

SCHEDULE I

PART III

Amount applicable for former claimants of income support or income-related jobseeker's allowance

6.—(1) If on the relevant day the relevant amount exceeds the provisional amount, an additional amount (“the transitional amount”) equal to the difference shall be applicable to a claimant to whom sub-paragraph (2) applies.

(2) This sub-paragraph applies to a claimant who, in respect of the day before the relevant day, was entitled to either income support or an income-based jobseeker's allowance.

(3) The relevant day is the day in respect of which the claimant is first entitled to state pension credit.

(4) The provisional amount means the amount of the appropriate minimum guarantee applicable to the claimant on the relevant day but for this paragraph.

(5) The relevant amount means the amount which, on the day before the relevant day, was the claimant's applicable amount—

(a) for the purposes of determining his entitlement to income support; or

(b) for the purpose of determining his entitlement to an income-based jobseeker's allowance,

less any of the following amounts included in it—

(i) any amount determined in accordance with paragraph 2 of Schedule 2 to the Income Support Regulations or paragraph 2 of Schedule 1 to the Jobseeker's Allowance Regulations;

(ii) any amount by way of a residential allowance applicable in accordance with paragraph 2A of Schedule 2 to the Income Support Regulations or paragraph 3 of Schedule 1 to the Jobseeker's Allowance Regulations;

(iii) any amount by way of family premium applicable in accordance with paragraph 3 of Schedule 2 to the Income Support Regulations or paragraph 4 of Schedule 1 to the Jobseeker's Allowance Regulations;

(iv) any amount by way of disabled child premium applicable in accordance with paragraph 14 of Schedule 2 to the Income Support Regulations or paragraph 16 of Schedule 1 to the Jobseeker's Allowance Regulations; and

(v) any amount in respect of a person other than the claimant or his partner by way of enhanced disability premium applicable in accordance with paragraph 13A of Schedule 2 to the Income Support Regulations or paragraph 15A of Schedule 1 to the Jobseeker's Allowance Regulations⁽¹⁾.

(6) In determining the relevant amount under sub-paragraph (5), the applicable amount shall be increased by an amount equal to the amount (if any) payable to the claimant in accordance with Part II of the Income Support (Transitional) Regulations 1987⁽²⁾ (transitional protection) or regulation 87(1) of the Jobseeker's Allowance Regulations (transitional supplement to income-based jobseeker's allowance).

(7) If—

(1) The relevant amending Instrument is [S.I.2000/2629](#).

(2) [S.I.1987/1969](#); the relevant amending Instruments are [S.I.1988/521](#) and [670](#), [1989/1626](#) and [1991/1600](#).

Status: This is the original version (as it was originally made).

- (a) paragraph 1 of Schedule 7 to the Income Support Regulations or paragraph 1 of Schedule 5 to the Jobseeker's Allowance applied to the claimant or his partner on the day before the relevant day; but
- (b) paragraph 2(2) of Schedule 3 does not apply to the claimant or his partner on the relevant day;

then for the purposes of this paragraph the relevant amount shall be determined on the assumption that the provision referred to in sub-paragraph (7)(a) did not apply in his case.

- (8) Subject to sub-paragraph (9), the transitional amount shall—
 - (a) be reduced by a sum equal to the amount (if any) by which the appropriate minimum guarantee increases after the relevant day;
 - (b) cease to be included in the claimant's appropriate minimum guarantee from the day on which—
 - (i) the sum mentioned in head (a) above equals or exceeds the transitional amount; or
 - (ii) the claimant or the claimant's partner ceases to be entitled to state pension credit.
- (9) For the purposes of sub-paragraph (8), there shall be disregarded—
 - (a) any break in entitlement not exceeding 8 weeks; and
 - (b) any amount by which the increase in the appropriate minimum guarantee arises solely in consequence of paragraph 2(2) of Schedule 3 ceasing to apply in the claimant's case.