

SCHEDULE 1

Regulation 2(4)

“SCHEDULE A1

Regulation 3D(1)(c)(iii)

CATEGORIES OF MEMBERS OF A JOINT-CLAIM COUPLE WHO ARE NOT REQUIRED TO SATISFY THE CONDITIONS IN SECTION 1(2B)(b)

Interpretation

1. In this Schedule, “member” means a member of a joint-claim couple.

Member studying full-time

2. A member who, at the date of claim—
 - (a) is aged 16 or over but under 19 and is receiving full-time education for the purposes of section 142 of the Benefits Act;
 - (b) is a full-time student;
 - (c) has applied to an educational establishment to commence a full-time course of study commencing from the beginning of the next academic term or, as the case may be, the next academic year after the date of claim and that application has not been rejected; or
 - (d) has been allocated a place on a full-time course of study commencing from the beginning of the next academic term or, as the case may be, the next academic year.
 - (2) A member to whom sub-paragraph (1) applies and who has applied to an educational establishment to commence a full-time course of study—
 - (a) within one month of the last day of a previous course of study; or
 - (b) within one month of the day on which the member received examination results relating to a previous course of study,

but this sub-paragraph shall not apply in respect of an application to commence a course of study beyond a first degree course or a comparable course.

- (3) A member to whom any provision of regulation 13(2)(b) to (e) of the Income Support Regulations⁽¹⁾ (persons receiving relevant education who are severely handicapped, orphans and persons estranged from their parents or guardian) applies.

Member caring for another person

3. A member (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 or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act; or
 - (ii) the person being cared for has claimed attendance 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
 - (iii) the person being cared for has claimed attendance allowance in accordance with section 65(6)(a) of the Benefits Act (claims in advance of entitlement), an award has been made in respect of that claim under section 65(6)(b) of that Act and, where

(1) Regulation 13(2) was amended by S.I.1989/1034, 1991/236 and 1559, 1992/468 and 1996/206.

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the period for which the award is payable has begun, that person is in receipt of the allowance;

(iv) 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

(v) the person being cared for has claimed entitlement to the care component of a disability living allowance in accordance with regulation 13A of the Claims and Payments Regulations⁽²⁾ (advance claims and awards), an award at the highest or middle rate has been made in respect of that claim and, where the period for which the award is payable has begun, that person is in receipt of the allowance;

(b) who is engaged in caring for another person and who is both entitled to, and in receipt of, an invalid care allowance.

4. A member to whom paragraph 3 applied, but only for a period of 8 weeks from the date on which that paragraph ceased to apply to him.

5. A member who, had he previously made a claim for, and had been entitled to, a jobseeker's allowance, would have fulfilled the conditions of paragraph 3, but only for a period of 8 weeks from the date on which he ceased to fulfil those conditions.

Member incapable of work

6. A member who—

(a) is incapable of work in accordance with the provisions of Part XIIA of the Benefits Act⁽³⁾ and the regulations made thereunder (incapacity for work); or

(b) is treated as incapable of work by virtue of regulations made under section 171D 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.

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

7. A member to whom regulation 53(c) (persons treated as not engaged in remunerative work) applies.

Disabled workers

8. A member to whom regulation 53(h) (persons treated as not engaged in remunerative work) applies.

Disabled students

9. A member who is a student and—

(a) if he were a single claimant, his applicable amount would have included the disability premium or severe disability premium; or

(2) Regulation 13A was inserted by S.I. [1991/2741](#).

(3) Part XIIA, including sections 171D and 171E, of the Benefits Act were inserted by the Social Security (Incapacity for Work) Act [1994 \(c. 18\)](#).

- (b) who has satisfied the provisions of paragraph 6 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.

Deaf students

10. A member who is a student in respect of whom—

- (a) a supplementary requirement has been determined under paragraph 9 of Schedule 2 to the Education (Mandatory Awards) Regulations 1999(4); or
- (b) an allowance or, as the case may be, a bursary has been granted which includes a sum under paragraph (1)(d) of regulation 4 of the Students' Allowances (Scotland) Regulations 1999(5) or, as the case may be, the Education Authority Bursaries (Scotland) Regulations 1995(6) in respect of expenses incurred; or
- (c) a payment has been made under section 2 of the Education Act 1962(7); or
- (d) a grant has been made under regulation 13 of the Education (Student Support) Regulations 2000(8) or under regulation 13 of the Education (Student Support) Regulations 2000 (Northern Ireland)(9); or
- (e) a supplementary requirement has been determined under paragraph 9 of Schedule 6 to the Students Awards Regulations (Northern Ireland) 1999(10) or a payment has been made under article 50(3) of the Education and Libraries (Northern Ireland) Order 1986(11),

on account of his disability by reason of deafness.

Blind members

11. A member who is registered as blind in a register compiled by a local authority under section 29 of the National Assistance Act 1948(12) (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

12. A member who is a woman and who is incapable of work by reason of pregnancy.

Members aged 60 or over

13. A member aged not less than 60.

(4) S.I. 1999/1494.

(5) S.I. 1999/1131 (s.91).

(6) S.I. 1995/1739.

(7) 1962 c. 12.

(8) S.I. 2000/1121.

(9) S.R. 2000/213.

(10) S.I. 1999/351.

(11) 1986 N.I. 3.

(12) 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 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).

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Refugees

14. A member 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⁽¹³⁾ as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967⁽¹⁴⁾ 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.

Members required to attend court

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

Young persons in training

16. A member 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 arrangements 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).

Trade disputes

17. A member who is or would be prevented from being entitled to a jobseeker’s allowance by virtue of section 14 (trade disputes) but only where that section does not prevent the other member from being so entitled.”.

⁽¹³⁾ Cmnd. 9171.

⁽¹⁴⁾ Cmnd. 3906.