

SCHEDULE 8

Regulations 36(2), 38(2) and 44(6)

SUMS TO BE DISREGARDED IN THE CALCULATION OF EARNINGS

1. In the case of a claimant who has been engaged in remunerative work as an employed earner [^{F1}or, had the employment been in Great Britain, would have been so engaged]—

- (a) any earnings paid or due to be paid [^{F2}in respect of that employment which has terminated]—
 - (i) by way of retirement but only if on retirement he is entitled to a retirement pension under the Social Security Act, or would be so entitled if he satisfied the contribution conditions;
 - (ii) otherwise than by retirement except earnings to which regulation 35(1)(b) to (e) and [^{F3}(g) to (i)] applies (earnings of employed earners);
- (b) any earnings paid or due to be paid [^{F4}in respect of that employment which is interrupted] except earnings to which regulation 35(1)(d) and (e) applies; but this sub-paragraph shall not apply where the claimant has been suspended from his employment.

Textual Amendments

- F1** Words in Sch. 8 para. 1 inserted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **34(a)**
- F2** Words in Sch. 8 para. 1(a) substituted (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **24(a)**
- F3** Words in Sch. 8 para. 1(a)(ii) substituted (9.10.1989) by [The Income Support \(General\) Amendment No. 2 Regulations 1989 \(S.I. 1989/1323\)](#), regs. 1(1)(b), **18**
- F4** Words in Sch. 8 para. 1(b) substituted (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **24(b)**

Commencement Information

- I1** Sch. 8 para. 1 in force at 11.4.1988, see reg. 1

2. In the case of a claimant who has been engaged in part-time employment as an employed earner [^{F5}or, had the employment been in Great Britain, would have been so engaged]^{F6}... before he made a claim for income support, any earnings paid [^{F7}or due to be paid in respect of that employment which has been terminated or interrupted before the claim is made] except any payment to which regulation 35(1)(e) applies (earnings of employed earners); but this paragraph shall not apply where the claimant has been suspended from his employment.

Textual Amendments

- F5** Words in Sch. 8 para. 2 inserted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **34(a)**
- F6** Word in Sch. 8 para. 2 omitted (12.9.1988) by virtue of [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **24(c)**
- F7** Words in Sch. 8 para. 2 substituted (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **24(c)**

Commencement Information

- I2** Sch. 8 para. 2 in force at 11.4.1988, see reg. 1

Status: Point in time view as at 01/04/1991.

Changes to legislation: There are currently no known outstanding effects for the *The Income Support (General) Regulations 1987, SCHEDULE 8*. (See end of Document for details)

3. In the case of a claimant who has been engaged in remunerative work or part-time employment as a self-employed earner [^{F8}or, had the employment been in Great Britain, would have been so engaged] and who has ceased to be so employed, from the date of the cessation of his employment any earnings derived from that employment except earnings to which regulation 30(2) (royalties etc.) applies.

Textual Amendments

F8 Words in Sch. 8 para. 3 inserted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **34(b)**

Commencement Information

I3 Sch. 8 para. 3 in force at 11.4.1988, see reg. 1

[^{F9}4.—(1) In a case to which this paragraph applies, £15; but notwithstanding regulation 23 (calculation of income and capital of members of claimant's family and of a polygamous marriage), if this paragraph applies to a claimant it shall not apply to his partner except where, and to the extent that, the earnings of the claimant which are to be disregarded under this paragraph are less than £15.

(2) This paragraph applies where the claimant's applicable amount includes, or but for his being an in-patient or in accommodation in a residential care home or nursing home or in residential accommodation would include, an amount by way of a disability premium under Schedule 2 (applicable amounts).

(3) This paragraph applies where—

(a) the claimant is a member of a couple, and—

(i) his applicable amount would include an amount by way of the disability premium under Schedule 2 but for the higher pensioner premium under that Schedule being applicable; or

(ii) had he not been an in-patient or in accommodation in a residential care home or nursing home or in residential accommodation his applicable amount would include the higher pensioner premium under that Schedule and had that been the case he would also satisfy the condition in (i) above; and

(b) he or his partner is under the age of 60 and at least one is engaged in part-time employment.

(4) This paragraph applies where—

(a) the claimant's applicable amount includes, or but for his being an in-patient or in accommodation in a residential care home or nursing home or in residential accommodation would include, an amount by way of the higher pensioner premium under Schedule 2; and

(b) the claimant or, if he is a member of a couple, either he or his partner has attained the age of 60; and

(c) immediately before attaining that age he or, as the case may be, he or his partner was engaged in part-time employment and the claimant was entitled by virtue of subparagraph (2) or (3) to a disregard of £15; and

(d) he or, as the case may be, he or his partner has continued in part-time employment.

(5) This paragraph applies where—

(a) the claimant is a member of a couple and—

Status: Point in time view as at 01/04/1991.

Changes to legislation: There are currently no known outstanding effects for the *The Income Support (General) Regulations 1987, SCHEDULE 8.* (See end of Document for details)

- (i) his applicable amount would include an amount by way of the disability premium under Schedule 2 but for the pensioner premium for persons aged 75 and over under that Schedule being applicable; or
 - (ii) had he not been an in-patient or in accommodation in a residential care home or nursing home or in residential accommodation his applicable amount would include the pensioner premium for persons aged 75 and over under that Schedule and had that been the case he would also satisfy the condition in (i) above; and
- (b) he or his partner has attained the age of 75 but is under the age of 80 and the other is under the age of 60 and at least one member of the couple is engaged in part-time employment.
- (6) This paragraph applies where—
- (a) the claimant is a member of a couple and he or his partner has attained the age of 75 but is under the age of 80 and the other has attained the age of 60; and
 - (b) immediately before the younger member attained that age either member was engaged in part-time employment and the claimant was entitled by virtue of sub-paragraph (5) to a disregard of £15; and
 - (c) either he or his partner has continued in part-time employment.
- [^{F10}(7) For the purposes of this paragraph—
- (a) except where head (b) or (c) applies, no account shall be taken of any period not exceeding eight consecutive weeks occurring—
 - (i) on or after the date on which the claimant or, if he is a member of a couple, he or his partner attained the age of 60 during which either was or both were not engaged in part-time employment or the claimant was not entitled to income support; or
 - (ii) immediately after the date on which the claimant or his partner ceased to participate in arrangements for training made under section 2 of the Employment and Training Act 1973 [^{F11}or section 2 of the Enterprise and New Towns (Scotland) Act 1990] or to attend a course at an employment rehabilitation centre established under that section [^{F12}of the 1973 Act];
 - (b) in a case where the claimant has ceased to be entitled to income support because he, or if he is a member of a couple, he or his partner becomes engaged in remunerative work, no account shall be taken of any period, during which he was not entitled to income support, not exceeding the permitted period determined in accordance with regulation 3A (permitted period) occurring on or after the date on which the claimant or, as the case may be, his partner attained the age of 60;
 - (c) no account shall be taken of any period occurring on or after the date on which the claimant or, if he is a member of a couple, he or his partner attained the age of 60 during which the claimant was not entitled to income support because he or his partner was participating in arrangements for training made under section 2 of the Employment and Training Act 1973 [^{F13}or section 2 of the Enterprise and New Towns (Scotland) Act 1990] or attending a course at an employment rehabilitation centre established under that section [^{F14}of the 1973 Act].]

Textual Amendments

- F9** Sch. 8 para. 4 substituted (with effect in accordance with reg. 1(1)(c) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1989 \(S.I. 1989/534\)](#), regs. 1(1), **10**
- F10** Sch. 8 para. 4(7) substituted (with effect in accordance with reg. 1(1)(b) of the amending S.I.) by [The Income Support \(General\) Amendment No. 3 Regulations 1989 \(S.I. 1989/1678\)](#), regs. 1(1)(b), **12(a)**

Status: Point in time view as at 01/04/1991.

Changes to legislation: There are currently no known outstanding effects for the *The Income Support (General) Regulations 1987, SCHEDULE 8*. (See end of Document for details)

- F11** Words in Sch. 8 para. 4(7)(a)(ii) inserted (1.4.1991) by [The Enterprise \(Scotland\) Consequential Amendments Order 1991 \(S.I. 1991/387\)](#), arts. 1, 2, **Sch.**
- F12** Words in Sch. 8 para. 4(7)(a)(ii) inserted (1.4.1991) by [The Enterprise \(Scotland\) Consequential Amendments Order 1991 \(S.I. 1991/387\)](#), arts. 1, **9(f)(i)**
- F13** Words in Sch. 8 para. 4(7)(c) inserted (S.) (1.4.1991) by [The Enterprise \(Scotland\) Consequential Amendments Order 1991 \(S.I. 1991/387\)](#), arts. 1, 2, **Sch.**
- F14** Words in Sch. 8 para. 4(7)(c) inserted (1.4.1991) by [The Enterprise \(Scotland\) Consequential Amendments Order 1991 \(S.I. 1991/387\)](#), arts. 1, **9(f)(ii)**

Commencement Information

- I4** Sch. 8 para. 4 in force at 11.4.1988, see reg. 1

5. If an amount by way of a lone parent premium under Schedule 2 (applicable amounts) is, or but for the pensioner premium being applicable to him or for his accommodation in a residential care home, nursing home^{F15}...^{F16}... or in residential accommodation would be, included in the calculation of the claimant's applicable amount, £15.

Textual Amendments

- F15** Words in [Sch. 8 para. 5](#) omitted (with effect in accordance with reg. 1(1)(c) of the amending S.I.) by virtue of [The Income Support \(General\) Amendment Regulations 1989 \(S.I. 1989/534\)](#), reg. 1(1), **Sch. 1 para. 14(a)**
- F16** Words in Sch. 8 para. 5 omitted (10.4.1989) by virtue of [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), reg. 1(1)(c), Sch. 1 para. 8(a) (with reg. 28)

Commencement Information

- I5** Sch. 8 para. 5 in force at 11.4.1988, see reg. 1

6.—(1) In a case where paragraph 4 does not apply, if the claimant is one of a couple and both members of that couple are under age 60 and one of the couple has for a continuous period of two years been in receipt of income support in respect of a couple (whether or not the same couple) and during that period—

- (a) neither member has been engaged in remunerative work; or
- (b) neither member has been [^{F17} in relevant education or a student];

for a period exceeding eight consecutive weeks, £15; but, notwithstanding regulation 23 (calculation of income and capital of members of claimant's family and of a polygamous marriage), if this paragraph applies to one of the couple it shall not apply to the other except where, and to the extent that, the earnings of the one which are to be disregarded under this paragraph are less than £15;

[^{F18}(2) For the purposes of this paragraph in determining whether one of a couple has been in receipt of income support for a continuous period of two years—

- (a) no account shall be taken of any period not exceeding eight weeks during which the claimant was not a member of a couple;
- (b) subject to sub-paragraphs (2A) and (2C), no account shall be taken of any period not exceeding eight weeks during which the claimant was not in receipt of income support;
- (c) consecutive periods during which either member was in receipt of income support in respect of a couple shall be treated as periods during which one of that couple had been so in receipt.

(2A) Where—

(a) a claimant has ceased to be in receipt of income support because he or the other member of the couple becomes engaged in remunerative work; and

(b) immediately before ceasing to be so in receipt this paragraph applied to him,

sub-paragraph (2)(b) shall apply to him as if for the words “not exceeding eight weeks” there were substituted the words “not exceeding the permitted period determined in accordance with regulation 3A (permitted period)”.

(2B) In a case where sub-paragraph (2A) applies, sub-paragraph (1) shall apply as if for the words “a period exceeding eight consecutive weeks” there were substituted the words “a period exceeding the permitted period determined in accordance with regulation (3A)”.

(2C) For the purposes of this paragraph, where—

(a) a claimant has ceased to be in receipt of income support because he or the other member of the couple is participating in arrangements for training made under section 2 of the Employment and Training Act 1973 [^{F19}or section 2 of the Enterprise and New Towns (Scotland) Act 1990] or attending a course at an employment rehabilitation centre established under that section [^{F20}of the 1973 Act]; and

(b) immediately before ceasing to be so in receipt this paragraph applied to him,

he shall be treated as if he had been in receipt of income support in respect of a couple for the period during which he or his partner is participating in such arrangements or attending such a course and no account shall be taken of any period during that time in which the other member is engaged in remunerative work, in relevant education or a student.]

(3) For the purposes of this paragraph—

- (a) any period beginning before the commencement of these regulations during which the claimant or the other member of the couple was in receipt of supplementary benefit in respect of a couple, and immediately preceding the receipt of income support, is to be taken into account as if it were a period of income support except where during that period either the claimant or the other member was engaged in remunerative work or receiving relevant education within the meaning of section 6 of the Supplementary Benefits Act 1976 ^{F21};
- (b) any period during which the claimant or the other member of the couple is in receipt of income support under the Social Security (Northern Ireland) Order 1986 ^{F22} or was in receipt of supplementary benefit under the Supplementary Benefit (Northern Ireland) Order 1977 ^{F23} and immediately preceding the receipt of income support is to be taken into account as if it were a period of income support;

and in determining whether any such period is continuous [^{F24}sub-paragraphs (2) to (2C)] hereof shall apply by analogy.

Textual Amendments

- F17** Words in Sch. 8 para. 6(1)(b) substituted (9.10.1989) by [The Income Support \(General\) Amendment No. 3 Regulations 1989 \(S.I. 1989/1678\)](#), regs. 1(1)(a), **12(b)(i)**
- F18** Sch. 8 para. 6(2)-(2C) substituted for Sch. 8 para. 6(2) (9.10.1989) by [The Income Support \(General\) Amendment No. 3 Regulations 1989 \(S.I. 1989/1678\)](#), regs. 1(1)(a), **12(b)(ii)**
- F19** Words in Sch. 8 para. 6(2C)(a) inserted (1.4.1991) by [The Enterprise \(Scotland\) Consequential Amendments Order 1991 \(S.I. 1991/387\)](#), arts. 1, 2, **Sch.**
- F20** Words in Sch. 8 para. 6(2C)(a) inserted (1.4.1991) by [The Enterprise \(Scotland\) Consequential Amendments Order 1991 \(S.I. 1991/387\)](#), arts. 1, **9(f)(iii)**
- F21** 1976 c. 71; section 6 was substituted by section 6(1) and Schedule 2 Part I paragraph 6 of the [Social Security Act 1980 \(c. 30\)](#).
- F22** S.I. 1986/1888 (NI 18); the relevant amending instrument is [S.I. 1987/464 \(NI 8\)](#).

Status: Point in time view as at 01/04/1991.

Changes to legislation: There are currently no known outstanding effects for the The Income Support (General) Regulations 1987, SCHEDULE 8. (See end of Document for details)

F23 S.I. 1977/2156 (NI 27); the relevant amending instruments are S.I. 1980/870 (NI 18), S.I. 1987/464 (NI 8).

F24 Words in Sch. 8 para. 6(3) substituted (9.10.1989) by The Income Support (General) Amendment No. 3 Regulations 1989 (S.I. 1989/1678), regs. 1(1)(a), 12(b)(iii)

Commencement Information

I6 Sch. 8 para. 6 in force at 11.4.1988, see reg. 1

7.—(1) In a case to which none of paragraphs 4 to 6 applies to the claimant, £15 of earnings derived from one or more employments as—

- (a) a part-time fireman in a fire brigade maintained in pursuance of the Fire Services Acts 1947 to 1959 ^{F25};
- (b) an auxiliary coastguard in respect of coast rescue activities;
- (c) a person engaged part time in the manning or launching of a life boat;
- (d) a member of any territorial or reserve force prescribed in Part I of Schedule 3 to the Social Security (Contributions) Regulations 1979 ^{F26};

but, notwithstanding regulation 23 (calculation of income and capital of members of claimant's family and of a polygamous marriage), if this paragraph applies to a claimant it shall not apply to his partner except to the extent specified in sub-paragraph (2).

(2) If the claimant's partner is engaged in employment—

- (a) specified in sub-paragraph (1) so much of his earnings as would not in aggregate with the amount of the claimant's earnings disregarded under this paragraph exceed £15;
- (b) other than one specified in sub-paragraph (1) so much of his earnings from that employment up to £5 as would not in aggregate with the claimant's earnings disregarded under this paragraph exceed £15.

Textual Amendments

F25 1947 c. 41, 1951 c. 27, 1959 c. 44.

F26 S.I. 1979/591; Part I of Schedule 3 substituted by S.I. 1980/1975.

Commencement Information

I7 Sch. 8 para. 7 in force at 11.4.1988, see reg. 1

8. Where the claimant is engaged in one or more employments specified in paragraph 7(1) but his earnings derived from such employments are less than £15 in any week and he is also engaged in any other part-time employment so much of his earnings from that other employment up to £5 as would not in aggregate with the amount of his earnings disregarded under paragraph 7 exceed £15.

Commencement Information

I8 Sch. 8 para. 8 in force at 11.4.1988, see reg. 1

9. In a case to which none of paragraphs 4 to 8 applies to the claimant, £5.

Commencement Information

I9 Sch. 8 para. 9 in force at 11.4.1988, see reg. 1

Status: Point in time view as at 01/04/1991.

Changes to legislation: There are currently no known outstanding effects for the *The Income Support (General) Regulations 1987, SCHEDULE 8.* (See end of Document for details)

10. Notwithstanding paragraph 6, 7, or 9, where two or more payments of the same kind and from the same source are to be taken into account in the same benefit week, there shall be disregarded from each payment the sum specified in that paragraph; but this paragraph shall only apply in the case of a payment which it has not been practicable to treat under regulation 31(1)(b) (date on which income treated as paid) as paid on the first day of the benefit week in which it is due to be paid.

.....
Commencement Information

I10 Sch. 8 para. 10 in force at 11.4.1988, see reg. 1

11. Any earnings derived from employment which are payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of those earnings.

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Commencement Information

I11 Sch. 8 para. 11 in force at 11.4.1988, see reg. 1

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

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Commencement Information

I12 Sch. 8 para. 12 in force at 11.4.1988, see reg. 1

13. Any earnings which is due to be paid before the date of claim and which would otherwise fall to be taken into account in the same benefit week as a payment of the same kind and from the same source.

.....
Commencement Information

I13 Sch. 8 para. 13 in force at 11.4.1988, see reg. 1

14. Any earnings of a child or young person except earnings to which paragraph 15 applies.

.....
Commencement Information

I14 Sch. 8 para. 14 in force at 11.4.1988, see reg. 1

15. In the case of earnings of a person treated as receiving relevant education under regulation 12(b) (relevant education) and who is engaged in remunerative work, if—

- (a) an amount by way of a disabled child premium under Schedule 2 (applicable amounts) is, or but for his accommodation in a [^{F27}residential care home or nursing home] would be, included in the calculation of his applicable amount and his earning capacity is not, by reason of his disability, less than 75 per cent of that which he would, but for that disability normally be expected to earn, £15;
- (b) in any other case, £5.

Status: Point in time view as at 01/04/1991.

Changes to legislation: There are currently no known outstanding effects for the The Income Support (General) Regulations 1987, SCHEDULE 8. (See end of Document for details)

Textual Amendments

F27 Words in [Sch. 8 para. 15](#) substituted (with effect in accordance with reg. 1(1)(c) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1989 \(S.I. 1989/534\)](#), reg. 1(1), [Sch. 1 para. 14\(b\)](#)

Commencement Information

I15 Sch. 8 para. 15 in force at 11.4.1988, see reg. 1

16. In this Schedule “part-time employment” means employment in which the person is not to be treated as engaged in remunerative work under regulation 5 or 6 (persons treated, or not treated, as engaged in remunerative work).

Commencement Information

I16 Sch. 8 para. 16 in force at 11.4.1988, see reg. 1

Status:

Point in time view as at 01/04/1991.

Changes to legislation:

There are currently no known outstanding effects for the The Income Support (General) Regulations 1987, SCHEDULE 8.