

SCHEDULE 1

Regulation 11

PART I

omission of references to hostel in the general regulations and consequential amendments

1. In regulation 2(1) (interpretation) in the definition of “residential accommodation” for the reference “regulations 19 and 20 and paragraph 8(c)(i) of Schedule 5” there shall be substituted the reference “regulation 19 and Schedule 3B”.

2. In regulation 3 (definition of non-dependant)–

- (a) in paragraph (2)(d) the words “subject to paragraph (3),” shall be omitted;
- (b) paragraph (3) shall be omitted.

3. In regulation 16(3)(c) and (5)(b) (circumstances in which a person is treated as being or not being a member of the household) for the words “excluding heads (i) to (iii)” there shall be substituted the words “excluding heads (i) and (ii)”⁽¹⁾.

4. Regulation 20 (applicable amounts for persons in hostels) shall be omitted.

5. In regulation 21(3) (special cases) in sub-paragraph (d) of the definition of “residential accommodation”–

- (i) in head (d)(i) for the words “where full board is not” there shall be substituted the words “where no board is”,
- (ii) head (d)(iii) shall be omitted.

6. In regulation 22(1)(b) (reductions in applicable amounts in cases of voluntary unemployment) for the words “regulation 19 or 20” to the end there shall be substituted the words “regulation 19 (applicable amounts for persons in residential care and nursing homes) applies, the amount allowed for personal expenses for him specified in paragraph 13 of Schedule 4.”.

7. In regulations 42(4)(a)(ii) (notional income) and 51(3)(a)(ii) (notional capital) the reference “or 20” and the words “or hostels”, in each of those regulations shall be omitted.

8. In regulation 71(1)(b) (applicable amounts in urgent cases) the words “a hostel,” and–

- (i) in head (i) the words “or paragraph 11(b) of Schedule 5 (applicable amounts of persons in board and lodging accommodation or hostels) whichever is appropriate in respect of him”;
- (ii) in head (ii) the words “or paragraph 11(c) to (f) of Schedule 5, whichever is appropriate,”; and
- (iii) in head (iii), the words “or regulation 20 and Schedule 5 whichever is appropriate”,

shall be omitted.

9. In regulation 73 (amount of income support payable)–

- (a) in paragraph (2) the words “or, as the case may be, 20” and “or board and lodging accommodation or hostels” shall be omitted;
- (b) in paragraphs (4) and (5) the words “or, as the case may be, Schedule 5” wherever they occur in those paragraphs shall be omitted;

(1) Regulation 16(3)(c) and 5(b) is amended by regulation 3 of these Regulations.

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- (c) in paragraph (5), in the definition of “P” the words “or, as the case may be, paragraph 11 of Schedule 5” shall be omitted.
- 10.** In Schedule 3 (housing costs)–
- (a) in paragraph 5(b) for the words from “either regulation 19” to “applies” there shall be substituted the words “regulation 19 (applicable amounts for persons in residential care and nursing homes) applies”;
- (b) in paragraph 11–
- (i) in sub-paragraph (1)(a)(2) the words “is a person to whom regulation 3(3) applies (non-dependants) and in respect of” shall be omitted;
- (ii) in sub-paragraph (7), in head (b), for the words “and he is not a person to whom regulation 3(3) applies (persons in hostels)” and, in heads (c) and (d), for the words “and he is not a person to whom regulation 3(3) applies”, there shall be substituted in each of those provisions the words “and is not a person who lives in board and lodging accommodation”.
- 11.** In Schedule 3A (protected sums) in paragraph 7(1)(b)(ii) the words from “or a hostel” to “and hostels” shall be omitted.
- 12.** Schedule 5 shall be omitted.
- 13.** In Schedule 7 (applicable amounts in special cases)–
- (a) in paragraphs 10A and 10B(1) in column 1, for the words “excluding heads (i) to (iii)” there shall be substituted the words “excluding heads (i) and (ii)”**(3)**;
- (b) in paragraphs 10B(1) and 10C, in column (2), the reference “, 20” in each of those paragraphs shall be omitted;
- (c) in paragraph 11, in column (2), for the reference “19 to 21” wherever it occurs there shall be substituted the reference “19 or 21”;
- (d) in paragraph 12, in column (2), for the reference “18 to 21” wherever it occurs there shall be substituted the reference “18, 19 or 21”;
- (e) paragraphs 14 and 15 shall be omitted.
- (f) in paragraph 16–
- (i) in column (1), the reference “or 20” and the words “(persons in hostels)” shall be omitted;
- (ii) in column (2), the reference “or paragraph 1(a) of Schedule 5 (applicable amounts of persons in hostels) as the case may be” shall be omitted;
- (iii) in sub-paragraph (a), in column (1), for the words “excluding heads (i) to (iii)” there shall be substituted the words “excluding heads (i) and (ii)”**(4)**;
- (g) in paragraph 17, in column (2), in sub-paragraphs (b)(ii), (c)(i) and (d)(i) for the reference “regulation 19, 20 or 21” there shall be substituted the reference “regulation 19 or 21”;
- (h) in paragraph 18 in column (1), the reference “or regulation 20 (persons in hostels)” shall be omitted;
- (i) in paragraph 18, in column (2)–
- (i) in sub-paragraphs (a)(i) and (ii) the reference “or 20, as the case may be,” and the reference “or 20” shall be omitted wherever they occur in each of those sub-paragraphs;

(2) Sub-paragraph (1)(a) of paragraph 11 is amended by regulation 6(b)(i) of these Regulations.

(3) Paragraphs 10A and 10B are amended by regulation 9 of these Regulations.

(4) Paragraph 16(a) is amended by regulation 9 of these Regulations.

- (ii) in sub-paragraph (a)(iii) the reference “, or, as the case may be, paragraph 2 of Schedule 5”; the reference “or paragraph 11 of Schedule 5, as the case may be”; and the reference “or 20” shall be omitted;
 - (iii) in sub-paragraph (b)(ii), the reference “or, as the case may be, 20”; the reference “or paragraph 2 of Schedule 5”; and the reference “or 20 as the case may be” shall be omitted; and for the reference “either paragraph 13 of Schedule 4 or, as the case may be, paragraph 11 of Schedule 5” there shall be substituted the reference “paragraph 13 of Schedule 4”;
 - (iv) in sub-paragraph (b)(iii) the reference “or, as the case may be, regulation 20”; the reference “or paragraph 2 of Schedule 5, as the case may be”; and the reference “or 20 as the case may be” shall be omitted; and for the reference “either paragraph 13 of Schedule 4 or paragraph 11 of Schedule 5” there shall be substituted the reference “paragraph 13 of Schedule 4”;
 - (v) in sub-paragraph (b)(iv) the reference “or, as the case may be, 20”; the reference “or paragraph 2 of Schedule 5, as the case may be”; and the reference “or 20 as the case may be” shall be omitted; and for the reference “either paragraph 13 of Schedule 4 or paragraph 11 of Schedule 5” there shall be substituted the reference “paragraph 13 of Schedule 4”;
 - (vi) in sub-paragraph (c) the reference “or, as the case may be, regulation 20” shall be omitted.
- 14.** In Schedule 8 (sums to be disregarded in the calculation of earnings)–
- (a) in paragraph 5 the words “, hostel,” shall be omitted;
 - (b) in paragraph 15 for the words “residential care home, nursing home, or hostel” there shall be substituted the words “residential care home or nursing home”.
- 15.** In Schedule 9 (sums to be disregarded in the calculation of income other than earnings) in paragraph 30(d) for the words “actual charge” to the end there shall be substituted the words “actual charge increased, where appropriate, in accordance with paragraph 2 of Schedule 4 exceeds the amount determined in accordance with regulation 19 (residential care and nursing homes).”.
- 16.** In paragraph 12 of Schedule 10 (capital to be disregarded) for the reference “Schedules 4 and 5” there shall be substituted the reference “Schedule 4”.

PART II

transitional provisions for determining the applicable amounts of persons who were in hostels prior to 9th october 1989

- 17.** In regulations 17(1)(g), 18(1)(h) and 71(1)(a)(v) and (d)(iv) (applicable amounts, polygamous marriages and urgent cases) there shall be added at the end of each of those regulations the words “or, as the case may be, 3B”.
- 18.** After Schedule 3A (protected sum) there shall be inserted as Schedule 3B the Schedule set out in Schedule 2 to these Regulations.