

## SCHEDULE 10

### 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)
- C1 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)

[<sup>F122</sup>—(1) Any payment made under [<sup>F2</sup>or by] the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust (“the Trusts”), [<sup>F3</sup>the Fund][<sup>F4</sup>, the Eileen Trust][<sup>F5</sup>, MFET Limited][<sup>F6</sup>, the Independent Living [<sup>F7</sup>Fund (2006)][<sup>F8</sup>, the Skipton Fund [<sup>F9</sup>, the Caxton Foundation][<sup>F10</sup>, the Scottish Infected Blood Support Scheme][<sup>F11</sup>, an approved blood scheme][<sup>F12</sup>, the London Emergencies Trust, the We Love Manchester Emergency Fund][<sup>F13</sup>the National Emergencies Trust,][<sup>F14</sup>, the Victims of Overseas Terrorism Compensation Scheme] or the London Bombings Relief Charitable Fund]].

[<sup>F15</sup>(1A) Any Grenfell Tower payment [<sup>F16</sup>, child abuse payment, Windrush payment][<sup>F17</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>F3</sup>or who is or was a qualifying person], which derives from a payment made under [<sup>F2</sup>or by] any of the Trusts to which sub-paragraph (1) refers [<sup>F18</sup>, or from a Grenfell Tower payment [<sup>F19</sup>, a child abuse payment [<sup>F20</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>F21</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>F22</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>F23</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>F2</sup>or by] any of the Trusts to which sub-paragraph (1) refers [<sup>F24</sup>, or from a Grenfell Tower payment [<sup>F19</sup>, a child abuse payment [<sup>F20</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>F25</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>F26</sup>or who is a qualifying person], which derives from a payment under [<sup>F2</sup>or by] any of the Trusts to which sub-paragraph (1) refers, [<sup>F27</sup>or from a Grenfell Tower payment [<sup>F19</sup>, a child abuse payment [<sup>F20</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>F28</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>F29</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>F26</sup>or who was a qualifying person], which derives from a payment under [<sup>F2</sup>or by] any of the Trusts to which sub-paragraph (1) refers, [<sup>F30</sup>or from a Grenfell Tower payment [<sup>F19</sup>, a child abuse payment [<sup>F20</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>F31</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>F32</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>F33</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 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>F34</sup>or from a Grenfell Tower payment][<sup>F19</sup>, a child abuse payment [<sup>F20</sup>, a Windrush payment, a Post Office compensation payment or a vaccine damage payment]] .]

[<sup>F35</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>F36</sup>, the Eileen Trust [<sup>F37</sup>, MFET Limited][<sup>F38</sup>, the Skipton Fund][<sup>F39</sup>, the Caxton Foundation][<sup>F40</sup>, the Scottish Infected Blood Support Scheme][<sup>F41</sup>, an approved blood scheme][<sup>F42</sup>, the London Emergencies Trust, the We Love Manchester Emergency Fund][<sup>F43</sup>, the National Emergencies Trust][<sup>F44</sup>, the Victims of Overseas Terrorism Compensation Scheme] and the London Bombings Relief Charitable Fund].]

## Textual Amendments

- F1** 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)**
- F2** 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)**
- F3** 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)**
- F4** 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)**
- F5** 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)**
- F6** 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)**
- F7** 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)**
- F8** 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)**
- F9** 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)**
- F10** 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)**
- F11** 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)**
- F12** 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)**
- F13** 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)**
- F14** 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)**
- F15** 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)**
- F16** 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)**
- F17** 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)**
- F18** 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)**
- F19** 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)**
- F20** 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)**
- F21** 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)
- F22** 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)**
- F23** 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)
- F24** 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)**

*Changes to legislation: There are currently no known outstanding effects for the The Income Support (General) Regulations 1987, Paragraph 22. (See end of Document for details)*

- F25** 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)**
- F26** 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)**
- F27** 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)**
- F28** 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)
- F29** 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.**
- F30** 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)**
- F31** 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)
- F32** 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.**
- F33** 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)**
- F34** 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)**
- F35** 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)**
- F36** 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)**
- F37** 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)**
- F38** 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)**
- F39** 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)**
- F40** 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)**
- F41** 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)**
- F42** 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)**
- F43** 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)**
- F44** 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)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Income Support (General) Regulations 1987, Paragraph 22.