

SCHEDULE 7

Article 18(8)

INCOME SUPPORT: APPLICABLE AMOUNTS IN SPECIAL CASES

PART I

PROVISIONS IN SCHEDULE 7 TO THE INCOME SUPPORT REGULATIONS AS AMENDED BY THIS ORDER

<i>(1)</i>	<i>(2)</i>
<b>Patients</b>	<b>1</b>
<p><b>1.</b> (1) Subject to paragraphs 2, 2A, 3 and 18, a person who has been a patient for a period of more than six weeks and who is—</p> <p>(a) a single claimant;</p> <p>(b) a lone parent;</p> <p>(c) a member of a couple—</p> <p style="padding-left: 20px;">(i) where only one of the couple is a patient or, where both members of the couple are patients but only one has been a patient for that period;</p> <p style="padding-left: 20px;">(ii) where both members of the couple have been a patient for that period;</p> <p>(d) a member of a polygamous marriage—</p> <p style="padding-left: 20px;">(i) where at least one member of the polygamous marriage is not a patient or has not been a patient for more than that period;</p> <p style="padding-left: 20px;">(ii) where all the members of the polygamous marriage have been patients for more than that period.</p>	<p>(a) £16.70 plus any amount applicable under regulation 17(1) (e), (f) or (g);</p> <p>(b) £16.70 plus any amounts applicable to him under regulation 17(1) (b), (c), (e), (f) or (g) or under regulation 17(1)(d) because of paragraph 14 of Schedule 2 (applicable amounts);</p> <p>(c) (i) the amount applicable in respect of both of them under regulation 17(1) reduced by £13.35;</p> <p style="padding-left: 20px;">(ii) £33.40 plus any amounts which may be applicable under regulation 17(1) (b), (c), (e), (f) or (g) or under regulation 17(1) (d) because of paragraph 14 of Schedule 2;</p> <p>(d) (i) the applicable amount under regulation 18 (polygamous marriages) shall be reduced by £13.35 in respect of each such member who is a patient;</p> <p style="padding-left: 20px;">(ii) the applicable amount shall be £16.70 in respect of each member plus any amounts applicable under regulation 18(1)(c), (d), (f), (g) or (h) or (e) because of his satisfying the condition specified in paragraph 14 of Schedule 2.</p>
<p><b>2.</b> A single claimant who has been a patient for a continuous period of more than 52 weeks, where—</p>	<p><b>2</b></p> <p>(a) Such amount (if any) not exceeding £13.35 as is reasonable having regard</p>

(1) Relevant amending instruments are S.I.1988/1445 and 2022, 1990/547 and 1996/1803.

(1)	(2)
<p>(a) the following conditions are satisfied—</p> <p style="padding-left: 2em;">(i) a person has been appointed to act for him under regulation 33 of the Social Security (Claims and Payments) Regulations 1987 <b>(2)</b>(persons unable to act); and</p> <p style="padding-left: 2em;">(ii) his income support is payable to an administrative officer of the hospital or other institution either as or at the request of the person so appointed; and</p> <p style="padding-left: 2em;">(iii) a registered medical practitioner treating him certifies that all or part of his income support cannot be used by him or on his behalf; or</p> <p>(b) those conditions are not satisfied.</p> <p><b>2A. (3)</b> A single claimant who is detained under the provisions of the Mental Health Act 1983 <b>(4)</b>or, in Scotland, under the provisions of the Mental Health (Scotland) Act 1984<b>(5)</b> or the Criminal Procedure (Scotland) Act 1995 <b>(6)</b> and who immediately before his detention under any of those Acts was a prisoner.</p> <p><b>3. (7)</b>Subject to paragraph 18—</p> <p style="padding-left: 2em;">(a) a claimant who is not a patient and who is a member of a family of which another member is a child or young person who has been a patient for a period of more than 12 weeks; or</p> <p style="padding-left: 2em;">(b) where the person is a member of a family and paragraph 1 applies to him and another member of the family who is a child or young person has been a patient for a period of more than 12 weeks.</p>	<p>to the views of the hospital staff and the patient’s relatives if available as to the amount necessary for his personal use;</p> <p>(b) £13.35.</p> <p><b>2A. £13.35.</b></p> <p>(a) (a) The amount applicable to him under regulation 17(1) or 18 except that the amount applicable under regulation 17(1)(b) or 18(1)(c) in respect of the child or young person referred to in Column (1) of this paragraph shall be £13.35 instead of an amount determined in accordance with paragraph 2 of Schedule 2; or</p> <p>(b) the amount applicable to him under paragraph 1 except that the amount applicable under regulation 17(1)(b) or 18(1)(c) in respect of the child or young person referred to in Column (1) of this paragraph shall be £13.35 instead of an amount determined</p>

(2) S.I. 1987/1968.  
(3) Paragraph 2A was inserted by S.I. 1990/547; relevant amending instrument is S.I. 1998/563.  
(4) 1983 c. 20.  
(5) 1984 c. 36.  
(6) 1995 c. 46.  
(7) Relevant amending instrument is S.I. 1988/1445.

(1)	(2)
<b>Single claimants temporarily in local authority accommodation</b>	in accordance with paragraph 2 of Schedule 2.
<b>10A. (8)</b> A single claimant who is temporarily in accommodation referred to in any of sub-paragraphs (a) to (d) (excluding heads (i) and (ii) of sub-paragraph (d)) of the definition of residential accommodation in regulation 21(3) (special cases).	<b>10A.</b> £66.75 of which £14.75 is for personal expenses plus any amounts applicable under regulation 17(1)(e), (f) or (g).
<b>Couples and members of polygamous marriages where one member is or all are temporarily in local authority accommodation</b>	<b>10B. —</b>
<b>10B. —</b>	(1) The aggregate of the amount applicable for the member who remains in the home calculated as if he were a single claimant under regulation 17(1), 19 or 21 and in respect of the other member £66.75 of which £14.75 is for personal expenses.
(1) A claimant who is a member of a couple temporarily separated from his partner where one of them is living in the home while the other is in accommodation referred to in any of sub-paragraphs (a) to (d) (excluding heads (i) and (ii) of sub-paragraph (d)) of the definition of residential accommodation in regulation 21(3) (special cases).	(2) The aggregate of the amount applicable for the members of the polygamous marriage who remain in the home, under regulation 18 and in respect of each member not in the home £66.75 of which £14.75 is for personal expenses.
(2) A claimant who is a member of a polygamous marriage and who is temporarily separated from a partner of his where one is, or some are, living in the home while one is, or some are, in accommodation referred to in sub-paragraph (1).	(3) For each member of that couple or marriage £66.75 of which £14.75 is for personal expenses plus, if appropriate, the amount applicable under regulation 17(1)(e), (f) or (g) or 18(1)(f), (g) or (h).
(3) A claimant who is a member of a couple or a member of a polygamous marriage where both members of that couple or all the members of that marriage are in accommodation referred to in sub-paragraph (1).	<b>10C.</b> £66.75 of which £14.75 is for personal expenses, plus—
<b>Lone parents who are in residential accommodation temporarily</b>	(a) in respect of each child or young person who is a member of his family, the amount in respect of him prescribed in paragraph 2(a), (b), (c) or (d) of Schedule 2 or under this Schedule as appropriate; and
<b>10C. (9)</b> A claimant who is a lone parent who has entered residential accommodation temporarily.	

(8) Paragraphs 10A and 10B were inserted by S.I. 1988/663; relevant amending instruments are S.I. 1988/2022 and 1445, 1989/534, 1992/3147 and 1993/2119.

(9) Paragraph 10C was inserted by S.I. 1988/2022; relevant amending instruments are S.I. 1990/547, 1992/3147, 1993/2119 and 1996/1803.

(1)	(2)
	(b) any amount which would be applicable to the claimant if he were not temporarily living away from the dwelling occupied as his home, under regulation 17(1)(c), (e), (f) or (g).
<b>Persons in residential accommodation</b>	<b>13. —</b>
<b>13. —</b>	(1) (10) Any amount applicable under regulation 17(1)(f) or (g) or 18(1)(g) or (h), plus—
(1) Subject to sub-paragraph (2), a person in or only temporarily absent from residential accommodation who is—	(a) £66.75 of which £14.75 is for personal expenses;
(a) a single claimant;	(b) the amount specified in sub-paragraph (a) of this column;
(b) a lone parent;	(c) twice the amount specified in sub-paragraph (a) of this column;
(c) one of a couple;	(d) the appropriate amount in respect of him prescribed in paragraph 2 of Schedule 2 (applicable amounts);
(d) a child or young person;	(e) the amount specified in sub-paragraph (a) of this column multiplied by the number of members of the polygamous marriage in or only temporarily absent from that accommodation.
(e) a member of a polygamous marriage.	(2) Any amount applicable under regulation 17(1)(f) or (g), plus £14.75.
(2) A single claimant who has become a patient and whose residential accommodation was provided by and managed by a local authority.	<b>13A. —</b>
<b>Polish Resettlement</b>	(1) The aggregate of—
<b>13A. (11)—</b>	(a) the weekly charge for the accommodation provided for him, or if he is a member of a family, for him and his family, subject to the maximum determined in accordance with sub-paragraph (2); and
(1) A claimant for whom accommodation is provided under section 3 of, and Part II of the Schedule to, the Polish Resettlement Act 1947 (provision of accommodation in camps) where the claimant both requires personal care and is provided with it in the accommodation and—	(b) a weekly amount for personal expenses for him or, if he is a member of a family, for him and for each member of his family determined in accordance with sub-paragraph (3) or, in the case of a claimant to whom sub-paragraph (1) (b) or (c) of Column (1) applies, determined in accordance with sub-paragraph (3A) below.
(a) is resident in that accommodation on 31st March 1995 or is temporarily absent on that date; or	
(b) is first provided with such accommodation and care on or after 1st April 1995; or	
(c) is re-admitted to such accommodation on or after 1st April 1995 where his absence has been other than temporary.	

(10) Relevant amending instruments are S.I. 1988/1445, 1990/547, 1992/3147 and 1993/2119.

(11) Paragraph 13A was inserted by S.I. 1989/1678; relevant amending instruments are S.I. 1995/516 and 1997/2197.

<i>(1)</i>	<i>(2)</i>
<p>(2) In this paragraph “personal care” means care which a claimant requires by reason of old age, disablement, past or present dependence on alcohol or drugs, past or present mental disorder or a terminal illness.</p>	<p>(2) The maximum referred to in sub-paragraph (1)(a) shall be—</p>
<p>(3) An absence is temporary for the purposes of sub-paragraph (1) where the absent resident with the agreement of the manager of the accommodation intends to return to the accommodation in due course.</p>	<p>(a) in the case of a single claimant, £367.00;</p> <p>(b) in the case of a claimant who is a member of a family the aggregate of the following amounts—</p> <p>(i) in respect of the claimant, £367.00;</p> <p>(ii) in respect of each member of his family who lives in the accommodation aged under 11, 1½ times the amount specified in paragraph 2(a) of Schedule 2;</p> <p>(iii) in respect of each member of his family aged not less than 11 who lives in the accommodation, £367.00; and</p> <p>(iv) where the claimant is a lone parent, in respect of each member of the family who does not live in the accommodation, the amount which would be applicable in respect of that member under Schedule 2.</p>
	<p>(3) Except where the claimant is a person to whom sub-paragraph (1)(b) or (c) of Column (1) refers, the amount for personal expenses referred to in sub-paragraph (1)(b) shall be—</p>
	<p>(d) for a young person aged under 18 but over 16, £10.25;</p> <p>(e) for a child aged under 16 but over 11, £8.85;</p> <p>(f) for a child aged under 11, £6.05.</p>
	<p>(3A) In the case of a claimant to whom sub-paragraph (1)(b) or (c) of Column (1) applies, the amount for personal expenses referred to in sub-paragraph (1)(b) above shall be the aggregate of the amounts which are relevant to him and which are referred to in Schedule 4, paragraph 13.</p>
	<p>(4) The maximum amount in respect of a member of a family aged under 11 calculated in the manner referred to in sub-paragraph (2)(b)(ii) shall be rounded to the nearest multiple of 5p by treating an odd amount of 2.5p or more as 5p and by disregarding an odd amount of less than 2.5p.</p>

(1)	(2)
<p><b>Persons in residential care or nursing homes who become patients</b></p> <p><b>18. (12)</b>A claimant to whom regulation 19 (persons in residential care or nursing homes) applies immediately before he or a member of his family became a patient where—</p> <p>(a) he or any member of his family has been a patient for a period of six weeks or less and the claimant—</p> <p style="padding-left: 2em;">(i) continues to be liable to meet the weekly charge for the accommodation without reduction in respect of himself or that member of his family who is a patient;</p> <p style="padding-left: 2em;">(ii) continues to be liable to meet the weekly charge for the accommodation but at a reduced rate;</p> <p style="padding-left: 2em;">(iii) is a single claimant and is likely to return to the accommodation, but has ceased to be liable to meet the weekly charge for that accommodation; or</p> <p style="padding-left: 2em;">(iv) is a single claimant who ceases to be liable to meet the weekly charge for the accommodation, and who is unlikely to return to the accommodation;</p> <p>(b) he or his partner has been a patient for a period of more than six weeks and the patient is—</p> <p style="padding-left: 2em;">(i) a single claimant;</p> <p style="padding-left: 2em;">(ii) a lone parent;</p> <p style="padding-left: 2em;">(iii) one of a couple or polygamous marriage and one of that couple or marriage is not a patient or has been a patient for six weeks or less;</p> <p style="padding-left: 2em;">(iv) one of a couple or polygamous marriage where all the members of that couple or marriage are patients and have been so for more than six weeks;</p>	<p>(a) (i) the amount which would be applicable under regulation 19 as if the claimant or the member of the family who is a patient were resident in the accommodation to which regulation 19 applies;</p> <p style="padding-left: 2em;">(ii) the amount which would be applicable under regulation 19 having taken into account the reduced charge, as if the claimant or the member of the family who is a patient were resident in the accommodation to which regulation 19 applies;</p> <p style="padding-left: 2em;">(iii) the amount applicable to him (if any) under paragraph 2(2) of Schedule 4 (meal allowances) plus the amount in respect of him as an allowance for personal expenses under paragraph 13 of Schedule 4 as if he were residing in the accommodation to which regulation 19 applies plus any amount applicable under regulation 17(1)(f);</p> <p style="padding-left: 2em;">(iv) the amount which would be applicable to him under regulation 17(1);</p> <p>(b) (i) a single claimant;</p> <p style="padding-left: 2em;">(i) £16.70 plus any amount applicable under regulation 17(1)(f), plus either the amount prescribed in paragraph 16 in respect of any retaining fee he is liable to pay for the accommodation or the amount applicable by virtue of regulation 17(1)(e), but not both;</p> <p style="padding-left: 2em;">(ii) where one or more children or young persons remain in the accommodation, the amount applicable to the family as if regulation 19, having taken into account any reduction</p>

(12) Relevant amending instruments are S.I. 1988/663 and 1445 and 1989/534.

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<p>(c) a child or young person who has been a patient for a period of more than 12 weeks.</p>	<p>in charge, continued to apply to all the members of the family except that where the lone parent is the patient no amount shall be applicable in respect of him under paragraph 2(2) of Schedule 4 (meals allowances) and for the amount in respect of the allowance for personal expenses prescribed by paragraph 13 of Schedule 4, there shall be substituted the amount £16.70;</p> <ul style="list-style-type: none"><li>— where all the children or young persons are absent from the accommodation, £16.70 plus any amounts applicable to him under regulation 17(1)(b), (c), (d) or (f) plus, if appropriate, either the amount applicable under Column (2) of paragraph 16(a) or the amount applicable by virtue of regulation 17(1)(e) (housing costs) but not both;</li><li>— where one or more children or young persons are also patients and have been so for more than 12 weeks, in respect of those children and young persons remaining in the accommodation and the lone parent patient the amount specified in case one of Column (2) of sub-paragraph (b)(ii) save that the child or young person who has been a patient for more than 12 weeks shall be disregarded as a member of the family in assessing the amount applicable under regulation 19, and in respect of each such child or young person there shall be added the amount of £16.70;</li></ul>

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(iii) where the members of the family not patients remain in the accommodation, the amount applicable to the family as if regulation 19 having taken into account any reduction in charge, continued to apply to all the members of the family except that in respect of the member of the couple or polygamous marriage who has been a patient for more than six weeks no amount shall be applicable in respect of him under paragraph 2(2) of Schedule 4 and or the amount in respect of the allowance for personal expenses prescribed by paragraph 13 of Schedule 4 there shall be substituted the amount of £16.70;

— where one or more children or young persons are also patients and have been so for more than 12 weeks, in respect of those children and young persons and the member of the couple or polygamous marriage remaining in the accommodation the amount specified in case one of Column (2) of sub-paragraph (b)(iii) save that the child or young person who has been a patient for more than 12 weeks shall be disregarded as a member of the family in assessing the amount applicable under regulation 19 and in respect of each such child or young person there shall be added the amount of £13.35;

(iv) where there is no child or young person in the family £16.70 in respect of each member of the couple or



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polygamous marriage, plus any amount applicable under regulation 17(1)(f) or 18(1)(g), plus either the amount prescribed in paragraph 16 in respect of any retaining fee for the accommodation he is liable to pay or the amount applicable by virtue of regulation 17(1)(e) or 18(1)(f), but not both;

— where there is a child or young person remaining in the accommodation, the amount which would be applicable in respect of the family as if regulation 19 having taken into account any reduction in charge continued to apply to all the members of the family except that in respect of each member of the couple or polygamous marriage no amount shall be applicable in respect of him under paragraph 2(2) of Schedule 4, and for the amount in respect of the allowance for personal expenses prescribed by paragraph 13 of Schedule 4 in respect of each member there shall be substituted the amount of £16.70;

— where there is a child or young person in the family but no child or young person remains in the accommodation, the amount applicable under paragraph 1(c) or 1(d) as is appropriate plus either the amount applicable under Column (2) of paragraph 16(a) or the amount applicable by virtue of regulation 17(1)(e) or 18(1)(f) but not both;

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Social Security Benefits Up-rating Order 1999 No. 264

(1)	(2)
	<p>— where one or more children or young persons are also patients and have been so for more than 12 weeks, in respect of those children and young persons remaining in the accommodation and the members of the couple or polygamous marriage, the amount specified in case two of Column (2) of sub-paragraph (b)(iv) save that the child or young person who has been a patient for more than 12 weeks shall be disregarded as a member of the family in assessing the amount applicable under regulation 19, and in respect of each such child or young person there shall be added the amount of £13.35;</p> <p>(c) the amount applicable under regulation 19 as if that child or young person was not a member of the family plus an amount of £13.35 in respect of that child or young person.</p>

## PART II

### OTHER SUMS SPECIFIED IN SCHEDULE 7 TO THE INCOME SUPPORT REGULATIONS

<i>Paragraph in Schedule 7</i>	<i>Specified Sum</i>
7. Members of religious orders	Nil
8. Prisoners	Nil
13A. (13) Polish Resettlement	<p>(a) (3) (a) for the claimant, £17.35;</p> <p>(b) for his partner, £17.35;</p> <p>(c) for a young person aged 18, £15.55.</p>
13B. (14) Polish Resettlement: persons temporarily absent from accommodation	80 per cent.

(13) Paragraph 13A was inserted by S.I. 1989/1678; relevant amending instrument is S.I. 1995/516.

(14) Paragraph 13B was inserted by S.I. 1994/2139.

<i>Paragraph in Schedule 7</i>	<i>Specified Sum</i>
<b>16.</b> Persons temporarily absent from residential care or a nursing home	a 80 per cent.
<b>7.</b> Persons from abroad	Nil