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STATUTORY INSTRUMENTS

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**1989 No. 1323**

**The Income Support (General)  
Amendment No. 2 Regulations 1989**

**Amendment of regulation 10 of the General Regulations**

**5.** In regulation 10 of the General Regulations (circumstances in which claimants are not to be treated as available for employment)—

- (a) in paragraph (1)—
  - (i) the word “suitable” shall be omitted where it occurs in sub-paragraphs (a) and (b);
  - (ii) in sub-paragraph (d) at the beginning there shall be inserted the words “subject to paragraphs (4) to (6),”; and the following heads shall be substituted for heads (ii) and (iii)—
    - “(ii) the restrictions are reasonable in view of his physical or mental condition; or
    - (iii) he has a usual occupation and those restrictions relate to it and are consistent with conditions which are usual in that occupation”
  - (iii) in sub-paragraph (h), for the reference “paragraph 1, 2, 7 or 20” there shall be substituted the reference “paragraph 1, 2, 7, 11 or 20”;
- (b) in paragraph (3), sub-paragraph (a) shall be omitted;
- (c) after paragraph (3) there shall be added the following paragraphs—
  - “(4) A determination that paragraph (1)(d) does not apply by reason of the circumstances prescribed in head (iii) of that paragraph shall have effect for a period not exceeding 13 weeks beginning—
    - (a) in a case where the claimant is not entitled to unemployment benefit and has not been entitled to that benefit for any day since he was last in remunerative work, on the first day for which the claimant makes a claim for income Support since the last day on which he was in remunerative work, or vocational training in his usual occupation, or incapable of work;
    - (b) in any other case, on the first day for which a claim for unemployment benefit is made since the claimant was last in remunerative work.
  - (5) In determining the length of the period for the purposes of paragraph (4) regard shall be had to—
    - (a) the claimant’s usual occupation and any relevant skills and qualifications which he has acquired;
    - (b) the length of the periods during which he has undergone training relevant to his usual occupation;
    - (c) the length of the periods during which he has been employed in his usual occupation and the period since he was last so employed; and
    - (d) the availability and location of employment in his usual occupation.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(6) For the purposes of paragraph (1)(d), in deciding whether a claimant has no reasonable prospects of securing employment regard shall be had, in particular, to the length of the period during which he has been unemployed.”.