

**1988 No. 1228**

**SOCIAL SECURITY**

**The Income Support (General) Amendment No. 3  
Regulations 1988**

<i>Made</i> - - - - -	<i>15th July 1988</i>
<i>Laid before Parliament</i>	<i>15th July 1988</i>
<i>Coming into force</i>	
<i>Regulations 1 and 3</i>	<i>29th August 1988</i>
<i>Regulations 2 and 4 to 10 and the Schedule</i>	<i>12th September 1988</i>

The Secretary of State for Social Services in exercise of the powers conferred on him by sections 20(3)(a) and (d) and (12)(f), 22(1), (5), (8) and (9)(a) and 84(1) of the Social Security Act 1986(a) and section 166(1) to (3A) of the Social Security Act 1975(b) and of all other powers enabling him in that behalf, by this instrument, which is made before the end of a period of 12 months from the commencement of the enactments under which it is made, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Income Support (General) Amendment No. 3 Regulations 1988 and shall come into force as follows—

- (a) regulations 1 and 3, on 29th August 1988;
- (b) regulations 2 and 4 to 10 and the Schedule, on 12th September 1988.

(2) In these Regulations “the General Regulations” means the Income Support (General) Regulations 1987(c).

**Amendment of regulation 2 of the General Regulations**

2. In regulation 2(1) of the General Regulations (interpretation)—

- (a) after the definition of “polygamous marriage” there shall be inserted the following definition—

““registered person” means a person registered with a body mentioned in regulation 7D(1)(a)(i) to (iv) of the Child Benefit (General) Regulations 1976(d) for—

- (a) work; or
- (b) training under the youth training scheme;”;

- (b) after the definition of “young person” there shall be inserted the following definition—

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(a) 1986 c.50; section 20(3)(a) was amended by the Social Security Act 1988 (c.7), section 4(1); section 84(1) is cited because of the meaning assigned to the words “prescribed” and “regulations”.

(b) 1975 c.14; section 166(3A) is inserted by section 62 of the Social Security Act 1986 and section 166(1) to (3A) is applied by section 83(1) of that Act.

(c) S.I. 1987/1967, amended by S.I. 1988/663, 910 and 999.

(d) S.I. 1976/965; the relevant amending regulation is S.I. 1988/1227.

““youth training scheme” means—

- (a) arrangements made under section 2 of the Employment and Training Act 1973(a) (functions of the Secretary of State); or
- (b) arrangements made by the Secretary of State for persons enlisted in Her Majesty’s forces for any special term of service specified in regulations made under section 2 of the Armed Forces Act 1966(b) (power of Defence Council to make regulations as to engagement of persons in regular forces),

for purposes which include the training of persons who, at the beginning of their training, are under the age of 18.”.

#### **Amendment of regulation 12 of the General Regulations**

3. In regulation 12 of the General Regulations (relevant education) the words “except that, in a case” to the end of that regulation shall be omitted.

#### **Insertion of regulation 13A into the General Regulations**

4. After regulation 13 of the General Regulations (persons in relevant education who are entitled to income support) there shall be inserted the following regulation—

##### **“Persons under 18 years**

13A.—(1) A person to whom this regulation applies and for the period specified in relation to him is a person within the prescribed circumstances and period mentioned in section 20(3)(a) of the Act (conditions of entitlement for persons under 18).

(2) This regulation applies to a person of or over the age of 16—

- (a) to whom any paragraph of Schedule 1A (circumstances in which a person aged 16 or 17 is eligible for income support) applies; and
- (b) for the period for which that paragraph applies or, if the relevant date specified in paragraph (3) falls within that period, for so much thereof as falls before that date.

(3) In the case of a person—

- (a) to whom any paragraph in Part I (persons eligible until 18) of Schedule 1A applies, the relevant date is the date on which he attains the age of 18;
- (b) other than one to whom sub-paragraph (a) applies, to whom any paragraph in Part II (persons eligible until the relevant date) of that Schedule applies, the relevant date is the date determined in accordance with paragraph (7).

(4) This regulation also applies to a person of, or over, the age of 16, other than one to whom any paragraph in Schedule 1A applies who is—

- (a) incapable of work and training under the youth training scheme by reason of some disease or bodily or mental disablement if, in the opinion of a medical practitioner, that incapacity is likely to end within a period of less than 12 months; or
- (b) a student, except during a period of study; or
- (c) a registered person who has been discharged from any institution to which the Prison Act 1952(c) applied or from custody under the Criminal Procedure (Scotland) Act 1975(d) after the relevant date determined in accordance with paragraph (7) and who is within the circumstances specified in Part II of Schedule 1A.

(5) Paragraph (4)(a) and (b) shall have effect for a period—

- (a) beginning on the date on which paragraph (4)(a) or, as the case may be, paragraph (4)(b) applies to that person which first falls on or after the relevant date determined in accordance with paragraph (7); and
- (b) ending on the date on which that person attains the age of 18 or the date on

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(a) 1973 c.50; section 2 is substituted by the Employment Act 1988 (c.19), section 25(1).

(b) 1966 c.45.

(c) 1952 c.52.

(d) 1975 c.21.

which paragraph (4)(a) or (b), as the case may be, ceases to apply to him, whichever first occurs.

- (6) Paragraph (4)(c) shall have effect for a period—
- (a) beginning on that date on which paragraph (4)(c) applies to that person which first falls on or after the relevant date determined in accordance with paragraph (7); and
  - (b) ending either eight weeks after the date on which that period begins or on the date on which that person attains the age of 18, whichever first occurs.
- (7) For the purposes of paragraphs (3)(b) and (4) to (6)—
- (a) in the case of a person who ceases to be treated as a child by virtue of section 2(1)(a) of the Child Benefit Act 1975(a) (meaning of child) or regulation 7 of the Child Benefit (General) Regulations 1976(b) (circumstances in which a person who has ceased to receive full-time education is to continue to be treated as a child)—
    - (i) on or after the first Monday in September, but before the first Monday in January of the following year, the relevant date is the last day of the week which falls immediately before the week which includes the first Monday in January in that year;
    - (ii) on or after the first Monday in January but before the Monday following Easter Monday in that year, the relevant date is the last day of the week which falls 12 weeks after the week which includes the first Monday in January in that year;
    - (iii) at any other time of the year, the relevant date is last day of the week which falls 12 weeks after the week which includes the Monday following Easter Monday in that year;
  - (b) in the case of a person who was not treated as a child by virtue of section 2(1)(a) of that Act immediately before he was 16 and who has not been treated as a child by virtue of regulation 7 of those Regulations (interruption of full-time education), the relevant date is the date determined in accordance with sub-paragraph (a)(i), (ii) or (iii) as if he had ceased full-time education on the first date on which education ceased to be compulsory for a person of his age in England and Wales or, if he is resident in Scotland, in Scotland.”.

#### **Amendment of regulation 18 of the General Regulations**

5. In regulation 18 of the General Regulations (polygamous marriages)—
- (a) for the words “Subject to regulations” there shall be substituted the words “(1) Subject to paragraph (2) and regulations”;
  - (b) in paragraph (1)(b) for the words “sub-paragraphs (3)(b) and” there shall be substituted the words “sub-paragraphs (3)(c) and”;
  - (c) at the end of paragraph (1) there shall be added the following paragraph—

“(2) In the case of a partner who is aged less than 18, the amount which applies in respect of that partner shall be nil unless—

    - (a) that partner is treated as responsible for a child, or
    - (b) that partner is a person who—
      - (i) had he not been a member of a polygamous marriage would have been eligible for income support by virtue of regulation 13A (circumstances in which a person aged 16 or 17 is eligible for income support); or
      - (ii) is a person in respect of whom there is a direction under section 20(4A) of the Act(c) (income support to avoid severe hardship).”.

#### **Amendment of regulation 23 of the General Regulations**

6.—(1) In regulation 23 of the General Regulations (calculation of income and capital)—

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(a) 1975 c.61.

(b) S.I. 1976/965; regulation 7 was substituted by S.I. 1980/1045 and amended by S.I. 1982/470 and 1987/357.

(c) Sub-section (4A) of section 20 of the Social Security Act 1986 (c.50) was inserted by section 4(2) of the Social Security Act 1988 (c.7).

- (a) in paragraph (1), for the words from the beginning to “(modifications in respect of children and young persons),” there shall be substituted the words “Subject to paragraphs (2) and (4) and to regulation 44 (modifications in respect of children and young persons), the income and capital of a claimant’s partner and”;
- (b) in paragraph (3) at the beginning there shall be inserted the words “Subject to paragraph (5)”;
- (c) after paragraph (3) there shall be inserted the following paragraphs—

“(4) Where at least one member of a couple is aged less than 18 and the applicable amount of the couple falls to be determined under paragraph 1(3)(b), (e) or (f) of Schedule 2 (applicable amounts), the income of the claimant’s partner shall not be treated as the income of the claimant to the extent that—

- (a) in the case of a couple where both members are aged less than 18, the amount specified in paragraph 1(3)(a) of that Schedule exceeds the amount specified in paragraph 1(3)(b) of that Schedule; and
- (b) in the case of a couple where only one member is aged less than 18, the amount specified in paragraph 1(3)(d) of that Schedule exceeds the amount which applies in that case which is specified in paragraph 1(3)(e) or (f) of that Schedule.

(5) Where a member of a polygamous marriage is a partner aged less than 18 and the amount which applies in respect of him under regulation 18(2) (polygamous marriages) is nil, the claimant shall not be treated as possessing the income of that partner to the extent that an amount in respect of him would have been included in the applicable amount if he had fallen within the circumstances set out in regulation 18(2)(a) or (b).”.

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

7. In Schedule 1 to the General Regulations (persons not required to be available for employment), after paragraph 21 (persons in custody) there shall be inserted the following paragraph—

#### **“Member of couple looking after children while other member temporarily abroad**

22. A person who is a member of a couple and who is treated as responsible for a child who is a member of his household where the other member of that couple is temporarily abroad.”.

#### **Insertion of Schedule 1A into the General Regulations**

8. After Schedule 1 to the General Regulations (persons not required to be available for employment) there shall be inserted Schedule 1A set out in the Schedule to these Regulations.

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

9. In Schedule 2 to the General Regulations (applicable amounts) for sub-paragraph (3) of paragraph 1 (personal allowances) there shall be substituted the following sub-paragraph—

#### **“(3) Couple—**

- (a) where both members are persons aged less than 18 (3)(a) £38.80; and—
  - (i) at least one of them is treated as responsible for a child; or
  - (ii) had they not been members of a couple, each would be eligible for income support under regulation 13A (circumstances in which a person aged 16 or 17 is eligible for income support); or
  - (iii) they are married and each member is either a registered person or a person to whom Part I of Schedule 1A applies; or

- (iv) there is a direction under section 20(4A) of the Act (income support to avoid severe hardship) in respect of each member; or
  - (v) there is a direction under section 20(4A) of the Act in respect of one of them and the other is eligible for income support under regulation 13A;
  - (b) where both members are aged less than 18 and sub-paragraph (3)(a) above does not apply but one member of the couple—
    - (i) is eligible for income support under regulation 13A; or
    - (ii) is the subject of a direction under section 20(4A);
  - (c) where both members are aged not less than 18;
  - (d) where one member is aged not less than 18 and the other member is a person under 18 who—
    - (i) is eligible for income support under regulation 13A; or
    - (ii) is the subject of a direction under section 20(4A);
  - (e) where one member is aged not less than 18 but less than 25 and the other member is a person under 18 who—
    - (i) is not eligible for income support under regulation 13A; or
    - (ii) is not the subject of a direction under section 20(4A);
  - (f) where one member is aged not less than 25 and the other member is a person under 18 who—
    - (i) is not eligible for income support under regulation 13A; and
    - (ii) is not the subject of a direction under section 20(4A).”.
- (b) £19.40;  
(c) £51.45;  
(d) £51.45;  
(e) £26.05;  
(f) £33.40.

#### **Amendment of Schedule 5 to the General Regulations**

**10.** In Schedule 5 to the General Regulations (applicable amounts of persons in board and lodging accommodation or hostels)—

- (a) in paragraph 1(1)(b), after the words “for each member of his family” there shall be inserted the words “, subject to sub-paragraph (3),”;
- (b) after paragraph 1(2) there shall be inserted the following sub-paragraph—
 

“(3) No amount shall be included for personal expenses for a partner aged less than 18 other than one to whom regulation 13A applies or one who is the subject of a direction under section 20(4A) of the Act.”.

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

15th July 1988

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

To be inserted after Schedule 1 to the General Regulations—

## “SCHEDULE 1A

Regulation 13A

## CIRCUMSTANCES IN WHICH A PERSON AGED 16 OR 17 IS ELIGIBLE FOR INCOME SUPPORT

## PART I

## PERSONS ELIGIBLE UNTIL 18

1. A person who is not required to be available for employment under any of the following paragraphs of Schedule 1 (persons not required to be available for employment)—

paragraph 1	(lone parents)
paragraph 2	(single persons looking after foster children)
paragraph 3	(persons temporarily looking after another person)
paragraph 4	(persons caring for another person)
paragraph 8	(blind persons)
paragraph 9	(pregnancy)
paragraph 10	(persons in education)
paragraph 11	(training allowances)
paragraph 16	(refugees)
paragraph 20	(persons from abroad).
paragraph 22	(member of couple looking after children while other member temporarily abroad).

2. A person who is incapable of work and training under the youth training scheme, by reason of some disease or bodily or mental disablement if, in the opinion of a medical practitioner, that incapacity is unlikely to end within 12 months because of the severity of that disease or disablement.

3. A person who is a member of a couple and is treated as responsible for a child who is a member of his household.

4. A person who is temporarily laid off employment and is available to be re-engaged in that employment.

## PART II

## PERSONS ELIGIBLE UNTIL THE RELEVANT DATE DETERMINED UNDER REGULATION 13A(3)(b)

5. A registered person who is a member of a married couple where the other member of that couple is aged not less than 18 or is a registered person or a person to whom Part I of this Schedule applies.

6. A registered person who has no parent nor any person acting in the place of his parents.

7. A registered person who—

- (a) is not living with his parents nor any person acting in the place of his parents; and
- (b) was in the care of a local authority under a relevant enactment and whilst in that care was not living with his parents or any close relative, or was in custody in any institution to which the Prison Act 1952(a) applied or under the Criminal Procedure (Scotland) Act 1975(b) immediately before he attained the age of 16.

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(a) 1952 c.52.

(b) 1975 c.21.

**8.** A registered person who is in accommodation which is other than his parental home, or the home of a person acting in the place of his parents, who entered that accommodation—

- (a) as part of a programme of rehabilitation or resettlement, that programme being under the supervision of the probation service or a local authority; or
- (b) in order to avoid physical or sexual abuse; or
- (c) because of a mental or physical handicap or illness and needs such accommodation because of his handicap or illness.

**9.** A registered person who is living away from his parents and any person who is acting in the place of his parents in a case where his parents are or, as the case may be, that person is, unable financially to support him and his parents are, or that person is—

- (a) chronically sick or mentally or physically disabled; or
- (b) detained in custody pending trial or sentence upon conviction or under a sentence imposed by a court; or
- (c) prohibited from entering or re-entering Great Britain.

**10.** In this Schedule—

- (a) any reference to a person acting in the place of a registered person's parents includes a reference to a local authority or voluntary organisation where the registered person is in their care under a relevant enactment, or to a person with whom the registered person is boarded out by a local authority or voluntary organisation whether or not any payment is made by them; and
- (b) "chronically sick or mentally or physically disabled" has the same meaning as in regulation 13(3)(b) (circumstances in which persons in relevant education are to be entitled to income support)."

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the Income Support (General) Regulations 1987. They are made before the end of a period of 12 months from commencement of the enactments under which they are made and are therefore exempt, under section 61(5) of the Social Security Act 1986, from the requirement in section 10 of the Social Security Act 1980 to refer proposals to make regulations to the Social Security Advisory Committee.

The Regulations extend the period during which most young people are ineligible to income support on leaving relevant education (regulation 3); prescribe the circumstances in which persons under the age of 18 years may be entitled to income support and the period of entitlement (regulations 4 and 8); amend the provisions under which applicable amounts are calculated in respect of members of polygamous marriages (regulations 5 and 10) and couples (regulations 9 and 10) which include partners under the age of 18 and specify the part of the income of partners under that age which is not to be aggregated with that of claimants when no increase in the applicable amount of claimants is made on account of such partners (regulation 6). The Regulations also provide for a claimant who is a member of a couple responsible for a child, and whose partner is temporarily abroad, not to be required to be available for employment (regulation 7).

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