

SCHEDULE

PART I

CALCULATION OF RESOURCES

2. The provisions of the Income Support (General) Regulations 1987 shall be applied as follows:—
- (a) as respects the provisions specified in column 1 of Table A in this Schedule, in accordance with the modifications specified in the corresponding entries in column 2;
 - (b) as if—
 - (i) references to income support were to the remission of any relevant charges and the payment of any relevant travelling expenses,
 - (ii) references to an adjudication officer were to the Scottish Ministers;
 - (iii) references in any of those provisions to any other of those provisions were to that other provision as modified in accordance with this paragraph; and
 - (iv) the State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002(1) had not been made; and
 - (c) as if there were inserted in regulation 2 (interpretation) of those Regulations after the definition of “relative”—
 - ““relevant date” means—
 - (a) in the case of a claim made under regulation 9(1) of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003, the date of claim; and
 - (b) in the case of a claim made under regulation 11(2) of those Regulations, the date when the claimant paid the relevant charges or relevant travelling expenses”.

TABLE A

MODIFICATIONS OF THE INCOME SUPPORT (GENERAL) REGULATIONS 1987 FOR THE PURPOSES OF PART I OF THIS SCHEDULE

<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
Regulation 23	In paragraph (1)(2) for “section 22(5) of the Act” substitute “regulation 8(3) of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003”.
Regulation 25	For the whole of regulation 25 (liable relative payments) substitute—

“25.—(1) Where a claimant’s income consists of any payments made by a person, whether under

(1) S.I.2002/3019.

(2) Amended by S.I. 2003/455, regulation 2 and Schedule 1.

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<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
	<p>a court order or not, for the maintenance of himself or any member of his family, and those payments are made or due to be made at regular intervals, his normal weekly income from those payments shall be determined—</p> <p>(a) if before the relevant date those payments are made at regular intervals and in regular amounts, by reference to the normal weekly amount; or</p> <p>(b) if they are not so made, by reference to the average amount of such payments received in the 13 weeks immediately preceding the week which includes the relevant date.</p> <p>(2) Any maintenance payment other than one to which paragraph (1) of this regulation applies shall be treated as capital.”.</p>
Regulation 25A	Omit this regulation.
Regulation 28	<p>In paragraph (1)(3) omit the words from “For the purposes” to “income support”).</p> <p>In paragraph (1)(a) for “the weekly amount of his income” substitute “the normal weekly amount of his income at the relevant date”.</p>
Regulation 29	Omit this regulation.
Regulation 30	<p>In paragraph (1)(4) omit the words “Except where paragraph (2) applies”.</p> <p>In paragraph (1)(a) at the beginning insert the words “except where sub-paragraphs (b) or (c) apply,”.</p> <p>In paragraph (1)(b) at the beginning insert the words “except where sub-paragraph (c) applies,”.</p> <p>After paragraph (1)(b) insert—</p>

(3) Amended by S.I. 1991/159, regulation 7.
(4) Amended by S.I. 1993/2119, regulation 11.

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<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
	“or
	(c) where in respect of the employment the claimant provides a profit and loss account (and, where appropriate, a trading account or a balance sheet or both), and the profit and loss account is in respect of a period of at least 6 months but not exceeding 15 months and that period ends within the 12 months preceding the relevant date.”.
	After paragraph (1) insert–
	“(1A) In paragraph (1)(c)–
	(a) “balance sheet” means a statement of the financial position of the employment disclosing its assets, liabilities and capital at the end of the period in question;
	(b) “profit and loss account” means a financial statement showing the net profit or loss of the employment for the period in question; and
	(c) “trading account” means a financial statement showing the revenue from sales, the cost of those sales and the gross profit arising during the period in question.”.
	Omit paragraph (2).
Regulation 31	Omit this regulation.
Regulation 32	In paragraph (1)(5) for “regulation 29” substitute “regulation 28” and for “subject to paragraphs (2) to (7)” substitute “subject to paragraph (6)”.
	In paragraph (6) omit “and has changed more than once”.
	Omit paragraphs (3)-(5), (6A) and (7).

(5) Amended by S.I. 1988/663, regulation 15 and 1989/1323, regulation 10.

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<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
Regulation 35	Omit paragraphs (1)(c), (1)(g), (1)(i), (1A) and (2A). In paragraph (1)(d)(6) omit the words after “employment”. In paragraph (2)(a)(7) omit the words “subject to paragraph (2A)”.
Regulation 36	In paragraph (1) for “regulation 29 (calculation of earnings of employed earners)” substitute “regulation 28 (calculation of income)”.
Regulation 38	In paragraph (3)(8) for “paragraph (9)” substitute “paragraphs (3A) or (9)”. After paragraph (3) insert— “(3A) For the purpose of paragraph (1) (a), in a case where earnings of the employment are calculated over a period determined under regulation 30(1)(c), the net profit of the employment shall, except where paragraph (9) applies, be calculated by taking into account the earnings of the employment relevant to that period (whether or not received in that period), less— (a) subject to paragraphs (5) to (7), any expenses relevant to that period (whether or not defrayed in that period) and which were wholly and exclusively incurred for the purposes of that employment; and (b) an amount in respect of— (i) income tax; (ii) social security contributions payable under the Social Security Contributions and Benefits Act 1992(9), calculated in accordance with regulation 39 (deduction of tax and contributions

(6) Amended by S.I. 1988/663, regulation 17.

(7) Amended by S.I. 1999/1509, regulation 2(5).

(8) Amended by S.I. 1993/2119, regulation 13 and 1994/2139, regulation 28.

(9) 1992 c. 4.

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<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
	for self-employed earners); and (iii) one half of any premium paid in the period that is relevant under regulation 30 (calculation of earnings of self-employed earners) in respect of a retirement annuity contract or a personal pension scheme.”.
Regulations 39A-D	In paragraph (4) after “the net profit of the employment” insert “, except where paragraphs (3A) or (9) apply.”.
Regulation 40	Omit these regulations. In paragraph (1)(10) for “regulation 29 (calculation of income other than earnings)” substitute “regulation 28 (calculation of income)” and for “paragraphs (2) to (3B)” substitute “paragraphs (2) and (3)”.
Regulation 41	Omit paragraphs (3A) to (5). In paragraph (1)(11) for “on the first day” to “the date of that supersession” substitute “at the relevant date”.
Regulation 42	Omit paragraphs (3) and (4). In paragraph (4)(12) omit the words from “and in the case of” to “(trade disputes) applies”.
Regulation 45	For this regulation substitute– “Capital Limit 45. For the purposes of Regulation 5(1)(a) of the National Health Service (Travelling Expenses and Remission of Charges)(Scotland)

(10) Amended by S.I. 1988/2002, regulation 9, 1998/563, regulation 13(1)(a) and 2003/455, Regulation 2 and Schedule 1, paragraph 8.

(11) Amended by S.I. 1999/3178, article 3(5) and Schedule 5, paragraph 3 and 2000/2545, regulation 2(1)(a).

(12) Amended by S.I. 1988/1445, regulation 10 and Schedule 1, paragraph 4, 1989/534, Schedule 1, paragraph 7, 1991/1559, regulation 8, 1993/315, Schedule, paragraph 2, 1994/527, regulation 4, 1995/2792, regulation 6(2), 1995/3282, regulation 2, 1998/2117, regulation 2(2), 1999/2640, regulation 2(1), 2002/841, regulation 2(2) and 2003/455, regulation 10.

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<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
	(No. 2) Regulations 2003 the capital limit is– <ul style="list-style-type: none"> (a) for a claimant under 60, or if the claimant has a partner, where both are under 60 – £8,000; (b) for a claimant permanently residing in accommodation as defined in Regulation 19A – £19,500; or (c) for a claimant 60 or over, or if the claimant has a partner, where either or both are 60 or over, and neither is permanently residing in accommodation as defined in Regulation 19A – £12,000.”.
Regulation 46	In paragraph (1)(13) omit from “For the purposes” to “income support”.
Regulation 48	In paragraph (2)(14) omit from “Except” to “applies”.
	In paragraph (5) omit “Subject to paragraph (6)”.
Regulation 49	Omit paragraphs (6) and (10)(a) and (b). In paragraph (b)(i)(15) for “first day” to “date of that supersession” substitute “relevant date”.
Regulation 51	Omit paragraph (1)(b).
Regulation 51A	Omit this regulation.
Regulation 53	In paragraph (1A)(16) for “£10,000” on each occasion it appears substitute “£12,000” and for “£16,000” substitute “£19,500”. For paragraph (1B) substitute– “(1B) For the purposes of paragraph (1A) and regulation 45 the prescribed circumstances are that the claimant lives permanently in

(13) Amended by S.I. 1988/2022, regulation 10.

(14) Amended by S.I. 1988/1445, regulation 11.

(15) Amended by S.I. 1999/3178, article 3(5) and Schedule 5, paragraph 6.

(16) Inserted by S.I. 1996/462, regulation 12(1).

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<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
	accommodation as set out in Regulation 19A.”.
	In paragraph (3)(17) for “regulation 60” substitute “regulation 25.”
Regulations 54—60E	Omit these regulations.
Regulation 61	In paragraph (1)(18) as if, in the case of a student supported by the Student Awards Agency for Scotland, in the definition of “academic year”, for “1st September”, there were substituted “1st August”.
Regulation 62	In paragraph (3)(19) from the beginning to the words “shall be apportioned” substitute “Subject to paragraph (3A), a student’s grant income shall be apportioned”.
	In paragraph (3)(a) for “in the period beginning with the benefit week”, to “the last day of which coincides with, or immediately precedes, the last day of the period of study,” substitute “in that period”.
	In paragraph (3)(b) for “in the period beginning with the benefit week”, to “the last day of the period for which it is payable,” substitute “in respect of which it is payable”.
	In paragraph (3A)(20) omit “under the provisions referred to in paragraph (3)” and “or, if there are 53 benefit weeks (including part-time weeks) in the year, 53”.
	Omit paragraph (3B).
	In paragraph (4), for “the weeks in the period beginning with the benefit week”, to “the last day of the period of experience” substitute “the remaining weeks in that period”.

(17) Amended by S.I. 1988/2022, regulation 13, 1996/462, regulation 12(1) and 2000/2545, regulation 2(1)(c).

(18) Amended by S.I. 2000/1981, regulation 5(3) and 2001/2319, regulation 2(1) and (2)(c).

(19) Amended by S.I. 2000/1922, regulation 2(4)(e) and 2003/455, paragraph 16.

(20) Inserted by S.I. 2001/2319, regulation 6 and amended by 2003/455, paragraph 16.

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<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
Regulation 63	In paragraph (2) omit “or, if there are 53 benefit weeks (including part-time weeks) in the year, 53”.
Regulation 64	In paragraph (1)(c) omit “or if there are 53 benefit weeks (including part-time weeks) in the year, 53”.
Regulation 65	For “No part” (21) substitute “(1) Subject to paragraph (2), no part”.
	After paragraph (1) insert– “(2) For the purposes of this regulation and paragraph 15 of Schedule 9 “voluntary payment” shall not include any payment made by a person whose income the Scottish Ministers– (a) would take into account in assessing the amount of a student’s grant or student’s loan if an application for it were to be made; or (b) has taken into account in assessing the amount of a student’s grant or student’s loan and which is in excess of contributions as assessed by the Scottish Ministers.”.
Regulation 66A (22)	For paragraph (2) substitute– “(2) In calculating the weekly amount of the loan to be taken into account as income– (a) except where sub-paragraph (b) applies, the loan shall be apportioned equally between the 52 weeks in the academic year; or (b) in the case of a loan which is payable in respect of the final academic year of the course or if the course is only of one academic year’s duration, in respect of that year the loan shall be apportioned equally between the weeks in the period beginning with the start of the final academic year, or as

(21) Amended by S.I. 1990/547, regulation 14 and 1996/462, regulation 8.

(22) Inserted by S.I. 1990/1549, regulation 5(7).

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<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
Schedule 8	<p>the case may be, the single academic year and ending with the last day of the course, and, in the case of a person to whom paragraph (2A), (2B) or (2C) applies, from the weekly amount so apportioned there shall be disregarded £10.”.</p> <p>After paragraph (2) insert–</p> <p>“(2A) This paragraph applies to a student whose applicable amount includes any premium specified in Parts II and III of Schedule 2.</p> <p>(2B) This paragraph applies where the claimant is a student to whom paragraph 12 of Schedule 1B applies.</p> <p>(2C) This paragraph applies where the student is a partner of a claimant and the claimant is not also a student.”.</p> <p>In paragraph 4(2)(23) after “disability premium” insert “or higher pensioner premium”.</p> <p>In paragraph 4 omit sub-paragraphs (3), (4), and (7).</p> <p>In paragraph 6A(1)(24) for “none of the paragraphs 4 to 6 applies” substitute “paragraph 4 does not apply”.</p> <p>In paragraph 7(25) for the words “none of paragraphs 4 to 6B” substitute “none of paragraphs 4 or 5 or 6A or 6B”.</p> <p>In paragraph 8(26) omit “part-time”.</p> <p>After paragraph 8 insert–</p> <p>“8A. In a case in which none of paragraphs 4 to 8 applies to the claimant and he is one of a married or unmarried couple and a member of that couple is engaged in employment, £10; but if this paragraph applies to a claimant it</p>

(23) Amended by S.I. 2001/3767, regulation 2(1) and Part I of Schedule, paragraph 18.

(24) Amended by S.I. 1993/315, regulation 8 and 2000/2545, regulation 3 and Schedule, paragraph 2.

(25) Amended by S.I. 1993/315, regulation 8 and 2000/2545, regulation 3 and Schedule, paragraph 2.

(26) Amended by S.I. 2000/2545, regulation 3 and Schedule, paragraph 2.

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Schedule 9	<p>shall not apply to his partner except where, and to the extent that, the earnings of the claimant which are to be disregarded under this paragraph are less than £10.”.</p> <p>In paragraph 9 for “8” substitute “8A”.</p> <p>Omit paragraphs 6, 10, 13 and 16.</p> <p>In paragraph 15(27), in sub-paragraph (1) omit “paragraph 37”, and omit sub-paragraph (3)(b).</p> <p>In paragraph 16(28) for “paragraphs 36 and 37” substitute “paragraph 36”.</p> <p>In paragraph 19(29) for “£4.00” substitute “£20.00” and omit sub-paragraph (b).</p> <p>In paragraph 21(1)(30) omit “or in the case of a person to whom section 23 of the Act (trade dispute) applies”.</p> <p>In paragraph 28(31) omit from “Except” to “return to work”.</p> <p>For paragraph 29(1) substitute–</p> <p>“(1) Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain payments of housing costs on a loan which qualifies under paragraphs 15 or 16 of Schedule 3, or for repairs or improvements to the dwelling occupied as the home to the extent that it is used to meet–</p> <p style="padding-left: 40px;">(a) repayments of unsecured loans for the purposes of carrying out repairs and improvements to the dwelling occupied as the home; or</p>

(27) Amended by S.I. 1993/518, regulation 5, 1995/2303, regulation 6(9) and 2001/3767, regulation 2(1) and Part I of Schedule, paragraph 19.

(28) Amended by S.I. 1995/2792, regulation 6(3), 2000/2239, regulation 2(4) and 2002/841, regulation 2(4).

(29) Amended by S.I. 1994/527, regulation 9, 1995/516, regulation 27 and 2002/668, article 16(9).

(30) Amended by S.I. 1988/999, regulation 5, 1990/127, regulation 3, 1991/1175, regulation 5, 1992/1101, regulation 6, 1993/963, regulation 2(3), 1993/1249, regulation 4(4) and 2000/636, regulation 3(12).

(31) Amended by S.I. 1988/663, regulation 35, 1989/1034, regulation 12, 1992/468, Schedule, paragraph 9 and 2001/3070, article 3(2) and Schedule 1, paragraph (c).

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<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
	(b) any amount due by way of premiums on that policy.”
	Omit paragraphs 30, 34 and 37.
	After paragraph 76 insert–
	“77. Any payment of State Pension Credit Savings Credit as defined under sections 1 and 3 of the State Pension Credit Act 2002(32).”
Schedule 10	In paragraph 17(33) for the words from “Except” to “payment” substitute “Any payment”.

(32) 2002 c. 16.

(33) Amended by 1988/663, regulation 36, 1989/1034, regulation 12, 1992/468, Schedule, paragraph 10 and 2001/3070, article 3(2) and Schedule 1, paragraph c.