

## SCHEDULE 5

Regulation 43(2)

### Capital to be disregarded

1. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by the applicant in respect of the applicant's participation in the Mandatory Work Activity Scheme, but only for a period of 52 weeks, beginning with the date of receipt of the payment.

2. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by the applicant in respect of the applicant's participation in the Employment, Skills and Enterprise Scheme, but only for a period of 52 weeks beginning with the date of receipt of the payment.

3. The dwelling together with any garage, garden and outbuildings, normally occupied by the applicant as the applicant's home including any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, any croft land on which the dwelling is situated, but, notwithstanding regulation 24 (calculation of income and capital of members of applicant's family and of a polygamous marriage), only one dwelling is to be disregarded under this paragraph.

4. Any premises acquired for occupation by the applicant which the applicant intends to occupy as the applicant's home within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the applicant to obtain possession and commence occupation of the premises.

5. Any sum directly attributable to the proceeds of sale of any premises formerly occupied by the applicant as the applicant's home which is to be used for the purchase of other premises intended for such occupation within 26 weeks of the date of sale or such longer period as is reasonable in the circumstances to enable the applicant to complete the purchase.

6. Any premises occupied in whole or in part—

(a) by a partner or relative of a single applicant or any member of the family as that person's home where that person has attained the qualifying age for state pension credit or is incapacitated; or

(b) by the former partner of the applicant as that person's home, but this provision does not apply where the former partner is a person from whom the applicant is estranged or divorced or with whom the applicant had formed a civil partnership that has been dissolved.

7. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the whole of the applicant's capital.

8. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act 1995(1) and the applicant's partner is on income-based jobseeker's allowance, the whole of the applicant's capital.

9. Any future interest in property of any kind, other than land or premises in respect of which the applicant has granted a subsisting lease or tenancy, including sub-leases or sub-tenancies.

10.—(1) The assets of any business owned in whole or in part by the applicant and for the purposes of which the applicant is engaged as a self-employed earner, or if the applicant has ceased to be engaged as a self-employed earner, for a period that is reasonable in the circumstances to allow for disposal of any asset.

(2) The assets of any business owned in whole or in part by the applicant where—

---

(1) 1995 c.18.

*Status: This is the original version (as it was originally made).*

- (a) the applicant is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but
- (b) the applicant intends to become engaged or, as the case may be, re-engaged as a self-employed earner in that business as soon as the applicant recovers or is able to become engaged or re-engaged in that business,

for a period of 26 weeks from the date on which the application for council tax reduction is made, or is treated as made, or, if it is unreasonable to expect the applicant to become engaged or re-engaged in that business within that period, for a longer period that is reasonable in the circumstances to enable the applicant to become engaged or re-engaged as a self-employed earner in that business.

(3) In the case of a person who is receiving assistance under the self-employment route, the assets acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which the assistance is being received.

(4) In the case of a person who has ceased carrying on the commercial activity in respect of which assistance was received as specified in sub-paragraph (3), the assets relating to that activity for a period which is reasonable in the circumstances to allow for disposal of any such asset.

**11.**—(1) Subject to sub-paragraph (2), any arrears of or any concessionary payment made to compensate for arrears due to the non-payment of—

- (a) any payment specified in paragraphs 10, 12 or 13 of Schedule 4;
- (b) an income-related benefit under Part 7 of the 1992 Act;
- (c) an income-based jobseeker’s allowance;
- (d) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001<sup>(2)</sup>;
- (e) working tax credit and child tax credit; or
- (f) an income-related employment and support allowance,

but only for a period of 52 weeks from the date of the receipt of arrears or of the concessionary payment.

(2) In a case where the total of any arrears and, if appropriate, any concessionary payment referred to in sub-paragraph (1) relating to one of the specified payments, benefits or allowances amounts to £5,000 or more (“the relevant sum”) and is—

- (a) paid in order to rectify, or to compensate for, an official error as defined in regulation 1(2) of the Decisions and Appeals Regulations<sup>(3)</sup>; and
- (b) received by the applicant in full on or after 14th October 2001,

sub-paragraph (1) has effect in relation to the arrears or concessionary payment either for a period of 52 weeks from the date of receipt, or, if the relevant sum is received in its entirety during the period of entitlement to council tax reduction, for the remainder of that period if it is a longer period.

(3) For the purposes of sub-paragraph (2), “the period of entitlement to council tax reduction” means—

- (a) the period of entitlement to council tax reduction in which the relevant sum is first received (or the first part of the relevant sum where it is paid in more than one instalment); and
- (b) where that period of entitlement is followed by one or more periods of entitlement which, or each of which, begins immediately after the end of the previous period, such further period provided that for that further period the applicant—
  - (i) is the person who received the relevant sum; or

<sup>(2)</sup> [S.I. 2001/1167](#).

<sup>(3)</sup> Regulation 1(2) was relevantly amended by [S.I. 2002/1379](#), [2002/1703](#), [2008/2683](#) and [2012/757](#).

(ii) is the partner of the person who received the relevant sum, or was that person's partner at the date of the partner's death; and

“official error” means an error made by an officer of the Department for Work and Pensions acting as such which no person outside the Department caused or to which no person outside the Department materially contributed but excludes any error of law which is shown to have been an error by virtue of a subsequent decision of the Upper Tribunal or the court.

**12. Any sum—**

- (a) paid to the applicant in consequence of damage to, or loss of the home or any personal possession and intended for its repair or replacement; or
- (b) acquired by the applicant (whether as a loan or otherwise) on the express condition that it is to be used for effecting essential repairs or improvement to the home,

which is to be used for the intended purpose, for a period of 26 weeks from the date on which it was so paid or acquired or such longer period as is reasonable in the circumstances to effect the repairs, replacement or improvement.

**13. Any sum—**

- (a) deposited with a housing association as defined in section 1(1) of the Housing Associations Act 1985<sup>(4)</sup> or section 338(1) of the Housing (Scotland) Act 1987<sup>(5)</sup> as a condition of occupying the home; and
- (b) which was so deposited and which is to be used for the purchase of another home,

for the period of 26 weeks or such longer period as may be reasonable in the circumstances to enable the applicant to complete the purchase.

**14.** Any personal possessions except those acquired by the applicant with the intention of reducing the applicant's capital in order to secure entitlement to council tax reduction or to increase the amount of that reduction.

**15.** The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.

**16.** Where the funds of a trust are derived from a payment made in consequence of any personal injury to the applicant or applicant's partner, the value of the trust fund and the value of the right to receive any payment under that trust.

**17.—(1)** Any payment made to the applicant or the applicant's partner in consequence of any personal injury to the applicant or, as the case may be, the applicant's partner.

**(2) But sub-paragraph (1)—**

- (a) applies only for the period of 52 weeks beginning with the day on which the applicant or as the case may be the applicant's partner first receives any payment in consequence of that personal injury;
- (b) does not apply to any subsequent payment made to the applicant or as the case may be the applicant's partner in consequence of that injury (whether it is made by the same person or another);
- (c) ceases to apply to the payment or any part of the payment from the day on which the applicant or as the case may be the applicant's partner no longer possesses it; and

---

(4) 1985 c.69. Section 1(1) was amended by sections 1 and 3 of, and paragraph 6 of Schedule 2 to, the Housing (Scotland) Act 1988 (c.43), paragraph 11 of schedule 10 to the Housing (Scotland) Act 2001 (asp 10) and S.I. 1996/2325.

(5) 1987 c.26. There are amendments to section 338 which are not relevant to these Regulations.

*Status: This is the original version (as it was originally made).*

- (d) does not apply to any payment from a trust where the funds of the trust are derived from a payment made in consequence of any personal injury to the applicant or as the case may be the applicant's partner.
- (3) For the purposes of sub-paragraph (2)(c), the circumstances in which an applicant or an applicant's partner no longer possesses a payment or a part of it include where the applicant or as the case may be the applicant's partner has used a payment or part of it to purchase an asset.
- 18.** The value of the right to receive any income under a life interest or from a life rent.
- 19.** The value of the right to receive any income which is disregarded under paragraph 15 of Schedule 3 or paragraph 28 of Schedule 4.
- 20.** The surrender value of any instrument by which the payment of money is assured on death (except death by accident only) or the happening of any contingency dependent on human life, or any instrument evidencing a contract which is subject to payment of premiums for a term dependent on human life.
- 21.** Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.
- 22.** Any payment made by a local authority in accordance with section 12 of the Social Work (Scotland) Act 1968 (general social welfare services of local authorities), sections 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance) or sections 17, 23B, 23C or 24A of the Children Act 1989 (provision of services for children and their families and advice and assistance).
- 23.—**(1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with 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) or section 23C of the Children Act 1989 to a person ("A") which A passes on to the applicant.
- (2) Sub-paragraph (1) applies only where A—
- (a) was formerly in the applicant's care;
  - (b) is aged 18 or over; and
  - (c) continues to live with the applicant.
- 24.** Any social fund payment made pursuant to Part 8 of the 1992 Act.
- 25.** Any crisis payment made for the purpose of meeting an immediate short term need or a payment made for the purpose of meeting a need for community care—
- (a) by a local authority, in exercise of the power in section 20 of the Local Government in Scotland Act 2003<sup>(6)</sup> (power to advance well-being) and using funds provided by the Scottish Ministers from the Scottish Welfare Fund;
  - (b) by a local authority in exercise of the power in section 1 of the Localism Act 2011<sup>(7)</sup> (local authority's general power of competence) and using funds provided by the Secretary of State, and in this sub-paragraph local authority means a local authority within the meaning of section 8 of that Act; or
  - (c) by, or on behalf of, the Welsh Ministers in exercise of the power in section 60 of the Government of Wales Act 2006<sup>(8)</sup> (promotion etc. of well-being).

---

<sup>(6)</sup> 2003 asp 1.

<sup>(7)</sup> 2011 c.20.

<sup>(8)</sup> 2006 c.32.

**26.** Any refund of tax which falls to be deducted under section 369 of the Income and Corporation Taxes Act 1988<sup>(9)</sup> (deduction of tax from certain loan interest) on a payment of relevant loan interest for the purpose of acquiring an interest in the home or carrying out repairs or improvements to the home.

**27.** Any capital which by virtue of regulation 40 (capital treated as income) or 59 (treatment of student loans) is to be treated as income.

**28.** Where any payment of capital is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.

**29.—(1)** Any payment made under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Independent Living Fund (2006) or the London Bombings Relief Charitable Fund.

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

- (a) the person's partner or former partner from whom the person is not, or where the person has died was not, estranged or divorced or with whom the person has formed a civil partnership that has not been dissolved or, where the person has died, had not been dissolved at the time of the person's death;
- (b) any child who is a member of the person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of the person's family or who was such a member and who is a member of the applicant's family.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and the person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and the person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

- (a) the person who is suffering from haemophilia or who is a qualifying person;
- (b) any child who is a member of the person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of the person's family or who was such a member and who is a member of the applicant's family.

(4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—

- (a) the person has no partner or former partner from whom the person is not estranged or divorced or with whom the person has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of the person's family; and
- (b) the payment is made either—
  - (i) to the person's parent or step-parent; or

---

<sup>(9)</sup> 1988 c.1. Section 369 was amended by section 58 of the Finance Act 1993 (c.34), section 81 of the Finance Act 1994 (c.9), paragraph 6 of Schedule 18 to the Finance Act 1996 (c.8), paragraph 4 of Schedule 4 to the Finance Act 1999 (c.16), section 83 of the Finance Act 2000 (c.17) and paragraph 33 of Schedule 1 to the Corporation Tax Act 2010 (c.4).

*Status: This is the original version (as it was originally made).*

- (ii) where the person at the date of the payment is a child, a young person or a student who has not completed full-time education and has no parent or step-parent, to the person's guardian,

but only for a period from the date of the payment until the end of two years from the person's death.

(5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—

- (a) that person at the date of death had no partner or former partner from whom the person was not estranged or divorced or with whom the person had formed a civil partnership that had not been dissolved, nor any child or young person who was or had been a member of the person's family; and
- (b) the payment is made either—
  - (i) to that person's parent or step-parent; or
  - (ii) where that person at the relevant date was a child, a young person or a student who had not completed full-time education and had no parent or step-parent, to the person's guardian,

but only for a period of two years from the person's death.

(6) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any capital resource which derives from any payment of income or capital made under or deriving from any of the Trusts.

(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts is to be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Independent Living Fund (2006) and the London Bombings Relief Charitable Fund.

**30.—**(1) Where an applicant has ceased to occupy what was formerly the dwelling occupied as the applicant's home following estrangement or divorce from the applicant's former partner or dissolution of a civil partnership with the applicant's former partner, that dwelling for a period of 26 weeks from the date on which the applicant ceased to occupy it or, where the dwelling is occupied as a home by the former partner who is a lone parent, for so long as it is so occupied.

(2) In this paragraph "dwelling" includes any garage, garden and outbuildings pertaining to the home formerly occupied by the applicant and any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, any croft land on which the dwelling is situated.

**31.** Any premises where the applicant is taking reasonable steps to dispose of the whole of the applicant's interest in those premises, for a period of 26 weeks from the date on which the applicant first took those steps, or any longer period as is reasonable in the circumstances to enable the applicant to dispose of the premises.

**32.** Any premises which the applicant intends to occupy as the applicant's home, and in respect of which the applicant is taking steps to obtain possession and has sought legal advice, or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the earlier of the date on which the applicant first sought that advice or the date on which the applicant first commenced those proceedings, or any longer period as is reasonable in the circumstances to enable the applicant to obtain possession and commence occupation of those premises.

**33.** Any premises which the applicant intends to occupy as the applicant's home to which essential repairs or alterations are required in order to render them fit for occupation, for a period of 26 weeks from the date on which the applicant first takes steps to effect those repairs or alterations, or any longer period as is necessary to enable those repairs or alterations to be carried out.

**34.** Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.

**35.** The value of the right to receive an occupational or personal pension.

**36.** The value of any funds held under a personal pension scheme.

**37.** The value of the right to receive any rent except where the applicant has a reversionary interest in the property in respect of which rent is due.

**38.** Any payment in kind made by a charity or under or by the Trusts, the Fund, MFET Limited, the Skipton Fund, the Caxton Foundation, the Independent Living Fund (2006) or the London Bombings Relief Charitable Fund.

**39.** Any payment made pursuant to section 2 of the Enterprise and New Towns (Scotland) Act 1990 or section 2 of the 1973 Act, but only for the period of 52 weeks beginning on the date of receipt of the payment.

**40.** Any payment in consequence of a reduction of council tax under section 13 or 80 of the Act<sup>(10)</sup> (reduction of liability for council tax), but only for a period of 52 weeks from the date of the receipt of the payment.

**41.** Any grant made in accordance with a scheme made under section 129 of the Housing Act 1988<sup>(11)</sup> or section 66 of the Housing (Scotland) Act 1988<sup>(12)</sup> (schemes for payments to assist local housing authority and local authority tenants to obtain other accommodation) which is to be used—

(a) to purchase premises intended for occupation as the applicant's home; or

(b) to carry out repairs or alterations which are required to render premises fit for occupation as the applicant's home,

for a period of 26 weeks from the date on which the applicant received the grant or any longer period as is reasonable in the circumstances to enable the purchase, repairs or alterations to be completed and the applicant to commence occupation of the premises as a home.

**42.** Any arrears of supplementary pension which is disregarded under paragraph 53 (supplementary armed forces pension) of Schedule 4 (sums to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 54 (pensions under the Personal Injuries (Civilians) Scheme 1983) or 55 (older armed forces pensions) of that Schedule, but only for a period of 52 weeks from the date of receipt of the arrears.

**43.—(1)** Any payment or repayment made—

(a) under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003<sup>(13)</sup> (travelling expenses and health service supplies);

(b) under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003<sup>(14)</sup> (travelling expenses and health service supplies); and

---

<sup>(10)</sup> Section 13 was amended by paragraph 42 of Schedule 7 to the Local Government Act 2003 (c.26). Section 80 was amended by paragraph 176 of Schedule 13 to the Local Government etc. (Scotland) Act 1994 (c.39).

<sup>(11)</sup> 1988 c.50. Section 129 was amended by section 194 of, and Schedule 12 to, the Local Government and Housing Act 1989 (c.42) and S.I. 2003/986.

<sup>(12)</sup> Section 66 was amended by section 50 of the Housing (Scotland) Act 2001 (asp 10).

<sup>(13)</sup> S.S.I. 2003/460. Regulation 3 was amended by S.S.I. 2004/102. Regulation 5 was amended by S.S.I. 2011/55. Regulation 11 was amended by S.S.I. 2004/166, 2006/142, 2006/183 and 2011/55.

<sup>(14)</sup> S.I. 2003/2382. Regulation 5 was amended by S.I. 2004/663, 2004/936, 2006/562, 2008/1697 and 2009/411. Regulation 6 was amended by S.I. 2006/562 and 2006/675. Regulation 12 was amended by S.I. 2004/696 and 2006/562.

*Status: This is the original version (as it was originally made).*

- (c) under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007<sup>(15)</sup> (travelling expenses and health service supplies),

but only for a period of 52 weeks from the date of receipt of the payment or repayment.

(2) Any payment or repayment made by the Scottish Ministers, the Secretary of State for Health or the Welsh Ministers which is analogous to a payment or repayment mentioned in sub-paragraph (1), but only for a period of 52 weeks from the date of receipt of the payment or repayment.

**44.** Any payment made to those persons entitled to receive benefits as determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988<sup>(16)</sup> in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins), but only for a period of 52 weeks from the date of receipt of the payment.

**45.** Any payment made under Part 8A of the 1992 Act (entitlement to health in pregnancy grant).

**46.** Any payment made by the Scottish Ministers or the Secretary of State under a scheme established to assist relatives and other persons to visit persons in custody, but only for a period of 52 weeks from the date of the receipt of the payment.

**47.** Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944<sup>(17)</sup> to assist disabled persons to obtain or retain employment despite their disability.

**48.** Any payment made by a local authority under section 3 of the Disabled Persons (Employment) Act 1958<sup>(18)</sup> to homeworkers assisted under the Blind Homeworkers' Scheme.

**49.—(1)** Subject to sub-paragraph (2), where an applicant satisfies the conditions in regulation 14(3) and (6) (conditions of entitlement to council tax reduction), the whole of the applicant's capital.

(2) Where in addition to satisfying the conditions in regulation 14(3) and (6) the applicant also satisfies the conditions in regulation 14(4) and (5) (entitlement to the maximum council tax reduction), sub-paragraph (1) does not have effect.

**50.** Any sum of capital administered on behalf of a person in accordance with an order made under section 13 of the Children (Scotland) Act 1995, or under Rule 36.14 of the Ordinary Cause Rules 1993 in Schedule 1 to the Sheriff Courts (Scotland) Act 1907<sup>(19)</sup> or under Rule 128 of those Rules, where such sum derives from—

- (a) an award of damages for a personal injury to that person; or
- (b) compensation for the death of one or both parents where the person concerned is under the age of 18.

<sup>(15)</sup> S.I. 2007/1004. Regulation 5 was amended by S.I. 2008/1879, 2008/2568 and 2009/709. Regulation 11 was amended by S.I. 2009/1824.

<sup>(16)</sup> 1988 c.7. Section 13 was substituted by section 185 of the Health and Social Care (Community Health and Standards) Act 2003 (c.43).

<sup>(17)</sup> 1944 c.10.

<sup>(18)</sup> 1958 c.33. Section 3 was amended by section 195 of, and paragraph 6 of Schedule 23 to, the Local Government Act 1972 (c.70), paragraph 134 of Schedule 27 to the Local Government (Scotland) Act 1973 (c.65), paragraph 2 of Schedule 15 to the National Health Service (Scotland) Act 1978 (c.29), section 102 of, and Schedule 17 to, the Local Government Act 1985 (c.51), paragraph 49 of Schedule 13 to the Local Government etc. (Scotland) Act 1994 (c.39), paragraph 3 of Schedule 10 and Schedule 18 to the Local Government (Wales) Act 1994 (c.19), and paragraph 19 of Schedule 1 to the National Health Service (Consequential Provisions) Act 2006 (c.43). Section 3 was amended in relation to Scotland by Schedules 2 and 27 to the Local Government (Scotland) Act 1973 (c.65). Section 3 was amended in relation to England and Wales by paragraph 6 of Schedule 23 to the Local Government Act 1972 (c.70), Schedule 3 to the Local Authority Social Services Act 1970 (c.42) and Schedule 30 to the Local Government Act 1972 (c.70).

<sup>(19)</sup> 1907 c.51. Relevantly amended by S.I. 1993/1956 and 1996/2167.



- 51.**—(1) Any sum of capital to which sub-paragraph (2) applies and—
- (a) which is administered on behalf of a person by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998<sup>(20)</sup> or by the Court of Protection;
  - (b) which can only be disposed of by order or direction of one of those courts; or
  - (c) where the person concerned is under the age of 18, which can only be disposed of by order or direction prior to that person attaining the age of 18.
- (2) This sub-paragraph applies to a sum of capital which is derived from—
- (a) an award of damages for a personal injury to that person; or
  - (b) compensation for the death of one or both parents where the person is under the age of 18.

**52.** Any payment to the applicant as holder of the Victoria Cross or George Cross.

**53.** In the case of a person who is receiving, or who has received, assistance under the self-employment route, any sum of capital which is acquired by the person for the purpose of establishing or carrying on the commercial activity in respect of which the assistance is or was received, but only for a period of 52 weeks from the date on which the sum was acquired.

**54.**—(1) Any payment of a sports award for a period of 26 weeks from the date of receipt of that payment except to the extent that it has been made in respect of any of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of the applicant’s family, or any council tax or water charges for which the applicant or member of the applicant’s family is liable.

(3) For the purposes of sub-paragraph (2) “food” does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.

**55.**—(1) Any payment—

- (a) by way of an education maintenance allowance made pursuant to—
  - (i) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980;
  - (ii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992; or
  - (iii) regulations made under section 518 of the Education Act 1996; or
- (b) corresponding to an education maintenance allowance made pursuant to—
  - (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and National Assembly for Wales to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
  - (ii) regulations made under section 181 of that Act.

- (2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to—
- (a) regulations made under section 49 of the Education (Scotland) Act 1980;
  - (b) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992; or
  - (c) regulations made under section 518 of the Education Act 1996,

---

<sup>(20)</sup> S.I. 1998/3132. Rule 21.11 was substituted by S.I. 2007/2204.

*Status: This is the original version (as it was originally made).*

in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance made pursuant to any provision specified in sub-paragraph (1).

**56.** In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise, but only for the period of 52 weeks from the date of receipt of the payment.

**57.** Any arrears of subsistence allowance paid as a lump sum but only for the period of 52 weeks from the date of receipt of the payment.

**58.** Where an ex-gratia payment of £10,000 has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or interment of—

- (a) the applicant;
- (b) the applicant's partner;
- (c) the applicant's deceased spouse or deceased civil partner; or
- (d) the applicant's partner's deceased spouse or deceased civil partner,

by the Japanese during the Second World War, £10,000.

**59.—**(1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or a member of an applicant's family who is—

- (a) a diagnosed person;
- (b) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
- (c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was acting in place of the diagnosed person's parents at the date of the diagnosed person's death; or
- (d) a member of the diagnosed person's family (other than the diagnosed person's partner) or a person who was a member of the diagnosed person's family (other than the diagnosed person's partner) at the date of the diagnosed person's death.

(2) Where a trust payment is made to—

- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph applies for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;
- (b) a person referred to in sub-paragraph(1)(c), that sub-paragraph applies for the period beginning on the date on which the trust payment is made and ending two years after that date;
- (c) a person referred to in sub-paragraph (1)(d), that sub-paragraph applies for the period beginning on the date on which the trust payment is made and ending on the latest of—
  - (i) two years after that date; or
  - (ii) on the day before the day the person ceases receiving full-time education; or
  - (iii) on the day before the day the person attains the age of 20.

(3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or a member of an applicant's family who is—

- (a) a diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;

- (b) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was acting in place of the diagnosed person's parents at the date of the diagnosed person's death; or
- (c) a member of a diagnosed person's family (other than the diagnosed person's partner) or a person who was a member of the diagnosed person's family (other than the diagnosed person's partner) at the date of the diagnosed person's death,

but only to the extent that the payments do not exceed the total amount of any trust payments made to that person.

- (4) Where a payment referred to in sub-paragraph (3) is made to—
  - (a) a person referred to in sub-paragraph (3)(a), that sub-paragraph applies for the period beginning on the date on which the payment is made and ending on the date on which that person dies;
  - (b) a person referred to in sub-paragraph (3)(b), that sub-paragraph applies for the period beginning on the date on which the payment is made and ending two years after that date; or
  - (c) person referred to in sub-paragraph (3)(c), that sub-paragraph applies for the period beginning on the date on which that payment is made and ending on the latest of—
    - (i) two years after that date;
    - (ii) on the day before the day on which the person ceases receiving full-time education; or
    - (iii) on the day before the day the person attains the age of 20.
- (5) In this paragraph, a reference to a person—
  - (a) being the diagnosed person's partner;
  - (b) being a member of a diagnosed person's family; or
  - (c) acting in place of the diagnosed person's parents,

at the date of the diagnosed person's death includes a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home, an Abbeyfield Home or an independent hospital on that date.

- (6) In this paragraph—
  - “diagnosed person” means a person who has been diagnosed as suffering from, or who after death has been diagnosed as having suffered from, variant Creutzfeld-Jakob disease; and
  - “trust payment” means a payment under a trust established out of funds provided by the Secretary of State in respect of persons who suffered from, or who are suffering from, variant Creutzfeld-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions.

**60.** The amount of any payment, other than a war disablement pension, a war widow's pension or a war widower's pension to compensate for the fact that the applicant, the applicant's partner, the applicant's deceased spouse or deceased civil partner or the applicant's partner's deceased spouse or deceased civil partner—

- (a) was a slave labourer or a forced labourer;
- (b) suffered property loss or suffered personal injury; or
- (c) was a parent of a child who had died,

during the Second World War.

**Status:** This is the original version (as it was originally made).

**61.**—(1) Any payment made by a local authority, or by the Welsh Ministers, to or on behalf of the applicant or the applicant’s partner relating to a service which is provided to develop or sustain the capacity of the applicant or the applicant’s partner to live independently in their accommodation.

(2) For the purposes of sub-paragraph (1) “local authority” includes in England a county council.

**62.** Any payment made under regulations made under section 12B of the Social Work (Scotland) Act 1968, section 57 of the Health and Social Care Act 2001 or sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care).

**63.** Any payment made to the applicant under regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.

**64.** Any payment made to the applicant under regulations made under section 14F of the Children Act 1989 (special guardianship support services).