

SCHEDULE 1

Regulation 27

**PART I**

**omission of references to board and lodging accommodation  
in the general regulations and consequential amendments**

**1.** The words “board and lodging accommodation or” shall be omitted in the provisions specified in the following table—

TABLE

Provision	Description
Regulation 20(1)(a)	Persons in board and lodging accommodation or hostels.
Regulation 21(3), definition of “residential accommodation” (d)(iii)	Special cases.
Schedule 3 — paragraph 5(b) — paragraph 11(7)(b)	Housing costs.
Schedule 5 — paragraph 2(a) — paragraph 9— where those words occur in the second place — paragraph 10(2)(c)	Applicable amounts for persons in board and lodging accommodation.
Schedule 7 — paragraph 14, column (2)	Polish resettlement
— paragraph 16—where those words occur in both column (1) and column (2)	Applicable amounts in special cases.
— paragraph 18, column (1)	Persons in residential care or nursing homes, board and lodging accommodation or hostels who become patients.

**2.** In regulation 3(3) of the General Regulations (definition of non-dependant) for the words from “or a hostel” to the end there shall be substituted the words “or in a hostel within the meaning of regulation 20(2) (applicable amounts for persons in hostels) shall be a non-dependant.”.

**3.** In regulation 22(1)(b) (reductions in applicable amounts in cases of voluntary unemployment) and regulation 73(2) (amount of income support payable) the words “or board and lodging accommodation” shall be omitted.

**4.** In regulation 42(4)(a)(ii) (notional income) and regulation 51(3)(a)(ii) (notional capital) the words “or in board and lodging accommodation” shall be omitted.

**5.** In regulation 71(1)(b) (applicable amounts in urgent cases) the words “board and lodging accommodation,” shall be omitted.

**6.** In Schedule 3 (amounts in respect of housing costs) in paragraph 10(4)(a), the words “or is normally occupied by persons in board and lodging accommodation” shall be omitted.

**7.** In Schedule 5 (applicable amounts for persons in board and lodging accommodation)—

- (a) in paragraph 9 the words “in board and lodging accommodation or” shall be omitted;
- (b) in paragraph 10 in sub-paragraph (1) the words “board and lodging or” shall be omitted;
- (c) for paragraph 5 there shall be substituted the following paragraph—

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- “(5) Subject to paragraphs 6 and 7, the maximum referred to in paragraph 1(1) (a) shall be—
- (a) in the case of a single claimant £70.00 per week;
  - (b) where the claimant is a member of a family, in respect of each member of the family aged under 11, 1½ times the amount specified in paragraph 2(a) of Schedule 2, and in respect of each other member of the family, £70.00 per week.”.
- 8.** In Schedule 8 (sums to be disregarded in the calculation of earnings)—
- (a) in paragraphs 4(1)(a) and (b)(i) and 5 the words “board and lodging accommodation” shall be omitted;
  - (b) in paragraph 4(1)(b)(ii), for the words “hostel or board and lodging accommodation” there shall be substituted the words “or hostel”;
  - (c) in paragraph 15 for the words “hostel or board and lodging accommodation” there shall be substituted the words “or hostel”.
- 9.** In Schedule 9 (sums to be disregarded in the calculation of income other than earnings)—
- (a) in paragraph 19, the words “or one who is provided with board and lodging accommodation” shall be omitted; and
  - (b) in paragraph 30(d) the words “board and lodging,” shall be omitted.
- 10.** The provisions specified in the following table shall be omitted—

TABLE

Provision	Description
The definitions of “board and lodging accommodation” and “board and lodging area” in regulation 20(2).	Persons in board and lodging accommodation or hostels.
Schedule 5, paragraphs 14, 16, 17 and 18.	Applicable amounts of persons in board and lodging accommodation.
Schedule 6.	Board and lodging areas.
Schedule 7, paragraphs 4 and 5.	Applicable amounts in special cases.

## PART II

transitional provisions for determining the applicable amounts of persons who were in board and lodging accommodation prior to 10th april 1989

- 11.** In regulation 17(1) of the General Regulations (applicable amounts)—
- (a) in sub-paragraph (f) for the words “the following provisions of this regulation” there shall be substituted the words “paragraphs (2) to (7)”;
  - (b) after sub-paragraph (f) there shall be added the following sub-paragraph—
    - “(g) the amount of the protected sum which may be applicable to him determined in accordance with Schedule 3A.”.

12. In regulation 18(1) of the General Regulations (polygamous marriages)(1) after sub-paragraph (g) there shall be added the following sub-paragraph—

“(h) the amount of the protected sum which may be applicable to him determined in accordance with Schedule 3A.”.

13. In regulation 71 of the General Regulations (applicable amounts in urgent cases)(2)—

(a) in paragraph (1)(a) at the end of head (iv) there shall be inserted the following—

“and

(v) the amount of the protected sum which may be applicable to him determined in accordance with Schedule 3A;”;

(b) in paragraph (1)(d) at the end of head (iii) there shall be inserted the following—

“and

(iv) the amount of the protected sum which may be applicable to him determined in accordance with Schedule 3A.”.

14. After Schedule 3 to the General Regulations (housing costs) there shall be inserted as Schedule 3A the Schedule set out in Schedule 2 to these Regulations.

15. In Schedule 7 to the General Regulations (applicable amounts in special cases)(3)—

(a) in column 2, in paragraph 1—

(i) in sub-paragraphs (a), (b) and (c)(ii) for the words “or (f)” in each of those provisions there shall be substituted the words “, (f) or (g)”;

(ii) in sub-paragraph (d)(ii) for the words “or (g)” there shall be substituted the words “, (g) or (h)”;

(b) in column 2, in paragraph 17(b)(ii) and (c)(i) for the words “regulation 17(1)(e) and (f)” there shall be substituted the words “regulation 17(1)(e), (f) and (g)”.

## SCHEDULE 2

Regulation 27 and Schedule 1, paragraph  
14

To be inserted after Schedule 3 to the General Regulations—

## “SCHEDULE 3A

Regulations 17(1)(g), 18(1)(h) and 71(1)  
(a)(v) and (d)(iv)

## PROTECTED SUM

### Interpretation

1.—(1) In this Schedule—

“eligible housing benefit” means the amount of housing benefit to which the claimant or his partner was entitled in the period of 7 consecutive days beginning on 3rd April or, as the case may be, 10th April, 1989;

“first week” means the benefit week beginning on a day during the period of 7 days commencing on 3rd April 1989;

(1) Regulation 18(1) is amended by regulation 6 of these Regulations.

(2) Regulation 71 is amended by regulation 15 of these Regulations.

(3) Schedule 7 is amended by regulation 23 of these Regulations.

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“income support” includes any sum payable under Part II of the Income Support (Transitional) Regulations 1987(4);

“protected sum” means the amount applicable under this Schedule;

“protected total” means the total of the claimant’s applicable amount under regulation 20 (applicable amounts for persons in board and lodging accommodation) in the first week and the amount of any eligible housing benefit for the period beginning 3rd April 1989;

“relevant provisions” means—

- (a) regulation 17(1)(a) to (f) (applicable amounts);
- (b) regulation 18(1)(a) to (g) (polygamous marriages);
- (c) regulation 71(1)(a)(i) to (iv) (urgent cases);
- (d) regulation 71(1)(d)(i) to (iii);
- (e) in relation to a case to which paragraph 17(b)(ii) or (c)(i) of Schedule 7 (persons from abroad) applies, the regulations specified in that paragraph but as if the reference to regulation 17(1)(g) in that paragraph were omitted; or
- (f) in relation to a case to which paragraph 17(d)(i) of that Schedule applies, the regulations specified in that paragraph but as if the reference to regulation 18 were a reference to regulation 18(1)(a) to (g) only;

“second week” means the benefit week beginning on a day during the period of 7 days commencing on 10th April 1989.

(2) For the purposes of this Schedule—

- (a) in determining a claimant’s applicable amount in his first week, second week or any subsequent benefit week no account shall be taken of any reduction under regulation 22 (reduction in certain cases of unemployment benefit disqualification);
- (b) where a change of circumstances takes effect in the claimant’s second week which, had it taken effect in the first week, would have resulted in a lesser applicable amount in respect of that week, his applicable amount in the first week shall be determined as if the change of circumstances had taken effect in that week.

### **Protected sum**

2. Subject to the following provisions of this Schedule, where the protected total of a claimant is more than—

- (a) his applicable amount in the second week determined in accordance with the relevant provisions; and
- (b) any eligible housing benefit for the period beginning 10th April 1989, the protected sum applicable to the claimant shall be an amount equal to the difference.

### **Persons not entitled to a protected sum**

3. A protected sum shall not be applicable to a claimant where in the first week—

- (a) he is aged under 25 and, if he is a member of a couple, his partner is also aged under 25; and
- (b) he is required to be available for employment for the purposes of section 20(3)(d)(i) of the Act; and
- (c) he was not in receipt of supplementary benefit as a boarder on 24th November 1985; and

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(4) S.I.1987/1969 amended by S.I. 1988/521, 670.

- (d) none of the conditions in paragraph 16(4) of Schedule 5 (applicable amounts of persons in board and lodging accommodation or hostels) applies to him.

#### **Period of application**

- 4. Subject to paragraph 7, the protected sum shall not be applicable to a claimant for more than—
  - (a) in the case of a claimant who is a member of a family and that family includes a child or young person and during the first week that family was in accommodation not provided or secured by a local authority under section 63 or 65(2) or (3)(a) of the Housing Act 1985<sup>(5)</sup> or section 2 of the Housing (Scotland) Act 1987<sup>(6)</sup>, a period of 52 weeks beginning with the second week;
  - (b) in any other case, a period of 13 weeks beginning with the second week.

#### **Reduction of protected sum**

5.—(1) Subject to sub-paragraph (2), the protected sum shall be reduced by the amount of any increase, in a benefit week subsequent to the second week, in the claimant's applicable amount determined in accordance with the relevant provisions.

(2) Where regulation 22 (reduction in certain cases of unemployment benefit disqualification) ceases to apply to a claimant and as a result his applicable amount increases no account shall be taken of that increase.

#### **Termination of protected sum**

- 6. Subject to paragraph 7, the protected sum shall cease to be applicable if—
  - (a) that amount is reduced to nil under paragraph 5; or
  - (b) the claimant changes or leaves his accommodation; or
  - (c) the claimant ceases to be entitled to income support.

#### **Protected persons**

7.—(1) Subject to sub-paragraph (2), for the purposes of this paragraph a protected person is a claimant, where—

- (a) in respect of the first week he is entitled to an increase under paragraph 7 of Schedule 5 (applicable amounts of persons in board and lodging accommodation or hostels) because either he or, if he is one of a couple or a member of a polygamous marriage, he or his partner satisfies any of the conditions in paragraph 8 of that Schedule; or
- (b) in the first week the claimant or, if he has a partner, either he or his partner—
  - (i) is in need of personal care by reason of mental or physical disablement, mental illness, or dependence on alcohol or drugs; and
  - (ii) is receiving both board and personal care in accommodation other than a residential care home or nursing home or residential accommodation within the meaning of regulation 21(3) (special cases) or a hostel within the meaning of regulation 20(2) (applicable amounts for persons in board and lodging accommodation and hostels); and

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(5) 1985 c. 68.

(6) 1987 c. 26.

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- (iii) is in accommodation which he entered under arrangements for his personal care made by a statutory authority or a voluntary or charitable body and those arrangements are being supervised on a continuing basis by that authority or body; or
  - (c) he or, if he has a partner, either he or his partner but for his temporary absence from his accommodation for a period not exceeding 13 weeks, which includes the first week, would have satisfied (a) or (b) above.
- (2) A claimant is not a protected person if he or, if he has a partner, he or his partner, in the first week, is temporarily living in board and lodging accommodation and that accommodation is not the accommodation normally occupied as the home.
- (3) Paragraph 4 shall not apply to a protected person.
- (4) Paragraph 6(b) shall not apply to a protected person if:
- (a) he moves to accommodation where he satisfies conditions (i) to (iii) of sub-paragraph (1)(b); or
  - (b) he becomes a patient within the meaning of regulation 21(3); or
  - (c) on his ceasing to be a patient within the meaning of regulation 21(3), either he returns to the accommodation which he occupied immediately before he became a patient, or he moves to other accommodation where he satisfies conditions (i) and (iii) of sub-paragraph (1)(b); or
  - (d) in a case to which sub-paragraph (6) applies, on his becoming re-entitled to income support, he is either in the accommodation which he occupied immediately before he ceased to be entitled to income support, or in accommodation where he satisfies conditions (i) to (iii) of sub-paragraph (1)(b).
- (5) In the case of a protected person who becomes a patient within the meaning of regulation 21(3) for a period of 14 weeks or less, he shall, subject to sub-paragraph (4)(c), on his ceasing to be a patient be entitled to a protected sum equal to either the amount by which his protected total exceeds his applicable amount determined in accordance with the relevant provisions in the first benefit week in which his applicable amount ceases to be determined under paragraph 1 of Schedule 7 and any eligible housing benefit for the period beginning 10th April 1989, or the amount of the protected sum to which he was entitled in the immediately preceding benefit week, whichever is lower.
- (6) Paragraph 6(c) shall not apply to a protected person who has ceased to be entitled to income support for a period of not more than 8 weeks, and if during that period the protected person becomes re-entitled, or would by virtue of this paragraph be re-entitled, to income support he shall, subject to sub-paragraph (4)(d), be entitled to a protected sum equal to either the amount by which his protected total exceeds his applicable amount determined in accordance with the relevant provisions in the first benefit week in which he becomes so re-entitled and any eligible housing benefit for the period beginning 10th April 1989, or the amount of the protected sum to which he was previously entitled, whichever is lower.
- (7) Where a protected person is temporarily absent for a period not exceeding 13 weeks which includes the first week or the second week (or both) from his accommodation, on his return to that accommodation he shall be entitled to a protected sum equal to the difference between—
- (a) the amount that his applicable amount in the first week would have been had he been entitled in respect of that week to income support on the basis that he was in that accommodation; and, if less,
  - (b) the total of his applicable amount in the first complete benefit week during which he is in that accommodation after the first week, determined in accordance with the relevant provisions and the amount of any housing benefit to which he or his partner was entitled in the period of 7 consecutive days beginning on the Monday in the week in which he returns to that accommodation.”.

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