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STATUTORY INSTRUMENTS

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**1996 No. 462**

**The Income-related Benefits Schemes  
(Miscellaneous Amendments) Regulations 1996**

**Income support and housing benefit: Capital limits for persons in residential and other types of accommodation**

12.—(1) In the Income Support Regulations—

(a) for regulation 45<sup>M1</sup> (capital limit for entitlement to income support) there is substituted—

“45. For the purposes of section 134(1) of the Contributions and Benefits Act as it applies to income support (no entitlement to benefit if capital exceeds prescribed amount)

—

(a) except where paragraph (b) applies, the prescribed amount is £8,000;

(b) where the circumstances prescribed in regulation 53(1B) apply in the claimant’s case, the prescribed amount is £16,000.”;

(b) in regulation 53 (calculation of tariff income from capital) —

(i) in paragraph (1)<sup>M2</sup>, at the beginning, there is inserted “Except where the circumstances prescribed in paragraph (1B) apply to the claimant,”;

(ii) after paragraph (1), there is inserted—

“(1A) Where the circumstances prescribed in paragraph (1B) apply to the claimant and that claimant’s capital calculated in accordance with this Part exceeds £10,000, it shall be treated as equivalent to a weekly income of £1 for each complete £250 in excess of £10,000 but not exceeding £16,000.

(1B) For the purposes of paragraph (1A) and regulation 45, the prescribed circumstances are that the claimant lives permanently in—

(a) a residential care or nursing home, or residential accommodation and that home or accommodation provides board and personal care for the claimant by reason of his old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder; or

(b) an establishment run by the Abbeyfield Society including all bodies corporate or incorporate which are affiliated to that Society; or

(b) accommodation provided under section 3 of, and Part II of the Schedule to, the Polish Resettlement Act 1947<sup>M3</sup> (provision of accommodation in camps) where the claimant requires personal care and is provided with it in the accommodation; and in this sub-paragraph, “personal care” means care which includes assistance with bodily functions where such assistance is required.

(1C) For the purposes of paragraph (1B), a claimant shall be treated as living permanently in such home or accommodation where he is absent—

- (a) from a home or accommodation referred to in sub-paragraph (a) or (b) of paragraph (1B)—
  - (i) in the case of a claimant referred to in regulation 19(2) or in the case of a person over pensionable age, for a period not exceeding 52 weeks, and
  - (ii) in any other case, for a period not exceeding 13 weeks;
- (b) from accommodation referred to in sub-paragraph (c) of paragraph (1B), where the claimant, with the agreement of the manager of the accommodation, intends to return to the accommodation in due course.”;
- (iii) in both paragraphs (2) and (3) <sup>M4</sup>, for “paragraph (1)”, there is substituted “paragraphs (1) and (1A)”;
- (iv) after paragraph (3) there is added—
 

“(4) For the purposes of this regulation, the definition of “residential accommodation” in regulation 21(3) <sup>M5</sup> (applicable amounts of income support in special cases) shall have effect as if, after the words “subject to the following provisions of this regulation”, there were inserted “(except paragraphs (4) and (4A))”.”

<sup>F1</sup>(2) .....

**Textual Amendments**

**F1** Reg. 12(2) revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

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**Marginal Citations**

**M1** The capital limit in regulation 45 was substituted by [S.I. 1990/671](#).

**M2** The upper capital limit in regulation 53(1) was substituted by [S.I. 1990/671](#), **regulation 5(2)**.

**M3** [1947 c.19](#).

**M4** Regulation 53(3) was amended by [S.I. 1988/2022](#), **regulation 13**.

**M5** The definition of "residential accommodation" in regulation 21(3) was amended by [S.I. 1992/3147](#), **paragraph 3(a)** of Schedule 1, 1994/2139, regulation 25(a) and 1995/516, regulation 21(a)(ii).

**Changes to legislation:**

There are currently no known outstanding effects for the The Income-related Benefits Schemes (Miscellaneous Amendments) Regulations 1996, Section 12.