
STATUTORY INSTRUMENTS

1994 No. 527

**The Income-related Benefits Schemes
(Miscellaneous Amendments) Regulations 1994**

Amendment of regulation 42 of the Income Support Regulations

4.—(1) Regulation 42 of the Income Support Regulations (notional income)(1) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (4)(a)(ii)—

- (a) after the words “housing benefit is payable,” there shall be inserted the word “or”;
- (b) the words from “or accommodation charge” to “nursing homes” shall be omitted.

(3) After paragraph (4) there shall be inserted the following paragraph—

“(4A) Where the claimant lives in a residential care home or a nursing home, or is temporarily absent from such a home, any payment made by a person other than the claimant or a member of his family in respect of some or all of the cost of maintaining the claimant or a member of his family in that home shall be treated as possessed by the claimant or by that member of his family.”

(4) In paragraph (8) for sub-paragraph (b) there shall be substituted the following sub-paragraph—

- “(b) where the weekly amount of those earnings equals or exceeds the lower earnings limit, an amount representing primary Class 1 contributions under the Contributions and Benefits Act, calculated by applying to those earnings the initial and main primary percentages in accordance with section 8(1) (a) and (b) of that Act; and”.

(1) Relevant amending instruments are S.I.1988/1445, 1989/534, 1990/127, 1991/1175 and 1559, 1992/1101, 1993/315, 963 and 1249.