

[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.2334

### SOCIAL SECURITY

#### The Income Support (General) Amendment No. 6 Regulations 1991

<i>Made</i> - - - -	<i>21st October 1991</i>
<i>Laid before Parliament</i>	<i>21st October 1991</i>
<i>Coming into force</i> -	<i>11th November 1991</i>

The Secretary of State for Social Security in exercise of the powers conferred by sections 22(1) 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 reference to the Social Security Advisory Committee(c), hereby makes the following Regulations:

[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.]

#### Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Income Support (General) Amendment No. 6 Regulations 1991 and shall, subject to paragraph (2) below, come into force on 11th November 1991.

(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 11th November 1991.

(3) In these Regulations, unless the context otherwise requires, expressions used in these Regulations and in the General Regulations shall have the same meaning in these Regulations as they have in the General Regulations; and

- “qualifying conditions” has the meaning given in regulation 4(7);
- “relevant amendment” means the amendment of regulation 3 of the General Regulations made by regulation 2 of these Regulations;
- “the General Regulations” means the Income Support (General) Regulations 1987(d).

(4) In regulations 4 to 6 of these Regulations, unless the context otherwise requires, a reference—

- (a) to a numbered regulation is to the regulation in these Regulations bearing that number;
- (b) in a regulation to a numbered paragraph is to the paragraph in that regulation bearing that number;

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

(c) See section 10 of the Social Security Act 1980 (c.30).

(d) S.I. 1987/1967; relevant amending instruments are S.I. 1989/1678 and 1990/1776; the expression “benefit week” was amended by S.I. 1988/1445.

- (c) in a paragraph to a lettered or numbered sub-paragraph is to the sub-paragraph in that paragraph bearing that letter or number.

[Regulation 2 amends regulation 3 of S.I. 1987/1967.]

[Regulation 3 revoked by Sch. 4 to S.I. 1995/1613 as from 2.10.95.]

#### **Saving Provision in relation to Severe Disability Premium**

4.—(1) the provisions of this regulation are subject to regulation 5.

(2) Where paragraph (3), (4), (5) or (6) applies to a claimant, sub-paragraph (2)(a)(ii), or, as the case may be, sub-paragraph (2)(b)(iii) of paragraph 13 of Schedule 2 to the General Regulations shall have effect in relation to him as if the relevant amendment had not been made.

(3) This paragraph applies to a claimant who satisfied both the qualifying conditions in the week immediately preceding 21st October 1991.

(4) This paragraph applies to a claimant—

- (a) who satisfied both the qualifying conditions in at least one of the eight weeks immediately preceding 21st October 1991, but did not satisfy either or both of those conditions in the week immediately preceding that date; and
- (b) who in week commencing not more than eight weeks after the date on which he last satisfied both the qualifying conditions, would again have satisfied both those conditions if the relevant amendment had not been made.

(5) This paragraph applies to a claimant—

- (a) who ceased to be entitled to income support because he became engaged in remunerative work for a period not exceeding the permitted period determined in accordance with regulation 6 and that period had commenced but had not ended before 21st October 1991; and
- (b) who satisfied both the qualifying conditions in the week ending on the day before the first day of that period commenced; and
- (c) who in the week which commenced on the day immediately following the day on which that period ends, would again have satisfied both the qualifying conditions if the relevant amendment had not been made.

(6) This paragraph applies to a claimant—

- (a) who satisfied both the qualifying conditions immediately before he—
  - (i) 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
  - (ii) attended a course at an employment rehabilitation centre established under section 2 of the Employment and Training Act 1973, and he had begun the training or joined the course before 21st October 1991 and was still continuing with the training or course at that date; and
- (b) who in the week which commenced on the day immediately following the last day he attended the training or course, would again have satisfied both the qualifying conditions if the relevant amendment had not been made.

(7) The “qualifying conditions” means the two qualifying conditions set out in paragraph (8)(a) and (b) below.

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

(b) 1990 c.35.

- (8) For the purposes of paragraph (7)–
- (a) the first qualifying condition is that the claimant–
    - (i) has made a claim for income support which has not been determined, but had it been determined and an award made, his applicable amount would have included severe disability premium; or
    - (ii) has a current award of income support and the applicable amount appropriate to that award includes severe disability premium; or
    - (iii) has a current award of income support and has before 21st October 1991 made an application in writing in accordance with section 104(2) of the Social Security Act requesting a review of that award, where the ground, or one of the ground for review, is that–
      - (aa) he has become a co-owner with a close relative of the dwelling which he and that close relative jointly occupy as their home; or
      - (bb) he has become jointly liable with a close relative to make payments to a landlord in respect of the dwelling which he and that close relative jointly occupy as their home, whether or not there are other co-owners or other persons jointly liable to make such payments and, if revised, the applicable amount appropriate to the award includes severe disability premium in respect of a period prior to that date;
  - (b) the second qualifying condition is that the person is–
    - (i) a co-owner, with a close relative, of the dwelling he and that close relative jointly occupy as their home, whether or not there are other co-owners; or
    - (ii) jointly liable, with a close relative, to make payments to a landlord in respect of the dwelling he and that close relative jointly occupy as their home, whether or not there are other persons jointly liable to make such payments.

►(9) For the purposes of paragraph (8)(b) and regulation 5(2)(b), where a person has satisfied the second qualifying condition, but his circumstances change so that he no longer satisfies it, he shall nonetheless be treated as satisfying it for so long as he is a person to whom paragraph (10) applies.

Paras. (9) and (1) of reg. 4 substituted for para. (9) by reg. 5 of S.I. 1991/2695 as from 27.12.91.

- (10) This paragraph applies to a person–
- (a) who was, together with a close relative of his, either a co-owner of, or jointly liable to make payments to a landlord in respect of, the dwelling which he and that close relative jointly occupied as their home; and
  - (b) who has since become, with that close relative or any other close relative, either–
    - (i) jointly liable to make payments to a landlord in respect of that dwelling or any other dwelling; or
    - (ii) a co-owner of that dwelling or any other dwelling, which he and the close relative jointly occupy as their home (whether or not there are other co-owners, or other persons jointly liable to make such payments).◀

*For the period from 11.11.91 to 26.12.91, the following paragraph had effect in place of paragraphs (9) and (10) above:–*

(9) For the purpose of paragraph (8)(b) and regulation 5(2)(b), where a person has satisfied the second qualifying condition, but his circumstances change, he shall nonetheless be treated as satisfying it for so long as he satisfies any one of the following conditions, namely–

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- (a) he becomes a co-owner with a close relative of the dwelling he and that close relative jointly occupy as their home, in respect of which he and that close relative, or any other close relative, were jointly liable to make payments to a landlord in respect of their occupation (whether or not there are other co-owners);
- (b) he becomes jointly liable, with a close relative, to make payments to a landlord in respect of the dwelling he and that close relative jointly occupy as their home (whether or not there are other persons jointly liable to make such payments) in respect of which he and that close relative, or he and any other close relative, were co-owners;
- (c) he, together with a close relative, having been either a co-owner of, or jointly liable to make payments to a landlord in respect of, the dwelling he and that close relative jointly occupied as their home, becomes, with that close relative or any other close relative, either a co-owner of, or jointly liable to make payments to a landlord in respect of, any other dwelling which he and the close relative jointly occupy as their home (whether or not there are other co-owners, or other persons jointly liable to make such payments).

**Circumstances in which regulation 4 ceases to apply**

5.—(1) Regulations 4 shall cease to apply to a claimant, or his partner, on the relevant day and shall not apply on any day thereafter.

(2) The relevant day is the first day after a period of eight consecutive weeks throughout which—

- (a) subject to paragraph (3), he is not entitled to income support; or
- (b) he is unable to satisfy, or to be treated as satisfying, the second qualifying condition.

(3) For the purpose of calculating a period in excess of eight weeks in paragraph (2)(a) above the following periods shall be disregarded—

- (a) where the claimant, or his partner, becomes engaged in remunerative work, any period during which he, or his partner, was not entitled to income support, not exceeding the permitted period determined in accordance with regulation 6;
- (b) any period during which the claimant, 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.

**Definition of “permitted period” for the purposes of regulations 4 and 5**

6.—(1) For the purposes of regulations 4(5) and 5(3)(a), where a claimant has ceased to be entitled to income support because he or his partner became engaged in remunerative work, ►◄ the permitted period shall be a period of 12 consecutive weeks.

(2) ►◄

(3) ►◄

Words deleted in reg. 6(1) by reg. 31(a) of S.I. 1996/206 as from 7.10.96

Reg. 6(2) deleted by reg. 31(b) of S.I. 1996/206 as from 7.10.96

Reg. 6(3) deleted by reg. 31(b) of S.I. 1996/206 as from 7.10.96

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

21st October 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.

They enlarge the definition of “non-dependant” for the purposes of Severe Disability Premium, subject to certain exceptions and savings.

The report of the Social Security Advisory Committee dated 4th September 1991 on the proposals to make these Regulations together with the statement showing the extent to which these Regulations give effect to them, and in so far as they do not give effect to them, the reasons why not, are contained in Command Paper No. 1694, published by Her Majesty’s Stationery Office.

