
STATUTORY INSTRUMENTS

2004 No. 565

**The Social Security (Miscellaneous
Amendments) Regulations 2004**

Amendment of the Income Support (General) Regulations 1987 in relation to income and capital disregards

2.—(1) The Income Support (General) Regulations 1987^{M1} shall be amended in accordance with this regulation.

- (2) In regulation 2(1) (interpretation) omit the definition of “ERA payment”^{M2}.
- (3) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings)—
 - (a) for paragraph 13^{M3} substitute the following paragraph—

“13.—(1) Any payment made pursuant to section 2 of the Employment and Training Act 1973^{M4} (functions of the Secretary of State) or section 2 of the Enterprise and New Towns (Scotland) Act 1990^{M5} (functions in relation to training for employment etc.) except a payment—

- (a) made as a substitute for income support, a jobseeker’s allowance, incapacity benefit or severe disablement allowance;
- (b) of an allowance referred to in section 2(3) of the Employment and Training Act 1973 or section 2(5) of the Enterprise and New Towns (Scotland) Act 1990;
- (c) intended to meet the cost of living expenses which relate to any one or more of the items specified in sub-paragraph (2) whilst a claimant is participating in an education, training or other scheme to help him enhance his employment prospects unless the payment is a Career Development Loan^{M6} paid pursuant to section 2 of the Employment and Training Act 1973 and the period of education or training or the scheme, which is supported by that loan, has been completed; or
- (d) made in respect of the cost of living away from home to the extent that the payment relates to rent for which housing benefit is payable in respect of accommodation which is not normally occupied by the claimant as his home.

(2) The items specified in this sub-paragraph for the purposes of sub-paragraph (1)(c) are food, ordinary clothing or footwear, household fuel, rent for which housing benefit is payable, or any housing costs to the extent that they are met under regulation 17(1)(e) or 18(1)(f) (housing costs), of the claimant or, where the claimant is a member of a family, any other member of his family, or any council tax or water charges for which that claimant or member is liable.

(3) For the purposes of this paragraph, “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 51^{M7} omit from “or in accordance with” to “Act 1973”;

- (c) in paragraph 70 ^{M8} omit from “or any payment” to “Act 1973”;
- (d) omit paragraphs 59 ^{M9}, 60 ^{M10}, 62 ^{M11}, 62A ^{M12}, 63 ^{M13}, 65 ^{M14}, 77 ^{M15} and 78 ^{M16}.
- (4) In Schedule 10 (capital to be disregarded)—
 - (a) for paragraph 30 ^{M17} substitute the following paragraph—

“30. Any payment made pursuant to section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990, but only for the period of 52 weeks beginning on the date of receipt of the payment.”;

- (b) in paragraph 42 ^{M18} omit—
 - (i) “, or a training bonus under section 2 of the Employment and Training Act 1973”;
 - and
 - (ii) from “or in accordance with” to “Act 1973”;
- (c) omit paragraphs 50 ^{M19}, 50A ^{M20}, 51 ^{M21}, 53 ^{M22}, 69 ^{M23} and 70 ^{M24}.

Marginal Citations

- M1** Relevant amending instruments are [S.I. 1988/1445](#), 663, 1992/468, 1997/2863, 1998/2117, 1999/2556, 3156, 2001/721, 859, 1029, 3767, 2002/2314, 2003/455, 1589, 2279 and 2439.
- M2** The definition of “ERA payment” was inserted by [S.I. 2003/2279](#).
- M3** [Paragraph 13](#) was substituted by [S.I. 1988/663](#) and amended by [S.I. 1997/2863](#) and 2001/1029.
- M4** [1973 c. 50](#). Section 2 was substituted by section 25(1) of the [Employment Act 1988 \(c. 19\)](#).
- M5** [1990 c. 35](#).
- M6** Information about this Loan can be obtained from any Jobcentre Plus office or by telephoning 0800-585 505.
- M7** [Paragraph 51](#) was inserted by [S.I. 1992/468](#).
- M8** [Paragraph 70](#) was inserted by [S.I. 1999/2556](#), amended by [S.I. 2001/859](#) and 2003/455 and is revoked by [S.I. 2003/1589](#) with effect from 25 October 2004.
- M9** [Paragraph 59](#) was inserted by [S.I. 1997/65](#) and amended by [S.I. 2001/3767](#).
- M10** [Paragraph 60](#) was inserted by [S.I. 1997/65](#).
- M11** [Paragraph 62](#) was inserted by [S.I. 1997/2863](#), substituted by [S.I. 2001/1029](#) and amended by [S.I. 2002/2314](#).
- M12** [Paragraph 62A](#) was inserted by [S.I. 2002/2314](#).
- M13** [Paragraph 63](#) was inserted by [S.I. 1997/2863](#).
- M14** [Paragraph 65](#) was inserted by [S.I. 1998/2117](#) and amended by [S.I. 2001/721](#).
- M15** [Paragraph 77](#) was added by [S.I. 2003/2279](#).
- M16** [Paragraph 78](#) was added by [S.I. 2003/2439](#).
- M17** [Paragraph 30](#) was inserted by [S.I. 1988/1445](#) and amended by [S.I. 1993/2119](#).
- M18** [Paragraph 42](#) was inserted by [S.I. 1992/468](#).
- M19** [Paragraph 50](#) was inserted by [S.I. 1997/2863](#), substituted by [S.I. 2001/1029](#) and amended by [S.I. 2002/2314](#).
- M20** [Paragraph 50A](#) was inserted by [S.I. 2002/2314](#).
- M21** [Paragraph 51](#) was inserted by [S.I. 1997/2863](#).
- M22** [Paragraph 53](#) was inserted by [S.I. 1998/2117](#).
- M23** [Paragraph 69](#) was added by [S.I. 2003/2279](#).
- M24** [Paragraph 70](#) was added by [S.I. 2003/2439](#).

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Miscellaneous Amendments) Regulations 2004, Section 2.