 66 substituted (24.10.2005) by [The Social Security \(Care Homes and Independent Hospitals\) Regulations 2005 \(S.I. 2005/2687\)](#), reg. 1, **Sch. 1 para. 12(c)**

[^{F570}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) ^{F571}..., 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

F570 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)**

F571 Words in Sch. 9 para. 69(2) omitted (8.4.2002) by virtue of [The Social Security Amendment \(Residential Care and Nursing Homes\) Regulations 2001 \(S.I. 2001/3767\)](#), **Sch. Pt. 1 para. 19(h)**

^{F572}70.

Textual Amendments

F572 Sch. 9 para. 70 omitted (25.10.2004) by virtue of [The Social Security \(Back to Work Bonus and Lone Parent Run-on\) \(Amendment and Revocation\) Regulations 2003 \(S.I. 2003/1589\)](#), regs. 1(1), **2(d)**

[^{F573}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

F573 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)**

[^{F573}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.]

Status: Point in time view as at 14/04/2008.

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

F573 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)**

[^{F574}**73.**—(1) Subject to sub-paragraph (3), any payment of child maintenance where the child or young person in respect of whom the payment is made is a member of the claimant’s family except where the person making the payment is the claimant or the claimant’s partner.

- (2) For the purposes of sub-paragraph (1), where more than one payment of child maintenance—
- (a) in respect of more than one child or young person; or
 - (b) made by more than one person in respect of a child or young person,

falls to be taken into account in any week, all such payments shall be aggregated and treated as if they were a single payment.

(3) No more than £10 shall be disregarded in respect of each week to which any payment of child maintenance is attributed in accordance with regulations 28, 29, 31 and 32 (calculation of income) or regulations 60B to 60D (treatment of child support maintenance).

(4) In this paragraph, “child maintenance” shall have the same meaning as that prescribed for the purposes of section 74A of the Social Security Administration Act 1992 (payment of benefit where maintenance payments collected by Secretary of State) and shall include any payment made by the Secretary of State in lieu of such maintenance.]

Textual Amendments

F574 Sch. 9 para. 73 substituted (16.2.2004 with application in accordance with reg. 1(3)) by [The Social Security \(Child Maintenance Premium\) Amendment Regulations 2004 \(S.I. 2004/98\)](#), regs. 1(3), **2**

[^{F575}**74.** In the case of a person to whom paragraph (5) of regulation 6 (persons not treated as in remunerative work) applies, the whole of his income.]

Textual Amendments

F575 Sch. 9 para. 74 added (9.4.2001) by [The Social Security \(Miscellaneous Amendments\) Regulations 2001 \(S.I. 2001/488\)](#), regs. 1(1), **9**

[^{F576}**75.** Any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001.]

Textual Amendments

F576 Sch. 9 para. 75 added (2.7.2001) by [The Social Security Amendment \(Discretionary Housing Payments\) Regulations 2001 \(S.I. 2001/2333\)](#), regs. 1(1), **2(1)(c)**

[^{F577}**76.**—[

^{F578}(1) Any payment made by a local authority, or by the National Assembly for Wales, to or on behalf of the claimant or his partner relating to a service which is provided to develop or sustain the capacity of the claimant or his partner to live independently in his accommodation.]

(2) For the purposes of sub-paragraph (1) “local authority” includes, in England, a county council.]

Textual Amendments

F577 Sch. 9 para. 76 added (1.4.2003) by The Social Security (Miscellaneous Amendments) Regulations 2003 (S.I. 2003/511), regs. 1, **2(2)**

F578 Sch. 9 para. 76(1) substituted (1.10.2003) by The Social Security (Miscellaneous Amendments) (No.2) Regulations 2003 (S.I. 2003/2279), regs. 1(a), **2(4)(b)**

^{F579}~~77.~~

Textual Amendments

F579 Sch. 9 para. 77 omitted (1.4.2004) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2004 (S.I. 2004/565), regs. 1(2)(a), **2(3)(d)**

^{F580}~~78.~~

Textual Amendments

F580 Sch. 9 para. 78 omitted (1.4.2004) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2004 (S.I. 2004/565), regs. 1(2)(a), **2(3)(d)**

SCHEDULE 10

Regulation 46(2)

CAPITAL TO BE DISREGARDED

Modifications etc. (not altering text)

C34 Sch. 10 paras. 54, 55 modified (temp. until 27.11.2001) (28.11.2000) by The Social Security (New Deal Pilot) Regulations 2000 (S.I. 2000/3134), regs. 1(1)(b), **17(1)(2)(e)** (with regs. 1(2), 11, 19)

C35 Sch. 10 applied (with modifications) (6.10.2003) by The National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (S.S.I. 2003/460), reg. 1, **sch. Pt. I** Table A (with reg. 13)

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.

Status: Point in time view as at 14/04/2008.

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

I52 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 [^{F581}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

F581 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

I53 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

I54 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 [^{F582}a single claimant or any member of] the family [^{F583}as his home] where that person is aged 60 or over or is incapacitated;
- (b) the former partner of a claimant ^{F584}... as his home; but this provision shall not apply where the former partner is a person from whom the claimant is estranged or divorced [^{F585}or with whom he formed a civil partnership that has been dissolved].

Textual Amendments

F582 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\(2\)](#))

F583 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)**

F584 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)**

F585 Words in Sch. 10 para. 4(b) inserted (5.12.2005) by [The Civil Partnership \(Pensions, Social Security and Child Support\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2877\)](#), art. 1, **Sch. 3 para. 13(9)(a)** (with art. 3)

Commencement Information

I55 Sch. 10 para. 4 in force at 11.4.1988, see [reg. 1](#)

[^{F586}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,]

Textual Amendments

F586 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.

[^{F587}(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.]

[^{F588}(3) In the case of a person who is receiving assistance under [^{F589}the self-employment route], 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

F587 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))

F588 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)**

F589 Words in Sch. 10 para. 6(3) substituted (27.11.2000) by [The Social Security Amendment \(Employment Zones\) \(No. 2\) Regulations 2000 \(S.I. 2000/2910\)](#), regs. 1(1), **4(2)(c)(ii)**

Modifications etc. (not altering text)

C36 Sch. 10 para. 6 modified (temp. until 27.11.2001) (28.11.2000) by [The Social Security \(New Deal Pilot\) Regulations 2000 \(S.I. 2000/3134\)](#), regs. 1(1)(b), **18(2)(3)(e)** (with regs. 1(2), 11, 19)

Commencement Information

I56 Sch. 10 para. 6 in force at 11.4.1988, see [reg. 1](#)

7.—[^{F590}(1) Subject to sub-paragraph (2),] 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, [^{F591} 8 [^{F592}or 9]] of Schedule 9 (other income to be disregarded);

Status: Point in time view as at 14/04/2008.

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

[^{F593}(b) an income-related benefit or an income-based jobseeker’s allowance, child tax credit or working tax credit under Part 1 of the Tax Credits Act 2002;]

^{F594}(c)

[^{F595}(d) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001,]

but only for a period of 52 weeks from the date of the receipt of the arrears or of the concessionary payment.

[^{F596}(2) In a case where the total of any arrears and, if appropriate, any concessionary payment referred to in sub-paragraph (1) relating to any one of the specified payments, benefits or allowances amounts to £5,000 or more (referred to in this sub-paragraph and in sub-paragraph (3) as the “relevant sum”) and is—

- (a) paid in order to rectify, or to compensate for, an official error as defined in regulation 1(3) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999, and
- (b) received by the claimant in full on or after 14th October 2001,

sub-paragraph (1) shall have effect in relation to such arrears or concessionary payment either for a period of 52 weeks from the date of receipt, or, if the relevant sum is received in its entirety during the award of income support, for the remainder of that award if that is a longer period.]

[^{F596}(3) For the purposes of sub-paragraph (2), “the award of income support” means—

- (a) the award either of income support or of an income-based jobseeker’s allowance in which the relevant sum (or first part thereof where it is paid in more than one instalment) is received, and
- (b) where that award is followed by one or more further awards which in each case may be either of income support or of an income-based jobseeker’s allowance and which, or each of which, begins immediately after the end of the previous award, such further awards until the end of the last such award, provided that for any such further awards the claimant—
 - (i) is the person who received the relevant sum, or
 - (ii) is the partner of the person who received the relevant sum, or was that person’s partner at the date of his death, or
 - (iii) in the case of a joint-claim jobseeker’s allowance, is a joint-claim couple either member or both members of which received the relevant sum.]

Textual Amendments

- F590** Words in Sch. 10 para. 7 inserted (14.10.2002) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2002 (S.I. 2002/2380), regs. 1(b), **2(b)(ii)**
- F591** 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))
- F592** Words in Sch. 10 para. 7(a) substituted (14.10.2002) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2002 (S.I. 2002/2380), regs. 1(b), **2(b)(i)**
- F593** Sch. 10 para. 7(1)(b) substituted (14.4.2008) by The Social Security (Miscellaneous Amendments) Regulations 2008 (S.I. 2008/698), regs. 1(1), **2(15)(a)**
- F594** Sch. 10 para. 7(1)(c) omitted (4.4.2005) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/574), regs. 1(1), **3(6)**
- F595** Sch. 10 para. 7(d) added (2.7.2001) by The Social Security Amendment (Discretionary Housing Payments) Regulations 2001 (S.I. 2001/2333), regs. 1(1), **2(2)(c)**
- F596** Sch. 10 para. 7(2)(3) added (14.10.2002) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2002 (S.I. 2002/2380), regs. 1(b), **2(b)(ii)**

Status: Point in time view as at 14/04/2008.

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)

C37 Sch. 10 para. 7(1) applied (with modifications) (28.2.2003) by S.I. 1992/2977, Sch. 4 para. 6 (as substituted (S.) by [The National Assistance \(Assessment of Resources\) Amendment \(Scotland\) Regulations 2003 \(S.S.I. 2003/69\)](#), regs. 1(1), 2)

Commencement Information

I57 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

I58 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^{F597} or section 338(1) of the Housing (Scotland) Act 1987^{F598} 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

F597 1985 c. 69.

F598 1987 c. 26.

Commencement Information

I59 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^{F599}... income support or to increase the amount of that benefit.

Textual Amendments

F599 Words in Sch. 10 para. 10 omitted (14.4.2008) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/698\)](#), regs. 1(1), 2(15)(b)

Commencement Information

I60 Sch. 10 para. 10 in force at 11.4.1988, see [reg. 1](#)

Status: Point in time view as at 14/04/2008.

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

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

I61 Sch. 10 para. 11 in force at 11.4.1988, see [reg. 1](#)

^{F600}**12.** Where the funds of a trust are derived from a payment made in consequence of any personal injury to the claimant [^{F601}or the claimant's partner], the value of the trust fund and the value of the right to receive any payment under that trust.]

Textual Amendments

F600 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\(2\)](#))

F601 Words in [Sch. 10 para. 12](#) inserted (for specified purposes and with effect in accordance with [reg. 1\(4\)](#) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 2006 \(S.I. 2006/2378\)](#), [reg. 5\(11\)\(a\)](#)

Commencement Information

I62 Sch. 10 para. 12 in force at 11.4.1988, see [reg. 1](#)

^{F602}**12A.**—(1) Any payment made to the claimant or the claimant's partner in consequence of any personal injury to the claimant or, as the case may be, the claimant's partner.

(2) But sub-paragraph (1)—

- (a) applies only for the period of 52 weeks beginning with the day on which the claimant first receives any payment in consequence of that personal injury;
- (b) does not apply to any subsequent payment made to him in consequence of that injury (whether it is made by the same person or another);
- (c) ceases to apply to the payment or any part of the payment from the day on which the claimant no longer possesses it;
- (d) does not apply to any payment from a trust where the funds of the trust are derived from a payment made in consequence of any personal injury to the claimant.

(3) For the purposes of sub-paragraph (2)(c), the circumstances in which a claimant no longer possesses a payment or a part of it include where the claimant has used a payment or part of it to purchase an asset.

(4) References in sub-paragraphs (2) and (3) to the claimant are to be construed as including references to his partner (where applicable).]

Textual Amendments

F602 [Sch. 10 para. 12A](#) inserted (for specified purposes and with effect in accordance with [reg. 1\(4\)](#) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 2006 \(S.I. 2006/2378\)](#), [reg. 5\(11\)\(b\)](#)

13. The value of the right to receive any income under a life interest or from a liferent.

Commencement Information

I63 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

I64 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

I65 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

I66 Sch. 10 para. 16 in force at 11.4.1988, see [reg. 1](#)

^{F603}17.—(1) Any payment made by a local authority in accordance with—

- (a) section 17, 23B, 23C or 24A of the Children Act 1989,
- (b) section 12 of the Social Work (Scotland) Act 1968, or
- (c) section 29 or 30 of the Children (Scotland) Act 1995.

(2) Any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ("A") which A passes on to the claimant.

(3) Sub-paragraphs (1) and (2) are subject to the following provisions.

(4) Neither of those sub-paragraphs applies where the claimant is a person—

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

(5) Sub-paragraph (2) applies only where A—

- (a) was formerly in the claimant's care, and
- (b) is aged 18 or over, and
- (c) continues to live with the claimant.]

Status: Point in time view as at 14/04/2008.

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

F603 Sch. 10 para. 17 substituted (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/698\)](#), [reg. 2\(15\)\(c\)](#)

[^{F604}18. Any social fund payment made pursuant to Part III of the Act.]

Textual Amendments

F604 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

I67 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 ^{F605} (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

F605 1982 c. 39.

Commencement Information

I68 Sch. 10 para. 19 in force at 11.4.1988, see [reg. 1](#)

20. Any capital which under [^{F606}regulation 41^{F607}, 44(1)] or 66A (capital treated as income^{F607}, modifications in respect of children and young persons] or treatment of student loans)] is to be treated as income.

Textual Amendments

F606 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\(1\)](#))

F607 Words in Sch. 10 para. 20 omitted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by virtue of [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), [Sch. 1 para. 24\(b\)](#)

Commencement Information

I69 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

I70 Sch. 10 para. 21 in force at 11.4.1988, see [reg. 1](#)

^{F608}22.—(1) Any payment made under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust (“the Trusts”), ^{F609}the Fund^{F610}, the Eileen Trust^{F611}, the Independent Living Funds^{F612}, the Skipton Fund or the London Bombings Relief Charitable Fund^{F613}].

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia ^{F609}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 ^{F613}or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death];
- (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 ^{F614}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 ^{F615}or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death], 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 ^{F616}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 ^{F617}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 ^{F618}or with whom he has formed a civil partnership that has not been dissolved], 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 ^{F619}full-time 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 ^{F617}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 ^{F620}or with whom he had formed a civil partnership that had not been dissolved], nor any child or young person who was or had been a member of his family; and

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- (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 ^{F621}full-time 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.]

^{F622}(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^{F623}, the Eileen Trust^{F624}, the Skipton Fund and the London Bombings Relief Charitable Fund]].]

Textual Amendments

- F608** 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)**
- F609** 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)**
- F610** 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)**
- F611** Words in Sch. 10 para. 22(1) substituted (12.5.2004) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2004 \(S.I. 2004/1141\)](#), regs. 1(1), **3(3)(4)(c)**
- F612** Words in Sch. 10 para. 22(1) substituted (12.12.2005) by [The Income-related Benefits \(Amendment\) \(No. 2\) Regulations 2005 \(S.I. 2005/3391\)](#), regs. 1, **2(5)(a)(i)**
- F613** Words in Sch. 10 para. 22(2)(a) inserted (5.12.2005) by [The Civil Partnership \(Pensions, Social Security and Child Support\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2877\)](#), art. 1, **Sch. 3 para. 13(9)(b)(i)** (with art. 3)
- F614** 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)**
- F615** Words in Sch. 10 para. 22(3) inserted (5.12.2005) by [The Civil Partnership \(Pensions, Social Security and Child Support\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2877\)](#), art. 1, **Sch. 3 para. 13(9)(b)(ii)** (with art. 3)
- F616** 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)**
- F617** 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)**
- F618** Words in Sch. 10 para. 22(4)(a) inserted (5.12.2005) by [The Civil Partnership \(Pensions, Social Security and Child Support\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2877\)](#), art. 1, **Sch. 3 para. 13(9)(b)(iii)** (with art. 3)
- F619** Words in Sch. 10 para. 22(4)(b)(ii) substituted (31.7.2000) by [The Social Security Amendment \(Students\) Regulations 2000 \(S.I. 2000/1981\)](#), regs. 1(1), 5(5), **Sch.**
- F620** Words in Sch. 10 para. 22(5)(a) inserted (5.12.2005) by [The Civil Partnership \(Pensions, Social Security and Child Support\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2877\)](#), art. 1, **Sch. 3 para. 13(9)(b)(iv)** (with art. 3)
- F621** Words in Sch. 10 para. 22(5)(b)(ii) substituted (31.7.2000) by [The Social Security Amendment \(Students\) Regulations 2000 \(S.I. 2000/1981\)](#), regs. 1(1), 5(5), **Sch.**
- F622** 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)**

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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)

F623 Words in Sch. 10 para. 22(7) substituted (12.5.2004) by *The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2004* (S.I. 2004/1141), regs. 1(1), **3(5)(6)(c)**

F624 Words in Sch. 10 para. 22(7) substituted (12.12.2005) by *The Income-related Benefits (Amendment) (No. 2) Regulations 2005* (S.I. 2005/3391), regs. 1, **2(5)(a)(ii)**

^{F625}**22A.**

Textual Amendments

F625 Sch. 10 para. 22A omitted (12.12.2005) by virtue of *The Income-related Benefits (Amendment) (No. 2) Regulations 2005* (S.I. 2005/3391), regs. 1, **2(5)(b)**

[^{F626}**23.** The value of the right to receive an occupational [^{F627}or personal] pension.]

Textual Amendments

F626 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)**

F627 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))

[^{F628}**23A.** The value of any funds held under a personal pension scheme ^{F629}....]

Textual Amendments

F628 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)

F629 Words in Sch. 10 para. 23A omitted (16.7.2007) by virtue of *The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2007* (S.I. 2007/1749), regs. 1, **2(8)**

[^{F626}**24.** The value of the right to receive any rent [^{F630}except where the claimant has a reversionary interest in the property in respect of which rent is due.]]

Textual Amendments

F626 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)**

F630 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)

[^{F631}**25.** Where a claimant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from [^{F632}, or dissolution of his civil partnership with,] his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling][^{F633}or, where that dwelling is occupied as the home by the former partner who is a lone parent, for as long as it is so occupied.]

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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)

Textual Amendments

- F631** 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)**
- F632** Words in Sch. 10 para. 25 inserted (5.12.2005) by [The Civil Partnership \(Pensions, Social Security and Child Support\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2877\)](#), art. 1, **Sch. 3 para. 13(9)(c)** (with art. 3)
- F633** Words in Sch. 10 para. 25 added (1.4.2003) by [The Social Security \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/511\)](#), regs. 1, **2(3)(a)**

[^{F631}**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

- F631** 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)**

[^{F634}**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

- F634** 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)**

[^{F631}**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

- F631** 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)**

[^{F635}**29.** Any payment in kind made by a charity [^{F636}or under the Macfarlane (Special Payments) Trust][^{F637}, the Macfarlane (Special Payments) (No. 2) Trust [^{F638}the Fund, the Independent Living (1993) Fund or the Independent Living Fund (2006)]]]

Textual Amendments

- F635** 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)**

Status: Point in time view as at 14/04/2008.

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

F636 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)**

F637 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)**

F638 Words in Sch. 10 para. 29 substituted (1.10.2007) by [The Independent Living Fund \(2006\) Order 2007 \(S.I. 2007/2538\)](#), arts. 1, **2(3)**

[^{F639}**30.** Any payment made pursuant to section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990, but only for the period of 52 weeks beginning on the date of receipt of the payment.]

Textual Amendments

F639 Sch. 10 para. 30 substituted (1.4.2004) by [The Social Security \(Miscellaneous Amendments\) Regulations 2004 \(S.I. 2004/565\)](#), regs. 1(2)(a), **2(4)(a)**

[^{F635}**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

F635 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), **2(c)**

^{F640}**32.**

Textual Amendments

F640 Sch. 10 para. 33 omitted (14.4.2008) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/698\)](#), regs. 1(1), **2(15)(d)**

^{F640}**33.**

Textual Amendments

F640 Sch. 10 para. 33 omitted (14.4.2008) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/698\)](#), regs. 1(1), **2(15)(d)**

[^{F641}**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

F641 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)**

^{F642}**35.**

Status: Point in time view as at 14/04/2008.

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

F642 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)**

[^{F643}**36.** Any payment in consequence of a reduction of ^{F644}...[^{F645}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

F643 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)**

F644 Words in Sch. 10 para. 36 omitted (14.4.2008) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/698\)](#), regs. 1(1), **2(15)(e)**

F645 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)**

[^{F646}**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

F646 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)**

[^{F647}**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

F647 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))

[^{F647}**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.]

Textual Amendments

F647 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))

[^{F647}**40.** Any payment made either by the Secretary of State for [^{F648}Justice] 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

F647 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))

F648 Word in Sch. 10 para. 40 substituted (22.8.2007) by [The Secretary of State for Justice Order 2007 \(S.I. 2007/2128\)](#), art. 1(2), **Sch. para. 13(3)**

[^{F647}**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) [^{F649}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

F647 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))

F649 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)**

[^{F650}**42.** Any payment (other than a training allowance^{F651}...) made, whether by the Secretary of State or by any other person, under the Disabled Persons (Employment) Act 1944 ^{F652}... to assist disabled persons to obtain or retain employment despite their disability.]

Textual Amendments

F650 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))

F651 Words in Sch. 10 para. 42 omitted (1.4.2004) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 2004 \(S.I. 2004/565\)](#), regs. 1(2)(a), **2(4)(b)(i)**

Status: Point in time view as at 14/04/2008.

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

F652 Words in Sch. 10 para. 42 omitted (1.4.2004) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 2004 \(S.I. 2004/565\)](#), regs. 1(2)(a), **2(4)(b)(ii)**

[^{F650}**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

F650 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))

[^{F653}**44.**—(1) Any sum of capital to which sub-paragraph (2) applies and—

- (a) which is administered on behalf of a person by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998 or by the Court of Protection;
- (b) which can only be disposed of by order or direction of any such court; or
- (c) where the person concerned is under the age of 18, which can only be disposed of by order or direction prior to that person attaining age 18.

(2) This sub-paragraph applies to a sum of capital which is derived from—

- (a) an award of damages for a personal injury to that person; or
- (b) compensation for the death of one or both parents where the person concerned is under the age of 18.]

Textual Amendments

F653 Sch. 10 para. 44 substituted (for specified purposes and with effect in accordance with reg. 1(4) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 2006 \(S.I. 2006/2378\)](#), **reg. 5(11)(c)**

[^{F654}**45.** Any sum of capital administered on behalf of a person ^{F655}... in accordance with an order made under [^{F656}section 13 of the Children (Scotland) Act 1995], 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 [^{F657}where the person concerned is under the age of 18].]

Textual Amendments

F654 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)**

F655 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)**

F656 Words in Sch. 10 para. 45 substituted (1.10.2003) by [The Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 2003 \(S.I. 2003/2279\)](#), regs. 1(a), **2(5)(b)**

Status: Point in time view as at 14/04/2008.

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

F657 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)**

[^{F658}**46.** Any payment to the claimant as holder of the Victoria Cross or George Cross.]

Textual Amendments

F658 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)**

[^{F659}**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.]

Textual Amendments

F659 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**

[^{F659}**48.** Any amount of housing benefit to which a person is entitled by virtue of [^{F660}regulation 10A of the Housing Benefit Regulations 2006] (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

F659 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**

F660 Words in Sch. 10 para. 48 substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 2 para. 1(9)** (with regs. 2, 3, Sch. 3, Sch. 4)

[^{F659}**49.** Any amount of income support to which a person is entitled by virtue of [^{F661}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

F659 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**

F661 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)**

^{F662}**50.**

Textual Amendments

F662 Sch. 10 para. 50 omitted (1.4.2004) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2004 (S.I. 2004/565), regs. 1(2)(a), **2(4)(c)**

Status: Point in time view as at 14/04/2008.
Changes to legislation: There are currently no known outstanding effects for the
 The Income Support (General) Regulations 1987. (See end of Document for details)

^{F663}**50A.**

Textual Amendments
F663 Sch. 10 para. 50A omitted (1.4.2004) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2004 (S.I. 2004/565), regs. 1(2)(a), **2(4)(c)**

^{F664}**51.**

Textual Amendments
F664 Sch. 10 para. 51 omitted (1.4.2004) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2004 (S.I. 2004/565), regs. 1(2)(a), **2(4)(c)**

[^{F665}**52.** In the case of a person who is receiving, or who has received, assistance under [^{F666}the self-employment route], 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
F665 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)**
F666 Words in Sch. 10 para. 52 substituted (27.11.2000) by The Social Security Amendment (Employment Zones) (No. 2) Regulations 2000 (S.I. 2000/2910), regs. 1(1), **4(2)(c)(ii)**

Modifications etc. (not altering text)
C38 Sch. 10 para. 52 modified (temp. until 27.11.2001) (28.11.2000) by The Social Security (New Deal Pilot) Regulations 2000 (S.I. 2000/3134), regs. 1(1)(b), **18(2)(3)(e)** (with regs. 1(2), 11, 19)

^{F667}**53.**

Textual Amendments
F667 Sch. 10 para. 53 omitted (1.4.2004) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2004 (S.I. 2004/565), regs. 1(2)(a), **2(4)(c)**

[^{F668}**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) ^{F669}..., 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;

Status: Point in time view as at 14/04/2008.

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

“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

F668 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)**

F669 Words in Sch. 10 para. 56(2) omitted (8.4.2002) by virtue of [The Social Security Amendment \(Residential Care and Nursing Homes\) Regulations 2001 \(S.I. 2001/3767\)](#), reg. 1, **Sch. Pt. I para. 20**

^{F670}**57.**

Textual Amendments

F670 Sch. 10 para. 57 omitted (25.10.2004) by virtue of [The Social Security \(Back to Work Bonus and Lone Parent Run-on\) \(Amendment and Revocation\) Regulations 2003 \(S.I. 2003/1589\)](#), regs. 1(1), **2(d)**

^{F671}**57.**

Textual Amendments

F671 Sch. 10 para. 57 omitted (9.4.2001) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2001 \(S.I. 2001/859\)](#), regs. 1(3), **3(6)(a)**

[^{F672}**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

F672 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)**

[^{F672}**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

F672 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)**

[^{F673}**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.]

Status: Point in time view as at 14/04/2008.

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

F673 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)**

[^{F674}**61.** Where an ex-gratia payment of £10,000 has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or internment of—

- (a) the claimant;
- (b) the claimant's partner;
- (c) the claimant's deceased spouse [^{F675}or deceased civil partner]; or
- (d) the claimant's partner's deceased spouse [^{F675}or deceased civil partner],

by the Japanese during the Second World War, £10,000.]

Textual Amendments

F674 Sch. 10 para. 61 added (1.2.2001) by [The Social Security Amendment \(Capital Disregards\) Regulations 2001 \(S.I. 2001/22\)](#), regs. 1, **2(a)**

F675 Words in Sch. 10 para. 61(c)(d) inserted (5.12.2005) by [The Civil Partnership \(Pensions, Social Security and Child Support\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2877\)](#), art. 1, **Sch. 3 para. 13(9)(d)** (with art. 3)

[^{F676}**62.** In the case of a person to whom paragraph (5) of regulation 6 (persons not treated as in remunerative work) applies, the whole of his capital.]

Textual Amendments

F676 Sch. 10 para. 62 added (9.4.2001) by [The Social Security \(Miscellaneous Amendments\) Regulations 2001 \(S.I. 2001/488\)](#), regs. 1(1), **10**

[^{F677}**63.**—(1) Any payment—

- (a) by way of an education maintenance allowance made pursuant to—
 - (i) regulations made under section 518 of the Education Act 1996;
 - (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980;
 - (iii) directions made under sections 12(2)(c) and 21 of the Further and Higher Education (Scotland) Act 1992; or
 - (b) corresponding to such an education maintenance allowance, made pursuant to—
 - (i) section 14 or section 181 of the Education Act 2002; or
 - (ii) regulations made under section 181 of that Act.
- (2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to—
- (a) regulations made under section 518 of the Education Act 1996;
 - (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
 - (c) directions made under sections 12(2)(c) and 21 of the Further and Higher Education (Scotland) Act 1992,

in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance made pursuant to any provision specified in sub-paragraph (1).]

Textual Amendments

F677 Sch. 10 para. 63 substituted (coming into force in accordance with reg. 1(1)(b)(i)(ii) of the amending S.I.) by *The Social Security (Students and Income-related Benefits) Amendment Regulations 2004 (S.I. 2004/1708)*, regs. 1(1)(b), **5(3)**

[^{F678}64.—(1) Subject to sub-paragraph (2), the amount of any trust payment made to a claimant or a member of a claimant's family who is—

- (a) a diagnosed person;
- (b) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
- (c) a parent of a diagnosed person, a person acting in the place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
- (d) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death.

(2) Where a trust payment is made to—

- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;
- (b) a person referred to in sub-paragraph (1)(c), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending two years after that date;
- (c) a person referred to in sub-paragraph (1)(d), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending—
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person—
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of [^{F679}20],

whichever is the latest.

(3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made, or of any payment out of the estate of a person to whom a trust payment has been made, which is made to a claimant or a member of a claimant's family who is—

- (a) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
- (b) a parent of a diagnosed person, a person acting in the place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
- (c) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death,

but only to the extent that such payments do not exceed the total amount of any trust payments made to that person.

Status: Point in time view as at 14/04/2008.

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

- (4) Where a payment as referred to in sub-paragraph (3) is made to—
- (a) a person referred to in sub-paragraph (3)(a), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending on the date on which that person dies;
 - (b) a person referred to in sub-paragraph (3)(b), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending two years after that date;
 - (c) a person referred to in sub-paragraph (3)(c), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending—
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person—
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of [^{F680}20],
- whichever is the latest.

- (5) In this paragraph, a reference to a person—
- (a) being the diagnosed person's partner;
 - (b) being a member of the diagnosed person's family; or
 - (c) acting in the place of the diagnosed person's parents,

at the date of the diagnosed person's death shall include a person who would have been such a person or a person who would have been so acting, but for the diagnosed person [^{F681}residing in a care home, an Abbeyfield Home or an independent hospital] on that date.

- (6) In this paragraph—

“diagnosed person” means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeldt-Jakob disease;

“relevant trust” means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeldt-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;

“trust payment” means a payment under a relevant trust.]

Textual Amendments

F678 Sch. 10 para. 64 added (12.4.2001) by [The Social Security Amendment \(Capital Disregards and Recovery of Benefits\) Regulations 2001 \(S.I. 2001/1118\)](#), regs. 1, **2(1)**

F679 Word in Sch. 10 para. 64(2)(c)(ii)(bb) substituted (10.4.2006) by [The Social Security \(Young Persons\) Amendment Regulations 2006 \(S.I. 2006/718\)](#), regs. 1(2)(a), **2(9)**

F680 Word in Sch. 10 para. 64(4)(c)(ii)(bb) substituted (10.4.2006) by [The Social Security \(Young Persons\) Amendment Regulations 2006 \(S.I. 2006/718\)](#), regs. 1(2)(a), **2(9)**

F681 Words in Sch. 10 para. 64 substituted (24.10.2005) by [The Social Security \(Care Homes and Independent Hospitals\) Regulations 2005 \(S.I. 2005/2687\)](#), reg. 1, **Sch. 1 para. 13**

[^{F682}**65.** The amount of a payment, other than a war pension within the meaning in section 25 of the Social Security Act 1989, to compensate for the fact that the claimant, the claimant's partner, the claimant's deceased spouse [^{F683}or deceased civil partner] or the claimant's partner's deceased spouse [^{F683}or deceased civil partner]—

- (a) was a slave labourer or a forced labourer;
- (b) had suffered property loss or had suffered personal injury; or

(c) was a parent of a child who had died,
during the Second World War.]

Textual Amendments

- F682** Sch. 10 para. 65 added (19.11.2001) by [The Social Security Amendment \(Capital Disregards\) \(No. 2\) Regulations 2001 \(S.I. 2001/3481\)](#), regs. 1, **2(c)**
- F683** Words in Sch. 10 para. 65 inserted (5.12.2005) by [The Civil Partnership \(Pensions, Social Security and Child Support\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2877\)](#), art. 1, **Sch. 3 para. 13(9)(e)** (with art. 3)

[^{F684}**66.**—[^{F685}(1) Any payment made by a local authority, or by the National Assembly for Wales, to or on behalf of the claimant or his partner relating to a service which is provided to develop or sustain the capacity of the claimant or his partner to live independently in his accommodation.]

(2) For the purposes of sub-paragraph (1) “local authority” includes, in England, a county council.]

Textual Amendments

- F684** Sch. 10 para. 66 added (1.4.2003) by [The Social Security \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/511\)](#), regs. 1, **2(3)(b)**
- F685** Sch. 10 para. 66(1) substituted (1.10.2003) by [The Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 2003 \(S.I. 2003/2279\)](#), regs. 1(a), **2(5)(c)**

[^{F686}**67.** Any payment made under the Community Care (Direct Payments) Act 1996, regulations made under section 57 of the Health and Social Care Act 2001 or under section 12B of the Social Work (Scotland) Act 1968.]

Textual Amendments

- F686** Sch. 10 para. 67 –69 added (1.10.2003) by [The Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 2003 \(S.I. 2003/2279\)](#), regs. 1(a), **2(5)(d)**

[^{F687}**68.** Any payment made to the claimant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.]

Textual Amendments

- F687** Sch. 10 para. 68 substituted (30.12.2005) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2005 \(S.I. 2005/2465\)](#), regs. 1(3)(a), **2(9)**

[^{F688}**68A.** Any payment made to the claimant in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services).]

Textual Amendments

- F688** Sch. 10 para. 68A inserted (4.10.2004) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2004 \(S.I. 2004/2308\)](#), regs. 1(1), **4(5)**

Status: Point in time view as at 14/04/2008.

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

F689 **69.**

Textual Amendments

F689 Sch. 10 para. 69 omitted (1.4.2004) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2004 (S.I. 2004/565), regs. 1(2)(a), **2(4)(c)**

F690 **70.**

Textual Amendments

F690 Sch. 10 para. 70 omitted (1.4.2004) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2004 (S.I. 2004/565), regs. 1(2)(a), **2(4)(c)**

Status:

Point in time view as at 14/04/2008.

Changes to legislation:

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