
STATUTORY INSTRUMENTS

1988 No. 1445

**The Income Support (General)
Amendment No. 4 Regulations 1988**

Amendment of regulation 42 of the General Regulations

10. In regulation 42 of the General Regulations (notional income)—

(a) for paragraph (4) there shall be substituted the following paragraphs—

“(4) Any payment of income, other than a payment of income made under the Macfarlane Trust or the Independent Living Fund, made—

(a) to a third party in respect of a single claimant or in respect of a member of the family (but not a member of the third party’s family) shall be treated—

(i) in a case where that payment is derived from a payment of any benefit under the benefit Acts, a war disablement pension or war widow’s pension, as possessed by that single claimant, if it is paid to him, or by that member, if it is paid to any member of that family;

(ii) in any other case, as possessed by that single claimant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel, rent or rates for which housing benefit is payable, or any housing costs to the extent that they are met under regulations 17(1)(e) or 18(1)(f) (housing costs) or accommodation charge to the extent that it is met under regulation 19 or 20 (persons in residential care or nursing homes or in board and lodging accommodation or hostels), of that single claimant or, as the case may be, of any member of that family;

(b) to a single claimant or a member of the family in respect of a third party (but not in respect of another member of that family) shall be treated as possessed by that single claimant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family;

but, except where sub-paragraph (a)(i) applies and in the case of a person to whom section 23 of the Act (trade disputes) applies, this paragraph shall not apply to any payment in kind.”;

(b) after paragraph (8) there shall be added the following paragraph—

“(9) In paragraph (4) the expression “ordinary clothing or footwear” means clothing or footwear for normal daily use, but does not include school uniforms, or clothing or footwear used solely for sporting activities.”.