
STATUTORY INSTRUMENTS

1987 No. 1969

The Income Support (Transitional) Regulations 1987

PART II

TRANSITIONAL PROTECTION

Total benefit income

9.—(1) In this Part a person's total benefit income in his first benefit week means, subject to paragraphs (2) to (5) and (7), and regulation 13(1) (special provisions for persons in residential care and nursing homes), the aggregate of the amount of any of the following benefits or payments to which he or his partner was, or both were, entitled in respect of that week—

- (a) supplementary benefit;
- (b) family income supplement;
- (c) child benefit;
- (d) any benefit under the Social Security Act;
- (e) war disablement pension;
- (f) war widow's pension;
- (g) any payment made under a scheme made under the Industrial Injuries and Diseases (Old Cases) Act 1975 ^{M1};
- (h) statutory maternity pay under Part V of the Act;
- (i) statutory sick pay under Part I of the Social Security and Housing Benefits Act 1982 ^{M2};
- (j) any payment made otherwise than in accordance with any of the Acts under which the benefits or payments specified in sub-paragraphs (a) to (g) are made under arrangements made by the Secretary of State with the consent of the Treasury which is charged to the National Insurance Fund or to a Departmental Expenditure Vote to which payments of any benefit or payment specified in those sub-paragraphs are charged.

(2) Where a change of circumstances takes effect in a person's second benefit week which, had it taken effect in his first benefit week, would have resulted in a lesser amount of supplementary benefit being payable in respect of that week, the amount of supplementary benefit to be taken into account for the purpose of calculating his total benefit income in his first benefit week shall be the amount (if any) that would have been payable had the change of circumstances taken effect in that week [^{F1}but this paragraph shall not apply where the change of circumstances is the admission to hospital of the person in his second benefit week].

(3) If a former beneficiary's requirements for the purpose of calculating his entitlement to supplementary benefit in respect of his first benefit week include an amount in respect of housing requirements under Part IV of the Requirements Regulations to which he is entitled by virtue of regulation 14(4) of those Regulations (housing requirements) and, in a case to which sub-paragraph (a) of that provision applies, if in that week he has been absent from his home for 52 weeks or more, the amount of supplementary benefit taken into account for the purpose of calculating

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his total benefit income in that benefit week shall be reduced by the amount of those housing requirements.

(4) If, in respect of his first benefit week, a former beneficiary who is entitled to supplementary benefit in respect of that benefit week is also entitled to housing benefit in the form of a rate rebate, his total benefit income in that benefit week shall be increased by—

- (a) if he is a single claimant aged under 25, £1.00;
- (b) in any other case, £1.30.

(5) Where a claimant, other than one whose requirements were modified under regulation 10 (2) or (3) of the Requirements Regulations (modifications of normal requirements in special cases), is—

- (a) a member of a couple and either he or his partner has been in hospital immediately before 11th April 1988 for at least 6, but not more than 9, weeks; or
- (b) a lone parent who immediately before that date has been in hospital for at least 6 weeks,

the amount of supplementary benefit to be taken into account for the purpose of calculating his total benefit income in his first benefit week shall be the amount (if any) that would have been payable had his requirements fallen to be determined in accordance with paragraph 2 of Schedule 3 to the Requirements Regulations (modifications in the case of patients).

(6) In this Part a person's total benefit income in relation to his second and any subsequent benefit week means, subject to paragraph (7) and regulation 13(1) (persons in residential care and nursing homes), the aggregate of the following amounts—

- (a) the amount of any income support, family credit and child benefit to which he or his partner is, or both are, entitled in respect of that week;
- (b) where he or his partner is, or both are, entitled in respect of that week to any benefit or payment specified in paragraph (1)(d) to (i), the amount of the weekly rate of that benefit to which he is normally entitled as increased, if appropriate, by any order made by the Secretary of State under section 63 of the Act with effect from 11th April 1988;
- (c) any payment referred to in paragraph (1)(j) which he or his partner receives, or both receive, in respect of that week.

(7) The amount of any of the benefits specified in sub-paragraphs (a) to (c) of this paragraph shall, to the extent that it is disregarded for the purpose of calculating a person's resources under the Supplementary Benefit (Resources) Regulations 1981^{M3} or a person's income under the General Regulations, be disregarded for the purpose of calculating a person's total benefit income in his first, second or any subsequent benefit week—

- (a) mobility allowance;
- (b) mobility supplement; and
- (c) attendance allowance.

(8) In this Part references to a person's income in a benefit week subsequent to his first benefit week are references to his income, and the income of any member of his family which would be treated as his under section 22(5) of the Act, calculated under Part V of the General Regulations (income and capital).

[^{F2}(9) For the purposes of paragraph (1)(a) or (6)(a), where a claimant is a person to whom regulation 8 of the Requirements Regulations or regulation 22 of the General Regulations (reductions in certain cases of unemployment disqualification) applies, the amount of supplementary benefit or income support to be taken into account shall be the amount to which the claimant would have been entitled but for that regulation.]

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Textual Amendments

- F1** Words in reg. 9(2) added (11.4.1988) by [The Income Support \(Transitional\) Amendment Regulations 1988 \(S.I. 1988/521\)](#), regs. 1(1), 5(a)
- F2** Reg. 9(9) inserted (11.4.1988) by [The Income Support \(Transitional\) Amendment Regulations 1988 \(S.I. 1988/521\)](#), regs. 1(1), 5(b)
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Marginal Citations

- M1** 1975 c. 16.
- M2** 1982 c. 24.
- M3** S.I. 1981/1527.

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Changes and effects yet to be applied to :

- Instrument applied by [1997 c. 27 s. 8Sch.2](#) Note 1(2)