

[See S.I. 1999/779 at page 1.6401 for details of treatment of persons and payments participating in New Deal 25 plus].

1991 No. 1559

SOCIAL SECURITY

The Income Support (General) Amendment No. 4 Regulations 1991

<i>Made</i>	<i>8th July 1991</i>
<i>Laid before Parliament</i>	<i>12th July 1991</i>
<i>Coming into force</i>	
<i>regulations 1, 2, 10 to 12, 14 and 15(e)</i>	<i>5th August 1991</i>
<i>regulation 15(a) to (c), 16 and 17</i>	<i>1st October 1991</i>
<i>regulations 4, 6 to 9, 13, 15(d), 18 to 21, and regulations 22 to 24 only insofar as they relate to regulations 4 and 13(b)</i>	<i>7th October 1991</i>
<i>regulations 3 and 5, and regulations 22 to 24 only insofar as they relate to regulation 3</i>	<i>7th April 1992</i>

[In the following S.I. wherever the words “training for work” appear substitute the words “work based training for adults” except in the case of reference to the title or principal order or of the 1993 order. As per S.I. 1998/1426 from 3.7.98].

The Secretary of State for Social Security in exercise of the powers conferred by sections 20(3)(a) and (d)(i), (12)(c) and (d)(i), 22(1), (8), (9)(a) and (b) and 84(1) of the Social Security Act 1986(a) and section 166(1) to (3A) of the Social Security Act 1975(b) and of all other powers enabling him in that behalf, and after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it(c), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Income Support (General) Amendment No. 4 Regulations 1991 and shall, subject to paragraph (2) below, come into force as follows—

- (a) regulations 1, 2, 10 to 12, 14 and 15(e), on 5th August 1991;
- (b) regulations 15(a) to (c), 16 and 17, on 1st October 1991;
- (c) regulations 4, 6 to 9, 13, 15(d), 18 to 21 and regulations 22 to 24 only insofar as they relate to regulations 4 and 13(b), on 7th October 1991;

(a) 1986 c.50; section 84(1) is an interpretation provision and is cited because of the meaning assigned to the words “prescribed” and “regulations”.

(b) 1975 c.14; subsection (3) was amended by the Social Security Act 1989 (c.24), section 31(1) and Schedule 8, paragraph 10; section 166(3A) was inserted by section 62(1) of the Social Security Act 1986 and section 166(1) to (3A) is applied by section 83(1) of the Social Security Act 1986.

(c) See the Social Security Act 1986 (c.50), section 61(1)(b) and (10). The Social Security Act 1989 (c.24), Schedule 8, added a definition of “regulations” to section 61(10) of the Social Security Act 1986.

(d) regulations 3 and 5 and regulations 22 to 24 only insofar as they relate to regulation 3, on 7th April 1992.

(2) These Regulations shall not apply in relation to a particular claimant until the beginning of the first benefit week to commence for that claimant on or after the date specified in paragraph (1); and for this purpose the expressions “claimant” and “benefit week” have the same meanings as in the General Regulations.

(3) In these Regulations “the General Regulations” means the Income Support (General) Regulations 1987(a).

[Regulation 2 amends regulation 2(1) of S.I. 1987/1967 as from 5.8.91.]

[Regulation 3 amends regulation 5 of S.I. 1987/1967 as from 7.4.92.]

[Regulation 4 amends regulation 6 of S.I. 1987/1967 as from 7.10.91.]

[Regulation 5 (purporting to amend regulation 7 of S.I. 1987/1967 as from 7.4.92) revoked before coming into force by regulation 13(2) of S.I. 1992/468 as from 6.4.92.]

[Regulation 6 amends regulation 13 of S.I. 1987/1967 as from 7.10.91.]

[Regulation 7 amends regulation 28 of S.I. 1987/1967 as from 7.10.91.]

[Regulation 8 amends regulation 42 of S.I. 1987/1967 as from 7.10.91.]

[Regulation 9 amends regulation 51 of S.I. 1987/1967 as from 7.10.91.]

[Regulation 10 amends regulation 61 of S.I. 1987/1967 as from 5.8.91.]

[Regulation 11 amends regulation 62 of S.I. 1987/1967 as from 5.8.91.]

[Regulation 12 amends regulation 66A of S.I. 1987/1967 as from 5.8.91.]

[Regulation 13 revoked by Sch. 3 to S.I. 1996/206 as from 7.10.96.]

[Regulation 14 revoked by Sch. 3 to S.I. 1996/206 as from 7.10.96.]

[Regulation 15(a) to (c) amends Schedule 2 to S.I. 1987/1967 as from 1.10.91.]

[Regulation 15(d) amends Schedule 2 to S.I. 1987/1967 as from 7.10.91.]

[Regulation 15(e) amends Schedule 2 to S.I. 1987/1967 as from 5.8.91.]

[Regulation 16 amends Schedule 3A to S.I. 1987/1967 as from 1.10.91.]

[Regulation 17 amends Schedule 3B to S.I. 1987/1967 as from 1.10.91.]

[Regulation 18 amends Schedule 4 to S.I. 1987/1967 as from 7.10.91.]

[Regulation 19 amends Schedule 7 to S.I. 1987/1967 as from 7.10.91.]

[Regulation 20 amends Schedule 9 to S.I. 1987/1967 as from 7.10.91.]

[Regulation 21 amends Schedule 10 to S.I. 1987/1967 as from 7.10.91.]

(a) S.I. 1987/1967; relevant amending instruments are S.I. 1988/663, 1228 and 1445, 1989/534, 1034 and 1323, 1990/127, 547, 1549 and 1776 and 1991/503.

Saving Provisions

22.—(1) Where this regulation applies to a person, regulation 5 of, or, as the case may be, regulation 6(a) of, and paragraph 6 of Schedule 1 to, the General Regulations shall continue to apply to him until the occurrence of one of the events specified in regulation 23 of these Regulations as if the amendments made by regulation 3 or, as the case may be, regulations 4(a) and 13(b) of these Regulations, had not been made.

(2) This regulation applies to a person—

- (a) who satisfied the relevant qualifying condition in the week immediately preceding the date on which regulation 3 or, as the case may be, regulations 4(a) and 13(b) of these Regulations came into force; and
- (b) who in what week was, or whose partner was, entitled to income support.

(3) This regulation applies to a person—

- (a) who satisfied the relevant qualifying condition in at least one of the eight weeks immediately preceding the date on which regulation 3 or, as the case may be, regulations 4(a) and 13(b) of these Regulations came into force, but who did not satisfy that condition in the week immediately preceding that date; and
- (b) who in the week in which he satisfied that condition was, or whose partner was, entitled to income support; and
- (c) who in a week commencing not more than eight weeks after the date on which he last satisfied the relevant qualifying condition, again satisfies that condition and in that week he, or his partner, is entitled to income support.

(4) This regulation applies to a person—

- (a) who, or whose partner, ceased to be entitled to income support because he, or his partner, became engaged in remunerative work for a period not exceeding the permitted period determined in accordance with regulation 24 of these Regulations and that period had commenced but had not ended before the coming into force of regulation 3 or regulation 4(a) and 13(b) of these Regulations, as the case may be; and
- (b) who satisfied the relevant qualifying condition in the week immediately before that period commenced; and
- (c) who in the week which commences immediately after the date on which that period ends, again satisfies the relevant qualifying condition and in that week he, or his partner, is entitled to income support.

(5) This regulation applies to a person—

- (a) who, or whose partner, was entitled to income support immediately before he or his partner participated in arrangements for training made under section 2 of the Employment and Training Act 1973(a) or section 2 of the Enterprise and New Towns (Scotland) Act 1990(b) or attended a course at an employment rehabilitation centre established under section 2 of the Employment and Training Act 1973 and that training or course had commenced but had not ended before the coming into force of regulation 3 or regulations 4(a) and 13(b) of these Regulations, as the case may be; and

(a) 1973 c.50; section 2 was substituted by the Employment Act 1988 (c.19), section 25.

(b) 1990 c.35.

- (b) who satisfied the relevant qualifying condition in the week immediately before the commencement of the period during which he or his partner participated in that training or attended that course;
 - (c) who in a week commencing not more than eight weeks after the date on which that period ends, again satisfies the relevant qualifying condition and in that week he, or his partner, is entitled to income support.
- (6) For the purposes of determining whether–
- (a) regulation 5 of the General Regulations continues to apply to a person as if the amendment made thereto by regulation 3 of these Regulations had not been made, the relevant qualifying condition is that he is engaged in work, or where his hours of work fluctuate, engage on average, for at least 16 hours but less than 24 hours a week; or
 - (b) regulation 6(a) of, and paragraph 6 of Schedule 1 to, the General Regulations continue to apply to a person as if the amendments made thereto by regulations 4(a) and 13(b) of these Regulations had not been made, the relevant qualifying condition is that he is engaged in work, he is mentally or physically disabled and his earning capacity is, by reason of that disability, reduced to 75 per cent. or less of what he would, but for that disability, be reasonably expected to earn.
- (7) in this regulation and in regulations 23 and 24 of these Regulations except where the context otherwise requires, the terms used have the same meanings as in the General Regulations.

Circumstances in which regulation 22 ceases to apply

23.—(1) Subject to paragraph (2) of this regulation, regulation 22 of these Regulations shall cease to apply to a person if–

- (a) he ceases to satisfy the relevant qualifying condition; or
- (b) he, or his partner, ceases to be entitled to income support,

for a period in excess of eight consecutive weeks.

(2) For the purposes of paragraph (1) of this regulation–

- (a) except where sub-paragraph (b) of this paragraph applies, in a case where the person, or his partner, ceases to be entitled to income support because he, or his partner, becomes engaged in remunerative work, no account shall be taken of any period during which he, or his partner, was not entitled to income support, not exceeding the permitted period determined in accordance with regulation 24 of these Regulations;
- (b) no account shall be taken of–
 - (i) any period during which the person, or his partner, was participating in arrangements for training made under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New towns (Scotland) Act 1990 or attending a course at an employment rehabilitation centre established under section 2 of the Employment and Training Act 1973; and
 - (ii) further period not exceeding eight consecutive weeks commencing immediately after the end of the period referred to in head (i) of this sub-paragraph.

Permitted period

24.—(1) For the purposes of regulations 22 and 23 of these Regulations, where a person has ceased to be entitled to income support–

- (a) because he, or his partner, becomes engaged in remunerative work the permitted period, shall be twelve weeks; or

Words deleted in reg.
24(1)(a) by reg. 30(a)
of S.I. 1996/206 as from
7.10.96.

(b) for any other reason, the permitted period shall be eight weeks.

(2) and (3) ►◄

Signed by authority of the Secretary of State for Social Security.

Reg. 24(2) and (3)
deleted by reg. 30(b) of
S.I. 1996/206 as from
7.10.96.

8th July 1991

Nicholas Scott
Minister of State
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Income Support (General) Regulations 1987 in the following respects—

- (a) they define the last day of a student's course, make certain consequential amendments in this respect, increase to £257 the amount to be disregarded from a student's grant income in respect of books and equipment and clarify the circumstances in which certain disabled students aged 16 and 17 are entitled to income support (regulations 2, 10 to 12 and 14);
- (b) they reduce from 24 to 16 the number of hours constituting employment, and below which a person in employment is not treated as being in remunerative work for the purposes of entitlement to income support, amend the circumstances in which physically or mentally disabled persons, and certain persons in residential or nursing care, or residential accommodation, although employed, are treated as not being in remunerative work nor required to be available for employment and make saving provision in respect of certain person affected by these changes (regulations 3 to 5, 13(b) and (c) and 22 to 24);

- (c) they provide a new definition in respect of those aged 16 and over but under 19 who are entitled to income support which in certain types of education, restrict the applicable amount of those in certain residential care homes who are not receiving personal care, make minor technical amendments in respect of capital and income which a person is treated as having and provide for personal community charge and collective community charge contributions made to a third party in respect of a claimant or a member of his family to be treated as notional income or capital of the claimant (regulations 6 to 9, 18 and 20(a));
- (d) they clarify the circumstances in which those caring for others where certain allowances are in payment, are not required to be available for employment, provide for a further exemption from that requirement where the circumstances have ceased to apply and remove the two day minimum period for court attendance in respect of exemption from that requirement (regulation 13(a) and (d));
- (e) they further increase by 25p a week, the personal allowance for certain persons under 18, or under 25, they increase the family premium by 75p and provide that where a claimant who benefits from any of these increases has a protected sum in respect of board and lodging or hostel costs, that sum is not eroded by the increase in the personal allowance (regulations 15(a) to (c), 16 and 17);
- (f) they extend the period to which entitlement to a carer premium applies and provide that, in determining whether that premium is payable, concessionary payment of invalid care allowance is to be treated as if it were a payment of that benefit (regulation 15(d) and (e));
- (g) they clarify the manner in which certain applicable amounts are to be calculated where a claimant or his partner is temporarily absent abroad in certain circumstances (regulation 19);
- (h) they provide that £10 of certain pensions paid by foreign governments is to be disregarded in calculating income and that the value of a personal pension is to be disregarded in calculating capital (regulations 20(b) and 21).