

## STATUTORY INSTRUMENTS

# 1987 No. 1973

## The Family Credit (General) Regulations 1987

### PART III U.K.

#### MEMBERSHIP OF A FAMILY

#### Circumstances in which a person is to be treated as being no longer a member of the same household U.K.

9.—<sup>F1</sup>(1) Subject to the following provisions of this regulation, where the claimant and any partner of his are living apart from each other they shall be treated as members of the same household unless they do not intend to resume living together.]

(2) Where one of the members of a married or unmarried couple is a hospital <sup>F2</sup>patient] or <sup>F3</sup>detained in custody] he shall not be treated, on this account, as ceasing to be a member of the same household as his partner—

- (a) unless he has been <sup>F4</sup>a patient] in a hospital for 52 weeks or more; or
- (b) unless he is a patient detained in a hospital provided under section 4 of the National Health Service Act 1977 <sup>M1</sup> (special hospitals) or section 90(1) of the Mental Health (Scotland) Act 1984 (provision of hospitals for patients requiring special security); or
- (c) unless he is <sup>F5</sup>detained in custody whilst] serving a sentence of 52 weeks or more imposed by a court,

but shall be treated as not being a member of the same household as his partner wherever the conditions in sub-paragraphs (a), (b) or (c) are fulfilled.

<sup>F6</sup>(3) In this regulation “patient” has the same meaning as in regulation 8(3)(a) (membership of the same household).]

#### Textual Amendments

- F1** Reg. 9(1) substituted (5.10.1993) by The Income-related Benefits Schemes (Miscellaneous Amendments) (No. 4) Regulations 1993 (S.I. 1993/2119), regs. 1(1)(b), 27
- F2** Word in reg. 9(2) substituted (11.4.1988) by Family Credit (General) Amendment Regulations 1988 (S.I. 1988/660), reg. 1, 3(a)(i)
- F3** Words in reg. 9(2) substituted (11.4.1988) by Family Credit (General) Amendment Regulations 1988 (S.I. 1988/660), reg. 1, 3(a)(ii)
- F4** Words in reg. 9(2)(a) substituted (11.4.1988) by Family Credit (General) Amendment Regulations 1988 (S.I. 1988/660), reg. 1, 3(a)(i)
- F5** Words in reg. 9(2)(c) substituted (11.4.1988) by Family Credit (General) Amendment Regulations 1988 (S.I. 1988/660), reg. 1, 3(a)(ii)
- F6** Reg. 9(3) added (11.4.1988) by Family Credit (General) Amendment Regulations 1988 (S.I. 1988/660), reg. 1, 3(b)

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**Changes to legislation:** *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Family Credit (General) Regulations 1987. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)*

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**Marginal Citations**

**M1** 1977 c. 49; section 4 was amended by the [Mental Health Act 1983 \(c. 20\)](#) section 148, Schedule 4, paragraph 47.

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Regs S.49A added by [S.I. 1996/1418 reg.2](#)
- regs.13A(2)21A(2) amended by [S.I. 1997/2793 reg.2\(5\)\(c\)](#)