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STATUTORY INSTRUMENTS

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**1991 No. 1559**

**SOCIAL SECURITY**

**The Income Support (General)  
Amendment No. 4 Regulations 1991**

<i>Made</i>	- - - -	<i>8th July 1991</i>
<i>Laid before Parliament</i>		<i>12th July 1991</i>
<i>Coming into force</i>		
<i>regulations 1, 2, 10 to 12, 14 and 15(e)</i>		<i>5th August 1991</i>
<i>regulation 15(a) to (c), 16 and 17</i>		<i>1st October 1991</i>
<i>regulations 4, 6 to 9, 13, 15(d), 18 to 21, and regulations 22 to 24 only insofar as they relate to regulations 4 and 13(b)</i>		<i>7th October 1991</i>
<i>regulations 3 and 5, and regulations 22 to 24 only insofar as they relate to regulation 3</i>		<i>7th April 1992</i>

<sup>X1</sup>The Secretary of State for Social Security in exercise of the powers conferred by sections 20(3)(a) and (d)(i), (12)(c) and (d)(i), 22(1), (8), (9)(a) and (b) and 84(1) of the Social Security Act 1986<sup>M1</sup> and section 166(1) to (3A) of the Social Security Act 1975<sup>M2</sup> and of all other powers enabling him in that behalf, and after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it<sup>M3</sup>, hereby makes the following Regulations:

**Editorial Information**

**X1** This legislation was made on 08.07.1991 and was published on the SLDB on 16.04.1996 for the first time. Some information has now been added to the item but we have not yet completed carrying its effects into other parts of the database.

**Marginal Citations**

**M1** 1986 c.50; section 84(1) is an interpretation provision and is cited because of the meaning assigned to the words “prescribed” and “regulations”.

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- M2** 1975 c.14; subsection (3) was amended by the Social Security Act 1989 (c.24), **section 31(1)** and Schedule 8, paragraph 10; **section 166(3A)** was inserted by section 62(1) of the Social Security Act 1986 and section 166(1) to (3A) is applied by section 83(1) of the Social Security Act 1986.
- M3** See the Social Security Act 1986 (c.50), **section 61(1)(b)** and (10). The Social Security Act 1989 (c.24), **Schedule 8**, added a definition of “regulations” to section 61(10) of the Social Security Act 1986.

### Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Income Support (General) Amendment No. 4 Regulations 1991 and shall, subject to paragraph (2) below, come into force as follows—

- (a) regulations 1, 2, 10 to 12, 14 and 15(e), on 5th August 1991;
- (b) regulations 15(a) to (c), 16 and 17, on 1st October 1991;
- (c) regulations 4, 6 to 9, 13, 15(d), 18 to 21 and regulations 22 to 24 only insofar as they relate to regulations 4 and 13(b), on 7th October 1991;
- (d) regulations 3 and 5 and regulations 22 to 24 only insofar as they relate to regulation 3, on 7th April 1992.

(2) These Regulations shall not apply in relation to a particular claimant until the beginning of the first benefit week to commence for that claimant on or after the date specified in paragraph (1); and for this purpose the expressions “claimant” and “benefit week” have the same meanings as in the General Regulations.

(3) In these Regulations “the General Regulations” means the Income Support (General) Regulations 1987<sup>M4</sup>.

#### Marginal Citations

- M4** S.I. 1987/1967; relevant amending instruments are S.I. 1988/663, 1228 and 1445, 1989/534, 1034 and 1323, 1990/ 127, 547, 1549 and 1776 and 1991/503.

### Amendment of regulation 2 of the General Regulations

2. In regulation 2(1) of the General Regulations (interpretation)<sup>M5</sup>, after the definition of “invalid carriage or other vehicle”, there shall be inserted the following definition—

““last day of the course” has the meaning prescribed in regulation 61 for the purposes of the definition of “period of study”.”.

#### Marginal Citations

- M5** Relevant amending instrument is 1990/1549.

### Amendment of regulation 5 of the General Regulations

3. In regulation 5(1) of the General Regulations (persons treated as engaged in remunerative work), for the words “not less than 24 hours” there shall be substituted the words “ not less than 16 hours ”.

### Amendment of regulation 6 of the General Regulations

4. In regulation 6 of the General Regulations (persons not treated as engaged in remunerative work) <sup>M6</sup>—

(a) for paragraph (a) there shall be substituted the following paragraph—

“(a) he is mentally or physically disabled, and by reason of that disability—

(i) his earnings are reduced to 75 per cent. or less of what a person without that disability and working the same number of hours would reasonably be expected to earn in that employment or in comparable employment in the area; or

(ii) his number of hours of work are 75 per cent. or less of what a person without that disability would reasonably be expected to undertake in that employment or in comparable employment in the area.”

(b) after paragraph (f) there shall be added the following paragraph—

“(g) he is in employment and lives in, or is temporarily absent from, a residential care home, a nursing home or residential accommodation and his, or his partner’s, applicable amount falls to be calculated in accordance with Part I of Schedule 4 (applicable amounts of persons in residential care and nursing homes) or, as the case may be, paragraph 9, 10 to 10D, 13, 16 or 18 of Schedule 7 (applicable amounts in special cases).”.

#### Marginal Citations

**M6** Relevant amending instrument is [S.I. 1988/1445](#).

### Amendment of regulation 7 of the General Regulations

5. In regulation 7(1) of the General Regulations (meaning of employment) <sup>M7</sup>, in sub-paragraph (c), for the words “not less than 24 hours” there shall be substituted the words “ not less than 16 hours ”.

#### Marginal Citations

**M7** Relevant amending instrument is [S.I. 1989/1323](#).

### Amendment of regulation 13 of the General Regulations

6. In regulation 13 of the General Regulations (circumstances in which persons in relevant education are to be entitled to income support) <sup>M8</sup>—

(a) in paragraph (2), for the words “a young person” there shall be substituted the words “ a person aged 16 or over but under 19 (hereinafter referred to as an eligible person) ”;

(b) in paragraph (3)—

(i) in sub-paragraph (a), for the words “a young person’s parents” there shall be substituted the words “ an eligible person’s parents ”;

(ii) in sub-paragraphs (a)(i) and (ii), for the word “young” there shall be substituted the word “ eligible ” on each occasion where it appears.

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#### Marginal Citations

**M8** Relevant amending instrument is [S.I. 1989/1034](#).

### Amendment of regulation 28 of the General Regulations

7. In regulation 28 of the General Regulations (calculation of income), for paragraph (2) there shall be substituted the following paragraph—

“(2) For the purposes of paragraph (1) “income” includes capital treated as income under regulation 41 (capital treated as income) and income which a claimant is treated as possessing under regulation 42 (notional income).”

### Amendment of regulation 42 of the General Regulations

8. In regulation 42(4) of the General Regulations (notional income) <sup>M9</sup>, in subparagraph (a)(ii)—
- (a) the words “community charge, water charges, or” shall be deleted; and
  - (b) at the end, there shall be added the words “, or is used for any personal community charge, collective community charge contribution or water charges for which that claimant or member is liable”.

#### Marginal Citations

**M9** Relevant amending instruments are [S.I. 1988/1445](#), 1989/534 and 1990/127, 547 and 1776.

### Amendment of regulation 51 of the General Regulations

9. In regulation 51(3) of the General Regulations (notional capital) <sup>M10</sup>, in subparagraph (a)(ii)—
- (a) the words “community charge, water charges, or” shall be deleted; and
  - (b) at the end, there shall be added the words “, or is used for any personal community charge, collective community charge contribution or water charges for which that claimant or member is liable”.

#### Marginal Citations

**M10** Relevant amending instruments are [S.I. 1988/1445](#), 1989/534 and 1990/127, 547 and 1776.

### Amendment of regulation 61 of the General Regulations

10. In regulation 61 of the General Regulations (interpretation)—
- (a) after the definition of “grant income” there shall be inserted the following definition—
 

““last day of the course” means the date on which the last day of the final academic term falls in respect of the course in which the student is enrolled;”;
  - (b) in the definition of “period of study”—
    - (i) in paragraph (a) for the words “to the end” there shall be substituted the words “and ending with the last day of the course”;
    - (ii) in paragraph (b), after the words “any subsequent year of the course,” there shall be added the words “other than the final year of the course,”;

(iii) after paragraph (b) there shall be added the following paragraph—

“(c) in the final year of a course of study of more than one year, the period beginning with that year’s start and ending with the last day of the course;”;

(c) in the definition of “student”, in paragraph (a), for the words “the end of the course” there shall be substituted the words “ the last day of the course ”.

#### **Amendment of regulation 62 of the General Regulations**

**11.** In regulation 62(2)(g) of the General Regulations (calculation of grant income), for the sum “£246” there shall be substituted the sum “ £257 ”.

#### **Amendment of regulation 66A of the General Regulations**

**12.** In regulation 66A(2) of the General Regulations (treatment of student loans) <sup>M11</sup>, in subparagraph (b) for the words “the date on which the course ends,” there shall be substituted the words “ the last day of the course, ”.

#### **Marginal Citations**

**M11** Regulation 66A was inserted by regulation 5(7) of [S.I. 1990/1549](#).

#### **Amendment of Schedule 1 to the General Regulations**

**13.** In Schedule 1 to the General Regulations (persons not required to be available for employment)—

(a) for paragraph 4 (persons caring for another person), there shall be substituted the following paragraphs—

“4.—(1) A person (the carer)—

(a) who is regularly and substantially engaged in caring for another person if—

(i) the person being cared for is in receipt of attendance allowance under section 35 of the Social Security Act ; or

(ii) the person being cared for has claimed attendance allowance under that section but only for the period up to the date of determination of that claim, or the period of 26 weeks from the date of that claim, whichever date is the earlier; or

(b) who is engaged in caring for another person and who is in receipt of an invalid care allowance under section 37 of the Social Security Act.

(2) If paragraph (1) ceases to apply to the carer, he shall not be required to be available for employment for a period of eight weeks from the date upon which that paragraph ceased to apply to him.

**4A.** A person who, had he previously made a claim for income support, would not have been required to be available for employment by reason of subparagraph (1) of paragraph 4 for a period of 8 weeks from the date upon which that sub-paragraph would have ceased to apply to him.”;

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(b) for paragraph 6 (disabled workers), there shall be substituted the following paragraph—

“6. A person to whom regulation 6(a) (persons not treated as engaged in remunerative work) applies.”;

(c) after paragraph 6 there shall be inserted the following—

**Persons in employment living in residential care homes, nursing homes or residential accommodation**

6A. A person to whom regulation 6(g) applies.”;

(d) in paragraph 17 (persons required to attend court), the words “ for any period exceeding two days ” shall be deleted.

**Amendment of Schedule 1A to the General Regulations**

14. In Schedule 1A to the General Regulations (circumstances in which a person aged 16 or 17 is eligible for income support) <sup>M12</sup> in paragraph 1, after the entry relating to paragraph 4 (persons caring for another person) there shall be inserted the following entries—

“paragraph 7	(disabled students)
paragraph 7A	
paragraph 7B”	

**Marginal Citations**

**M12** Schedule 1A was inserted by regulation 8 of [S.I. 1988/1228](#). Relevant amending instrument is [S.I. 1991/503](#).

**Amendment of Schedule 2 to the General Regulations**

15. In Schedule 2 to the General Regulations (applicable amounts)—

(a) in column (2) of paragraph 1—

(i) in sub-paragraphs (1)(a) and (2)(a) for the sum “£23.65” there shall be substituted the sum “ £23.90 ”;

(ii) in sub-paragraphs (1)(b) to (d), (2)(b) and (c) for the sum “£31.15” there shall be substituted the sum “ £31.40 ”;

(b) for paragraph 2 <sup>M13</sup>, there shall be substituted the following paragraph—

“2. The weekly amounts specified in column (2) below in respect of each person specified in column (1) shall be the weekly amounts specified for the purposes of regulations 17(1)(b) and 18(1)(c).

(1)	(2)
Child or Young Person	Amount
Person aged—	

- |  |              |
|--|--------------|
| (a) less than 11;                      | (a) £13.60;  |
| (b) not less than 11 but less than 16; | (b) £20.00;  |
| (c) not less than 16 but less than 18; | (c) £23.90;  |
| (d) not less than 18.                  | (d) £31.40.; |

- (c) in Part II, in paragraph 3 <sup>M13</sup>, for the sum “£7.95” there shall be substituted the sum “£8.70”;
- (d) in paragraph 14ZA (carer premium) <sup>M14</sup> —
- (i) in sub-paragraph (1), at the beginning, there shall be inserted the words “ Subject to sub-paragraphs (3) and (4), ”;
- (ii) after sub-paragraph (2) there shall be added the following sub-paragraphs—
- “(3) Where a carer premium is awarded but the person in respect of whom it has been awarded either ceases to be in receipt of, or ceases to be treated as being in receipt of, invalid care allowance, the condition for the award of the premium shall be treated as satisfied for a period of eight weeks from the date on which that person ceased to be in receipt of, or ceased to be treated as being in receipt of, invalid care allowance.
- (4) Where a person who has been receiving, or who has been treated as receiving invalid care allowance ceases to be in receipt of, or ceases to be treated as being in receipt of, of that allowance and makes a claim for income support, the condition for the award of the carer premium shall be treated as satisfied for a period of eight weeks from the date that the person was last in receipt of, or was last treated as being in receipt of, invalid care allowance.”;
- (e) in paragraph 14A (persons in receipt of concessionary payments) <sup>M15</sup>, for the words “under paragraphs 12 to 14” there shall be substituted the words “ under paragraphs 12 to 14ZA ”.

#### Commencement Information

- II** Reg. 15 partly in force; reg. 15 not in force at Royal Assent; reg. 15(a)-(c) in force at (1.10.1991) by [S.I. 1991/1559, reg. 1](#); reg.15(d) in force for certain specified purposes at (7.10.1991); reg. 15(e) in force for other purposes (5.8.1991) by [S.I. 1991/1559, reg. 1](#)

#### Marginal Citations

- M13** Relevant amending instrument is [S.I. 1991/503](#).
- M14** Paragraph 14ZA was inserted by regulation 8(d) of [S.I. 1990/1776](#).
- M15** Paragraph 14A was inserted by regulation 19(d) of [S.I. 1988/1445](#).

### Amendment of Schedule 3A to the General Regulations

**16.** In Schedule 3A to the General Regulations (protected sum) <sup>M16</sup>, in paragraph 5 (reduction of protected sum)—

- (a) in sub-paragraph (1), for the words “sub-paragraphs (2), (3) and (4)” there shall be substituted the words “ sub-paragraphs (2) to (5) ”;
- (b) after sub-paragraph (4) there shall be added the following sub-paragraph—
- “(5) Where by virtue of the coming into force of regulation 15(a), (b) or (c) of the Income Support (General) Amendment No. 4 Regulations 1991 a claimant’s applicable

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amount increases in his benefit week beginning on a day during the period of 7 days commencing on 1st October 1991, no account shall be taken of that increase.”.

#### Marginal Citations

**M16** Schedule 3A was inserted by Schedule 2 to [S.I. 1988/1445](#). Relevant amending instruments are [S.I. 1989/534](#) and 1990/547.

### Amendment of Schedule 3B to the General Regulations

**17.** In Schedule 3B to the General Regulations (protected sum) <sup>M17</sup>, in paragraph 4 (reduction of protected sum)—

- (a) in sub-paragraph (1), for the words “sub-paragraphs (2) and (3)” there shall be substituted the words “sub-paragraphs (2) to (4)”;
- (b) after sub-paragraph (3) there shall be added the following sub-paragraph—

“(4) Where by virtue of the coming into force of regulation 15(a), (b) or (c) of the Income Support (General) Amendment No. 4 Regulations 1991 a claimant’s applicable amount increases in his benefit week beginning on a day during the period of 7 days commencing on 1st October 1991, no account shall be taken of that increase.”.

#### Marginal Citations

**M17** Schedule 3B was inserted by Schedule 2 to [S.I. 1989/534](#). Relevant amending instrument is [S.I. 1990/547](#).

### Amendment of Schedule 4 to the General Regulations

**18.** In Part II of Schedule 4 to the General Regulations (applicable amounts of persons in residential care and nursing homes) after paragraph 17 there shall be added the following paragraph—

“**18.** A person who is living in a residential care home within the meaning of paragraph (d) of the definition of “residential care home” in regulation 19(3) and who is not in receipt of personal care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder.”.

### Amendment of Schedule 7 to the General Regulations

**19.** In Schedule 7 to the General Regulations (applicable amounts in special cases) <sup>M18</sup>, in column (1)—

- (a) in paragraph 11A for the words “circumstances specified in regulation 4(3)(a) to (d)” there shall be substituted the following—
  - “in the circumstances specified in paragraph (2).
  - (2) For the purposes of sub-paragraph (1), the specified circumstances are—
    - (a) in respect of a claimant, those in regulation 4(3)(a) to (d);
    - (b) in respect of a claimant’s partner, as if regulation 4(3)(a) to (d) applied to that partner.”;

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(b) in paragraph 12A for the words “circumstances specified in regulation 4(3)(a) to (d)” there shall be substituted the following—

“in the circumstances specified in paragraph (2).

(2) For the purposes of sub-paragraph (1), the specified circumstances are—

- (a) in respect of a claimant, those in regulation 4(3)(a) to (d);
- (b) in respect of a claimant’s partner or partners, as the case may be, as if regulation 4(3)(a) to (d) applied to that partner or those partners.”.

**Marginal Citations**

**M18** Paragraphs 11A and 12A were inserted by regulation 21(h) and (j) of [S.I. 1990/547](#).

**Amendment of Schedule 9 to the General Regulations**

**20.** In Schedule 9 to the General Regulations (sums to be disregarded in the calculation of income other than earnings) <sup>M19</sup> —

(a) in paragraph 15(2) (disregard of charitable and voluntary payments from income)—

- (i) the words “ community charge, water charges, or ” shall be omitted; and
- (ii) at the end, there shall be added the words “ , or is used for any personal community charge, collective community charge contribution or water charges for which that claimant or member is liable ”;

(b) in paragraph 16 (disregard of £10 from certain pensions), for sub-paragraph (b) there shall be substituted the following sub-paragraph—

- “(b) a pension paid by the government of a country outside Great Britain which is either—
  - (i) analogous to a war disablement pension; or
  - (ii) analogous to a war widow’s pension;”.

**Marginal Citations**

**M19** Relevant amending instruments are [S.I. 1990/547](#) and 1776.

**Amendment of Schedule 10 to the General Regulations**

**21.** In Schedule 10 to the General Regulations (capital to be disregarded) <sup>M20</sup>, in paragraph 23, following the word “occupational” there shall be added the words “ or personal ”.

**Marginal Citations**

**M20** Paragraph 23 was added by regulation 36(b) of [S.I. 1988/663](#).

**Saving Provision**

<sup>F1</sup>**22.** .....

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**Textual Amendments**

**F1** Regs. 22-24 revoked (25.1.2010) by Social Security (Miscellaneous Amendments) (No.5) Regulations 2009 (S.I. 2009/3228), regs. 1(2), **4(2)**

**Circumstances in which regulation 22 ceases to apply**

**F1** **23.** . . . . .

**Textual Amendments**

**F1** Regs. 22-24 revoked (25.1.2010) by Social Security (Miscellaneous Amendments) (No.5) Regulations 2009 (S.I. 2009/3228), regs. 1(2), **4(2)**

**Permitted period**

**F1** **24.** . . . . .

**Textual Amendments**

**F1** Regs. 22-24 revoked (25.1.2010) by Social Security (Miscellaneous Amendments) (No.5) Regulations 2009 (S.I. 2009/3228), regs. 1(2), **4(2)**

Signed by authority of the Secretary of State for Social Security.

*Nicholas Scott*  
Minister of State,  
Department of Social Security

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## EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Income Support (General) Regulations 1987 in the following respects—

**a)** they define the last day of a student's course, make certain consequential amendments in this respect, increase to £257 the amount to be disregarded from a student's grant income in respect of books and equipment and clarify the circumstances in which certain disabled students aged 16 and 17 are entitled to income support (regulations 2, 10 to 12 and 14);

**b)** they reduce from 24 to 16 the number of hours constituting employment, and below which a person in employment is not treated as being in remunerative work for the purposes of entitlement to income support, amend the circumstances in which physically or mentally disabled persons, and certain persons in residential or nursing care, or residential accommodation, although employed, are treated as not being in remunerative work nor required to be available for employment and make saving provision in respect of certain persons affected by these changes (regulations 3 to 5, 13(b) and (c) and 22 to 24);

**c)** they provide a new definition in respect of those aged 16 and over but under 19 who are entitled to income support while in certain types of education, restrict the applicable amount of those in certain residential care homes who are not receiving personal care, make minor technical amendments in respect of capital and income which a person is treated as having and provide for personal community charge and collective community charge contributions made to a third party in respect of a claimant or a member of his family to be treated as notional income or capital of the claimant (regulations 6 to 9, 18 and 20(a));

**d)** they clarify the circumstances in which those caring for others where certain allowances are in payment, are not required to be available for employment, provide for a further exemption from that requirement where the circumstances have ceased to apply and remove the two day minimum period for court attendance in respect of exemption from that requirement (regulation 13(a) and (d));

**e)** they further increase, by 25p a week, the personal allowance for certain persons under 18, or under 25, they increase the family premium by 75p and provide that where a claimant who benefits from any of these increases has a protected sum in respect of board and lodging or hostel costs, that sum is not eroded by the increase in the personal allowance (regulations 15(a) to (c), 16 and 17);

**f)** they extend the period to which entitlement to a carer premium applies and provide that, in determining whether that premium is payable, concessionary payment of invalid care allowance is to be treated as if it were a payment of that benefit (regulation 15(d) and (e));

**g)** they clarify the manner in which certain applicable amounts are to be calculated where a claimant or his partner is temporarily absent abroad in certain circumstances (regulation 19);

**h)** they provide that £10 of certain pensions paid by foreign governments is to be disregarded in calculating income and that the value of a personal pension is to be disregarded in calculating capital (regulations 20(b) and 21).

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- Regulations modified by [S.I. 1999/779 art. 2Sch.](#)
- reg. 5 revoked by [S.I. 1992/468 reg. 13\(2\)](#)
- reg. 1314 revoked by [S.I. 1996/206 reg. 28Sch. 3](#)
- reg. 2324 modified by [S.I. 1996/207 reg. 51\(5\)](#)
- reg. 24(1)(a) words omitted by [S.I. 1996/206 reg. 30\(a\)](#)
- reg. 24(2)(3) omitted by [S.I. 1996/206 reg. 30\(b\)](#)