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## STATUTORY INSTRUMENTS

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# 1987 No. 1973

## The Family Credit (General) Regulations 1987

### PART IV

#### INCOME AND CAPITAL

##### CHAPTER VI

##### CAPITAL

#### Income treated as capital

**31.**—(1) Any amount by way of a refund of income tax deducted from profits or emoluments chargeable to income tax under Schedule D or E shall be treated as capital.

(2) Any holiday pay which is not earnings under regulation 19(1)(b) (earnings of employed earners) shall be treated as capital.

[<sup>F1</sup>(3) Any charitable or voluntary payment which is not made or is not due to be made at regular intervals, other than a payment which is made under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) ( No. 2) Trust [<sup>F2</sup>, the Fund][<sup>F3</sup>, the Eileen Trust] or [<sup>F4</sup>the Independent Living Funds] shall be treated as capital.]

(4) Except any income derived from capital disregarded under paragraph 1, [<sup>F5</sup>1A,] 2, 4, 6 [<sup>F6</sup>, 13 or 26 to 30] of Schedule 3, any income derived from capital shall be treated as capital but only from the date it is normally due to be credited to the claimant's account.

(5) In the case of employment as an employed earner, any advance of earnings or any loan made by the claimant's employer shall be treated as capital.

(6) Any maintenance payment other than one to which regulation 16(2) [<sup>F7</sup>or (2A)] (normal weekly income other than earnings) applies shall be treated as capital.

[<sup>F8</sup>(7) There shall be treated as capital the gross receipts of any commercial activity carried on by a person in respect of which assistance is received under an employment programme specified in regulation 75(1)(a)(ii)(aa)(ii) of the Jobseeker's Allowance Regulations 1996 (self-employment route of the Employment Option of the New Deal), but only in so far as those receipts were payable into a special account (as defined for the purposes of Chapter IVA of Part VIII of those Regulations) during the period in which that person was receiving such assistance.]

[<sup>F9</sup>(8) Any arrears of subsistence allowance which are paid to a claimant as a lump sum shall be treated as capital.]

[<sup>F10</sup>(9) Any bounty derived from employment as a member of any territorial or reserve force prescribed in Part I of Schedule 3 to the Social Security (Contributions) Regulations 1979 and paid at intervals of at least one year shall be treated as capital.]

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Family Credit (General) Regulations 1987. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

### Textual Amendments

- F1** Reg. 31(3) substituted (11.5.1991) by The Income-related [Benefits Schemes and Social Security \(Recoupment\) Amendment Regulations 1991 \(S.I. 1991/1175\)](#), reg. 1(1), 3(4)
- F2** Words in reg. 31(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), 4(4)
- F3** Words in reg. 31(3) 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), 2(3)(b)
- F4** Words in reg. 31(3) substituted (22.4.1993) by [The Social Security Benefits \(Miscellaneous Amendments\) \(No. 2\) Regulations 1993 \(S.I. 1993/963\)](#), regs. 1(1)(d), 3(3), (4)
- F5** Word in reg. 31(4) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [Tax Credits \(Miscellaneous Amendments No. 9\) Regulations 2001 \(S.I. 2001/3454\)](#), regs. 1(1), 4
- F6** Words in reg. 31(4) substituted (5.12.1988) by Family Credit (General) Amendment No. 4 Regulations 1988 (S.I. 1988/1970), reg. 1(1), 9
- F7** Words in reg. 31(6) inserted (4.10.1994) by The Income-related [Benefits Schemes \(Miscellaneous Amendments\) \(No.5\) Regulations 1994 \(S.I. 1994/2139\)](#), regs. 1(1)(b), 18
- F8** Reg. 31(7) added (1.6.1998) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 1998 \(S.I. 1998/1174\)](#), **regs. 1(1), 7(1), (2)(c)**
- F9** Reg. 31(8) added (with effect in accordance with reg. 1(1) of the amending S.I.) by [The Tax Credits Schemes \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/795\)](#), regs. 1(1), **4(1)(b)**
- F10** Reg. 31(9) added (with effect in accordance with reg. 6(3) of the amending S.I.) by [The Tax Credits Schemes \(Miscellaneous Amendments No. 4\) Regulations 2000 \(S.I. 2000/2978\)](#), regs. 1(1), **6(2)**

### Modifications etc. (not altering text)

- C1** Reg. 31(7) 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)(c)

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**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):

- Regs S.49A added by [S.I. 1996/1418 reg.2](#)
- regs.13A(2)21A(2) amended by [S.I. 1997/2793 reg.2\(5\)\(c\)](#)