

SCHEDULE 5

Article 3(5)

AMENDMENT OF THE INCOME SUPPORT (GENERAL) REGULATIONS 1987

1. In regulation 5(2)(b)(ii) (persons treated as engaged in remunerative work), for the words “of review” there shall be substituted the words “ on which a superseding decision is made under section 10 (decisions superseding earlier decisions) of the Social Security Act 1998 ”.

2. In regulation 38 (calculation of net profit of self-employed earners)–

- (a) in paragraph (7), for the words “An adjudication officer” there shall be substituted the words “ The Secretary of State ”; and
- (b) in paragraph (10), for the words “an adjudication officer” there shall be substituted the words “ the Secretary of State ”.

3. For paragraph (1) of regulation 41 ^{M1} (capital treated as income) there shall be substituted the following paragraph–

“(1) Capital which is payable by instalments which are outstanding on–

- (a) the first day in respect of which income support is payable or the date of the determination of the claim, whichever is earlier; or
- (b) in the case of a supersession, the date of that supersession,

shall be treated as income if the aggregate of the instalments outstanding and the amount of the claimant’s capital otherwise calculated in accordance with Chapter VI of this Part exceeds £8,000 or, in a case where regulation 45(b) ^{M2} applies, £16,000.”.

Marginal Citations

- M1** Regulation 41(1) was amended by [S.I. 1990/671](#) and 1997/65.
- M2** Regulation 45 was substituted by [S.I. 1996/462](#).

4. In regulation 42 (notional income)–

- (a) in paragraphs (2B) ^{M3} and (6) ^{M4}, for the words “adjudication officer” in each place in which they occur there shall be substituted the words “ Secretary of State ”; and
- (b) in paragraph (5), for the words “subsequent review the adjudication officer” there shall be substituted the words “ revision or supersession the Secretary of State ”.

Marginal Citations

- M3** Regulation 42(2B) was inserted by [S.I. 1995/2303](#).
- M4** Regulation 42(6) was amended by [S.I. 1999/2554](#).

5. For paragraph (1) of regulation 44 ^{M5} (modifications in respect of children and young persons) there shall be substituted the following paragraph–

“(1) Any capital of a child or young person payable by instalments which are outstanding on–

- (a) the first day in respect of which income support is payable or at the date of the determination of the claim, whichever is the earlier; or
- (b) in the case of a supersession, the date of that supersession,

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shall be treated as income if the aggregate of the instalments outstanding and the amount of that child's or young person's other capital calculated in accordance with Chapter VI of this Part in like manner as for the claimant would exceed £3,000."

Marginal Citations

M5 Regulation 44(1) was amended by [S.I. 1993/2119](#).

6. In regulation 49(b)(i) (calculation of capital in the United Kingdom), for the words "review, the date of any subsequent review" there shall be substituted the words " supersession, the date of that supersession ".

7. In regulation 69 (disregard of changes occurring during summer vacation) for the words "an adjudication officer shall disregard" there shall be substituted the words " there shall be disregarded ".

8. In regulation 70(4)(b) ^{M6} (urgent cases) for the words "adjudication officer" there shall be substituted the words " Secretary of State ".

Marginal Citations

M6 Regulation 70(4) was amended by [S.I. 1989/1323](#).

9. In Schedule 3 ^{M7} (housing costs)–

(a) in paragraph 13–

(i) for sub-paragraph (6) there shall be substituted the following sub-paragraph–

“(6) Where sub-paragraph (4) does not apply and the claimant (or other member of the family) was able to meet the financial commitments for the dwelling occupied as the home when these were entered into, no restriction shall be made under this paragraph during the 26 weeks immediately following the date on which–

(a) the claimant became entitled to income support where the claimant's housing costs fell within one of the cases in sub-paragraph (1) on that date; or

(b) a decision took effect which was made under section 10 (decisions superseding earlier decisions) of the Social Security Act 1998 on the ground that the claimant's housing costs fell within one of the cases in sub-paragraph (1),

nor during the next 26 weeks if and so long as the claimant uses his best endeavours to obtain cheaper accommodation.”; and

(ii) in sub-paragraph (8)(b), the words "on appeal or review" shall be omitted;

(b) in paragraph 14–

(i) in sub-paragraph (1)(a)(i), for the words "held, on appeal or review," there shall be substituted the word " determined ";

(ii) in sub-paragraph (1)(b), for the words "held on appeal or review" there shall be substituted the word " determined ";

(iii) in sub-paragraph (2)(a), the words "on review" shall be omitted; and

(c) in paragraph 18(2) and (7)(a), for the words "adjudication officer" there shall be substituted the words " Secretary of State ".

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Marginal Citations

M7 Schedule 3 was substituted by [S.I. 1995/1613](#); relevant amending instruments are [S.I. 1995/2927](#), [1996/1944](#) and [2518](#), [1997/827](#) and [1999/264](#).

10. In paragraph 3(4) of Schedule 3B ^{M8} (protected sum)–

- (a) the words “on review” in each place in which they occur shall be omitted; and
- (b) in paragraph (a), for the words “that review” there shall be substituted the words “ that determination ”.

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Marginal Citations

M8 Schedule 3B was inserted by [S.I. 1989/534](#) and paragraph 3(4) was added by [S.I. 1989/1678](#).

Changes to legislation:

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