

## SCHEDULE 10

Regulation 46(2)

### CAPITAL TO BE DISREGARDED

#### Modifications etc. (not altering text)

- C1** Sch. 10 paras. 54, 55 modified (temp. until 27.11.2001) (28.11.2000) by [The Social Security \(New Deal Pilot\) Regulations 2000 \(S.I. 2000/3134\)](#), regs. 1(1)(b), **17(1)(2)(e)** (with regs. 1(2), 11, 19)
- C2** Sch. 10 applied (with modifications) (6.10.2003) by [The National Health Service \(Travelling Expenses and Remission of Charges\) \(Scotland\) \(No. 2\) Regulations 2003 \(S.S.I. 2003/460\)](#), reg. 1, **sch. Pt. I** Table A (with reg. 13)

1. The dwelling occupied as the home but, notwithstanding regulation 23 (calculation of income and capital of members of claimant's family and of a polygamous marriage), only one dwelling shall be disregarded under this paragraph.

#### Commencement Information

- I1** Sch. 10 para. 1 in force at 11.4.1988, see [reg. 1](#)

[<sup>F1</sup>1A. Any payment in respect of any travel or other expenses incurred, or to be incurred, by the claimant in respect of that claimant's participation in [<sup>F2</sup>a scheme prescribed in regulation 3 of the Jobseeker's Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013] or the Mandatory Work Activity Scheme, but only for 52 weeks beginning with the date of receipt of the payment.]

#### Textual Amendments

- F1** Sch. 10 para. 1A inserted (5.8.2011) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2011 \(S.I. 2011/1707\)](#), regs. 1, **4(10)(11)**
- F2** Words in Sch. 10 para. 1A substituted (12.2.2013 at 6.45 p.m.) by [The Jobseeker's Allowance \(Schemes for Assisting Persons to Obtain Employment\) Regulations 2013 \(S.I. 2013/276\)](#), regs. 1, **13(b)**

2. Any premises acquired for occupation by the claimant which he intends to occupy [<sup>F3</sup>as his home] within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the claimant to obtain possession and commence occupation of the premises.

#### Textual Amendments

- F3** Words in Sch. 10 para. 2 inserted (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **26(a)**

#### Commencement Information

- I2** Sch. 10 para. 2 in force at 11.4.1988, see [reg. 1](#)

3. Any sum directly attributable to the proceeds of sale of any premises formerly occupied by the claimant as his 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 claimant to complete the purchase.

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### Commencement Information

**I3** Sch. 10 para. 3 in force at 11.4.1988, see [reg. 1](#)

4. Any premises occupied in whole or in part by—

- (a) a partner or relative of [<sup>F4</sup>a single claimant or any member of] the family [<sup>F5</sup>as his home] where that person [<sup>F6</sup>has attained the qualifying age for state pension credit] or is incapacitated;
- (b) the former partner of a claimant <sup>F7</sup>... as his home; but this provision shall not apply where the former partner is a person from whom the claimant is estranged or divorced [<sup>F8</sup>or with whom he formed a civil partnership that has been dissolved].

### Textual Amendments

- F4** Words in Sch. 10 para. 4(a) substituted (1.10.1990) by [The Income Support \(General\) Amendment No. 3 Regulations 1990 \(S.I. 1990/1776\)](#), regs. 1(1)(a), **11(a)** (with reg. 1(2))
- F5** Words in Sch. 10 para. 4(a) inserted (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **26(b)**
- F6** Words in Sch. 10 para. 4(a) substituted (6.4.2010) by [The Social Security \(Equalisation of State Pension Age\) Regulations 2009 \(S.I. 2009/1488\)](#), regs. 1, **4(2)**
- F7** Words in Sch. 10 para. 4(b) omitted (30.5.1988) by virtue of [The Income Support \(General\) Amendment No. 2 Regulations 1988 \(S.I. 1988/910\)](#), regs. 1(1), **3(a)**
- F8** Words in Sch. 10 para. 4(b) inserted (5.12.2005) by [The Civil Partnership \(Pensions, Social Security and Child Support\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2877\)](#), art. 1, **Sch. 3 para. 13(9)(a)** (with art. 3)

### Commencement Information

**I4** Sch. 10 para. 4 in force at 11.4.1988, see [reg. 1](#)

[<sup>F9</sup>5. Any future interest in property of any kind, other than land or premises in respect of which the claimant has granted in subsisting lease or tenancy, including sub-leases or sub-tenancies,]

### Textual Amendments

- F9** Sch. 10 para. 5 substituted (with effect in accordance with reg. 1(4) of the amending S.I.) by [The Income-related Benefits Schemes and Social Security \(Claims and Payments\) \(Miscellaneous Amendments\) Regulations 1995 \(S.I. 1995/2303\)](#), regs. 1(1)(a), **6(10)(a)** (with reg. 8)

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

[<sup>F10</sup>(2) The assets of any business owned in whole or in part by the claimant where—

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

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for a period of 26 weeks from the date on which the claim for income support is made, or is treated as made, or, if it is unreasonable to expect him to become engaged or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.]

[<sup>F11</sup>(3) In the case of a person who is receiving assistance under [<sup>F12</sup>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 such 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 such period as may be reasonable in the circumstances to allow for disposal of any such asset.]

**Textual Amendments**

- F10** Sch. 10 para. 6(2) added (1.10.1990) by [The Income Support \(General\) Amendment No. 3 Regulations 1990 \(S.I. 1990/1776\)](#), regs. 1(1)(a), **11(b)** (with reg. 1(2))
- F11** Sch. 10 para. 6(3)(4) added (1.6.1998) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 1998 \(S.I. 1998/1174\)](#), regs. 1(1), **7(7)(8)(e)**
- F12** Words in Sch. 10 para. 6(3) substituted (27.11.2000) by [The Social Security Amendment \(Employment Zones\) \(No. 2\) Regulations 2000 \(S.I. 2000/2910\)](#), regs. 1(1), **4(2)(c)(ii)**

**Modifications etc. (not altering text)**

- C3** Sch. 10 para. 6 modified (temp. until 27.11.2001) (28.11.2000) by [The Social Security \(New Deal Pilot\) Regulations 2000 \(S.I. 2000/3134\)](#), regs. 1(1)(b), **18(2)(3)(e)** (with regs. 1(2), 11, 19)

**Commencement Information**

- I5** Sch. 10 para. 6 in force at 11.4.1988, see [reg. 1](#)

7.—[<sup>F13</sup>(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 paragraph [<sup>F14</sup>6, 8, [<sup>F15</sup>9, 76A, [<sup>F16</sup>84, 85 or 86]] of Schedule 9] (other income to be disregarded);
- [<sup>F17</sup>(b) an income-related benefit [<sup>F18</sup>, an income-related employment and support allowance] or an income-based jobseeker’s allowance, child tax credit or working tax credit under Part 1 of the Tax Credits Act 2002;]
- [<sup>F19</sup>(c) .....
- [<sup>F20</sup>(d) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001][<sup>F21</sup>;
- (e) universal credit]
- [<sup>F22</sup>(f) bereavement support payment under section 30 of the Pensions Act 2014,]
- [<sup>F23</sup>(g) maternity allowance under section 35 of the Contributions and Benefits Act (state maternity allowance for employed or self-employed earner),]

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

[<sup>F24</sup>(2) In a case where the total of any arrears and, if appropriate, any concessionary payment referred to in sub-paragraph (1) relating to any one of the specified payments, benefits or allowances amounts to £5,000 or more (referred to in this sub-paragraph and in sub-paragraph (3) as the “relevant sum”) and is—

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- [<sup>F25</sup>(a) paid in order to rectify, or to compensate for—
- (i) an official error as defined in regulation 1(3) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999, or
  - (ii) an error on a point of law; and]
- (b) received by the claimant in full on or after 14th October 2001,

sub-paragraph (1) shall have effect in relation to such 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 award of income support, for the remainder of that award if that is a longer period.]

[<sup>F24</sup>(3) For the purposes of sub-paragraph (2), “the award of income support” means—

- (a) the award [<sup>F26</sup>of any of] income support [<sup>F27</sup>, an income-related employment and support allowance][<sup>F28</sup>, an income-based jobseeker’s allowance or universal credit] in which the relevant sum (or first part thereof where it is paid in more than one instalment) is received, and
- (b) where that award is followed by one or more further awards which in each case may be [<sup>F29</sup>any] of income support [<sup>F30</sup>, an income-related employment and support allowance][<sup>F28</sup>, an income-based jobseeker’s allowance or universal credit] and which, or each of which, begins immediately after the end of the previous award, such further awards until the end of the last such award, provided that for any such further awards the claimant—
  - (i) is the person who received the relevant sum, or
  - (ii) is the partner of the person who received the relevant sum, or was that person’s partner at the date of his death, or
  - (iii) in the case of a joint-claim jobseeker’s allowance, is a joint-claim couple either member or both members of which received the relevant sum][<sup>F31</sup>, or
  - (iv) in a case where universal credit is awarded to the claimant and another person as joint claimants, either the claimant or the other person, or both of them, received the relevant sum.]

### Textual Amendments

- F13** Words in Sch. 10 para. 7 inserted (14.10.2002) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2002 (S.I. 2002/2380), regs. 1(b), **2(b)(ii)**
- F14** Words in Sch. 10 para. 7(1)(a) substituted (coming into force in accordance with art. 1(2) of the amending S.I.) by The Social Security (Scotland) Act 2018 (Information-Sharing and Scottish Child Payment) (Consequential Provision and Modifications) Order 2020 (S.I. 2020/482), **art. 3(3)**
- F15** Words in Sch. 10 para. 7(1)(a) substituted (9.11.2020) by The Social Security (Scotland) Act 2018 (Young Carer Grants, Short-Term Assistance and Winter Heating Assistance) (Consequential Provision and Modifications) Order 2020 (S.I. 2020/989), arts. 1(2), **9(3)**
- F16** Words in Sch. 10 para. 7(1)(a) substituted (26.7.2021) by The Social Security (Scotland) Act 2018 (Disability Assistance, Young Carer Grants, Short-term Assistance and Winter Heating Assistance) (Consequential Provision and Modifications) Order 2021 (S.I. 2021/886), arts. 1(2), **11(3)**
- F17** Sch. 10 para. 7(1)(b) substituted (14.4.2008) by The Social Security (Miscellaneous Amendments) Regulations 2008 (S.I. 2008/698), regs. 1(1), **2(15)(a)**
- F18** Words in Sch. 10 para. 7(1)(b) inserted (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **2(15)(a)**
- F19** Sch. 10 para. 7(1)(c) omitted (4.4.2005) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/574), regs. 1(1), **3(6)**
- F20** Sch. 10 para. 7(d) added (2.7.2001) by The Social Security Amendment (Discretionary Housing Payments) Regulations 2001 (S.I. 2001/2333), regs. 1(1), **2(2)(c)**

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- F21** Sch. 10 para. 7(1)(e) and semi-colon inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **28(9)(a)**
- F22** Sch. 10 para. 7(1)(f) inserted (coming into force in accordance with art. 1-3 of the amending S.I.) by [The Pensions Act 2014 \(Consequential, Supplementary and Incidental Amendments\) Order 2017 \(S.I. 2017/422\)](#), arts. 1(2), **9(4)(a)**
- F23** Sch. 10 para. 7(1)(g) inserted (31.10.2019) by [The Social Security \(Capital Disregards\) \(Amendment\) Regulations 2019 \(S.I. 2019/1314\)](#), regs. 1, **2(2)(b)**
- F24** Sch. 10 para. 7(2)(3) added (14.10.2002) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2002 \(S.I. 2002/2380\)](#), regs. 1(b), **2(b)(ii)**
- F25** Sch. 10 para. 7(2)(a) substituted (11.9.2018) by [The Social Security \(Treatment of Arrears of Benefit\) Regulations 2018 \(S.I. 2018/932\)](#), regs. 1, **2**
- F26** Words in Sch. 10 para. 7(3)(a) substituted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **28(9)(b)(ii)**
- F27** Words in Sch. 10 para. 7(3)(a) inserted (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(b), **2(15)(b)(i)**
- F28** Words in Sch. 10 para. 7(3) substituted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **28(9)(b)(i)**
- F29** Word in Sch. 10 para. 7(3)(b) substituted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **28(9)(b)(iii)**
- F30** Words in Sch. 10 para. 7(3)(b) inserted (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(b), **2(15)(b)(ii)**
- F31** Sch. 10 para. 7(3)(b)(iv) and word inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **28(9)(b)(iv)**

#### Modifications etc. (not altering text)

- C4** Sch. 10 para. 7(1) applied (with modifications) (28.2.2003) by [S.I. 1992/2977](#), Sch. 4 para. 6 (as substituted (S.) by [The National Assistance \(Assessment of Resources\) Amendment \(Scotland\) Regulations 2003 \(S.S.I. 2003/69\)](#), regs. 1(1), **2**)

#### Commencement Information

- I6** Sch. 10 para. 7 in force at 11.4.1988, see [reg. 1](#)

[<sup>F32</sup>**7A.** Any payment of a widowed parent's allowance made pursuant to section 39A of the Contributions and Benefits Act (widowed parent's allowance)—

- (a) to the survivor of a cohabiting partnership (within the meaning in section 39A(7) of the Contributions and Benefits Act) who is entitled to a widowed parent's allowance for a period before the Bereavement Benefits (Remedial) Order 2023 comes into force, and
- (b) in respect of any period of time during the period ending with the day before the survivor makes the claim for a widowed parent's allowance,

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

#### Textual Amendments

- F32** Sch. 10 para. 7A inserted (9.2.2023) by [The Bereavement Benefits \(Remedial\) Order 2023 \(S.I. 2023/134\)](#), art. 1(2), **Sch. para. 1(a)** (with art. 2)

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**8.** Any sum—

- (a) paid to the claimant 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 claimant (whether as a loan or otherwise) on the express condition that it is to be used for effecting essential repairs or improvements to the home, and 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 enable the claimant to effect the repairs, replacement or improvements.

**Commencement Information**

**I7** Sch. 10 para. 8 in force at 11.4.1988, see [reg. 1](#)

**9.** Any sum—

- (a) deposited with a housing association as defined in section 1(1) of the Housing Associations Act 1985<sup>F33</sup> or section 338(1) of the Housing (Scotland) Act 1987<sup>F34</sup> as a condition of occupying the home;
- (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 is reasonable in the circumstances to complete the purchase.

**Textual Amendments**

**F33** 1985 c. 69.

**F34** 1987 c. 26.

**Commencement Information**

**I8** Sch. 10 para. 9 in force at 11.4.1988, see [reg. 1](#)

**10.** Any personal possessions except those which had or have been acquired by the claimant with the intention of reducing his capital in order to secure entitlement to<sup>F35</sup>... income support or to increase the amount of that benefit.

**Textual Amendments**

**F35** Words in [Sch. 10 para. 10](#) omitted (14.4.2008) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/698\)](#), regs. 1(1), **2(15)(b)**

**Commencement Information**

**I9** Sch. 10 para. 10 in force at 11.4.1988, see [reg. 1](#)

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

**Commencement Information**

**I10** Sch. 10 para. 11 in force at 11.4.1988, see [reg. 1](#)

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[<sup>F36</sup>12. Where the funds of a trust are derived from a payment made in consequence of any personal injury to the claimant [<sup>F37</sup>or the claimant's partner], the value of the trust fund and the value of the right to receive any payment under that trust.]

#### Textual Amendments

**F36** Sch. 10 para. 12 substituted (1.10.1990) by [The Income Support \(General\) Amendment No. 3 Regulations 1990 \(S.I. 1990/1776\)](#), [reg. 11\(c\)](#) (with [reg. 1\(2\)](#))

**F37** Words in [Sch. 10 para. 12](#) inserted (for specified purposes and with effect in accordance with [reg. 1\(4\)](#) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 2006 \(S.I. 2006/2378\)](#), [reg. 5\(11\)\(a\)](#)

#### Commencement Information

**I11** Sch. 10 para. 12 in force at 11.4.1988, see [reg. 1](#)

[<sup>F38</sup>12A.—(1) Any payment made to the claimant or the claimant's partner in consequence of any personal injury to the claimant or, as the case may be, the claimant's partner.

(2) But sub-paragraph (1)—

- (a) applies only for the period of 52 weeks beginning with the day on which the claimant first receives any payment in consequence of that personal injury;
- (b) does not apply to any subsequent payment made to him 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 claimant no longer possesses it;
- (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 claimant.

(3) For the purposes of sub-paragraph (2)(c), the circumstances in which a claimant no longer possesses a payment or a part of it include where the claimant has used a payment or part of it to purchase an asset.

(4) References in sub-paragraphs (2) and (3) to the claimant are to be construed as including references to his partner (where applicable).]

#### Textual Amendments

**F38** [Sch. 10 para. 12A](#) inserted (for specified purposes and with effect in accordance with [reg. 1\(4\)](#) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 2006 \(S.I. 2006/2378\)](#), [reg. 5\(11\)\(b\)](#)

13. The value of the right to receive any income under a life interest or from a liferent.

#### Commencement Information

**I12** Sch. 10 para. 13 in force at 11.4.1988, see [reg. 1](#)

14. The value of the right to receive any income which is disregarded under paragraph 11 of Schedule 8 or paragraph 23 of Schedule 9 (earnings or other income to be disregarded).

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**Commencement Information**

**I13** Sch. 10 para. 14 in force at 11.4.1988, see [reg. 1](#)

15. The surrender value of any policy of life insurance.

**Commencement Information**

**I14** Sch. 10 para. 15 in force at 11.4.1988, see [reg. 1](#)

16. Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.

**Commencement Information**

**I15** Sch. 10 para. 16 in force at 11.4.1988, see [reg. 1](#)

- [<sup>F39</sup>17.—**(1) Any payment made by a local authority in accordance with—
- (a) section 17, 23B, 23C or 24A of the Children Act 1989,
  - (b) section 12 of the Social Work (Scotland) Act 1968, <sup>F40</sup>...
  - (c) section [<sup>F41</sup>26A,] 29 or 30 of the Children (Scotland) Act [<sup>F42</sup>1995, or
  - (d) the following sections of the Social Services and Well-being (Wales) Act 2014—
    - (aa) section 37 or 38, but excluding any direct payment made in accordance with regulations made under section 51 of that Act, or
    - (bb) section 109, 110, 114 or 115.]
- (2) Any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 [<sup>F43</sup>or section 26A or 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children, duty to provide continuing care and provision of advice and assistance for certain young persons)] to a person ("A") which A passes on to the claimant.
- (3) Sub-paragraphs (1) and (2) are subject to the following provisions.
- (4) Neither of those sub-paragraphs applies where the claimant is a person—
- (a) to whom section 126 of the Contributions and Benefits Act (trade disputes) applies, or
  - (b) in respect of whom section 124(1) of the Contributions and Benefits Act (conditions of entitlement to income support) has effect as modified by section 127 of that Act (effect of return to work).
- (5) Sub-paragraph (2) applies only where A—
- (a) was formerly in the claimant's care, and
  - [<sup>F44</sup>(b) is aged 18 or over or, in the case of a payment or part of a payment made in accordance with section 26A of the Children (Scotland) Act 1995, aged 16 or over, and]**
  - (c) continues to live with the claimant.]



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#### Textual Amendments

- F39** Sch. 10 para. 17 substituted (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by The Social Security (Miscellaneous Amendments) Regulations 2008 (S.I. 2008/698), reg. 2(15)(c)
- F40** Word in Sch. 10 para. 17(1)(b) omitted (3.11.2017) by virtue of The Social Services and Well-being (Wales) Act 2014 and the Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Order 2017 (S.I. 2017/901), arts. 1, 2(6)(a)(i)
- F41** Word in Sch. 10 para. 17(1)(c) inserted (5.8.2016) by The Children and Young People (Scotland) Act 2014 (Consequential Modifications) Order 2016 (S.I. 2016/732), arts. 1(1), 2(3)(a)
- F42** Words in Sch. 10 para. 17(1)(c) and Sch. 10 para. 17(1)(d) substituted for word in Sch. 10 para. 17(1)(c) (3.11.2017) by The Social Services and Well-being (Wales) Act 2014 and the Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Order 2017 (S.I. 2017/901), arts. 1, 2(6)(a)(ii)
- F43** Words in Sch. 10 para. 17(2) substituted (5.8.2016) by The Children and Young People (Scotland) Act 2014 (Consequential Modifications) Order 2016 (S.I. 2016/732), arts. 1(1), 2(3)(b)
- F44** Sch. 10 para. 17(5)(b) substituted (5.8.2016) by The Children and Young People (Scotland) Act 2014 (Consequential Modifications) Order 2016 (S.I. 2016/732), arts. 1(1), 2(3)(c)

[<sup>F45</sup>18. Any social fund payment made pursuant to [<sup>F46</sup>Part 8 of the Contributions and Benefits Act].]

#### Textual Amendments

- F45** Sch. 10 para. 18 substituted (6.4.1992) by The Income Support (General) Amendment Regulations 1992 (S.I. 1992/468), regs. 1(1), 9(2) (with reg. 1(2))
- F46** Words in Sch. 10 para. 18 substituted (5.1.2009) by The Social Security (Miscellaneous Amendments) (No. 7) Regulations 2008 (S.I. 2008/3157), regs. 1(1), 2(8)(a)

#### Commencement Information

- I16** Sch. 10 para. 18 in force at 11.4.1988, see reg. 1

[<sup>F47</sup>18A. Any local welfare provision.]

#### Textual Amendments

- F47** Sch. 10 para. 18A inserted (2.4.2013) by The Social Security (Miscellaneous Amendments) Regulations 2013 (S.I. 2013/443), regs. 1(1), 2(6)(a)

19. Any refund of tax which falls to be deducted under [<sup>F48</sup>section 369 of the Income and Corporation Taxes Act 1988 (mortgage interest payable under deduction of tax)] on a payment of relevant loan interest for the purpose of acquiring an interest in the home or carrying out repairs or improvements in the home.

#### Textual Amendments

- F48** Words in Sch. 10 para. 19 substituted (5.1.2009) by The Social Security (Miscellaneous Amendments) (No. 7) Regulations 2008 (S.I. 2008/3157), regs. 1(1), 2(8)(b)

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#### Commencement Information

**I17** Sch. 10 para. 19 in force at 11.4.1988, see [reg. 1](#)

**20.** Any capital which under [<sup>F49</sup>regulation 41<sup>F50</sup>, 44(1)] or 66A (capital treated as income<sup>F50</sup>, modifications in respect of children and young persons] or treatment of student loans)] is to be treated as income.

#### Textual Amendments

**F49** Words in Sch. 10 para. 20 substituted (1.9.1990) by [The Social Security Benefits \(Student Loans and Miscellaneous Amendments\) Regulations 1990 \(S.I. 1990/1549\)](#), [regs. 1\(1\)\(a\), 5\(9\)](#) (with [reg. 7\(1\)](#))

**F50** Words in [Sch. 10 para. 20](#) omitted (for specified purposes and with effect in accordance with [reg. 1\(2\)-\(5\)](#) of the amending S.I.) by virtue of [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), [Sch. 1 para. 24\(b\)](#)

#### Commencement Information

**I18** Sch. 10 para. 20 in force at 11.4.1988, see [reg. 1](#)

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

#### Commencement Information

**I19** Sch. 10 para. 21 in force at 11.4.1988, see [reg. 1](#)

<sup>F51</sup>**22.**—(1) Any payment made under [<sup>F52</sup>or by] the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust (“the Trusts”), [<sup>F53</sup>the Fund]<sup>F54</sup>, the Eileen Trust]<sup>F55</sup>, MFET Limited]<sup>F56</sup>, the Independent Living [<sup>F57</sup>Fund (2006)]<sup>F58</sup>, the Skipton Fund [<sup>F59</sup>, the Caxton Foundation]<sup>F60</sup>, the Scottish Infected Blood Support Scheme]<sup>F61</sup>, an approved blood scheme]<sup>F62</sup>, the London Emergencies Trust, the We Love Manchester Emergency Fund]<sup>F63</sup>the National Emergencies Trust,]<sup>F64</sup>, the Victims of Overseas Terrorism Compensation Scheme] or the London Bombings Relief Charitable Fund]].

[<sup>F65</sup>(1A) Any Grenfell Tower payment [<sup>F66</sup>, child abuse payment, Windrush payment]<sup>F67</sup>, Post Office compensation payment or vaccine damage payment] or any payment made by the Child Migrants Trust (registered charity number 1171479) under the scheme for former British child migrants.]

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia [<sup>F53</sup>or who is or was a qualifying person], which derives from a payment made under [<sup>F52</sup>or by] any of the Trusts to which sub-paragraph (1) refers [<sup>F68</sup>, or from a Grenfell Tower payment [<sup>F69</sup>, a child abuse payment [<sup>F70</sup>, a Windrush payment, a Post Office compensation payment or a vaccine damage payment]] ,] and which is made to or for the benefit of—

- (a) that person’s partner or former partner from whom he is not, or where that person has died was not, estranged or divorced [<sup>F71</sup>or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death];
- (b) any child who is a member of that person’s family or who was such a member and who is a member of the claimant’s family; or

- (c) any young person who is a member of that person's family or who was such a member and who is a member of the claimant'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 [<sup>F72</sup>or who is or was a qualifying person] provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced [<sup>F73</sup>or, where the partner or former partner and that 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 [<sup>F52</sup>or by] any of the Trusts to which sub-paragraph (1) refers [<sup>F74</sup>, or from a Grenfell Tower payment [<sup>F69</sup>, a child abuse payment [<sup>F70</sup>, a Windrush payment, a Post Office compensation payment or a vaccine damage payment]] ,] and which is made to or for the benefit of—

- (a) the person who is suffering from haemophilia [<sup>F75</sup>or who is a qualifying person];
- (b) any child who is a member of that person's family or who was such a member and who is a member of the claimant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the claimant's family.

(4) Any payment by a person who is suffering from haemophilia [<sup>F76</sup>or who is a qualifying person], which derives from a payment under [<sup>F52</sup>or by] any of the Trusts to which sub-paragraph (1) refers, [<sup>F77</sup>or from a Grenfell Tower payment [<sup>F69</sup>, a child abuse payment [<sup>F70</sup>, a Windrush payment, a Post Office compensation payment or a vaccine damage payment]] ,] where—

- (a) that person has no partner or former partner from whom he is not estranged or divorced [<sup>F78</sup>or with whom he has formed a civil partnership that has not been dissolved], nor any child or young person who is or had been a member of that 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 date of the payment is a child, a young person or a [<sup>F79</sup>full-time student] who has not completed his full-time education and has no parent or step-parent, to his guardian,

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

(5) Any payment out of the estate of a person who suffered from haemophilia [<sup>F76</sup>or who was a qualifying person], which derives from a payment under [<sup>F52</sup>or by] any of the Trusts to which sub-paragraph (1) refers, [<sup>F80</sup>or from a Grenfell Tower payment [<sup>F69</sup>, a child abuse payment [<sup>F70</sup>, a Windrush payment, a Post Office compensation payment or a vaccine damage payment]] ,] where—

- (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced [<sup>F81</sup>or with whom he had formed a civil partnership that had not been dissolved], nor any child or young person who was or had been a member of his 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 [<sup>F82</sup>full-time student] who had not completed his full-time education and had no parent or step-parent, to his guardian,

but only for a period of two years from the relevant date.

[<sup>F83</sup>(5A) Any payment out of the estate of a person, which derives from a payment to meet the recommendation of the Infected Blood Inquiry in its interim report published on 29th July 2022 made

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under or by the Scottish Infected Blood Support Scheme or an approved blood scheme to the estate of the person, where the payment is made to the person's son, daughter, step-son or step-daughter.]

(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 <sup>[F84]</sup> or from a Grenfell Tower payment<sup>[F69]</sup>, a child abuse payment <sup>[F70]</sup>, a Windrush payment, a Post Office compensation payment or a vaccine damage payment<sup>[F70]</sup> .]

<sup>[F85]</sup>(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund <sup>[F86]</sup>, the Eileen Trust <sup>[F87]</sup>, MFET Limited<sup>[F88]</sup>, the Skipton Fund<sup>[F89]</sup>, the Caxton Foundation<sup>[F90]</sup>, the Scottish Infected Blood Support Scheme<sup>[F91]</sup>, an approved blood scheme<sup>[F92]</sup>, the London Emergencies Trust, the We Love Manchester Emergency Fund<sup>[F93]</sup>, the National Emergencies Trust<sup>[F94]</sup>, the Victims of Overseas Terrorism Compensation Scheme] and the London Bombings Relief Charitable Fund].]

### Textual Amendments

- F51** Sch. 10 para. 22 substituted (11.5.1991) by The Income-related Benefits Schemes and Social Security (Recoupment) Amendment Regulations 1991 (S.I. 1991/1175), regs. 1(1), **5(8)(a)**
- F52** Words in Sch. 10 para. 22(1)-(5) inserted (6.4.2010) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2010 (S.I. 2010/641), regs. 1(1), **2(7)(f)**
- F53** Words in Sch. 10 para. 22(1)(2) inserted (7.5.1992) by The Income-related Benefits Schemes and Social Security (Recoupment) Amendment Regulations 1992 (S.I. 1992/1101), regs. 1(1), **6(8)(a)(i)(ii)**
- F54** Words in Sch. 10 para. 22(1) inserted (14.5.1993) by The Income-related Benefits Schemes and Social Security (Recoupment) Amendment Regulations 1993 (S.I. 1993/1249), regs. 1(1)(a), **4(5)(a)**
- F55** Words in Sch. 10 para. 22(1) inserted (6.4.2010) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2010 (S.I. 2010/641), regs. 1(1), **2(3)(g)**
- F56** Words in Sch. 10 para. 22(1) substituted (12.5.2004) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2004 (S.I. 2004/1141), regs. 1(1), **3(3)(4)(c)**
- F57** Words in Sch. 10 para. 22(1) substituted (17.11.2008) by The Social Security (Miscellaneous Amendments) (No.6) Regulations 2008 (S.I. 2008/2767), regs. 1(2), **2(6)(g)**
- F58** Words in Sch. 10 para. 22(1) substituted (12.12.2005) by The Income-related Benefits (Amendment) (No. 2) Regulations 2005 (S.I. 2005/3391), regs. 1, **2(5)(a)(i)**
- F59** Words in Sch. 10 para. 22(1) inserted (31.10.2011) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2011 (S.I. 2011/2425), regs. 1(2), **7(6)**
- F60** Words in Sch. 10 para. 22(1) inserted (3.4.2017) by The Social Security (Scottish Infected Blood Support Scheme) Regulations 2017 (S.I. 2017/329), regs. 1, **3(3)(f)**
- F61** Words in Sch. 10 para. 22(1) inserted (23.10.2017) by The Social Security (Infected Blood and Thalidomide) Regulations 2017 (S.I. 2017/870), regs. 1, **2(3)(f)**
- F62** Words in Sch. 10 para. 22(1) inserted (19.6.2017) by The Social Security (Emergency Funds) (Amendment) Regulations 2017 (S.I. 2017/689), regs. 1, **2(3)(f)**
- F63** Words in Sch. 10 para. 22(1) inserted (15.7.2020) by The Social Security (Income and Capital) (Miscellaneous Amendments) Regulations 2020 (S.I. 2020/618), regs. 1, **2(12)(a)(i)**
- F64** Words in Sch. 10 para. 22(1) inserted (27.10.2023) by The Social Security (Habitual Residence and Past Presence, and Capital Disregards) (Amendment) Regulations 2023 (S.I. 2023/1144), regs. 1(1), **3(3)(c)**
- F65** Sch. 10 para. 22(1A) inserted (15.7.2020) by The Social Security (Income and Capital) (Miscellaneous Amendments) Regulations 2020 (S.I. 2020/618), regs. 1, **2(12)(a)(ii)**
- F66** Words in Sch. 10 para. 22(1A) inserted (1.1.2022) by The Social Security (Income and Capital Disregards) (Amendment) Regulations 2021 (S.I. 2021/1405), regs. 1, **2(8)(a)(i)**
- F67** Words in Sch. 10 para. 22(1A) inserted (9.7.2023) by The Social Security (Income and Capital Disregards) (Amendment) Regulations 2023 (S.I. 2023/640), regs. 1(1), **2(8)(a)**
- F68** Words in Sch. 10 para. 22(2) inserted (15.7.2020) by The Social Security (Income and Capital) (Miscellaneous Amendments) Regulations 2020 (S.I. 2020/618), regs. 1, **2(12)(a)(iii)**

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- F69** Words in Sch. 10 para. 22(2)-(6) inserted (1.1.2022) by The Social Security (Income and Capital Disregards) (Amendment) Regulations 2021 (S.I. 2021/1405), regs. 1, **2(8)(a)(ii)**
- F70** Words in Sch. 10 para. 22(2)-(6) substituted (9.7.2023) by The Social Security (Income and Capital Disregards) (Amendment) Regulations 2023 (S.I. 2023/640), regs. 1(1), **2(8)(b)**
- F71** Words in Sch. 10 para. 22(2)(a) inserted (5.12.2005) by The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877), art. 1, **Sch. 3 para. 13(9)(b)(i)** (with art. 3)
- F72** Words in Sch. 10 para. 22(3) inserted (7.5.1992) by The Income-related Benefits Schemes and Social Security (Recoupment) Amendment Regulations 1992 (S.I. 1992/1101), regs. 1(1), **6(8)(a)(iii)(aa)**
- F73** Words in Sch. 10 para. 22(3) inserted (5.12.2005) by The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877), art. 1, **Sch. 3 para. 13(9)(b)(ii)** (with art. 3)
- F74** Words in Sch. 10 para. 22(3) inserted (15.7.2020) by The Social Security (Income and Capital) (Miscellaneous Amendments) Regulations 2020 (S.I. 2020/618), regs. 1, **2(12)(a)(iii)**
- F75** Words in Sch. 10 para. 22(3) inserted (7.5.1992) by The Income-related Benefits Schemes and Social Security (Recoupment) Amendment Regulations 1992 (S.I. 1992/1101), regs. 1(1), **6(8)(a)(iii)(bb)**
- F76** Words in Sch. 10 para. 22(4)(5) inserted (7.5.1992) by The Income-related Benefits Schemes and Social Security (Recoupment) Amendment Regulations 1992 (S.I. 1992/1101), regs. 1(1), **6(8)(a)(iv)(v)**
- F77** Words in Sch. 10 para. 22(4) inserted (15.7.2020) by The Social Security (Income and Capital) (Miscellaneous Amendments) Regulations 2020 (S.I. 2020/618), regs. 1, **2(12)(a)(iv)**
- F78** Words in Sch. 10 para. 22(4)(a) inserted (5.12.2005) by The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877), art. 1, **Sch. 3 para. 13(9)(b)(iii)** (with art. 3)
- F79** Words in Sch. 10 para. 22(4)(b)(ii) substituted (31.7.2000) by The Social Security Amendment (Students) Regulations 2000 (S.I. 2000/1981), regs. 1(1), 5(5), **Sch.**
- F80** Words in Sch. 10 para. 22(5) inserted (15.7.2020) by The Social Security (Income and Capital) (Miscellaneous Amendments) Regulations 2020 (S.I. 2020/618), regs. 1, **2(12)(a)(iv)**
- F81** Words in Sch. 10 para. 22(5)(a) inserted (5.12.2005) by The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877), art. 1, **Sch. 3 para. 13(9)(b)(iv)** (with art. 3)
- F82** Words in Sch. 10 para. 22(5)(b)(ii) substituted (31.7.2000) by The Social Security Amendment (Students) Regulations 2000 (S.I. 2000/1981), regs. 1(1), 5(5), **Sch.**
- F83** Sch. 10 para. 22(5A) inserted (30.8.2023) by The Social Security (Infected Blood Capital Disregard) (Amendment) Regulations 2023 (S.I. 2023/894), regs. 1(1), **2(1)(a)(2)**
- F84** Words in Sch. 10 para. 22(6) inserted (15.7.2020) by The Social Security (Income and Capital) (Miscellaneous Amendments) Regulations 2020 (S.I. 2020/618), regs. 1, **2(12)(a)(v)**
- F85** Sch. 10 para. 22(7) added (7.5.1992) by The Income-related Benefits Schemes and Social Security (Recoupment) Amendment Regulations 1992 (S.I. 1992/1101), regs. 1(1), **6(8)(a)(vi)**
- F86** Words in Sch. 10 para. 22(7) substituted (12.5.2004) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2004 (S.I. 2004/1141), regs. 1(1), **3(5)(6)(c)**
- F87** Words in Sch. 10 para. 22(7) inserted (6.4.2010) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2010 (S.I. 2010/641), regs. 1(1), **2(3)(g)**
- F88** Words in Sch. 10 para. 22(7) substituted (12.12.2005) by The Income-related Benefits (Amendment) (No. 2) Regulations 2005 (S.I. 2005/3391), regs. 1, **2(5)(a)(ii)**
- F89** Words in Sch. 10 para. 22(7) inserted (31.10.2011) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2011 (S.I. 2011/2425), regs. 1(2), **7(6)**
- F90** Words in Sch. 10 para. 22(7) inserted (3.4.2017) by The Social Security (Scottish Infected Blood Support Scheme) Regulations 2017 (S.I. 2017/329), regs. 1, **3(3)(f)**
- F91** Words in Sch. 10 para. 22(7) inserted (23.10.2017) by The Social Security (Infected Blood and Thalidomide) Regulations 2017 (S.I. 2017/870), regs. 1, **2(3)(f)**
- F92** Words in Sch. 10 para. 22(7) inserted (19.6.2017) by The Social Security (Emergency Funds) (Amendment) Regulations 2017 (S.I. 2017/689), regs. 1, **2(3)(f)**

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- F93** Words in Sch. 10 para. 22(7) inserted (15.7.2020) by The Social Security (Income and Capital) (Miscellaneous Amendments) Regulations 2020 (S.I. 2020/618), regs. 1, **2(12)(a)(vi)**
- F94** Words in Sch. 10 para. 22(7) inserted (27.10.2023) by The Social Security (Habitual Residence and Past Presence, and Capital Disregards) (Amendment) Regulations 2023 (S.I. 2023/1144), regs. 1(1), **3(3)(c)**

**F95** **22A.** . . . . .

**Textual Amendments**

- F95** Sch. 10 para. 22A omitted (12.12.2005) by virtue of The Income-related Benefits (Amendment) (No. 2) Regulations 2005 (S.I. 2005/3391), regs. 1, **2(5)(b)**

[**F96** **23.** The value of the right to receive an occupational [**F97** or personal] pension.]

**Textual Amendments**

- F96** Sch. 10 paras. 22-24 added (11.4.1988) by The Income Support (General) Amendment Regulations 1988 (S.I. 1988/663), regs. 1(1), **36(b)**
- F97** Words in Sch. 10 para. 23 inserted (7.10.1991) by The Income Support (General) Amendment No. 4 Regulations 1991 (S.I. 1991/1559), regs. 1(1)(c), **21** (with reg. 1(2))

[**F98** **23A.** The value of any funds held under a personal pension scheme **F99** ....]

**Textual Amendments**

- F98** Sch. 10 para. 23A inserted (with effect in accordance with reg. 1(4) of the amending S.I.) by The Income-related Benefits Schemes and Social Security (Claims and Payments) (Miscellaneous Amendments) Regulations 1995 (S.I. 1995/2303), regs. 1(1)(a), **6(10)(b)** (with reg. 8)
- F99** Words in Sch. 10 para. 23A omitted (16.7.2007) by virtue of The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2007 (S.I. 2007/1749), regs. 1, **2(8)**

[**F96** **24.** The value of the right to receive any rent [**F100** except where the claimant has a reversionary interest in the property in respect of which rent is due.]]

**Textual Amendments**

- F96** Sch. 10 paras. 22-24 added (11.4.1988) by The Income Support (General) Amendment Regulations 1988 (S.I. 1988/663), regs. 1(1), **36(b)**
- F100** Words in Sch. 10 para. 24 added (with effect in accordance with reg. 1(4) of the amending S.I.) by The Income-related Benefits Schemes and Social Security (Claims and Payments) (Miscellaneous Amendments) Regulations 1995 (S.I. 1995/2303), regs. 1(1)(a), **6(10)(c)** (with reg. 8)

[**F101** **25.** Where a claimant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from [**F102**, or dissolution of his civil partnership with,] his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling][**F103** or, where that dwelling is occupied as the home by the former partner who is a lone parent, for as long as it is so occupied.]

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#### Textual Amendments

- F101** Sch. 10 paras. 25-28 added (30.5.1988) by [The Income Support \(General\) Amendment No. 2 Regulations 1988 \(S.I. 1988/910\)](#), regs. 1(1), **3(b)**
- F102** Words in Sch. 10 para. 25 inserted (5.12.2005) by [The Civil Partnership \(Pensions, Social Security and Child Support\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2877\)](#), art. 1, **Sch. 3 para. 13(9)(c)** (with art. 3)
- F103** Words in Sch. 10 para. 25 added (1.4.2003) by [The Social Security \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/511\)](#), regs. 1, **2(3)(a)**

[<sup>F101</sup>26. Any premises where the claimant is taking reasonable steps to dispose of those premises, for a period of 26 weeks from the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises.]

#### Textual Amendments

- F101** Sch. 10 paras. 25-28 added (30.5.1988) by [The Income Support \(General\) Amendment No. 2 Regulations 1988 \(S.I. 1988/910\)](#), regs. 1(1), **3(b)**

[<sup>F104</sup>27. Any premises which the claimant intends to occupy as his home, and in respect of which he 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 date on which he first sought such advice or first commenced such proceedings whichever is earlier, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.]

#### Textual Amendments

- F104** Sch. 10 para. 27 substituted (12.12.1988) by [The Income Support \(General\) Amendment No. 5 Regulations 1988 \(S.I. 1988/2022\)](#), regs. 1(1)(a), **23(a)**

[<sup>F101</sup>28. Any premises which the claimant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the claimant first takes steps to effect those repairs or alterations, or such longer period as is reasonable in the circumstances to enable those repairs or alterations to be carried out and the claimant to commence occupation of the premises.]

#### Textual Amendments

- F101** Sch. 10 paras. 25-28 added (30.5.1988) by [The Income Support \(General\) Amendment No. 2 Regulations 1988 \(S.I. 1988/910\)](#), regs. 1(1), **3(b)**

[<sup>F105</sup>29. Any payment in kind [<sup>F106</sup>which is a Grenfell Tower payment [<sup>F107</sup>, child abuse payment or Windrush payment] or] made by a charity [<sup>F108</sup>or under [<sup>F109</sup>or by] the Macfarlane (Special Payments) Trust][<sup>F110</sup>, the Macfarlane (Special Payments) (No. 2) Trust [<sup>F111</sup>the Fund][<sup>F112</sup>, MFET Limited][<sup>F113</sup>, the Skipton Fund, the Caxton Foundation][<sup>F114</sup>, the Scottish Infected Blood Support Scheme][<sup>F115</sup>, an approved blood scheme]<sup>F116</sup>... or the Independent Living Fund (2006)].]

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**Textual Amendments**

- F105** Sch. 10 paras. 29-31 added (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **26(c)**
- F106** Words in Sch. 10 para. 29 inserted (15.7.2020) by [The Social Security \(Income and Capital\) \(Miscellaneous Amendments\) Regulations 2020 \(S.I. 2020/618\)](#), regs. 1, **2(12)(b)**
- F107** Words in Sch. 10 para. 29 inserted (1.1.2022) by [The Social Security \(Income and Capital Disregards\) \(Amendment\) Regulations 2021 \(S.I. 2021/1405\)](#), regs. 1, **2(8)(b)**
- F108** Words in Sch. 10 para. 29 added (31.1.1990) by [The Income-related Benefits Schemes Amendment Regulations 1990 \(S.I. 1990/127\)](#), regs. 1(1), **3(4)**
- F109** Words in Sch. 10 para. 29 inserted (6.4.2010) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2010 \(S.I. 2010/641\)](#), regs. 1(1), **2(7)(f)**
- F110** Words in Sch. 10 para. 29 substituted (7.5.1992) by [The Income-related Benefits Schemes and Social Security \(Recoupment\) Amendment Regulations 1992 \(S.I. 1992/1101\)](#), regs. 1(1), **6(8)(b)**
- F111** Words in Sch. 10 para. 29 substituted (1.10.2007) by [The Independent Living Fund \(2006\) Order 2007 \(S.I. 2007/2538\)](#), arts. 1, **2(3)**
- F112** Words in Sch. 10 para. 29 inserted (6.4.2010) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2010 \(S.I. 2010/641\)](#), regs. 1(1), **2(11)**
- F113** Words in Sch. 10 para. 29 inserted (31.10.2011) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2011 \(S.I. 2011/2425\)](#), regs. 1(2), **7(5)**
- F114** Words in Sch. 10 para. 29 inserted (3.4.2017) by [The Social Security \(Scottish Infected Blood Support Scheme\) Regulations 2017 \(S.I. 2017/329\)](#), regs. 1, **3(3)(f)**
- F115** Words in Sch. 10 para. 29 inserted (23.10.2017) by [The Social Security \(Infected Blood and Thalidomide\) Regulations 2017 \(S.I. 2017/870\)](#), regs. 1, **2(3)(f)**
- F116** Words in Sch. 10 para. 29 omitted (17.11.2008) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No.6\) Regulations 2008 \(S.I. 2008/2767\)](#), regs. 1(2), **2(13)**

[<sup>F117</sup>**30.** Any payment made pursuant to section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990, but only for the period of 52 weeks beginning on the date of receipt of the payment.]

**Textual Amendments**

- F117** Sch. 10 para. 30 substituted (1.4.2004) by [The Social Security \(Miscellaneous Amendments\) Regulations 2004 \(S.I. 2004/565\)](#), regs. 1(2)(a), **2(4)(a)**

[<sup>F105</sup>**31.** Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.]

**Textual Amendments**

- F105** Sch. 10 paras. 29-31 added (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **26(c)**

<sup>F118</sup>**32.** .....

**Textual Amendments**

- F118** Sch. 10 para. 33 omitted (14.4.2008) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/698\)](#), regs. 1(1), **2(15)(d)**



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<sup>F118</sup>**33.** .....

**Textual Amendments**

**F118** Sch. 10 para. 33 omitted (14.4.2008) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/698\)](#), regs. 1(1), **2(15)(d)**

[<sup>F119</sup>**34.** Any payment made to a juror or a witness in respect of attendance at a court other than compensation for loss of earnings or for the loss of a benefit payable under the benefit Acts.]

**Textual Amendments**

**F119** Sch. 10 paras. 32-35 added (12.12.1988) by [The Income Support \(General\) Amendment No. 5 Regulations 1988 \(S.I. 1988/2022\)](#), regs. 1(1)(a), **23(b)**

<sup>F120</sup>**35.** .....

**Textual Amendments**

**F120** Sch. 10 para. 35 omitted (1.4.1993) by virtue of [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1993 \(S.I. 1993/315\)](#), reg. 1(1)(b), **Sch. para. 6(2)**

[<sup>F121</sup>**36.** Any payment in consequence of a reduction of <sup>F122</sup>... [<sup>F123</sup>council tax under section 13 [<sup>F124</sup>, 13A] or, as the case may be, section 80 of the Local Government Finance Act 1992 (reduction of liability for council tax),] but only for a period of 52 weeks from the date of the receipt of the payment.]

**Textual Amendments**

**F121** Sch. 10 para. 36 added (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1990 \(S.I. 1990/547\)](#), regs. 1(1)(a), **23(a)**

**F122** Words in Sch. 10 para. 36 omitted (14.4.2008) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/698\)](#), regs. 1(1), **2(15)(e)**

**F123** Words in Sch. 10 para. 36 inserted (1.4.1993) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1993 \(S.I. 1993/315\)](#), reg. 1(1)(b), **Sch. para. 6(3)**

**F124** Word in Sch. 10 para. 36 inserted (2.4.2013) by [The Social Security \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/443\)](#), regs. 1(1), **2(6)(b)**

[<sup>F125</sup>**37.** Any grant made to the claimant in accordance with a scheme made under section 129 of the Housing Act 1988 or section 66 of the Housing (Scotland) Act 1988 (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 his home; or
- (b) to carry out repairs or alterations which are required to render premises fit for occupation as his home

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

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#### Textual Amendments

**F125** Sch. 10 para. 37 added (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1990 \(S.I. 1990/547\)](#), regs. 1(1)(b), **23(b)**

[<sup>F126</sup>**38.**—(1) Any payment or repayment made—

- (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
- (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
- (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (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 Secretary of State for Health [<sup>F127</sup>and Social Care], the Scottish Ministers 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.]

#### Textual Amendments

**F126** Sch. 10 para. 38, 39 substituted (5.1.2009) by [The Social Security \(Miscellaneous Amendments\) \(No. 7\) Regulations 2008 \(S.I. 2008/3157\)](#), regs. 1(1), **2(8)(c)**

**F127** Words in Sch. 10 para. 38(2) inserted (11.4.2018) by [The Secretaries of State for Health and Social Care and for Housing, Communities and Local Government and Transfer of Functions \(Commonhold Land\) Order 2018 \(S.I. 2018/378\)](#), art. 1(2), **Sch. para. 21(a)** (with art. 14)

[<sup>F126</sup>**39.** Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 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.]

#### Textual Amendments

**F126** Sch. 10 para. 38, 39 substituted (5.1.2009) by [The Social Security \(Miscellaneous Amendments\) \(No. 7\) Regulations 2008 \(S.I. 2008/3157\)](#), regs. 1(1), **2(8)(c)**

[<sup>F128</sup>**39A.** Any payment made under Part 8A of the Contributions and Benefits Act (entitlement to health in pregnancy grant).]

#### Textual Amendments

**F128** Sch. 10 para. 39A inserted (for specified purposes and with effect in accordance with reg. 1(4) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/583\)](#), **reg. 2(14)(a)**

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[<sup>F129</sup>40. Any payment made either by the Secretary of State for [<sup>F130</sup>Justice] or by the [<sup>F131</sup>Scottish Ministers] 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 receipt of the payment.]

#### Textual Amendments

**F129** Sch. 10 paras. 38-41 added (1.10.1990) by [The Income Support \(General\) Amendment No. 3 Regulations 1990 \(S.I. 1990/1776\)](#), regs. 1(1)(a), **11(d)** (with reg. 1(2))

**F130** Word in Sch. 10 para. 40 substituted (22.8.2007) by [The Secretary of State for Justice Order 2007 \(S.I. 2007/2128\)](#), art. 1(2), **Sch. para. 13(3)**

**F131** Words in Sch. 10 para. 40 substituted (5.1.2009) by [The Social Security \(Miscellaneous Amendments\) \(No. 7\) Regulations 2008 \(S.I. 2008/3157\)](#), regs. 1(1), **2(8)(d)**

[<sup>F132</sup>41. Any arrears of supplementary pension which is disregarded under paragraph 54 of Schedule 9 (sums to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 55 or 56 of that Schedule, but only for a period of 52 weeks from the date of receipt of the arrears.]

#### Textual Amendments

**F132** Sch. 10 para. 41 substituted (5.1.2009) by [The Social Security \(Miscellaneous Amendments\) \(No. 7\) Regulations 2008 \(S.I. 2008/3157\)](#), regs. 1(1), **2(8)(e)**

[<sup>F133</sup>42. Any payment (other than a training allowance<sup>F134</sup>...) made, whether by the Secretary of State or by any other person, under the Disabled Persons (Employment) Act 1944 <sup>F135</sup>... to assist disabled persons to obtain or retain employment despite their disability.]

#### Textual Amendments

**F133** Sch. 10 paras. 42, 43 added (6.4.1992) by [The Income Support \(General\) Amendment Regulations 1992 \(S.I. 1992/468\)](#), regs. 1(1), **9(3)** (with reg. 1(2))

**F134** Words in Sch. 10 para. 42 omitted (1.4.2004) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 2004 \(S.I. 2004/565\)](#), regs. 1(2)(a), **2(4)(b)(i)**

**F135** Words in Sch. 10 para. 42 omitted (1.4.2004) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 2004 \(S.I. 2004/565\)](#), regs. 1(2)(a), **2(4)(b)(ii)**

[<sup>F133</sup>43. Any payment made by a local authority under section 3 of the Disabled Persons (Employment) Act 1958 [<sup>F136</sup>or under Part 4 of the Social Services and Well-being (Wales) Act 2014] to homeworkers assisted under the Blind Homeworkers' Scheme.]

#### Textual Amendments

**F133** Sch. 10 paras. 42, 43 added (6.4.1992) by [The Income Support \(General\) Amendment Regulations 1992 \(S.I. 1992/468\)](#), regs. 1(1), **9(3)** (with reg. 1(2))

**F136** Words in Sch. 10 para. 43 inserted (3.11.2017) by [The Social Services and Well-being \(Wales\) Act 2014 and the Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Order 2017 \(S.I. 2017/901\)](#), arts. 1, **2(6)(b)**

[<sup>F137</sup>44.—(1) Any sum of capital to which sub-paragraph (2) applies and—

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- (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 or by the Court of Protection;
  - (b) which can only be disposed of by order or direction of any such court; 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 age 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 concerned is under the age of 18.]

**Textual Amendments**

**F137** Sch. 10 para. 44 substituted (for specified purposes and with effect in accordance with reg. 1(4) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 2006 \(S.I. 2006/2378\)](#), [reg. 5\(11\)\(c\)](#)

- [<sup>F138</sup>45. Any sum of capital administered on behalf of a person <sup>F139</sup>... in accordance with an order made under [<sup>F140</sup>section 13 of the Children (Scotland) Act 1995], or under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of the Ordinary Cause 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 [<sup>F141</sup>where the person concerned is under the age of 18].]

**Textual Amendments**

**F138** Sch. 10 paras. 44, 45 added (with effect in accordance with reg. 1(2) of the amending S.I.) by The Income-related [Benefits Schemes \(Miscellaneous Amendments\) \(No.5\) Regulations 1994 \(S.I. 1994/2139\)](#), [regs. 1\(1\)\(a\), 33\(b\)](#)

**F139** Words in Sch. 10 para. 45 omitted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by virtue of The Income-related Benefits and Jobseeker’s [Allowance \(Amendment\) \(No. 2\) Regulations 1997 \(S.I. 1997/2197\)](#), [regs. 1\(2\), 7\(9\)\(a\)\(10\)\(e\)](#)

**F140** Words in Sch. 10 para. 45 substituted (1.10.2003) by [The Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 2003 \(S.I. 2003/2279\)](#), [regs. 1\(a\), 2\(5\)\(b\)](#)

**F141** Words in Sch. 10 para. 45 added (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by The Income-related Benefits and Jobseeker’s [Allowance \(Amendment\) \(No. 2\) Regulations 1997 \(S.I. 1997/2197\)](#), [regs. 1\(2\), 7\(9\)\(b\)\(10\)\(e\)](#)

- [<sup>F142</sup>46. Any payment to the claimant as holder of the Victoria Cross or George Cross.]

**Textual Amendments**

**F142** Sch. 10 para. 46 added (8.4.1996) by The Income-related [Benefits Schemes \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/462\)](#), [regs. 1\(2\), 11\(1\)](#)

- <sup>F143</sup>47. ....

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**Textual Amendments**

**F143** Sch. 10 para. 47-49 omitted (5.1.2009) by virtue of The Social Security (Miscellaneous Amendments) (No. 7) Regulations 2008 (S.I. 2008/3157), regs. 1(1), **2(8)(f)**

**F143** **48.** . . . . .

**Textual Amendments**

**F143** Sch. 10 para. 47-49 omitted (5.1.2009) by virtue of The Social Security (Miscellaneous Amendments) (No. 7) Regulations 2008 (S.I. 2008/3157), regs. 1(1), **2(8)(f)**

**F143** **49.** . . . . .

**Textual Amendments**

**F143** Sch. 10 para. 47-49 omitted (5.1.2009) by virtue of The Social Security (Miscellaneous Amendments) (No. 7) Regulations 2008 (S.I. 2008/3157), regs. 1(1), **2(8)(f)**

**F144** **50.** . . . . .

**Textual Amendments**

**F144** Sch. 10 para. 50 omitted (1.4.2004) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2004 (S.I. 2004/565), regs. 1(2)(a), **2(4)(c)**

**F145** **50A.** . . . . .

**Textual Amendments**

**F145** Sch. 10 para. 50A omitted (1.4.2004) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2004 (S.I. 2004/565), regs. 1(2)(a), **2(4)(c)**

**F146** **51.** . . . . .

**Textual Amendments**

**F146** Sch. 10 para. 51 omitted (1.4.2004) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2004 (S.I. 2004/565), regs. 1(2)(a), **2(4)(c)**

[<sup>F147</sup>**52.** In the case of a person who is receiving, or who has received, assistance under [<sup>F148</sup>the self-employment route], any sum of capital which is acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is or was received but only for a period of 52 weeks from the date on which that sum was acquired.]

**Textual Amendments**

**F147** Sch. 10 para. 52 added (1.6.1998) by The Social Security (Miscellaneous Amendments) (No. 4) Regulations 1998 (S.I. 1998/1174), regs. 1(1), **7(11)(12)(e)**

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**F148** Words in Sch. 10 para. 52 substituted (27.11.2000) by The Social Security Amendment (Employment Zones) (No. 2) Regulations 2000 (S.I. 2000/2910), regs. 1(1), **4(2)(c)(ii)**

**Modifications etc. (not altering text)**

**C5** Sch. 10 para. 52 modified (temp. until 27.11.2001) (28.11.2000) by The Social Security (New Deal Pilot) Regulations 2000 (S.I. 2000/3134), regs. 1(1)(b), **18(2)(3)(e)** (with regs. 1(2), 11, 19)

<sup>F149</sup>**53.** .....

**Textual Amendments**

**F149** Sch. 10 para. 53 omitted (1.4.2004) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2004 (S.I. 2004/565), regs. 1(2)(a), **2(4)(c)**

[<sup>F150</sup>**56.**—(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 one or more 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, rent for which housing benefit is payable or any housing costs to the extent that they are met under regulation 17(1)(e) or 18(1)(f) (housing costs)<sup>F151</sup> ..., of the claimant or, where the claimant is a member of a family, any other member of his family, or any council tax or water charges for which that claimant or member 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;

“ordinary clothing and footwear” means clothing or footwear for normal daily use but does not include school uniforms or clothing or footwear used solely for sporting activities.]

**Textual Amendments**

**F150** Sch. 10 para. 56 added (23.8.1999) by The Social Security Amendment (Sports Awards) Regulations 1999 (S.I. 1999/2165), regs. 1(1), **6(5)**

**F151** Words in Sch. 10 para. 56(2) omitted (8.4.2002) by virtue of The Social Security Amendment (Residential Care and Nursing Homes) Regulations 2001 (S.I. 2001/3767), reg. 1, **Sch. Pt. I para. 20**

<sup>F152</sup>**57.** .....

**Textual Amendments**

**F152** Sch. 10 para. 57 omitted (25.10.2004) by virtue of The Social Security (Back to Work Bonus and Lone Parent Run-on) (Amendment and Revocation) Regulations 2003 (S.I. 2003/1589), regs. 1(1), **2(d)**

<sup>F153</sup>**57.** .....

**Textual Amendments**

**F153** Sch. 10 para. 57 omitted (9.4.2001) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2001 \(S.I. 2001/859\)](#), regs. 1(3), **3(6)(a)**

[<sup>F154</sup>**58.** In the case of a claimant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the claimant, being a fee, grant, loan or otherwise, but only for the period of 52 weeks from the date of receipt of the payment.]

**Textual Amendments**

**F154** Sch. 10 paras. 58, 59 added (3.4.2000) by [The Social Security Amendment \(Employment Zones\) Regulations 2000 \(S.I. 2000/724\)](#), regs. 1(1), **3(4)(a)**

[<sup>F154</sup>**59.** 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.]

**Textual Amendments**

**F154** Sch. 10 paras. 58, 59 added (3.4.2000) by [The Social Security Amendment \(Employment Zones\) Regulations 2000 \(S.I. 2000/724\)](#), regs. 1(1), **3(4)(a)**

[<sup>F155</sup>**60.** Any payment made to a person under regulation 11 of the Social Security (Payments to Reduce Under-occupation) Regulations 2000, but only for a period of 52 weeks from the date of payment.]

**Textual Amendments**

**F155** Sch. 10 para. 60 added (3.4.2000) by [The Social Security \(Payments to Reduce Under-occupation\) Regulations 2000 \(S.I. 2000/637\)](#), regs. 1(2), **12(1)(2)(c) (with reg. 15)**

[<sup>F156</sup>**61.** 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 internment of—

- (a) the claimant;
- (b) the claimant's partner;
- (c) the claimant's deceased spouse [<sup>F157</sup>or deceased civil partner]; or
- (d) the claimant's partner's deceased spouse [<sup>F157</sup>or deceased civil partner],

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

**Textual Amendments**

**F156** Sch. 10 para. 61 added (1.2.2001) by [The Social Security Amendment \(Capital Disregards\) Regulations 2001 \(S.I. 2001/22\)](#), regs. 1, **2(a)**

**F157** Words in Sch. 10 para. 61(c)(d) inserted (5.12.2005) by [The Civil Partnership \(Pensions, Social Security and Child Support\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2877\)](#), art. 1, **Sch. 3 para. 13(9)(d)** (with art. 3)

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<sup>F158</sup>62. In the case of a person to whom paragraph (5) of regulation 6 (persons not treated as in remunerative work) applies, the whole of his capital.]

#### Textual Amendments

**F158** Sch. 10 para. 62 added (9.4.2001) by The Social Security (Miscellaneous Amendments) Regulations 2001 (S.I. 2001/488), regs. 1(1), **10**

<sup>F159</sup>63.—(1) Any payment—

- (a) by way of an education maintenance allowance made pursuant to—
  - (i) regulations made under section 518 of the Education Act 1996;
  - (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980;
  - <sup>F160</sup>(iii) 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; <sup>F161</sup> ...]
- (b) corresponding to such an education maintenance allowance, made pursuant to—
  - (i) section 14 or section 181 of the Education Act 2002; or
  - (ii) regulations made under section 181 of that Act<sup>F162</sup>; or
- (c) in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.]

(2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to—

- (a) regulations made under section 518 of the Education Act 1996;
- (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
- <sup>F163</sup>(c) 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,]

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 [<sup>F164</sup> or other payment] made pursuant to any provision specified in sub-paragraph (1).]

#### Textual Amendments

**F159** Sch. 10 para. 63 substituted (coming into force in accordance with reg. 1(1)(b)(i)(ii) of the amending S.I.) by The Social Security (Students and Income-related Benefits) Amendment Regulations 2004 (S.I. 2004/1708), regs. 1(1)(b), **5(3)**

**F160** Sch. 10 para. 63(1)(a)(iii) substituted (5.1.2009) by The Social Security (Miscellaneous Amendments) (No. 7) Regulations 2008 (S.I. 2008/3157), regs. 1(1), **2(8)(g)(i)**

**F161** Word in Sch. 10 para. 63(1)(a) omitted (31.10.2011) by virtue of The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2011 (S.I. 2011/2425), regs. 1(2), **7(8)(a)**

**F162** Sch. 10 para. 63(1)(c) and word added (31.10.2011) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2011 (S.I. 2011/2425), regs. 1(2), **7(8)(b)**

**F163** Sch. 10 para. 63(2)(c) substituted (5.1.2009) by The Social Security (Miscellaneous Amendments) (No. 7) Regulations 2008 (S.I. 2008/3157), regs. 1(1), **2(8)(g)(ii)**

**F164** Words in Sch. 10 para. 63(2) inserted (31.10.2011) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2011 (S.I. 2011/2425), regs. 1(2), **7(8)(c)**



[<sup>F165</sup>64.—(1) Subject to sub-paragraph (2), the amount of any trust payment made to a claimant or a member of a claimant'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 the place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
- (d) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his 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 shall apply 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 shall apply 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 shall apply for the period beginning on the date on which the trust payment is made and ending—
  - (i) two years after that date; or
  - (ii) on the day before the day on which that person—
    - (aa) ceases receiving full-time education; or
    - (bb) attains the age of [<sup>F166</sup>20],

whichever is the latest.

(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 a claimant or a member of a claimant's family who is—

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

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

(4) Where a payment as referred to in sub-paragraph (3) is made to—

- (a) a person referred to in sub-paragraph (3)(a), that sub-paragraph shall apply for the period beginning on the date on which that 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 shall apply for the period beginning on the date on which that payment is made and ending two years after that date;
- (c) a person referred to in sub-paragraph (3)(c), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending—
  - (i) two years after that date; or

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- (ii) on the day before the day on which that person—
- (aa) ceases receiving full-time education; or
  - (bb) attains the age of [<sup>F167</sup>20],
- whichever is the latest.

- (5) In this paragraph, a reference to a person—
- (a) being the diagnosed person's partner;
  - (b) being a member of the diagnosed person's family; or
  - (c) acting in the place of the diagnosed person's parents,

at the date of the diagnosed person's death shall include a person who would have been such a person or a person who would have been so acting, but for the diagnosed person [<sup>F168</sup>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 his death, has been diagnosed as having suffered from, variant Creutzfeldt-Jakob disease;

“relevant trust” means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeldt-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;

“trust payment” means a payment under a relevant trust.]

#### Textual Amendments

**F165** Sch. 10 para. 64 added (12.4.2001) by The Social Security Amendment (Capital Disregards and Recovery of Benefits) Regulations 2001 (S.I. 2001/1118), regs. 1, **2(1)**

**F166** Word in Sch. 10 para. 64(2)(c)(ii)(bb) substituted (10.4.2006) by The Social Security (Young Persons) Amendment Regulations 2006 (S.I. 2006/718), regs. 1(2)(a), **2(9)**

**F167** Word in Sch. 10 para. 64(4)(c)(ii)(bb) substituted (10.4.2006) by The Social Security (Young Persons) Amendment Regulations 2006 (S.I. 2006/718), regs. 1(2)(a), **2(9)**

**F168** Words in Sch. 10 para. 64 substituted (24.10.2005) by The Social Security (Care Homes and Independent Hospitals) Regulations 2005 (S.I. 2005/2687), reg. 1, **Sch. 1 para. 13**

[<sup>F169</sup>**65.** The amount of a payment, other than a war pension <sup>F170</sup> ..., to compensate for the fact that the claimant, the claimant's partner, the claimant's deceased spouse [<sup>F171</sup>or deceased civil partner] or the claimant's partner's deceased spouse [<sup>F171</sup>or deceased civil partner]—

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

during the Second World War.]

#### Textual Amendments

**F169** Sch. 10 para. 65 added (19.11.2001) by The Social Security Amendment (Capital Disregards) (No. 2) Regulations 2001 (S.I. 2001/3481), regs. 1, **2(c)**

**F170** Words in Sch. 10 para. 65 omitted (5.1.2009) by virtue of The Social Security (Miscellaneous Amendments) (No. 7) Regulations 2008 (S.I. 2008/3157), regs. 1(1), **2(8)(h)**

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**F171** Words in Sch. 10 para. 65 inserted (5.12.2005) by The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877), art. 1, **Sch. 3 para. 13(9)(e)** (with art. 3)

**[<sup>F172</sup>66.—<sup>F173</sup>(1)** Any payment made by a local authority, or by the [<sup>F174</sup>Welsh Ministers], to or on behalf of the claimant or his partner relating to a service which is provided to develop or sustain the capacity of the claimant or his partner to live independently in his accommodation.]

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

#### Textual Amendments

**F172** Sch. 10 para. 66 added (1.4.2003) by The Social Security (Miscellaneous Amendments) Regulations 2003 (S.I. 2003/511), regs. 1, **2(3)(b)**

**F173** Sch. 10 para. 66(1) substituted (1.10.2003) by The Social Security (Miscellaneous Amendments) (No.2) Regulations 2003 (S.I. 2003/2279), regs. 1(a), **2(5)(c)**

**F174** Words in Sch. 10 para. 66(1) substituted (5.1.2009) by The Social Security (Miscellaneous Amendments) (No. 7) Regulations 2008 (S.I. 2008/3157), regs. 1(1), **2(8)(i)**

**[<sup>F175</sup>67.** Any payment made under [<sup>F176</sup>sections 31 to 33 of the Care Act 2014 (direct payments) or under]<sup>F177</sup>... regulations made under section 57 of the Health and Social Care Act 2001 or [<sup>F178</sup>as a direct payment as defined in section 4(2) of the Social Care (Self-directed Support) (Scotland) Act 2013]<sup>F179</sup>, or under sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care)]<sup>F180</sup>, or in accordance with regulations made under section 50 or 52 of the Social Services and Well-being (Wales) Act 2014 (direct payments)].]

#### Textual Amendments

**F175** Sch. 10 para. 67 –69 added (1.10.2003) by The Social Security (Miscellaneous Amendments) (No.2) Regulations 2003 (S.I. 2003/2279), regs. 1(a), **2(5)(d)**

**F176** Words in Sch. 10 para. 67 inserted (1.4.2015) by The Care Act 2014 (Consequential Amendments) (Secondary Legislation) Order 2015 (S.I. 2015/643), art. 1(2), **Sch. para. 5(4)** (with art. 4)

**F177** Words in Sch. 10 para. 67 omitted (6.4.2009) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2009 (S.I. 2009/583), regs. 1(2), **2(14)(b)**

**F178** Words in Sch. 10 para. 67 substituted (1.4.2014) by The Social Care (Self-directed Support) (Scotland) Act 2013 (Consequential Modifications and Savings) Order 2014 (S.I. 2014/513), art. 1(2), **Sch. para. 1(b)** (with art. 3)

**F179** Words in Sch. 10 para. 67 inserted (6.4.2010) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2010 (S.I. 2010/641), regs. 1(1), **2(10)**

**F180** Words in Sch. 10 para. 67 inserted (3.11.2017) by The Social Services and Well-being (Wales) Act 2014 and the Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Order 2017 (S.I. 2017/901), arts. 1, **2(6)(c)**

**[<sup>F181</sup>68.** Any payment made to the claimant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.]

#### Textual Amendments

**F181** Sch. 10 para. 68 substituted (30.12.2005) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2005 (S.I. 2005/2465), regs. 1(3)(a), **2(9)**

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[<sup>F182</sup>**68A.** Any payment made to the claimant in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services).]

**Textual Amendments**

**F182** Sch. 10 para. 68A inserted (4.10.2004) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2004 (S.I. 2004/2308), regs. 1(1), **4(5)**

<sup>F183</sup>**69.** . . . . .

**Textual Amendments**

**F183** Sch. 10 para. 69 omitted (1.4.2004) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2004 (S.I. 2004/565), regs. 1(2)(a), **2(4)(c)**

<sup>F184</sup>**70.** . . . . .

**Textual Amendments**

**F184** Sch. 10 para. 70 omitted (1.4.2004) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2004 (S.I. 2004/565), regs. 1(2)(a), **2(4)(c)**

[<sup>F185</sup>**71.** Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments)]

**Textual Amendments**

**F185** Sch. 10 para. 71 inserted (E.) (1.9.2014) by The Special Educational Needs (Consequential Amendments to Subordinate Legislation) Order 2014 (S.I. 2014/2103), arts. 1, **3(3)**

[<sup>F186</sup>**72.—**  
<sup>F187</sup>(1)] Any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment), but only for a period of 52 weeks from the date of receipt of the payment.]

[<sup>F188</sup>(2) Where bereavement support payment under section 30 of the Pensions Act 2014 is paid to the survivor of a cohabiting partnership (within the meaning in section 30(6B) of the Pensions Act 2014) in respect of a death occurring before the day the Bereavement Benefits (Remedial) Order 2023 comes into force, any amount of that payment which is—

- (a) in respect of the rate set out in regulation 3(1) of the Bereavement Support Payment Regulations 2017, and
- (b) paid as a lump sum for more than one monthly recurrence of the day of the month on which their cohabiting partner died,

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

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#### Textual Amendments

- F186** Sch. 10 para. 72 inserted (coming into force in accordance with art. 1-3 of the amending S.I.) by The Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2017 (S.I. 2017/422), arts. 1(2), **9(4)(b)**
- F187** Sch. 10 para. 72(1): Sch. 10 para. 72 renumbered as Sch. 10 para. 72(1) (9.2.2023) by The Bereavement Benefits (Remedial) Order 2023 (S.I. 2023/134), art. 1(2), **Sch. para. 1(b)(i)** (with art. 2)
- F188** Sch. 10 para. 72(2) inserted (9.2.2023) by The Bereavement Benefits (Remedial) Order 2023 (S.I. 2023/134), art. 1(2), **Sch. para. 1(b)(ii)** (with art. 2)

[<sup>F189</sup>73. Any payment made under or by a trust, established for the purpose of giving relief and assistance to disabled persons whose disabilities were caused by the fact that during their mother's pregnancy she had taken a preparation containing the drug known as Thalidomide, and which is approved by the Secretary of State.]

#### Textual Amendments

- F189** Sch. 10 para. 73 added (23.10.2017) by The Social Security (Infected Blood and Thalidomide) Regulations 2017 (S.I. 2017/870), regs. 1, **2(5)**

[<sup>F190</sup>74. Any payment made to a claimant under section 73(1)(b) of the Children and Young People (Scotland) Act 2014 (kinship care assistance).]

#### Textual Amendments

- F190** Sch. 10 para. 74 inserted (7.11.2017) by The Social Security and Child Support (Care Payments and Tenant Incentive Scheme) (Amendment) Regulations 2017 (S.I. 2017/995), regs. 1, **2(4)**

[<sup>F191</sup>75. Any early years assistance given in accordance with section 32 of the Social Security (Scotland) Act 2018.]

#### Textual Amendments

- F191** Sch. 10 para. 75 inserted (coming into force in accordance with art. 1(2) of the amending S.I.) by The Social Security (Scotland) Act 2018 (Best Start Grants) (Consequential Modifications and Saving) Order 2018 (S.I. 2018/1138), **art. 5(3)**

[<sup>F192</sup>76. Any funeral expense assistance given in accordance with section 34 of the Social Security (Scotland) Act 2018.]

#### Textual Amendments

- F192** Sch. 10 para. 76 inserted (16.9.2019 immediately after S.S.I. 2019/292 comes into force) by The Social Security (Scotland) Act 2018 (Funeral Expense Assistance and Early Years Assistance) (Consequential Modifications and Savings) Order 2019 (S.I. 2019/1060), arts. 1(2)(b), **7(3)**

[<sup>F193</sup>77. Any assistance given in accordance with the Carer's Assistance (Young Carer Grants) (Scotland) Regulations 2019.]

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**Textual Amendments**

**F193** Sch. 10 para. 77 inserted (9.11.2020) by [The Social Security \(Scotland\) Act 2018 \(Young Carer Grants, Short-Term Assistance and Winter Heating Assistance\) \(Consequential Provision and Modifications\) Order 2020 \(S.I. 2020/989\)](#), arts. 1(2), **2(2)**

[<sup>F194</sup>**78.** Any winter heating assistance given in accordance with regulations made under section 30 of the Social Security (Scotland) Act 2018.]

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**Textual Amendments**

**F194** Sch. 10 para. 78 inserted (9.11.2020) by [The Social Security \(Scotland\) Act 2018 \(Young Carer Grants, Short-Term Assistance and Winter Heating Assistance\) \(Consequential Provision and Modifications\) Order 2020 \(S.I. 2020/989\)](#), arts. 1(2), **15(2)**

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- Sch. 10 para. 66 added by [S.I. 2003/511 reg. 2\(3\)\(b\)](#)
- Sch. 10 para. 25 words added by [S.I. 2003/511 reg. 2\(3\)\(a\)](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 2 para. 3(2)(3)(4) inserted by [S.I. 1997/1790 reg. 11\(c\)](#)
- Sch. 2 para. 3(1)(a) words substituted by [S.I. 1997/1790 reg. 11\(b\)](#) (revoked before applied (by reg. 2 of 1998 SI766))
- Sch. 7 para. 70 substituted by [S.I. 2004/98 reg. 3](#)