
STATUTORY INSTRUMENTS

1987 No. 1967

The Income Support (General) Regulations 1987

PART V

INCOME AND CAPITAL

CHAPTER V

other income

Capital treated as income

41.—^{F1}(1) Capital which is payable by instalments which are outstanding on—

- (a) the first day in respect of which income support is payable or the date of the determination of the claim, whichever is earlier; or
- (b) in the case of a supersession, the date of that supersession,

shall be treated as income if the aggregate of the instalments outstanding and the amount of the claimant's capital otherwise calculated in accordance with Chapter VI of this Part exceeds^{F2}... £16,000.]

(2) Any payment received under an annuity shall be treated as income.

(3) ^{F3}In the case of a person to whom section 23 of the Act (trade disputes) applies [^{F4}or in respect of whom section 20(3) of the Act (conditions of entitlement to income support) has effect as modified by section 23A(b) of the Act (effect of return to work)], any payment under [^{F5} [^{F6}section 17, 23B, 23C or 24A of the Children Act 1989] or, as the case may be, [^{F7}section 12 of the Social Work (Scotland) Act 1968 or sections 29 or 30 of the Children (Scotland) Act 1995] (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) shall be treated as income.]

^{F8}(4) In the case of a person to whom section 20(3) of the Act (conditions of entitlement to income support) has effect as modified by section 23A(b) of that Act (effect of return to work), any amount by way of repayment of income tax deducted from his emoluments in pursuance of section 203 of the Income and Corporation Taxes Act 1988, shall be treated as income.]

^{F9}(5) Any earnings to the extent that they are not a payment of income shall be treated as income.]

^{F10}(6) Any Career Development Loan paid pursuant to section 2 of the Employment and Training Act 1973 shall be treated as income.]

^{F11}(7) Where an agreement or court order provides that payments shall be made to the claimant in consequence of any personal injury to the claimant and that such payments are to be made, wholly or partly, by way of periodical payments, any such periodical payments received by the claimant (but not a payment which is treated as capital by virtue of this Part), shall be treated as income.]

Textual Amendments

- F1** Reg. 41(1) substituted (29.11.1999) by The Social Security Act 1998 (Commencement No. 12 and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/3178), reg. 3(1)(a), **Sch. 5 para. 3** (with reg. 3(1)(b), Schs. 21-23)
- F2** Words in reg. 41(1) omitted (with effect in accordance with reg. 1(6) of the amending S.I.) by virtue of The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2005 (S.I. 2005/2465), regs. 1(6)(a), **2(2)**
- F3** Reg. 41(3) omitted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by virtue of The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), **Sch. 1 para. 9**
- F4** Words in reg. 41(3) substituted (11.4.1988) by The Income Support (General) Amendment Regulations 1988 (S.I. 1988/663), regs. 1(1), **18**
- F5** Words in reg. 41(3) substituted (10.7.1989) by The Family Credit and Income Support (General) Amendment Regulations 1989 (S.I. 1989/1034), regs. 1(1)(a), **7**
- F6** Words in reg. 41(3) substituted (1.10.2001) by The Children (Leaving Care) Act 2000 (Commencement No. 2 and Consequential Provisions) Order 2001 (S.I. 2001/3070), art. 3(1), **Sch. 1** (c)(i)
- F7** Words in reg. 41(3) substituted (12.5.2004) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2004 (S.I. 2004/1141), regs. 1(1), **5**
- F8** Reg. 41(4) added (12.9.1988) by The Income Support (General) Amendment No. 4 Regulations 1988 (S.I. 1988/1445), regs. 1(1)(b), **9**
- F9** Reg. 41(5) added (9.10.1989) by The Income Support (General) Amendment No. 2 Regulations 1989 (S.I. 1989/1323), regs. 1(1)(b), **13**
- F10** Reg. 41(6) added (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by The Income-related Benefits and Jobseeker's Allowance (Miscellaneous Amendments) Regulations 1997 (S.I. 1997/65), regs. 1(1)(2), **3(3)(e)**
- F11** Reg. 41(7) added (28.10.2002) by The Social Security Amendment (Personal Injury Payments) Regulations 2002 (S.I. 2002/2442), regs. 1(1), **2(c)**

Commencement Information

- I1** Reg. 41 in force at 11.4.1988, see reg. 1

Changes to legislation:

There are currently no known outstanding effects for the The Income Support (General) Regulations 1987, Section 41.