
STATUTORY INSTRUMENTS

2009 No. 3228

The Social Security (Miscellaneous Amendments) (No. 5) Regulations 2009

Abolition of urgent case payments: supplementary provisions

3.—(1) The following consequential amendments have effect.

(2) In the Income Support Regulations—

- (a) in regulation 17(1) (applicable amounts)(1) omit “and 70” and “and urgent cases”;
- (b) in regulation 18(1) (polygamous marriages)(2) omit “and 70” and “and urgent cases”;
- (c) after regulation 22A (reduction in applicable amount where the claimant is appealing against a decision which embodies a determination that he is not incapable of work)(3) insert—

“Period for which applicable amount is to be calculated where person not excluded from income support under section 115 of the Immigration and Asylum Act 1999

22B. Where paragraph 1 of Part 1 of the Schedule to the Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000 applies in respect of entitlement to income support, the period for which a claimant’s weekly applicable amount is to be calculated shall be any period, or the aggregate of any periods, not exceeding 42 days during any one period of leave to which that paragraph of that Part of the Schedule to those Regulations applies.”;

(d) in Schedule 1B (prescribed categories of person)(4), for paragraph 21(5) substitute—

“Persons from abroad

21. A person not excluded from entitlement to income support under section 115 of the Immigration and Asylum Act 1999 by virtue of regulation 2 of the Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000 except for a person to whom paragraphs 2, 3 and 4 of Part 1 of the Schedule to those Regulations applies.”.

(3) In the Jobseeker’s Allowance Regulations—

- (a) in regulation 83 (applicable amounts)(6) omit “or Part X” and “and urgent cases”;
- (b) in regulation 84(1) (polygamous marriages)(7) omit “or Part X”;

(1) Relevant amending instrument is [S.I. 1996/206](#).

(2) Relevant amending instruments are [S.I. 1988/1228](#), [1996/206](#) and [2001/3767](#).

(3) Regulation 22A was added by [S.I. 1996/206](#).

(4) Schedule 1B was inserted by Schedule 1 to [S.I. 1996/206](#).

(5) Paragraph 21 was amended by regulation 3(9) of [S.I. 2000/636](#).

(6) Relevant amending instrument is [S.I. 2001/3767](#).

(7) Relevant amending instrument is [S.I. 2001/3767](#).

- (c) in regulation 86A (applicable amounts for joint-claim couples)(**8**) omit “or Part X (urgent cases)”;
 - (d) in regulation 86B (applicable amounts for joint-claim couples: polygamous marriages)(**9**) omit “or Part X (urgent cases)”.
- (4) In the Employment and Support Allowance Regulations—
- (a) in regulation 67(1) (prescribed amounts) omit “and 163” and “and urgent cases”;
 - (b) in regulation 68(1) (polygamous marriages) omit “and 163” and “and urgent cases”.
- (5) In regulation 2 of the Immigration and Asylum Regulations (persons not excluded from specified benefits under section 115 of the Immigration and Asylum Act 1999)(**10**)—
- (a) for paragraph (5) substitute—
 - “(5) For the purposes of entitlement to income support, a jobseeker’s allowance, an employment and support allowance or a social fund payment under the Contributions and Benefits Act, as the case may be, a person who is an asylum seeker within the meaning of paragraph (4) of regulation 12 who has not ceased to be an asylum seeker by virtue of paragraph (5) of that regulation is a person to whom section 115 of the Act does not apply.”;
 - (b) in paragraph (8), for the words “state pension credit, the period for which a claimant’s state pension credit” substitute “income-related employment and support allowance, or state pension credit, as the case may be, the period for which a claimant’s income-related employment and support allowance, or state pension credit, as the case may be,”.

(**8**) Regulation 86A was added by [S.I. 2000/1978](#). Relevant amending instrument is [S.I. 2001/3767](#).

(**9**) Relevant amending instrument is [S.I. 2001/3767](#).

(**10**) Relevant amending instruments are [S.I. 2003/2274](#) and [S.I. 2008/1554](#).