
STATUTORY INSTRUMENTS

2008 No. 698

The Social Security (Miscellaneous Amendments) Regulations 2008

Amendment of the Income Support (General) Regulations 1987

2.—(1) The Income Support (General) Regulations 1987 are amended as follows.

(2) In regulation 2(1) (interpretation)(1) omit the definition of “Intensive Activity Period for 50 plus”.

(3) In regulation 5(5) (persons treated as engaged in remunerative work)(2) for “35(1)(b) to (d) and (i)” substitute “35(1)(b) and (d)”.

(4) In regulation 13 (circumstances in which persons in relevant education are to be entitled to income support)—

(a) in paragraph (2)(3) after “a person who” insert “(subject to paragraph (2A))”;

(b) after paragraph (2) insert—

“(2A) For the purposes of paragraph (2)—

(a) the eligible person shall be treated as satisfying the condition prescribed in regulation 8 of the Child Benefit (General) Regulations 2006(4) (child benefit not payable in respect of qualifying young person: other financial support);

(b) where sub-paragraphs (c) to (e) apply, the eligible person shall be treated as satisfying the condition prescribed in regulation 5(2)(e) and (f) of the Child Benefit (General) Regulations 2006 (extension period: 16 and 17 year olds).”.

(5) In regulation 29 (calculation of earnings derived from employed earner’s employment and income other than earnings)—

(a) for sub-paragraph (2)(a)(5) substitute—

“(a) where the payment is monthly, a period equal to the number of weeks from the date on which the payment is treated as paid to the date immediately before the date on which the next monthly payment would have been so treated as paid whether or not the next monthly payment is actually paid;

(aa) where the payment is in respect of a period which is not monthly, a period equal to the length of the period for which payment is made;”;

(b) omit paragraphs (4B)(6) and (4D)(b)(7).

(6) In regulation 30 (calculation of earnings of self-employed earners)—

(a) in paragraph (2), for “royalties or sums paid periodically for or in respect of any copyright” substitute “any items to which paragraph (2A) applies”;

(1) Definition of “Intensive Activity Period for 50 plus” was inserted by [S.I. 2001/1029](#).

(2) Relevant amending instruments are [S.I. 1988/2022](#), [1989/1323](#), [2007/2618](#).

(3) Relevant amending instruments are [S.I. 1991/1559](#) and [2006/718](#).

(4) [S.I. 2006/223](#).

(5) Relevant amending instrument is [S.I. 1997/65](#).

(6) Paragraph (4B) was inserted by [S.I. 1989/1323](#) and amended by [S.I. 2007/2618](#).

(7) Sub-paragraph (4D) was inserted by [S.I. 1989/1323](#).

- (b) after that paragraph insert—
- “(2A) This paragraph applies to—
- (a) royalties;
 - (b) sums paid periodically for or in respect of any copyright;
 - (c) payments in respect of any book registered under the Public Lending Right Scheme 1982.”.

(7) In regulation 35 (earnings of employed earners)(8) omit paragraphs (1)(i)(i), (1A) and (3)(b).

(8) In—

 - (a) regulation 42(4ZA)(c)(iia) and (6A)(b)(i) (notional income)(9),
 - (b) regulation 51(3A)(b)(iia) (notional capital)(10), and
 - (c) paragraphs 4(4A)(a), 14(1)(ee)(i), (3B) and (12)(c)(iv) of Schedule 3 (housing costs)(11), omit “or in the Intensive Activity Period for 50 plus”.

(9) In regulation 48 (income treated as capital)(12) omit paragraph (11).

(10) In regulation 72(2) (assessment of income and capital in urgent cases)(13) for “Part II of the Social Security and Housing Benefits Act 1982” substitute “Part 7 of the Contributions and Benefits Act”.

(11) In Schedule 1B (prescribed categories of person)(14) omit paragraphs 26 and 27.

(12) In paragraph 7(1)(b) of Schedule 2 (applicable amounts)(15) omit “for Employment”.

(13) In paragraph 14(3ZA)(a) of Schedule 3 (housing costs)(16) omit “, in the Intensive Activity Period for 50 plus”.

(14) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings)—

 - (a) in paragraph 4(17) for “of statutory sick pay under Part 1 of the Social Security and Housing Benefits Act 1982 or statutory maternity pay under Part V of the Act, statutory paternity pay under Part 12ZA of the Contributions and Benefits Act, statutory adoption pay under Part” substitute “under Parts 11 to”;
 - (b) for paragraph 28(18) substitute—

“28.—(1) Any payment made by a local authority in accordance with—

 - (a) section 17, 23B, 23C or 24A of the Children Act 1989(19),
 - (b) section 12 of the Social Work (Scotland) Act 1968(20), or
 - (c) section 29 or 30 of the Children (Scotland) Act 1995(21).

(8) Paragraphs (1)(i)(i) and (1A) were inserted by S.I. 1989/1323. Relevant amending instrument for sub-paragraph (3)(b) is S.I. 2007/2618.

(9) Relevant amending instrument is S.I. 2001/1029.

(10) Relevant amending instrument is S.I. 2001/1029.

(11) Relevant amending instrument is S.I. 2001/1029.

(12) Paragraph (11) was inserted by S.I. 1989/1323.

(13) Relevant amending instruments are S.I. 1988/2022, 1998/563, 1996/2431.

(14) Relevant amending instrument is S.I. 1999/2422.

(15) Relevant amending instrument is S.I. 1991/236.

(16) Paragraph (3ZA) was inserted by S.I. 1997/2863. Relevant amending instruments are S.I. 2000/724, 2001/1029.

(17) Relevant amending instrument is S.I. 2002/2689.

(18) Relevant amending instruments are S.I. 1988/663, 1989/1034, 1992/468, 2001/3070, 2004/1141.

(19) 1989 c.41. Section 23B and 23C were inserted by section 2(1) and (4) of the Children (Leaving Care) Act 2000 (c.35). Section 24A was substituted by section 4(1) of the Children (Leaving Care) Act 2000.

(20) 1968 c.49.

(21) 1995 c.36.

(2) Any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ("A") which A passes on to the claimant.

(3) Sub-paragraphs (1) and (2) are subject to the following provisions.

(4) Neither of those sub-paragraphs applies where the claimant is a person—

(a) to whom section 126 of the Contributions and Benefits Act (trade disputes) applies, or

(b) in respect of whom section 124(1) of the Contributions and Benefits Act (conditions of entitlement to income support) has effect as modified by section 127 of that Act (effect of return to work).

(5) Sub-paragraph (2) applies only where A—

(a) was formerly in the claimant's care, and

(b) is aged 18 or over, and

(c) continues to live with the claimant.”;

(c) omit paragraphs 41 and 42(22);

(d) for paragraph 46(23) substitute—

“46. Any payment in consequence of a reduction of council tax under section 13 or 80 of the Local Government Finance Act 1992(24) (reduction of liability for council tax).”.

(15) In Schedule 10 (capital to be disregarded)—

(a) in paragraph 7(1)(25), for paragraph (b) substitute—

“(b) an income-related benefit or an income-based jobseeker's allowance, child tax credit or working tax credit under Part 1 of the Tax Credits Act 2002(26);”;

(b) in paragraph 10 omit “supplementary benefit or”;

(c) for paragraph 17(27) substitute—

“17.—(1) Any payment made by a local authority in accordance with—

(a) section 17, 23B, 23C or 24A of the Children Act 1989,

(b) section 12 of the Social Work (Scotland) Act 1968, or

(c) section 29 or 30 of the Children (Scotland) Act 1995.

(2) Any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ("A") which A passes on to the claimant.

(3) Sub-paragraphs (1) and (2) are subject to the following provisions.

(4) Neither of those sub-paragraphs applies where the claimant is a person—

(22) Paragraphs 41 and 42 were inserted by S.I. 1988/2022.

(23) Paragraph 46 was inserted by S.I. 1990/547 and amended by S.I. 1993/315.

(24) 1992 c.14.

(25) Relevant amending instruments for paragraph 7 are S.I. 1996/206, 2003/455.

(26) 2002 c.21.

(27) Relevant amending instruments are S.I. 1988/663, 1992/468, 1999/1034, 2001/3070, 2004/1141.

- (a) to whom section 126 of the Contributions and Benefits Act (trade disputes) applies, or
 - (b) in respect of whom section 124(1) of the Contributions and Benefits Act (conditions of entitlement to income support) has effect as modified by section 127 of that Act (effect of return to work).
- (5) Sub-paragraph (2) applies only where A—
- (a) was formerly in the claimant’s care, and
 - (b) is aged 18 or over, and
 - (c) continues to live with the claimant.”;
- (d) omit paragraphs 32 and 33**(28)**;
- (e) in paragraph 36**(29)** omit “a personal community charge pursuant to regulations under section 13A of the Local Government Finance Act 1988 or section 9A of the Abolition of Domestic Rates Etc (Scotland) Act 1987 (reduction of liability for personal community charge) or reduction of”.

(28) Paragraphs 32 and 33 were inserted by [S.I. 1988/2022](#).

(29) Paragraph 36 was inserted by [S.I. 1990/547](#) and amended by [S.I. 1993/315](#).