
STATUTORY INSTRUMENTS

1989 No. 1678

SOCIAL SECURITY

**The Income Support (General)
Amendment No. 3 Regulations 1989**

<i>Made</i>	- - - -	<i>15th September 1989</i>
<i>Laid before Parliament</i>		<i>15th September 1989</i>
<i>Coming into force</i>	- -	<i>9th October 1989</i>

The Secretary of State for Social Security in exercise of the powers conferred by sections 20(1)(a), 22(1), (8) and (9) and 84(1) of the Social Security Act 1986⁽¹⁾ and section 166(1) to (3A) of the Social Security Act 1975⁽²⁾ and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals to make these regulations should not be referred to it, 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 1989 and shall come into force, in relation to a particular claimant, as follows—

- (a) regulations 1, 2 to 8, 10, 11(a) and (b) and 12(b), on 9th October 1989;
- (b) regulations 9, 11(c) and 12(a) immediately after regulations 10 and 11 of the Income Support (General) Amendment Regulations 1989⁽³⁾ come into force.

(2) In paragraph (1) the expression “claimant” has the same meaning as in the General Regulations and in these Regulations “the General Regulations” means the Income Support (General) Regulations 1987⁽⁴⁾.

Insertion of regulation 3A into the General Regulations

2. After regulation 3 of the General Regulations (definition of non-dependant) there shall be inserted the following regulation—

(1) 1986 c. 50; section 84(1) is cited because of the meaning assigned to the words “prescribed” and “regulations”.
(2) 1975 c. 14; section 166(3A) was 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.
(3) S.I.1989/534.
(4) S.I. 1987/1967; relevant amending instruments are S.I.’s 1988/663, 910, 1228, 1445, 2022 and 1989/43, 534 and 1034.

“Permitted period

3A.—(1) For the purposes of regulation 17(6), paragraph 7(10) of Schedule 3, paragraph 7(6) of Schedule 3A, paragraph 6(3) of Schedule 3B and paragraphs 4 and 6 of Schedule 8 (applicable amounts, mortgage interest, protected sums and earnings to be disregarded), 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 twelve 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 the 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 (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
- (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) **(5)**, the person who has ceased to be engaged in remunerative work is exempted from disqualification for receiving unemployment benefit.”.

Amendment of regulation 3 of the General Regulations

3. In regulation 3(2)(c) of the General Regulations (definition of non-dependant) at the end there shall be added the words “and either is a co-owner of that dwelling with the claimant or his partner (whether or not there are other co-owners) or is liable with the claimant or his partner to make payments in respect of his occupation of the dwelling”.

Amendment of regulation 17 of the General Regulations

4. In regulation 17 of the General Regulations (applicable amounts)—

- (a) in paragraph (6) for the words “eight weeks” there shall be substituted the words “the permitted period determined in accordance with regulation 3A (permitted period)”;
- (b) after paragraph (6) there shall be inserted the following paragraph—

“(6A) For the purposes of paragraph (6), where a claimant has ceased to be entitled to income support because he or his partner is participating in arrangements for training made under section 2 of the Employment and Training Act 1973**(6)** or attending a course at an employment rehabilitation centre established under that section, he shall be treated as if he had been entitled to income support for the period during which he or his partner is participating in such arrangements or attending such a course.”.

(5) 1975 c. 14; section 20A is inserted by section 12(4) of the Social Security Act 1989.

(6) 1973 c. 50; section 2 was substituted by the Employment Act 1988 (c. 19), section 25(1).

Amendment of regulation 19 of the General Regulations

5. In regulation 19 of the General Regulations (applicable amounts for persons in residential care and nursing homes)–

(a) in paragraph (1A) after the reference “paragraph (1)(b)” there shall be inserted the reference “and Schedule 4”;

(b) after paragraph (4) there shall be added the following paragraph–

“(5) Notwithstanding the foregoing paragraphs of this regulation, where–

(a) a person has been registered under the Registered Homes Act 1984⁽⁷⁾ in respect of premises which have been carried on as a residential care home or, as the case may be, a nursing home, and that person has ceased to carry on such a home; and

(b) an application for registration under that Act has been made by another person and that application has not been determined or abandoned,

the applicable amount of a person resident in those premises shall be determined under Schedule 4 as if the most recent registration under the Registered Homes Act 1984 in respect of those premises continued until the day on which the application is determined or abandoned.”.

Amendment of Schedule 2 to the General Regulations

6. In Schedule 2 to the General Regulations (applicable amounts)–

(a) in paragraph 1(1)–

(i) in head (a), for the reference “head (b) or (c)” there shall be substituted the reference “head (b)”;

(ii) for heads (b) and (c) there shall be substituted the following head–

“(b) less than 18 who falls within any of the circum-stances specified in Part II of Schedule 1A or who, had he been a registered person, would fall within any of those circumstances, and who–	(b) £27.40;
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(i) is eligible for income support under regulation 13A; or

(ii) is the subject of a direction under section 20(4A) of the Act;”;

(b) in paragraph 1(2)–

(i) in head (a), for the reference “head (b) or (c)” there shall be substituted the reference “head (b)”;

(ii) for heads (b) and (c) there shall be substituted the following head–

“(b) less than 18 who falls within any of the circum-stances specified in Part II of Schedule 1A or who, had he been a registered person,	(b) £27.40;
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(7) 1984 c. 23.

would fall within any of those circumstances, and who—

- (i) is eligible for income support under regulation 13A; or
 - (ii) is the subject of a direction under section 20(4A) of the Act;”;
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- (c) in paragraph 1(3) (aa), in column (1), for the words from “is a person” to “that member” there shall be substituted the words “falls within any of the circumstances specified in Part II of Schedule 1A or who, had he been a registered person, would fall within any of those circumstances and that member”;
 - (d) in paragraph 6, in sub-paragraph (1) for the words from “either the higher pensioner premium” to the end of that sub-paragraph there shall be substituted the words “any other premium which may apply under this Schedule.”;
 - (e) in paragraphs 7(b) and 12(5) after the words “Employment and Training Act 1973” there shall be added in each of those paragraphs the words “or for any period during which he is in receipt of a training allowance”;
 - (f) in paragraph 13
 - (i) in sub-paragraph (2)(a)(iii) the words “no one is in receipt of” shall be omitted; and after the words “Social Security Act” there shall be inserted the words “is not in payment to anyone”;
 - (ii) in sub-paragraph (2)(b) for the words “there is someone in receipt of an invalid care allowance” there shall be substituted the words “an invalid care allowance is in payment to someone”; and, for the words “there is no one in receipt of such an allowance” there shall be substituted the words “such an allowance is not in payment to anyone”.

Amendment of Schedule 3 to the General Regulations

7. In Schedule 3 to the General Regulations (housing costs)—

- (a) in paragraph 7—
 - (i) in sub-paragraph (1) for the words “sub-paragraph (2) to (9)” there shall be substituted the words “the following sub-paragraphs of this paragraph”;
 - (ii) in sub-paragraph (9) at the beginning there shall be inserted the words “Subject to sub-paragraphs (10) and (11),”;
 - (iii) after sub-paragraph (9) there shall be inserted the following sub-paragraphs—
 - “(10) Where—
 - (a) a claimant has ceased to be in receipt of income support because he or his partner becomes engaged in remunerative work; and
 - (b) immediately before ceasing to be so in receipt an amount under sub-paragraph (1)(b)(i) was applicable to him,
 sub-paragraph (9)(a)(ii) shall apply to him as if for the words “any period of eight weeks or less” there were substituted the words “any period not exceeding the permitted period determined in accordance with regulation 3A (permitted period)”.
 - (11) For the purposes of sub-paragraph (1)(b)(i), where—
 - (a) a claimant has ceased to be entitled to income support because he or his partner is participating in arrangements for training made under section 2

of the Employment and Training Act 1973 or attending a course at an employment rehabilitation centre established under that section; and

- (b) immediately before so ceasing an amount under that sub-paragraph was applicable to him,

he shall be treated as if he had been in receipt of income support for the period during which he or his partner was participating in such arrangements or attending such a course.”;

- (b) in paragraph 10–

- (i) in sub-paragraph (5) for the words “under this paragraph” there shall be substituted the words “under sub-paragraph (3)”;
 - (ii) in sub-paragraph (7) for the words “In this paragraph” there shall be substituted the words “In sub-paragraph (5)”.

Amendment of Schedule 3A to the General Regulations

8. In paragraph 7(6) of Schedule 3A to the General Regulations (protected sum) for the words “a period of not more than 8 weeks” there shall be substituted the words “a period not exceeding the permitted period determined in accordance with regulation 3A (permitted period)”.

Amendment of Schedule 3B to the General Regulations

9. In Schedule 3B to the General Regulations (protected sum)–

- (a) in paragraph 1(1)–

- (i) in paragraph (a) of the definition of “protected total” the words “in a case to which paragraph 6(4) applies,” shall be omitted; and for the words “in that week” there shall be substituted the words “for a period not exceeding 14 weeks which includes that week”;
 - (ii) in the definition of “relevant provisions” after paragraph (d) there shall be inserted the following paragraph–

“(dd) paragraph 13 of Schedule 7 (persons in residential accommodation);”;

- (b) in paragraph 2(6) after the words “that week shall” there shall be inserted the words “, subject to the following paragraphs of this Schedule,”;

- (c) in paragraph 3–

- (i) in sub-paragraph (3) after head (b) there shall be added the following– “or

- (c) his applicable amount in the first week fell or would have fallen, but for any temporary absence, to be determined under regulation 20 but would not have fallen to be so determined in the March benefit week had he been in the same accommodation in that week and had his stay in that accommodation been other than temporary”;

- (ii) after sub-paragraph (3) there shall be added the following sub-paragraph–

“(4) For the purposes of sub-paragraph (3), where–

- (a) a claimant’s applicable amount in respect of the March benefit week has been determined under paragraph 13(1) of Schedule 7 and it is subsequently determined on review that it fell to be determined under regulation 20, he shall, notwithstanding that review, be treated as if his applicable amount fell to be determined under that paragraph;

- (b) a claimant has been temporarily absent from his accommodation in the March benefit week and immediately before the period of temporary absence his applicable amount was determined under paragraph 13(1) of Schedule 7, he shall be treated as if his applicable amount would have fallen to be determined under that paragraph during the period of temporary absence notwithstanding that it is subsequently determined on review that immediately before the period of temporary absence it fell to be determined under regulation 20;
- (c) a claimant has entered his accommodation after the March benefit week, he shall be treated as if his applicable amount, had he been in that accommodation in the March benefit week, would not have fallen to be determined under regulation 20 in that week if the applicable amounts of other claimants in that accommodation in that week were determined otherwise than under that regulation notwithstanding that it is subsequently determined on review that they fell to be determined under regulation 20.”;
- (d) in paragraph 6(3) for the words “a period of not more than 8 weeks” there shall be substituted the words “a period not exceeding the permitted period determined in accordance with regulation 3A (permitted period)”.

Amendment of Schedule 4 to the General Regulations

10. In paragraph 5(1) of Schedule 4 to the General Regulations (applicable amounts of persons in residential care or nursing homes) for head (b) there shall be substituted the following head—

- “(b) in the case of a claimant who is a member of a family the aggregate of the following amounts—
 - (i) in respect of the claimant, the appropriate amount in respect of him specified in or determined in accordance with paragraph 6 to 11;
 - (ii) in respect of each member of his family who lives in the home aged under 11, 1½ times the amount specified in paragraph 2(a) of Schedule 2;
 - (iii) in respect of each member of his family aged not less than 11 who lives in the home, an amount which would be the appropriate amount specified in or determined in accordance with paragraph 6 to 11 if the other member were the claimant.”.

Amendment of Schedule 7 to the General Regulations

11. In Schedule 7 to the General Regulations (special cases)—

- (a) in paragraph 9, in column 1, for the words from “where one of them is living in the home” to the end of that paragraph there shall be substituted the following
 - “where—
 - (a) one member of the couple is—
 - (i) not a patient but is resident in a nursing home, or
 - (ii) resident in a residential care home, or
 - (iii) resident in premises used for the rehabilitation of alcoholics or drug addicts,

- (iv) resident in accommodation provided under section 3 of and Part II of the Schedule to, the Polish Resettlement Act 1947 (provision of accommodation in camps) (7), or
 - (v) participating in arrangements for training made under section 2 of the Employment and Training Act 1973(8) or attending a course at an employment rehabilitation centre established under that section, where the course requires him to live away from the dwelling occupied as the home, or
 - (vi) in a probation or bail hostel approved for the purpose by the Secretary of State; and
- (b) the other member of the couple is—
- (i) living in the dwelling occupied as the home, or
 - (ii) a patient, or
 - (iii) in residential accommodation, or
 - (iv) resident in a residential care home or nursing home.”;
- (b) after paragraph 10C, there shall be inserted the following paragraph—

“Lone parents who are in residential care homes or nursing homes temporarily

10D. A claimant who is a lone parent who is in a residential care home or nursing home temporarily.

- (a) in respect of each child who is a member of his family, the appropriate amount in respect of him prescribed in paragraph 2(a) or (b) of Schedule 2 or under this Schedule as appropriate; and
 - (b) any amount which would be applicable to the claimant, if he were not temporarily living away from the dwelling occupied as the home, under regulation 17(1)(c), (f) or (g), or (d) in so far as it relates to the lone parent premium under paragraph 8 of Schedule 2.”.
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10D. Any amount applicable to the claimant under paragraph 1(1)(a) and (c) of Schedule 4, determined as if he were a single claimant, plus—

- (c) after paragraph 13, there shall be inserted the following paragraph—

“Polish Resettlement

13A. A claimant for whom accommodation is provided under section 3 of, and Part II of the Schedule to, the

13A. —

- (1) The aggregate of—
 - (a) the weekly charge for the accommodation provided for him, or if he is a member
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(7) 1984 c. 23.

(8) 1947 c. 19; amended by Schedule 4 of the Social Security Act 1980 (c. 30) and by S.I. 1951/174 and 1968/1699.

Polish Resettlement Act 1947 (provision of accommodation in camps).

of a family, for him and his family subject to the maximum determined in accordance with sub-paragraph (2); and

- (b) a weekly amount for personal expenses for him or, if he is a member of a family, for him and for each member of his family determined in accordance with sub-paragraph (3).

(2) The maximum referred to in sub-paragraph (1)(a) shall be—

- (a) in the case of a single claimant, £140;
- (b) in the case of a claimant who is a member of a family the aggregate of the following amounts—
 - (i) in respect of the claimant, £140;
 - (ii) in respect of each member of his family who lives in the accommodation aged under 11, 1½ times the amount specified in paragraph 2(a) of Schedule 2;
 - (iii) in respect of each member of his family aged not less than 11 who lives in the accommodation, £140; and
 - (iv) where the claimant is a lone parent, in respect of each member of the family who does not live in the accommodation, the amount which would be applicable in respect of that member under Schedule 2.

(3) The amount for personal ex-penses referred to in sub-paragraph (1)(b) shall be—

- (a) for the claimant, £13.25;
- (b) for his partner, £13.25;
- (c) for a young person aged 18, £11.95;
- (d) for a young person aged under 18 but over 16, £7.00;

(e) for a child aged under 16 but over 11, £6.05;

(f) for a child aged under 11, £4.10.

(4) The maximum amount in respect of a member of a family aged under 11 calculated in the manner referred to in sub-paragraph (1)(b)(ii) shall be rounded to the nearest multiple of 5p by treating an odd amount of 2.5p or more as 5p and by disregarding an odd amount of less than 2.5p.”.

Amendment of Schedule 8 to the General Regulations

12. In Schedule 8 to the General Regulations (sums to be disregarded in the calculation of earnings)–

(a) in paragraph 4, for sub-paragraph (7) there shall be substituted the following sub-paragraphs–

“(7) For the purposes of this paragraph–

(a) except where head (b) or (c) applies, no account shall be taken of any period not exceeding eight consecutive weeks occurring–

(i) on or after the date on which the claimant or, if he is a member of a couple, he or his partner attained the age of 60 during which either was or both were not engaged in part-time employment or the claimant was not entitled to income support; or

(ii) immediately after the date on which the claimant or his partner ceased to participate in arrangements for training made under section 2 of the Employment and Training Act 1973 or to attend a course at an employment rehabilitation centre established under that section;

(b) in a case where the claimant has ceased to be entitled to income support because he, or if he is a member of a couple, he or his partner becomes engaged in remunerative work, no account shall be taken of any period, during which he was not entitled to income support, not exceeding the permitted period determined in accordance with regulation 3A (permitted period) occurring on or after the date on which the claimant or, as the case may be, his partner attained the age of 60;

(c) no account shall be taken of any period occurring on or after the date on which the claimant or, if he is a member of a couple, he or his partner attained the age of 60 during which the claimant was not entitled to income support because he or his partner was participating in arrangements for training made under section 2 of the Employment and Training Act 1973 or attending a course at an employment rehabilitation centre established under that section.”;

(b) in paragraph 6–

(i) in sub-paragraph (1)(b) for the words “receiving full-time education” there shall be substituted the words “ in relevant education or a student”;

(ii) for sub-paragraph (2) there shall be substituted the following sub-paragraphs–

“(2) For the purposes of this paragraph in determining whether one of a couple has been in receipt of income support for a continuous period of two years–

- (a) no account shall be taken of any period not exceeding eight weeks during which the claimant was not a member of a couple;
- (b) subject to sub-paragraphs (2A) and (2C), no account shall be taken of any period not exceeding eight weeks during which the claimant was not in receipt of income support;
- (c) consecutive periods during which either member was in receipt of income support in respect of a couple shall be treated as periods during which one of that couple had been so in receipt.

(2A) Where—

- (a) a claimant has ceased to be in receipt of income support because he or the other member of the couple becomes engaged in remunerative work; and
- (b) immediately before ceasing to be so in receipt this paragraph applied to him,

sub-paragraph (2)(b) shall apply to him as if for the words “not exceeding eight weeks” there were substituted the words “not exceeding the permitted period determined in accordance with regulation 3A (permitted period)”.

(2B) In a case where sub-paragraph (2A) applies, sub-paragraph (1) shall apply as if for the words “a period exceeding eight consecutive weeks” there were substituted the words “a period exceeding the permitted period determined in accordance with regulation (3A)”.

(2C) For the purposes of this paragraph, where—

- (a) a claimant has ceased to be in receipt of income support because he or the other member of the couple is participating in arrangements for training made under section 2 of the Employment and Training Act 1973 or attending a course at an employment rehabilitation centre established under that section; and
- (b) immediately before ceasing to be so in receipt this paragraph applied to him,

he shall be treated as if he had been in receipt of income support in respect of a couple for the period during which he or his partner is participating in such arrangements or attending such a course and no account shall be taken of any period during that time in which the other member is engaged in remunerative work, in relevant education or a student.”;

- (iii) in sub-paragraph (3) for the reference “sub-paragraph (2)” there shall be substituted the reference “sub-paragraphs (2) to (2C)”.

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

15th September 1989.

Nicholas Scott
Minister of State,
Department of Social Security

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 protect a claimant who has ceased to be entitled to income support because he or his partner is engaged in employment from loss of any transitional protection, mortgage interest at the higher rate and certain earnings disregards, where he becomes re-entitled to income support within the permitted period; and provide for the permitted period to be 12 weeks, or the lesser period of 8 weeks if the claimant is subject to a reduction in his applicable amount, ceases the employment before the end of 6 weeks, or during the preceding 26 weeks has been in work, in relevant education or a student (regulations 2, 4, 7, 8, 9(d) and 12);
- (b) they exempt from the definition of “non-dependant” a joint occupier who is a co-owner or liable to make payments in respect of the accommodation (regulation 3); make provision, where a new owner applies for registration in respect of a residential care home or nursing home and that application has not yet been determined, for the applicable amounts of residents in the home to be determined as if the last registration continued in force (regulation 5); provide for certain persons under the age of 18 who are living away from their parents in certain specified circumstances and who are eligible for income support to be entitled to the increased personal allowance and make certain other minor amendments to the conditions for premiums (regulation 6);
- (c) they include in the applicable amounts of claimants in residential care or nursing homes an amount only in respect of members of the family living in the home (regulation 10), substitute a new applicable amount for persons in accommodation provided under the Polish Resettlement Act 1947 (c. 19), extend the modifications in the case of couples who are temporarily separated to couples where neither member is living in the home and make provisions for lone parents who are temporarily in a residential care home or nursing home (regulation 11), provide for a protected sum not to be payable to a person who in the March benefit week (beginning 20th March 1989) was not, or had he been in the accommodation in that week, would not have been, assessed at the hostel rate even if on review that rate is determined to be applicable and make other miscellaneous amendments to the provisions for determining the protected sum (regulations 9(a) to (c)).