
STATUTORY INSTRUMENTS

1988 No. 1228

**The Income Support (General)
Amendment No. 3 Regulations 1988**

Amendment of regulation 23 of the General Regulations

- 6.—(1) In regulation 23 of the General Regulations (calculation of income and capital)—
- (a) in paragraph (1), for the words from the beginning to “(modifications in respect of children and young persons),” there shall be substituted the words “Subject to paragraphs (2) and (4) and to regulation 44 (modifications in respect of children and young persons), the income and capital of a claimant’s partner and”;
 - (b) in paragraph (3) at the beginning there shall be inserted the words “Subject to paragraph (5)”;
 - (c) after paragraph (3) there shall be inserted the following paragraphs—
 - “(4) Where at least one member of a couple is aged less than 18 and the applicable amount of the couple falls to be determined under paragraph 1(3)(b), (e) or (f) of Schedule 2 (applicable amounts), the income of the claimant’s partner shall not be treated as the income of the claimant to the extent that—
 - (a) in the case of a couple where both members are aged less than 18, the amount specified in paragraph 1(3)(a) of that Schedule exceeds the amount specified in paragraph 1(3)(b) of that Schedule; and
 - (b) in the case of a couple where only one member is aged less than 18, the amount specified in paragraph 1(3)(d) of that Schedule exceeds the amount which applies in that case which is specified in paragraph 1(3)(e) or (f) of that Schedule.
 - (5) Where a member of a polygamous marriage is a partner aged less than 18 and the amount which applies in respect of him under regulation 18(2) (polygamous marriages) is nil, the claimant shall not be treated as possessing the income of that partner to the extent that an amount in respect of him would have been included in the applicable amount if he had fallen within the circumstances set out in regulation 18(2)(a) or (b).”.