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STATUTORY INSTRUMENTS

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**2009 No. 3152**

**The Income Support (Prescribed  
Categories of Person) Regulations 2009**

**Revocation and savings**

2.—(1) Subject to paragraph (2), the following provisions of the Income Support (General) Regulations 1987(1) are revoked—

- (a) regulation 13(2)(b) and (bb) (circumstances in which persons in relevant education are to be entitled to income support)(2);
- (b) paragraphs 7(a) and (b), 10, 12 and 13 of Schedule 1B (prescribed categories of person)(3).

(2) A provision referred to in paragraph (1) (“a relevant provision”) continues to have effect in relation to a person (“P”)—

- (a) who immediately before the appointed day, is entitled to an award of income support on the basis of a relevant provision; or
- (b) whose claim for income support falls within regulation 2(2)(b), (c) or (d) of the Employment and Support Allowance (Transitional Provisions) Regulations 2008(4); or
- (c) to whom paragraph (4) applies.

(3) For the purposes of paragraph (2)(a), P is entitled to an award of income support on the basis of a relevant provision only where—

- (a) before the appointed day the Secretary of State determined that a relevant provision applies to P; or
- (b) in the cases to which regulation 6 (information required for determining capacity for work) or 28 (treated as incapable of work) of the Social Security (Incapacity for Work) (General) Regulations 1995(5) applies, before the appointed day the Secretary of State was—
  - (i) provided with the evidence or satisfied on the basis of the information required by regulation 6 of those Regulations; or
  - (ii) provided with the evidence required by regulation 28(2)(a) of those Regulations and the condition in regulation 28(2)(b) was satisfied; or
- (c) in any case to which the regulations referred to in sub-paragraph (b) do not apply, the Secretary of State—
  - (i) before the appointed day received notification from P stating that a relevant provision applies to P, and
  - (ii) determines on or after that date that the provision concerned applies to P.

(4) This paragraph applies to a person where—

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(1) [S.I. 1987/1967](#).

(2) Relevant amending instruments are [S.I. 2006/718](#), [2008/698](#).

(3) Schedule 1B was inserted by [S.I. 1996/206](#); relevant amending instruments are [S.I. 2000/1922](#), [2000/1981](#).

(4) [S.I. 2008/795](#); a relevant amending instrument is [S.I. 2008/2783](#).

(5) [S.I. 1995/311](#); relevant amending instruments are [S.I. 1995/987](#), [199/1345](#), [1996/3207](#), [1999/3109](#), [2000/678](#).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (a) that person had an award of income support which was terminated on or after 27th October 2008;
  - (b) a relevant provision applied to the person immediately before the award was terminated;
  - (c) the decision to terminate that award was made as a result of official error; and
  - (d) that decision is subsequently revised by reason of that error.
- (5) In paragraph (4)(c), “official error” has the meaning given in regulation 1(3) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999<sup>(6)</sup>.

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<sup>(6)</sup> S.I. 1999/991; relevant amending instruments are S.I. 2002/1379, 2008/2656, 2008/2683.