

SCHEDULE 1

Regulation 22

To be inserted before Schedule 2 to the principal Regulations

“SCHEDULE 1B

Regulation 4ZA

PRESCRIBED CATEGORIES OF PERSON

Lone parents

1. A person who is a lone parent and responsible for a child who is a member of his household.

Single persons looking after foster children

2. A single claimant or a lone parent with whom a child is placed by a local authority or voluntary organisation within the meaning of the Children Act 1989 ^{M1} or, in Scotland, the Social Work (Scotland) Act 1968. ^{M2}

Persons temporarily looking after another person

3. A person who is—
- (a) looking after a child because the parent of that child or the person who usually looks after him is ill or is temporarily absent from his home; or
 - (b) looking after a member of his family who is temporarily ill.

Persons caring for another person

4. 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 64 of the Contributions and Benefits Act or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Contributions and Benefits 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
 - (iii) the person being cared for has claimed entitlement to a disability living allowance 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.
5. A person to whom paragraph 4 applied, but only for a period of 8 weeks from the date on which that paragraph ceased to apply to him.
6. A person who, had he previously made a claim for income support, would have fulfilled the conditions of paragraph 4, but only for a period of 8 weeks from the date on which he ceased to fulfil those conditions.

Changes to legislation: *The Income Support (General) (Jobseeker's Allowance Consequential Amendments)*

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Persons incapable of work

7. A person who—
- (a) is incapable of work in accordance with the provisions of Part XIIA of the Contributions and Benefits Act and the regulations made thereunder (incapacity for work) ^{M3}; or
 - (b) is treated as incapable of work by virtue of regulations made under section 171D ^{M4} of that Act (persons to be treated as incapable or capable of work); or
 - (c) is treated as capable of work by virtue of regulations made under section 171E(1) of that Act (disqualification etc.); or
 - (d) is entitled to statutory sick pay.

Disabled workers

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

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

9. A person to whom regulation 6(g) applies.

Disabled students

10. A person who is a student and—
- (a) whose applicable amount includes the disability premium or severe disability premium; or
 - (b) who has satisfied the provisions of paragraph 7 for a continuous period of not less than 196 days, and for this purpose any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period.
11. A person who is a student and who—
- (a) immediately before 1st September 1990 was in receipt of income support by virtue of paragraph 7 of Schedule 1 as then in force; or
 - (b) on or after that date makes a claim for income support and at a time during the period of 18 months immediately preceding the date of that claim was in receipt of income support either by virtue of that paragraph or regulation 13(2)(b),

but this paragraph shall not apply where for a continuous period of 18 months or more the person has not been in receipt of income support.

Deaf students

12. A person who is a student in respect of whom—
- (a) a supplementary requirement has been determined under paragraph 10 of Schedule 2 to the Education (Mandatory Awards) Regulations 1995 ^{M5}; or
 - (b) an allowance or, as the case may be, bursary has been granted which includes a sum under paragraph (1)(d) of regulation 6 of the Students' Allowances (Scotland) Regulations 1991 ^{M6} or, as the case may be, the Education Authority Bursaries (Scotland) Regulations 1995 ^{M7} in respect of expenses incurred; or

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- (c) a payment has been made under section 2 of the Education Act 1962^{M8}; or
- (d) a supplementary requirement has been determined under paragraph 10 of Schedule 7 to the Students Awards Regulations (Northern Ireland) 1995^{M9} or a payment has been made under article 50(3) of the Education and Libraries (Northern Ireland) Order 1986^{M10},

on account of his disability by reason of deafness.

Blind persons

13. A person who is registered as blind in a register compiled by a local authority under section 29 of the National Assistance Act 1948^{M11} (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered as blind in a register maintained by or on behalf of a regional or islands council, but a person who has ceased to be registered as blind on regaining his eyesight shall nevertheless be treated as so registered for a period of 28 weeks following the date on which he ceased to be so registered.

Pregnancy

- 14.** A woman who—
- (a) is incapable of work by reason of pregnancy; or
 - (b) is or has been pregnant but only for the period commencing 11 weeks before her expected week of confinement and ending seven weeks after the date on which her pregnancy ends.

Persons in education

15. A person to whom any provision of regulation 13(2)(a) to (e) (persons receiving relevant education who are parents, severely handicapped persons, orphans and persons estranged from their parents or guardian) applies.

Certain persons aged 50 who have not been in remunerative work for 10 years

16.—(1) Subject to sub-paragraph (2), a person who on 6th October 1996 or at any time during the eight weeks immediately preceding that date satisfied the conditions of paragraph 13 of Schedule 1 as in force on that date (persons aged not less than 50 who had not been in remunerative work during the previous 10 years).

(2) If a person to whom sub-paragraph (1) applies ceases to be entitled to income support, and subsequently makes a further claim for income support, this paragraph shall continue to apply to him only if—

- (a) the further claim for income support is made within 8 weeks of the date he ceased to be so entitled; and
- (b) he has not been in remunerative work since he ceased to be so entitled.

Persons aged 60 or over

- 17.** A person aged not less than 60.

Refugees

18. A person who is a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951^{M12} as extended by Article 1(2)

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of the Protocol relating to the Status of Refugees done at New York on 31st January 1967^{M13} and who—

- (a) is attending for more than 15 hours a week a course for the purpose of learning English so that he may obtain employment; and
- (b) on the date on which that course commenced, had been in Great Britain for not more than 12 months,

but only for a period not exceeding nine months.

Persons required to attend court

19. A person who is required to attend court as a justice of the peace, a party to any proceedings, a witness or a juror.

Persons affected by a trade dispute

20. A person to whom section 126 of the Contributions and Benefits Act^{M14} (trade disputes) applies or in respect of whom section 124(1) of that Act (conditions of entitlement to income support) has effect as modified by section 127(b) of that Act (effect of return to work).

Persons from abroad

21. A person to whom regulation 70(3) (applicable amount of certain persons from abroad) applies.

Persons in custody

22. A person remanded in, or committed in, custody for trial or for sentencing.

Member of couple looking after children while other member temporarily abroad

23. 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 not present in the United Kingdom.

Persons appealing against a decision that they are not incapable of work

24. A person—
- (a) in respect of whom it has been determined for the purposes of section 171B of the Contributions and Benefits Act^{M15} (the own occupation test) that he is not incapable of work; and
 - (b) whose medical practitioner continues to supply evidence of his incapacity for work in accordance with regulation 2 of the Social Security (Medical Evidence) Regulations 1976^{M16} (evidence of incapacity for work); and
 - (c) who has made and is pursuing an appeal against the determination that he is not so incapable,

but only for the period prior to the determination of his appeal.

25. A person—
- (a) in respect of whom it has been determined for the purposes of section 171C of the Contributions and Benefits Act (the all work test) that he is not incapable of work; and

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(b) who has made and is pursuing an appeal against the determination that he is not so incapable,

but only for the period prior to the determination of his appeal.

26. A person who on 6th October 1996 was not required to be available for employment by virtue of regulation 8(2) (persons appealing against decisions that they are not incapable of work) as modified by the savings provision in regulation 20(1) or (3) of the Disability Working Allowance and Income Support (General) Amendment Regulations 1995 ^{M17}, but only for the period prior to the determination of his appeal.

27. A person who on 6th October 1996 was not required to register for employment by virtue of regulation 11(2) (persons appealing against decisions that they are not incapable of work) as modified by the savings provision in regulation 20(2) or (3) of the Disability Working Allowance and Income Support (General) Amendment Regulations 1995 ^{M17}, but only for the period prior to the determination of his appeal.

28. A person who is engaged in training, and for this purpose "training" means training for which persons aged under 18 are eligible and for which persons aged 18 to 24 may be eligible provided in England and Wales, directly or indirectly by a Training and Enterprise Council pursuant to its arrangement with the Secretary of State (whether that arrangement is known as an Operating Agreement or by any other name) and, in Scotland, directly or indirectly by a Local Enterprise Company pursuant to its arrangement with, as the case may be, Scottish Enterprise or Highlands and Islands Enterprise (whether that arrangement is known as an Operating Contract or by any other name)."

Marginal Citations

M1 1989 c.41.

M2 1968 c.49.

M3 Part XIIA was inserted by sections 5 and 6(1) of the [Social Security \(Incapacity for Work\) Act 1994](#) (c.18).

M4 Sections 171D and 171E were inserted by section 6 of the [Social Security \(Incapacity for Work\) Act 1994](#).

M5 S.I. 1995/3321.

M6 S.I. 1991/1522.

M7 S.I. 1995/1739.

M8 1962 c.12.

M9 S.I. 1995/1.

M10 S.I. 1986/594.

M11 1948 c.29; section 29 was amended by the [National Assistance \(Amendment\) Act 1959](#) (c.30), [section 1\(2\)](#); the [Mental Health \(Scotland\) Act 1960](#) (c.61), [sections 113\(1\)](#) and 114 and Schedule 4; the [Social Work \(Scotland\) Act 1968](#) (c.49), [section 95\(2\)](#) and Schedule 9 Part I; the [Local Government Act 1972](#) (c.70), sections 195(6), 272(1), [Schedule 23 paragraph 2](#) and Schedule 30; the [Employment and Training Act 1973](#) (c.50), [section 14\(1\)](#) and Schedule 3 paragraph 3; the [National Health Service Act 1977](#) (c.49), [section 129](#) and Schedule 15 paragraph 6; the [Health and Social Services and Social Security Adjudications Act 1983](#) (c.41), [section 30](#) and Schedule 10 Part I; the [Children Act 1989](#) (c.41) section 108(5) and Schedule 13 paragraph 11(2); and the [National Health Service and Community Care Act 1990](#) (c.19), [section 44\(7\)](#).

M12 Cmnd. 9171.

M13 Cmnd. 3906.

M14 Sections 126 and 127 are amended by the [Jobseekers Act 1995](#), Schedule 2 paragraph 31.

M15 Sections 171A to 171C were inserted by section 5 of the [Social Security \(Incapacity for Work\) Act 1994](#) (c.18).

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- M16** [S.I. 1976/615](#); relevant amending instruments are [S.I. 1982/699](#), 1987/409, 1992/247, 1994/2975 and 1995/987.
- M17** [S.I. 1995/482](#).

SCHEDULE 2

Regulation 23

Amendment of Schedule 2 to the principal Regulations

1. Schedule 2 to the principal Regulations shall be amended in accordance with the following provisions of this Schedule.
2. In column (1) of paragraph 1 in sub-paragraphs (1) and (2) for head (b) there shall be substituted the following head—
 - “(b) less than 18 who falls within any of the circumstances specified in paragraph 1A;”.
3. In paragraph 1 for sub-paragraph (3) there shall be substituted the following sub-paragraph—

“(3)Couple—	(3) (a)£57.20
(a)where both members are aged less than 18 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 have qualified for income support under regulation 4ZA; or	
(iii)the claimant’s partner satisfies the requirements of section 3(1)(f)(iii) of the Jobseekers Act 1995 (prescribed circumstances for persons aged 16 but less than 18); or	
(iv)there is in force in respect of the claimant’s partner a direction under section 16 of the Jobseekers Act 1995 (persons under 18: severe hardship);	
(b)where both members are aged less than 18 and head (a) does not apply but one member of the couple falls within any of the circumstances specified in paragraph 1A;	(b)£37.90
(c)where both members are aged less than 18 and heads (a) and (b) do not apply;	(c)£28.85
(d)where both members are aged not less than 18;	(d)£75.20

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(e) where one member is aged not less than 18 and the other member is a person under 18 who— (e) £75.20

(i) qualifies for income support under regulation 4ZA, or who would so qualify if he were not a member of a couple; or

(ii) satisfies the requirements of section 3(1)(f)(iii) of the Jobseekers Act 1995 (prescribed circumstances for persons aged 16 but less than 18); or

(iii) is the subject of a direction under section 16 of the Jobseekers Act 1995 (persons under 18: severe hardship);

(f) where the claimant is aged not less than 18 but less than 25 and his partner is a person under 18 who— (f) £37.90

(i) would not qualify for income support under regulation 4ZA if he were not a member of a couple; and

(ii) does not satisfy the requirements of section 3(1)(f)(iii) of the Jobseekers Act 1995 (prescribed circumstances for persons aged 16 but less than 18); and

(iii) is not the subject of a direction under section 16 of the Jobseekers Act 1995 (persons under 18: severe hardship);

(g) where the claimant is aged not less than 25 and his partner is a person under 18 who— (g) £47.90

(i) would not qualify for income support under regulation 4ZA if he were not a member of a couple; and

(ii) does not satisfy the requirements of section 3(1)(f)(iii) of the Jobseekers Act 1995 (prescribed circumstances for persons aged 16 but less than 18); and

(iii) is not the subject of a direction under section 16 of the Jobseekers Act 1995 (persons under 18: severe hardship)..

4. After paragraph 1 of Schedule 2 to the principal Regulations there shall be inserted the following paragraph—

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- “1A.—(1) The circumstances referred to in paragraph 1 are that—
- (a) the person has no parents nor any person acting in the place of his parents;
 - (b) the person—
 - (i) is not living with his parents nor any person acting in the place of his parents; and
 - (ii) in England and Wales, was being looked after by a local authority pursuant to a relevant enactment who placed him with some person other than a close relative of his; or in Scotland, 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^{M18} or the Prisons (Scotland) Act 1989^{M19} applied immediately before he attained the age of 16;
 - (c) the person is in accommodation which is other than his parental home, and which is other than the home of a person acting in the place of his parents, who entered that accommodation—
 - (i) as part of a programme of rehabilitation or resettlement, that programme being under the supervision of the probation service or a local authority; or
 - (ii) in order to avoid physical or sexual abuse; or
 - (iii) because of a mental or physical handicap or illness and needs such accommodation because of his handicap or illness;
 - (d) the person 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—
 - (i) chronically sick or mentally or physically disabled; or
 - (ii) detained in custody pending trial or sentence upon conviction or under sentence imposed by a court; or
 - (iii) prohibited from entering or re-entering Great Britain; or
 - (e) the person of necessity has to live away from his parents and any person acting in the place of his parents because—
 - (i) he is estranged from his parents and that person; or
 - (ii) he is in physical or moral danger; or
 - (iii) there is a serious risk to his physical or mental health.
- (2) In this paragraph—
- (a) “chronically sick or mentally or physically disabled” has the same meaning it has in regulation 13(3)(b) (circumstances in which persons in relevant education are to be entitled to income support);
 - (b) in England and Wales, any reference to a person acting in place of a person’s parents includes a reference to—
 - (i) where the person is being looked after by a local authority or voluntary organisation who place him with a family, a relative of his, or some other suitable person, the person with whom the person is placed, whether or not any payment is made to him in connection with the placement; or
 - (ii) in any other case, any person with parental responsibility for the child, and for this purpose “parental responsibility” has the meaning it has in the Children Act 1989^{M20} by virtue of section 3 of that Act;
 - (c) in Scotland, any reference to a person acting in place of a person’s parents includes a reference to a local authority or voluntary organisation where the person is in their care

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under a relevant enactment, or to a person with whom the person is boarded out by a local authority or voluntary organisation whether or not any payment is made by them.”.

Marginal Citations

M18 1952 c.52.

M19 1989 c.45.

M20 1989 c.41.

SCHEDULE 3

Regulation 28

REVOCATIONS

Column (1) Statutory Instrument Number	Column (2) Statutory Instrument	Column (3) Provision revoked
1987/1967	The Income Support (General) Regulations 1987	Regulations 7,, 8,, 9,, 10,, 10A,, 11,, 13A,, 21A and 22,, and Schedules 1 and 1A.
1988/663	The Income Support (General) Amendment Regulations 1988	Regulations 6,, 7,, 11 and 28.
1988/1228	The Income Support (General) Amendment No.3 Regulations 1988	Regulations 2(a),, 4,, 7,, 8 and the Schedule.
1988/1445	The Income Support (General) Amendment No.4 Regulations 1988	Regulation 18.
1988/2022	The Income Support (General) Amendment No.5 Regulations 1988	Regulation 16.
1989/534	The Income Support (General) Amendment Regulations 1989	Paragraph 6 of Schedule 1.
1989/1034	The Family Credit and Income Support (General) Amendment Regulations 1989	Regulations 6 and 10.
1989/1323	The Income Support (General) Amendment No.2 Regulations 1989	Regulations 4,, 5,, 6 and 7.
1990/547	The Income Support (General) Amendment Regulations 1990	Regulations 9,, 15 and 16.
1990/1549	The Social Security Benefits (Student Loans and	Regulation 5(3) and (8).

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	Miscellaneous Amendments) Regulations 1990	
1990/1657	The Income-Related Benefits Amendment Regulations 1990	Regulation 5(2) and (3).
1990/2324	The Income Support (General and Transitional) Amendment Regulations 1990	Regulation 3.
1991/236	The Income Support (General) Amendment Regulations 1991	Regulation 2(1)(b),(c) and (d),, (3),, and (4) in so far as it relates to regulations 9 and 13A of the principal Regulations; regulations 3,, 4,, 6,, 8,, 10 and 11.
1991/387	The Enterprise (Scotland) Consequential Amendments Order 1991	Article 9(b),, and in the Schedule,, entry (a) in column (3) opposite the entry relating to the principal Regulations in column (1).
1991/1559	The Income Support (General) Amendment No.4 Regulations 1991	Regulations 13 and 14.
1991/2742	The Disability Living Allowance and Disability Working Allowance (Consequential Provisions) Regulations 1991	Regulation 11(3).
1992/468	The Income Support (General) Amendment Regulations 1992	Regulation 3(2) and paragraphs 6 and 7 of the Schedule.
1992/2804	The Income Support (General) Amendment (No.3) Regulations 1992	The whole Regulations.
1993/315	The Income-related Benefits Schemes (Miscellaneous Amendments) Regulations 1993	Regulation 5.
1994/527	The Income-related Benefits Schemes (Miscellaneous Amendments) Regulations 1994	Regulation 7.
1995/482	The Disability Working Allowance and Income Support (General) Amendment Regulations 1995	Regulations 6,, 7,, 8,, 9,, 14 and 15.
1995/2303	The Income-related Benefits Schemes and Social Security Claims and Payments	Regulation 6(7).

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(Miscellaneous Amendments)
Regulations 1995

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Changes and effects yet to be applied to :

- reg. 32 amended by [S.I. 1996/1944 reg.12](#)