

1990 No. 2324

**SOCIAL SECURITY**

**The Income Support (General and Transitional)  
Amendment Regulations 1990**

<i>Made</i> - - - -	<i>22nd November 1990</i>
<i>Laid before Parliament</i>	<i>26th November 1990</i>
<i>Coming into force</i>	<i>17th December 1990</i>

The Secretary of State for Social Security in exercise of the powers conferred by sections 22(1), 84(1) and 89(1A) of the Social Security Act 1986(a) and section 166(1) to (3) of the Social Security Act 1975 (b) and of all other powers enabling him in that behalf, and after reference to the Social Security Advisory Committee (c), hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Income Support (General and Transitional) Amendment Regulations 1990 and shall come into force on 17th December 1990.

(2) In these Regulations “the General Regulations” means the Income Support (General) Regulations 1987(d).

**Amendment of regulation 21 of the General Regulations**

2. In regulation 21(1) of the General Regulations (special cases) for the words “regulation 22” there shall be substituted the words “regulations 21A and 22”.

**Insertion of regulation 21A into the General Regulations**

3. After regulation 21 of the General Regulations there shall be inserted the following regulation—

“Reductions in applicable amounts in certain cases of failure to attend courses

21A.—(1) The weekly applicable amount of a claimant to whom paragraph (3) applies shall be reduced in each relevant week by a sum equal to the appropriate percentage of the relevant amount which applies in his case.

(2) A reduction under paragraph (1) shall, if it is not a multiple of 5p, be rounded to the nearest such multiple or, if it is a multiple of 2.5p but not of 5p, to the next lower multiple of 5p.

(3) Except where paragraph (4) applies, this paragraph applies to a claimant where—

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(a) 1986 c.50; section 84(1) is an interpretation provision and is cited because of the meaning assigned to the words “prescribed” and “regulations”; section 89(1A) was inserted by the Social Security Act 1989 (c.24), Schedule 8, paragraph 10(2).

(b) 1975 c.14; section 166(1) to (3) is applied by section 83(1) of the Social Security Act 1986.

(c) See section 10 of the Social Security Act 1980 (c.30).

(d) S.I. 1987/1967; relevant amending instruments are S.I. 1988/663, 1445; 1989/43, 534, 1034, 1323; and 1990/541.

- (a) he has been notified of a relevant course;
  - (b) he has during the period of 2 years which ended on the day on which he was notified of that course been in receipt of benefit-
    - (i) without any period of interruption;
    - (ii) with a period of interruption which did not exceed 56 days; or
    - (iii) with a number of periods of interruption, none of which exceeded 56 days;
  - (c) his entitlement to benefit during the whole of that period of two years, or such part of it as the claimant in question was in receipt of benefit, was subject to the condition that he was available for employment;
  - (d) his entitlement to income support is not subject to a reduction in the relevant week under regulation 22 (reductions in applicable amounts in certain cases of actual or notional unemployment benefit disqualification); and
  - (e) he has failed to attend the whole or any part of that course.
- (4) This paragraph shall apply where the claimant's failure to attend a relevant course is attributable to any of the following circumstances-
- (a) the claimant in question was suffering from some disease or bodily or mental disablement on account of which-
    - (i) he was not able to attend the relevant course in question; or
    - (ii) his attendance at that course would have put at risk the health of other persons;
  - (b) the time it took, or would normally have taken, for the claimant to travel from his home to the course and back to his home by a route and means appropriate to his circumstances and to the course exceeded, or would normally have exceeded, one hour in either direction;
  - (c) the claimant was caring for a member of his household where-
    - (i) that member was unable to care for himself;
    - (ii) no other member of that household was available to care for him; and
    - (iii) in the circumstances of the case it was not practical for the claimant to make other arrangements for the care of that member;
  - (d) the claimant was attending court under a requirement to attend as a party to any proceedings, or as a witness or a juror;
  - (e) the claimant was arranging or attending the funeral of a partner or relative;
  - (f) the claimant was engaged in-
    - (i) the manning or launching of a lifeboat; or
    - (ii) the performance of duty as a part-time fireman in a fire brigade maintained in pursuance of the Fire Services Acts 1947 to 1959;
  - (g) the claimant was required to deal with some domestic emergency; or
  - (h) the claimant was providing assistance in response to an emergency.
- (5) A claimant shall be treated as having provided assistance in response to an emergency for the purposes of paragraph (4)(h) only-
- (a) he was a member of a group of persons organised wholly or partly for the purpose of providing such assistance or, as the case may be, protection; and he-
    - (i) provided assistance to any person whose life may have been endangered or who may have been exposed to the risk of serious bodily injury or whose health may have been seriously impaired;
    - (ii) protected property of substantial value from imminent risk of serious damage or destruction; or
    - (iii) assisted in measures being taken to prevent a serious threat to health;
  - (b) the events which may have given rise to an emergency include-
    - (i) a fire, a flood or an explosion;
    - (ii) a natural catastrophe;
    - (iii) a railway or other accident;

- (iv) a cave or mountain accident;
- (v) a search for a person reported missing.

(6) For the purposes of this regulation—

“appropriate percentage” means 40 per cent. except that where the circumstances of a case fall within those set out in regulation 22(2) it means 20 per cent;  
“benefit” means income support or unemployment benefit or, if they are received in respect of the same benefit week, both of those benefits;  
“notified” means notified in writing by the Secretary of State for Employment by a notice which specifies in relation to the relevant course which the claimant may attend—

- (i) the date of the course, or if the duration of the course is to exceed one day, the date of each day of the course;
- (ii) the time when the course is to begin, or if it is to begin at different times on different days, each of those times; and
- (iii) the place at which the course is to be held, or, if it is to be held at more than one place, each of those places;

“relevant amount” has the same meaning as in regulation 22(1);

“relevant course” means a course or programme provided by the Secretary of State for Employment for the purpose of improving the prospects of unemployed persons entering or returning to employment other than any such course or programme which—

- (a) is provided for the purpose of training for employment or acquiring work experience; or
- (b) exceeds 5 weeks in duration;

“relevant week” means the benefit week which includes the Friday which falls more than 6 but less than 14 days after the Saturday of the week in which the claimant in question failed to attend the whole or any part of a relevant course.”.

#### **Amendment of Schedule 3A to the General Regulations**

4. In Schedule 3A to the General Regulations, in paragraph 5(2) (reduction of protected sum), after the words “benefit disqualification” there shall be inserted the words “or regulation 21A (reductions in certain cases of failure to attend courses)”.

#### **Amendment of Schedule 3B to the General Regulations**

5. In Schedule 3B to the General Regulations, in paragraph 4(2) (reduction of protected sum), after the words “benefit disqualification” there shall be inserted the words “or regulation 21A (reductions in certain cases of failure to attend courses)”.

#### **Amendment of regulation 14 of the Income Support (Transitional) Regulations 1987**

6. In regulation 14(1A) of the Income Support (Transitional) Regulations 1987(a) (reduction and termination of transitional and personal expenses addition), for the words “regulation 22” there shall be substituted the words “regulation 21A or 22”.

Signed by authority of the Secretary of State for Social Security.

22nd November 1990

*Henley*  
Parliamentary Under-Secretary of State,  
Department of Social Security

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(a) S.I. 1987/1969; the relevant amending instrument is S.I. 1988/521.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the Income Support (General) Regulations 1987 by providing for a reduction in the applicable amount of a person in certain circumstances where he has been notified of a course but has failed to attend it (regulations 2 and 3).

Where a person whose applicable amount is reduced under this provision is entitled to a protected sum, this is not reduced when the reduction to his applicable amount ceases to apply (regulations 4 and 5).

These Regulations also further amend the Income Support (Transitional) Regulations 1987 so that, where a person is entitled to a transitional or personal expenses addition under those Regulations, provision is similarly made for this not to be reduced when the reduction to the person's applicable amount ceases to apply (regulation 6).

The report of the Social Security Advisory Committee dated November 1990 on the proposals to make these Regulations together with the statement showing the extent to which the Regulations give effect to them and, in so far as they do not give effect to them, the reasons why not are contained in Command Paper No. 1355, published by Her Majesty's Stationery Office.

95p net

ISBN 0 11 005324 9

Printed in the United Kingdom for HMSO

880/WO 1985 C70 11/90 452/1 9385/1501/8852 88352