

1989 No. 1626

SOCIAL SECURITY

The Income Support (Transitional) Amendment  
Regulations 1989

*Made* - - - - - *5th September 1989*  
*Laid before Parliament* *13th September 1989*  
*Coming into force* *9th October 1989*

The Secretary of State for Social Security in exercise of powers conferred by section 89(1A) of the Social Security Act 1986<sup>(a)</sup> and of all other powers enabling him in that behalf by this instrument which is made before the end of a period of 6 months from the commencement of the enactment under which it is made, hereby makes the following Regulations:

**Citation and commencement**

1.—(1) These Regulations may be cited as the Income Support (Transitional) Amendment Regulations 1989 and shall come into force on 9th October 1989.

(2) In these Regulations “the Transitional Regulations” means the Income Support (Transitional) Regulations 1987<sup>(b)</sup>.

**Insertion of new regulation 2A in the Transitional Regulations**

2. After regulation 2 of the Transitional Regulations (interpretation) there shall be inserted the following regulation—

**“Permitted period**

2A.—(1) For the purposes of regulations 14 and 15 (reduction and termination of transitional addition and special transitional addition) where a claimant has ceased to be entitled to income support—

- (a) because he or his partner becomes engaged in remunerative work the permitted period, subject to paragraph (2), shall be 12 weeks; or
- (b) for any other reason, the permitted period shall be eight weeks.

(2) Subject to paragraph (3), where the claimant or his partner has ceased to be engaged in remunerative work referred to in paragraph (1)(a) the permitted period shall be eight weeks if—

- (a) the claimant’s weekly applicable amount is reduced under regulation 22 of the General Regulations (reduction in applicable amounts in certain cases of actual or notional unemployment benefit disqualification) because of the cessation of that work; or
- (b) the claimant or his partner has ceased to be engaged in that work within 6 weeks of beginning it; or

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<sup>(a)</sup> 1986 c.50: subsection (1A) is added by paragraph 10(2) of Schedule 8 to the Social Security Act 1989 (c.24).  
<sup>(b)</sup> S.I. 1987/1969; amended by S.I. 1988/521 and 670.

- (c) at any time during the period of 26 weeks immediately preceding the beginning of that work, the person who has ceased to be engaged in it—
  - (i) was engaged in remunerative work; or
  - (ii) was in relevant education; or
  - (iii) was a student.

(3) Paragraph (2)(b) or (c) shall not apply if, by virtue of section 20A(2) of the Social Security Act (exemption from disqualification for unemployment benefit)(a), the person who has ceased to be engaged in remunerative work is exempted from disqualification for receiving unemployment benefit.”.

#### **Amendment of regulation 14 of the Transitional Regulations**

3. In regulation 14 of the Transitional Regulations (reduction and termination of transitional and personal expenses addition)—

- (a) in paragraph (1) in sub-paragraphs (a) and (d) after the reference “Part IV” there shall be inserted in each of those sub-paragraphs the reference “or VI”;

- (b) after paragraph (1C) there shall be inserted the following paragraphs—

“(1D) Notwithstanding paragraph (1)(a) or (d), the amount of a claimant’s transitional addition shall not be reduced if, and to the extent that, the increase in his applicable amount is attributable to the amendments made by regulation 5(a) and (c) of the Income Support (General) Amendment Regulations 1989(b) and that increase in his applicable amount takes effect in his benefit week beginning on a day during the period of 7 days commencing on 9th October 1989.

(1E) Notwithstanding paragraph (1)(a) or (d), where a claimant’s applicable amount increases by virtue of his or his partner’s participation or ceasing to participate in arrangements for training made under section 2 of the Employment and Training Act 1973(c) or his or his partner’s attendance or ceasing to attend at a course at an employment rehabilitation centre established under that section, his transitional addition shall not be reduced by the amount of that increase.

- (1F) Notwithstanding paragraph (1)(a) or (d), where—

- (a) a claimant has ceased to be entitled to a transitional addition because he or his partner becomes engaged in remunerative work and immediately before he so ceased a higher pensioner premium or a disability premium was applicable to him under paragraph 10 or, as the case may be, 11 of Schedule 2 to the General Regulations (applicable amounts); and

- (b) he becomes re-entitled to that addition by virtue of paragraph (3A) or (4A) or regulation 15(4) (special transitional addition),

his transitional addition shall not be reduced if the higher pensioner premium or the disability premium again becomes applicable to him to the extent that any increase in his applicable amount is attributable to that premium.”;

- (c) in paragraph (3) at the beginning there shall be inserted the words “Except where paragraph (3A) applies,”;

- (d) after paragraph (3) there shall be inserted the following paragraph—

“(3A) A claimant who has ceased to be entitled to income support and a transitional addition because he or his partner has become engaged in remunerative work shall, if during the permitted period determined in accordance with regulation 2A (permitted period) beginning with the day after the day on which he ceased to be so entitled he or his partner has ceased to be engaged in that work, be re-entitled to a transitional addition of an amount equal to the amount of the transitional addition to which he was previously entitled subject to any reduction in that amount which would have occurred under paragraph (1)(a) had he remained entitled to income support.”;

- (e) in paragraph (4) at the beginning there shall be inserted the words “Except where paragraph (4A) applies,”;

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(a) 1975 c.14; section 20A is inserted by section 12(4) of the Social Security Act 1989.

(b) S.I. 1989/534.

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

(f) after paragraph (4) there shall be inserted the following paragraph—

“(4A) A claimant who was entitled only to a transitional addition and who has ceased to be entitled to such an addition because he or his partner became engaged in remunerative work shall, if during the permitted period determined in accordance with regulation 2A beginning with the day after the day on which he has ceased to be so entitled he or his partner ceased to be engaged in that work, be re-entitled to a transitional addition of an amount equal to the amount by which his total benefit income in his first benefit week exceeds his total benefit income in the benefit week in which he becomes re-entitled, or the amount to which he was previously entitled, whichever is the lower.”.

#### **Amendment of regulation 15 of the Transitional Regulations**

4. In regulation 15 of the Transitional Regulations (special transitional addition) in paragraph (4) for the words “not more than 8 weeks after” wherever they occur in that paragraph there shall be substituted the words “during the permitted period determined in accordance with regulation 2A (permitted period) beginning with the day after”.

Signed by authority of the Secretary of State  
for Social Security  
5th September 1989

*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 (Transitional) Regulations 1987 by providing for a person's transitional addition not to be reduced by any increase in his applicable amount in the benefit week commencing 9th October 1989 consequent upon the introduction of the new pensioner premium for persons 75 and over, or upon the uprating of the higher pensioner premium, or by any increase in the applicable amount consequent upon attendance on a training course (regulation 3(b) in so far as it inserts new paragraphs (1D) and (1E)); and provide, in urgent cases, for the addition to be reduced by any increase in a person's applicable amount (regulation 3(a)).

They also make provision for a person to be re-entitled to a transitional addition or special transitional addition where he has ceased to be so entitled because he or his partner is engaged in remunerative work if before the end of the permitted period he ceases to be so engaged; and provide for the permitted period in such cases to be 12 weeks, or the lesser period of eight weeks if the claimant's applicable amount is subject to a reduction, or he has left the employment within 6 weeks or he was engaged in remunerative work, in relevant education or a student within the preceding 26 weeks (regulations 2, 3(c) to (e) and 4); and, where a higher pensioner premium or disability premium again becomes applicable to the claimant, provide for the addition not to be reduced by any increase in his applicable amount attributable to that premium (regulation 3(b) in so far as it inserts new paragraph (1F)).

The Regulations are made before the expiry of 6 months from the commencement of the enactment under which they are made; they are accordingly exempt by section 61(5) of the Social Security Act 1986 from reference to the Social Security Advisory Committee and have not been so referred.