
STATUTORY INSTRUMENTS

1990 No. 547

The Income Support (General) Amendment Regulations 1990

Amendment of Schedule 9 to the General Regulations

22. In Schedule 9 to the General Regulations (sums to be disregarded in the calculation of income other than earnings)—

(a) for paragraph 15 there shall be substituted the following paragraph—

“**15.**—(1) Except where sub-paragraph (2) applies and subject to sub-paragraph (3) and paragraphs 36, 37 and 39, £10 of any charitable payment or of any voluntary payment made or due to be made at regular intervals.

(2) Subject to sub-paragraph (3) and paragraph 39, any charitable payment or voluntary payment made or due to be made at regular intervals which is intended and used for an item other than food, ordinary clothing or footwear, household fuel, rent or rates for which housing benefit is payable, community charge, water charges in England and Wales, or any housing costs to the extent that they are met under regulation 17(1)(e) or 18(1)(f) (housing costs) or any accommodation charges to the extent that they are met under regulation 19 (persons in residential care or nursing homes), of a single claimant or, as the case may be, of the claimant or any other member of his family.

(3) Sub-paragraphs (1) and (2) shall not apply—

(a) to a payment which is made by a person for the maintenance of any member of his family or of his former partner or of his children;

(b) in the case of a person to whom section 23 of the Act (trade disputes) applies or in respect of whom section 20(3) of the Act (conditions of entitlement to income support) has effect as modified by section 23A(b) of the Act (effect of return to work).

(4) For the purposes of sub-paragraph (1) where a number of charitable or voluntary payments fall to be taken into account in any one week they shall be treated as though they were one such payment.

(5) For the purposes of sub-paragraph (2) 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.”

(b) in paragraph 16, for the amount “£5” there shall be substituted the amount “£10”;

(c) for paragraph 20 there shall be substituted the following paragraph—

“**20.** Where the claimant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation—

(a) £20.00 of any payment for that accommodation made by the person to whom it is provided; and

(b) where any such payment exceeds £20.00, 50% of the excess.”;

(d) in paragraph 36—

- (i) for the reference “paragraphs 15” there shall be substituted the reference “paragraphs 15(1)”; and
 - (ii) for the amount “£5” there shall be substituted the amount “£10”;
- (e) after paragraph 44 there shall be added the following paragraphs—

“**45.** Any community charge benefit.

46. Any payment in consequence of a reduction of a personal community charge pursuant to regulations under section 13A of the Local Government Finance Act 1988⁽¹⁾ or section 9A of the Abolition of Domestic Rates Etc (Scotland) Act 1987⁽²⁾ (reduction of liability for personal community charges).

47. Any special war widows payment made under—

- (a) the Naval and Marine Pay and Pensions (Special War Widows Payment) Order 1990 made under section 3 of the Naval and Marine Pay and Pensions Act 1865⁽³⁾;
- (b) the Royal Warrant dated 19th February 1990 amending the Schedule to the Army Pensions Warrant 1977⁽⁴⁾;
- (c) the Queen’s Order dated 26th February 1990 made under section 2 of the Air Force (Constitution) Act 1917⁽⁵⁾;
- (d) the Home Guard War Widows Special Payments Regulations 1990 made under section 151 of the Reserve Forces Act 1980⁽⁶⁾;
- (e) the Orders dated 19th February 1990 amending Orders made on 12th December 1980 concerning the Ulster Defence Regiment made in each case under section 140 of the Reserve Forces Act 1980⁽⁷⁾;

and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under the provisions mentioned in sub- paragraphs (a) to (e) of this paragraph.”.

(1) 1988 c. 41; section 13A was inserted by the Local Government and Housing Act 1989 (c. 42), Schedule 5, paragraph 5.
(2) 1987 c. 47; section 9A was inserted by the Local Government and Housing Act 1989, section 143.
(3) 1865 c. 73; Copies of the Order are available from: Ministry of Defence, NPC2, Room 317, Archway Block South, Old Admiralty Building, Spring Gardens, London SW1A 2BE.
(4) Army code no. 13045 published by HMSO.
(5) 1917 c. 51, Queen’s Regulations for the Royal Air Force are available from HMSO.
(6) 1980 c. 9. Copies of the Order are available from: Ministry of Defence at the address given in footnote (t)
(7) Army code no. 60589 published by HMSO.