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STATUTORY INSTRUMENTS

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**1991 No. 2334**

**The Income Support (General)  
Amendment No.6 Regulations 1991**

**Saving Provision in relation to Severe Disability Premium**

4.—(1) The provisions of this regulation are subject to regulation 5.

(2) Where paragraph (3), (4), (5) or (6) applies to a claimant, sub-paragraph (2)(a)(ii), or, as the case may be, sub-paragraph (2)(b)(iii) of paragraph 13 of Schedule 2 to the General Regulations shall have effect in relation to him as if the relevant amendment had not been made.

(3) This paragraph applies to a claimant who satisfied both the qualifying conditions in the week immediately preceding 21st October 1991.

(4) This paragraph applies to a claimant—

- (a) who satisfied both the qualifying conditions in at least one of the eight weeks immediately preceding 21st October 1991, but did not satisfy either or both of those conditions in the week immediately preceding that date; and
- (b) who in a week commencing not more than eight weeks after the date on which he last satisfied both the qualifying conditions, would again have satisfied both those conditions if the relevant amendment had not been made.

(5) This paragraph applies to a claimant—

- (a) who ceased to be entitled to income support because he became engaged in remunerative work for a period not exceeding the permitted period determined in accordance with regulation 6 and that period had commenced but had not ended before 21st October 1991; and
- (b) who satisfied both the qualifying conditions in the week ending on the day before the first day of that period commenced; and
- (c) who in the week which commences on the day immediately following the day on which that period ends, would again have satisfied both the qualifying conditions if the relevant amendment had not been made.

(6) This paragraph applies to a claimant—

- (a) who satisfied both the qualifying conditions immediately before he—
  - (i) participated in arrangements for training made under section 2 of the Employment and Training Act 1973 <sup>M1</sup> or section 2 of the Enterprise and New Towns (Scotland) Act 1990 <sup>M2</sup>; or
  - (ii) attended a course at an employment rehabilitation centre established under section 2 of the Employment and Training Act 1973,and he had begun the training or joined the course before 21st October 1991 and was still continuing with the training or course at that date; and
- (b) who in the week which commences on the day immediately following the last day he attended the training or course, would again have satisfied both the qualifying conditions if the relevant amendment had not been made.

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(7) The “qualifying conditions” means the two qualifying conditions set out in paragraph (8)(a) and (b) below.

(8) For the purposes of paragraph (7)—

(a) the first qualifying condition is that the claimant—

- (i) has made a claim for income support which has not been determined, but had it been determined and an award made, his applicable amount would have included severe disability premium; or
- (ii) has a current award of income support and the applicable amount appropriate to that award includes severe disability premium; or
- (iii) has a current award of income support and has before 21st October 1991 made an application in writing in accordance with section 104(2) of the Social Security Act requesting a review of that award, where the ground, or one of the grounds for review, is that—

(aa) he has become a co-owner with a close relative of the dwelling which he and that close relative jointly occupy as their home; or

(bb) he has become jointly liable with a close relative to make payments to a landlord in respect of the dwelling which he and that close relative jointly occupy as their home,

whether or not there are other co-owners or other persons jointly liable to make such payments and, if revised, the applicable amount appropriate to the award includes severe disability premium in respect of a period prior to that date;

(b) the second qualifying condition is that the person is—

- (i) a co-owner, with a close relative, of the dwelling he and that close relative jointly occupy as their home, whether or not there are other co-owners; or
- (ii) jointly liable, with a close relative, to make payments to a landlord in respect of the dwelling he and that close relative jointly occupy as their home, whether or not there are other persons jointly liable to make such payments.

[<sup>F1</sup>(9) For the purposes of paragraph (8)(b) and regulation 5(2)(b), where a person has satisfied the second qualifying condition, but his circumstances change so that he no longer satisfies it, he shall nonetheless be treated as satisfying it for so long as he is a person to whom paragraph (10) applies.

(10) This paragraph applies to a person—

(a) who was, together with a close relative of his, either a co-owner of, or jointly liable to make payments to a landlord in respect of, the dwelling which he and that close relative jointly occupied as their home; and

(b) who has since become, with that close relative or any other close relative, either—

- (i) jointly liable to make payments to a landlord in respect of that dwelling or any other dwelling; or
- (ii) a co-owner of that dwelling or any other dwelling, which he and the close relative jointly occupy as their home (whether or not there are other co-owners, or other persons jointly liable to make such payments).]

#### Textual Amendments

**F1** Reg. 4(9)(10) substituted for reg. 4(9) (27.12.91) by S.I. 1991/2695, reg. 1(2), 5

#### Marginal Citations

**M1** 1973 c.50; section 2 was substituted by the [Employment Act 1988 \(c.19\)](#), [section 25](#).

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**M2** 1990 c.35.

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**Changes and effects yet to be applied to :**

- Regulations modified by [S.I. 1999/779 art. 2Sch.](#)
- reg. 4(9) replaced by