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STATUTORY INSTRUMENTS

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**1998 No. 563**

**The Social Security (Miscellaneous  
Amendments) Regulations 1998**

**PART III**

**AMENDMENTS WITH RESPECT TO INCOME-  
RELATED BENEFITS AND JOBSEEKER'S ALLOWANCE**

**Income Support and Jobseeker's Allowance: Calculation of notional income and income other than earnings**

**13.**—(1) The Income Support Regulations shall be amended in accordance with the following sub-paragraphs—

- (a) in regulation 40(1) (calculation of income other than earnings) for the words “paragraphs (2) to (3A) <sup>M1</sup>” there shall be substituted the words “ paragraphs (2) to (3B) <sup>M2</sup> ”;
- (b) in regulation 42(7)(notional income) for the words “paragraphs (1) to (4)” there shall be substituted the words “ paragraphs (1) to (4A) <sup>M3</sup> ”;
- (c) in Schedule 9 (sums to be disregarded in the calculation of income other than earnings) <sup>M4</sup> at the end there shall be added the following paragraph—

“**64.** Any payment made with respect to a person on account of the provision of after-care under section 117 of the Mental Health Act 1983 <sup>M5</sup> or section 8 of the Mental Health (Scotland) Act 1984 <sup>M6</sup> or the provision of accommodation or welfare services to which Parts III and IV of the National Health Service and Community Care Act 1990 <sup>M7</sup> refer, which falls to be treated as notional income under paragraph (4A) of regulation 42 above (payments made in respect of a person in a residential care or nursing home).”.

(2) In Schedule 7 to the Jobseeker's Allowance Regulations (sums to be disregarded in the calculation of income other than earnings) at the end there shall be added the following paragraph—

“**63.** Any payment which falls to be treated as notional income made under paragraph (11) of regulation 105 above (payments made in respect of a person in a residential care or nursing home).”.

**Marginal Citations**

- M1** These words were substituted by [S.I.1990/1549](#).
- M2** Paragraph (3B) was inserted by [S.I.1997/65](#).
- M3** Paragraph (4A) was inserted by [S.I.1994/527](#).
- M4** [Paragraph 63](#) was inserted in Schedule 9 by [S.I.1997/2863](#).
- M5** [1983 c.20](#).
- M6** [1984 c.30](#).

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**Changes to legislation:** There are currently no known outstanding effects for the *The Social Security (Miscellaneous Amendments) Regulations 1998, Section 13*. (See end of Document for details)

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**M7** 1990 c.19.

**Changes to legislation:**

There are currently no known outstanding effects for the The Social Security (Miscellaneous Amendments) Regulations 1998, Section 13.