

SCHEDULES

SCHEDULE 7

Regulation 103(2)

SUMS TO BE DISREGARDED IN THE CALCULATION OF INCOME OTHER THAN EARNINGS

Modifications etc. (not altering text)

- C1** Sch. 7 para. 65 modified (temp.) (29.11.1999) by [The Social Security \(New Deal Pilot\) Regulations 1999](#) (S.I. 1999/3156), regs. 1(1), **16** (with regs. 1(2), 11, 19)
- C2** Sch. 7 modified (22.11.2010) by [The Jobseeker's Allowance \(Work for Your Benefit Pilot Scheme\) Regulations 2010](#) (S.I. 2010/1222), regs. 1(2), **16**

[^{F1}**A2.** Any payment made to the claimant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme.]

Textual Amendments

- F1** Sch. 7 para. A2 inserted (25.4.2011) by [The Jobseeker's Allowance \(Mandatory Work Activity Scheme\) Regulations 2011](#) (S.I. 2011/688), regs. 1, **14(1)(d)(2)**

^{F2}**A3.**

Textual Amendments

- F2** Sch. 7 para. A3 omitted (12.2.2013) by virtue of [Jobseekers \(Back to Work Schemes\) Act 2013](#) (c. 17), ss. **1(14)**, 3(2) (with s. 1(10))

[^{F3}**A3.** Any payment made to the claimant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in a scheme prescribed in regulation 3 of the Jobseeker's Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013.]

Textual Amendments

- F3** Sch. 7 para. A3 inserted (12.2.2013 at 6.45pm) by [The Jobseeker's Allowance \(Schemes for Assisting Persons to Obtain Employment\) Regulations 2013](#) (S.I. 2013/276), regs. 1, **11**

[^{F4}**A4.** Any payment made to the claimant in respect of any child care, travel or other expenses incurred, or to be incurred, by the claimant in respect of the claimant's participation in a scheme prescribed in regulation 3 of the Jobseeker's Allowance (Supervised Jobsearch Pilot Scheme) Regulations 2014.]

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Textual Amendments

- F4** Sch. 7 para. A4 inserted (temp. until 30.4.2015) (18.7.2014) by [The Jobseeker's Allowance \(Supervised Jobsearch Pilot Scheme\) Regulations 2014 \(S.I. 2014/1913\)](#), regs. 1(1), **13**

[^{F5}**A5.** Any payment made to the claimant in respect of any child care, travel or other expenses incurred, or to be incurred, by the claimant in respect of their participation in a scheme prescribed in regulation 3 of the Jobseekers Allowance (18 - 21 Work Skills Pilot Scheme) Regulations 2014.]

Textual Amendments

- F5** Sch. 7 para. A5 inserted (temp. until 24.11.2016) (25.11.2014) by [The Jobseeker's Allowance \(18-21 Work Skills Pilot Scheme\) Regulations 2014 \(S.I. 2014/3117\)](#), regs. 1(1), **17(1)(c)(2)**

1. Any amount paid by way of tax on income which is taken into account under regulation 103 (calculation of income other than earnings).
2. Any payment in respect of any expenses incurred[^{F6}, or to be incurred,] by a claimant who is—
 - (a) engaged by a charitable or voluntary organisation; or
 - (b) a volunteer,

if he otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under regulation 105(13) (notional income).

Textual Amendments

- F6** Words in Sch. 7 para. 2 inserted (24.9.2001) by [The Social Security Amendment \(Volunteers\) Regulations 2001 \(S.I. 2001/2296\)](#), regs. 1, **2(1)(2)(d)**

[^{F7}**2A.** Any payment in respect of expenses arising out of the [^{F8}claimant participating as a service user].]

Textual Amendments

- F7** Sch. 7 para. 2A inserted (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 2009 \(S.I. 2009/2655\)](#), regs. 1(2)(b), **4(15)(a)**
- F8** Words in Sch. 7 para. 2A substituted (28.4.2014) by [The Social Security \(Miscellaneous Amendments\) Regulations 2014 \(S.I. 2014/591\)](#), regs. 1, **4(6)**

3. In the case of employment as an employed earner, any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment.

4. In the case of a payment of [^{F9}[^{F10}ordinary or additional statutory paternity pay] by virtue of Part 12ZA of the Benefits Act, statutory adoption pay by virtue of Part 12ZB of the Benefits Act, [^{F11}statutory shared parental pay by virtue of Part 12ZC of the Benefits Act,]] statutory sick pay or statutory maternity pay or any remuneration paid by or on behalf of an employer to the claimant who for the time being is unable to work due to illness or maternity [^{F12}or who is taking paternity leave]^{F13}, adoption leave or shared parental leave]] —

- (a) any amount deducted by way of primary Class 1 contributions under the Benefits Act;

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- (b) one-half of any sum paid by the claimant by way of a contribution towards an occupational or personal pension scheme.

Textual Amendments

- F9** Words in Sch. 7 para. 4 inserted (8.12.2002) by The Social Security (Paternity and Adoption) Amendment Regulations 2002 (S.I. 2002/2689), regs. 1(1)(b), **3(6)(a)(i)**
- F10** Words in Sch. 7 para. 4 substituted (1.4.2012) by The Social Security (Miscellaneous Amendments) Regulations 2012 (S.I. 2012/757), regs. 1(4), **4(3)(a)**
- F11** Words in Sch. 7 para. 4 inserted (31.12.2014) by The Shared Parental Leave and Statutory Shared Parental Pay (Consequential Amendments to Subordinate Legislation) Order 2014 (S.I. 2014/3255), arts. 1(2), **7(6)(a)(ii)**
- F12** Words in Sch. 7 para. 4 added (8.12.2002) by The Social Security (Paternity and Adoption) Amendment Regulations 2002 (S.I. 2002/2689), regs. 1(1)(b), **3(6)(a)(ii)**
- F13** Words in Sch. 7 para. 4 substituted (31.12.2014) by The Shared Parental Leave and Statutory Shared Parental Pay (Consequential Amendments to Subordinate Legislation) Order 2014 (S.I. 2014/3255), arts. 1(2), **7(6)(a)(iii)**

5. In the case of the payment of statutory sick pay or statutory maternity pay under Parts XI or XII of the Social Security Contributions and Benefits (Northern Ireland) Act 1992^[F14], or a payment under any enactment having effect in Northern Ireland corresponding to a payment of ^[F15]ordinary or additional statutory paternity pay^[F16] statutory shared parental pay or statutory adoption pay^[F17]—

- (a) any amount deducted by way of primary Class 1 contributions under that Act;
- (b) one-half of any sum paid by way of a contribution towards an occupational or personal pension scheme.

Textual Amendments

- F14** Words in Sch. 7 para. 5 inserted (8.12.2002) by The Social Security (Paternity and Adoption) Amendment Regulations 2002 (S.I. 2002/2689), regs. 1(1)(b), **3(6)(b)**
- F15** Words in Sch. 7 para. 5 substituted (1.4.2012) by The Social Security (Miscellaneous Amendments) Regulations 2012 (S.I. 2012/757), regs. 1(4), **4(3)(b)**
- F16** Words in Sch. 7 para. 5 substituted (31.12.2014) by The Shared Parental Leave and Statutory Shared Parental Pay (Consequential Amendments to Subordinate Legislation) Order 2014 (S.I. 2014/3255), arts. 1(2), **7(6)(b)(ii)**
- F17** 1992 c.7.

6. Any housing benefit ^[F18]to which the claimant is entitled].

Textual Amendments

- F18** Words in Sch. 7 para. 6 added (4.4.2005) by The Social Security (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/574), regs. 1(1), **6(5)(a)**

^[F19]**6A.** Any guardian's allowance]

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Textual Amendments

F19 Sch. 7 para. 6A inserted (for specified purposes and with effect in accordance with reg. 1(9) of the amending S.I.) by [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003](#) (S.I. 2003/455), **Sch. 2 para. 23(a)**

[^{F20}**6B.** –

- (1) Any child tax credit.
- (2) Any child benefit.]

[^{F21}(3) Any increase in respect of a dependent child or dependent young person under section 80 or 90 of the Benefits Act where—

- (a) the claimant has a child or young person who is a member of the claimant's family for the purposes of the claimant's claim for income-based jobseeker's allowance, and
- (b) the claimant, or that claimant's partner, has been awarded a child tax credit.]

Textual Amendments

F20 Sch. 7 para. 6B inserted (for specified purposes and with effect in accordance with reg. 1(6)(7)(8) of the amending S.I.) by [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003](#) (S.I. 2003/455), **Sch. 2 para. 23(b)**

F21 Sch. 7 para. 6B(3) added (for specified purposes and with effect in accordance with reg. 1(3) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) \(No. 5\) Regulations 2010](#) (S.I. 2010/2429), **reg. 4(5)(a)**

[^{F22}**6C.**—(1) £1.20 in relation to each week in which child benefit is payable to the claimant at the enhanced rate in respect of a child or qualifying young person for whom the claimant is treated as responsible.

(2) 65 pence in relation to each week in which child benefit is payable to the claimant other than at the enhanced rate in respect of a child or qualifying young person for whom the claimant is treated as responsible (and if there is more than one, 65 pence in relation to each such child or young person).

(3) This paragraph does not apply to a claimant in relation to whom regulation 3 of, and Schedule 2 to, the Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 have effect.

(4) In this paragraph—

“child” and “qualifying young person” have the meanings given in section 142 of the Contributions and Benefits Act;

“treated as responsible” is to be construed in accordance with section 143 of that Act;

“the enhanced rate” has the meaning given in regulation 2(1)(a) of the Child Benefit (Rates) Regulation 2006.]

Textual Amendments

F22 Sch. 7 para. 6C inserted (temp. until 6/4/2009) (5.1.2009) by [The Social Security \(Child Benefit Disregard\) Regulations 2008](#) (S.I. 2008/3140), **regs. 1(2), 3(2)**

[^{F23}**7.** The mobility component of disability living allowance [^{F24}or the mobility component of personal independence payment].]

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Textual Amendments

- F23** Sch. 7 para. 7 substituted (5.1.2009) by The Social Security (Miscellaneous Amendments) (No. 7) Regulations 2008 (S.I. 2008/3157), regs. 1(1), **3(10)(a)**
- F24** Words in Sch. 7 para. 7 inserted (8.4.2013) by The Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations 2013 (S.I. 2013/388), reg. 2, **Sch. para. 16(9)(a)**

8. Any concessionary payment made to compensate for the non-payment of—

- (a) any payment specified in paragraph 7 or 10;
- ^{F25}(b) income support;
- (c) an income-based jobseeker's allowance; ^{F26}...
- (d) an income-related employment and support allowance^{F27}; or
- (e) universal credit.]

Textual Amendments

- F25** Sch. 7 para. 8(b), (c)(d) substituted for Sch. 7 para. 8(b) (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by The Social Security (Miscellaneous Amendments) (No. 7) Regulations 2008 (S.I. 2008/3157), regs. 1(2), **3(10)(b)**
- F26** Word in Sch. 7 para. 8 omitted (29.4.2013) by virtue of The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **30(8)**
- F27** Sch. 7 para. 8(e) 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), **30(8)**

9. Any mobility supplement or any payment intended to compensate for the non-payment of such a supplement.

10. Any attendance allowance^{F28}, the care component of disability living allowance or the daily living component of personal independence payment^{F29}....

Textual Amendments

- F28** Words in Sch. 7 para. 10 substituted (8.4.2013) by The Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations 2013 (S.I. 2013/388), reg. 2, **Sch. para. 16(9)(b)**
- F29** Words in Sch. 7 para. 10 omitted (8.4.2002) by virtue of The Social Security Amendment (Residential Care and Nursing Homes) Regulations 2001 (S.I. 2001/3767), **Sch. Pt. 2 para. 24(a)**

11. Any payment to the claimant as holder of the Victoria Cross or George Cross or any analogous payment.

^{F30}12.—(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;

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- (iii) [^{F31}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; ^{F32}...]
- (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^{F33}, 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
 - (c) [^{F34}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 [^{F35}or other payment] made pursuant to any provision specified in sub-paragraph (1).]

Textual Amendments

- F30** Sch. 7 para. 12 substituted (coming into force in accordance with reg. 1(1)(b)(i) 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), **6(3)**)
- F31** Sch. 7 para. 12(1)(a)(iii) substituted (5.1.2009) by The Social Security (Miscellaneous Amendments) (No. 7) Regulations 2008 (S.I. 2008/3157), regs. 1(1), **3(10)(c)(i)**
- F32** Word in Sch. 7 para. 12(1)(a)(iii) omitted (31.10.2011) by virtue of The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2011 (S.I. 2011/2425), regs. 1(2), **10(14)(a)**
- F33** Sch. 7 para. 12(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), **10(14)(b)**
- F34** Sch. 7 para. 12(2)(c) substituted (5.1.2009) by The Social Security (Miscellaneous Amendments) (No. 7) Regulations 2008 (S.I. 2008/3157), regs. 1(1), **3(10)(c)(ii)**
- F35** Words in Sch. 7 para. 12(2) inserted (31.10.2011) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2011 (S.I. 2011/2425), regs. 1(2), **10(14)(c)**

[^{F36}**12A.** Any payment made to the claimant by way of repayment under regulation 11(2) of the Education (Teacher Student Loans) (Repayment etc) Regulations 2002.]

Textual Amendments

- F36** Sch. 7 para. 12A inserted (14.10.2002) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2002 (S.I. 2002/2380), regs. 1(b), **3(b)**

13. In the case of a claimant to whom regulation 11 (part-time students) applies, any sums intended for any expenditure specified in paragraph (2) of regulation 131 (calculation of grant income) necessary as a result of his attendance on his course.

[^{F37}**14.**—(1) 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 except a payment—

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- (a) made as a substitute for income support, a jobseeker’s allowance, incapacity benefit^{F38}, severe disablement allowance or employment and support allowance];
- (b) of an allowance referred to in section 2(3) of the Employment and Training Act 1973 or section 2(5) of the Enterprise and New Towns (Scotland) Act 1990;
- (c) intended to meet the cost of living expenses which relate to any one or more of the items specified in sub-paragraph (2) whilst a claimant is participating in an education, training or other scheme to help him enhance his employment prospects unless the payment is a Career Development Loan paid pursuant to section 2 of the Employment and Training Act 1973 and the period of education or training or the scheme, which is supported by that loan, has been completed; or
- (d) made in respect of the cost of living away from home to the extent that the payment relates to rent for which housing benefit is payable in respect of accommodation which is not normally occupied by the claimant as his home.

(2) The items specified in this sub-paragraph for the purposes of sub-paragraph (1)(c) 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 83(f) or 84(1)(g) (housing costs), 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 this paragraph, “ordinary clothing or 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

F37 Sch. 7 para. 14 substituted (1.4.2004) by [The Social Security \(Miscellaneous Amendments\) Regulations 2004 \(S.I. 2004/565\)](#), regs. 1(2)(a), **5(3)(a)**

F38 Words in Sch. 7 para. 14(1)(a) substituted (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(b), **3(28)(b)**

15.—^{F39}(1) Subject to sub-paragraph (3) and paragraph 41, any relevant payment made or due to be made at regular intervals.]

^{F40}(2)

(3) [^{F41}Sub-paragraph (1)] shall not apply—

- (a) to a payment which is made by a person for the maintenance of any member of his family or of his former partner or of his children;
- (b) to a payment made—
 - (i) to a person who is, or would be, prevented from being entitled to a jobseeker’s allowance by section 14 (trade disputes); or
 - (ii) to a member of the family of such a person where the payment is made by virtue of that person’s involvement in the trade dispute.

^{F40}(4)

^{F40}(5)

[^{F42}(5A) In this paragraph, “relevant payment” means—

- (a) a charitable payment;
- (b) a voluntary payment;

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- (c) a payment (not falling within sub-paragraph (a) or (b) above) from a trust whose funds are derived from a payment made in consequence of any personal injury to the claimant;
- (d) a payment under an annuity purchased—
 - (i) pursuant to any agreement or court order to make payments to the claimant; or
 - (ii) from funds derived from a payment made, in consequence of any personal injury to the claimant; or
- (e) a payment (not falling within sub-paragraphs (a) to (d) above) received by virtue of any agreement or court order to make payments to the claimant in consequence of any personal injury to the claimant.]

^{F43}(6)

Textual Amendments

F39 Sch. 7 para. 15(1) 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. 13\(12\)\(a\)\(i\)](#)

F40 Sch. 7 para. 15(2)(4)(5) omitted (for specified purposes and with effect in accordance with reg. 1(4) of the amending S.I.) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 2006 \(S.I. 2006/2378\)](#), [reg. 13\(12\)\(a\)\(iii\)](#)

F41 Words in Sch. 7 para. 15(3) 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. 13\(12\)\(a\)\(ii\)](#)

F42 Sch. 7 para. 15(5A) added (28.10.2002) by [The Social Security Amendment \(Personal Injury Payments\) Regulations 2002 \(S.I. 2002/2442\)](#), regs. 1(1), [3\(1\)\(d\)\(2\)\(d\)](#)

F43 Sch. 7 para. 15(6) omitted (8.4.2002) by virtue of [The Social Security Amendment \(Residential Care and Nursing Homes\) Regulations 2001 \(S.I. 2001/3767\)](#), [Sch. Pt. 2 para. 24\(b\)\(ii\)](#)

^{F44}16.

Textual Amendments

F44 Sch. 7 para. 16 omitted (for specified purposes and with effect in accordance with reg. 1(4) of the amending S.I.) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 2006 \(S.I. 2006/2378\)](#), [reg. 13\(12\)\(b\)](#)

^{F45}16A.

Textual Amendments

F45 Sch. 7 para. 16A omitted (8.4.2002) by virtue of [The Social Security Amendment \(Residential Care and Nursing Homes\) Regulations 2001 \(S.I. 2001/3767\)](#), [Sch. Pt. 2 para. 24\(d\)](#)

- [^{F46}17. Subject to paragraphs 38 and 39, £10 of any of the following, namely—
- (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 9 or 10);
 - (b) a war widow's pension or war widower's pension;
 - (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about

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pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;

- (d) a guaranteed income payment and, if the amount of that payment has been abated to less than £10 by a [^{F47}pension or payment falling within article 31(1)(a) or (b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005], so much of [^{F48}that pension or payment] as would not, in aggregate with the amount of [^{F49}any] guaranteed income payment disregarded, exceed £10;
- (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
- (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
- (g) a pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria;
- (h) any widowed mother's allowance paid pursuant to section 37 of the Benefits Act;
- (i) any widowed parent's allowance paid pursuant to section 39A of the Benefits Act.]

Textual Amendments

- F46** Sch. 7 para. 17 substituted (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) \(No. 7\) Regulations 2008 \(S.I. 2008/3157\)](#), regs. 1(2), **3(10)(d)**
- F47** Words in Sch. 7 para. 17(d) substituted (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 2009 \(S.I. 2009/2655\)](#), regs. 1(2)(b), **4(15)(b)(i)**
- F48** Words in Sch. 7 para. 17(d) substituted (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 2009 \(S.I. 2009/2655\)](#), regs. 1(2)(b), **4(15)(b)(ii)**
- F49** Word in Sch. 7 para. 17(d) substituted (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 2009 \(S.I. 2009/2655\)](#), regs. 1(2)(b), **4(15)(b)(iii)**

18. Where a claimant receives income under an annuity purchased with a loan which satisfies the following conditions—

- (a) that the loan was made as part of a scheme under which not less than 90 per cent. of the proceeds of the loan were applied to the purchase by the person to whom it was made of an annuity ending with his life or with the life of the survivor of two or more persons (in this paragraph referred to as “the annuitants”) who include the person to whom the loan was made;
- (b) that the interest on the loan is payable by the person to whom it was made or by one of the annuitants;
- (c) that at the time the loan was made the person to whom it was made or each of the annuitants had attained the age of 65;
- (d) that the loan was secured on a dwelling in Great Britain and the person to whom the loan was made or one of the annuitants owns an estate or interest in that dwelling; and
- (e) that the person to whom the loan was made or one of the annuitants occupies the accommodation on which it was secured as his home at the time the interest is paid,

the amount, calculated on a weekly basis equal to—

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- (i) where, or insofar as, section 369 of the Income and Corporation Taxes Act 1988 ^{F50} (mortgage interest payable under deduction of tax) applies to the payments of interest on the loan, the interest which is payable after deduction of a sum equal to income tax on such payments at the applicable percentage of income tax within the meaning of section 369(1A) of that Act;
- (ii) in any other case the interest which is payable on the loan without deduction of such a sum.

Textual Amendments

F50 1988 c.1; subsection (1A) was inserted by the [Finance Act 1994 \(c.9\)](#), [section 81\(3\)](#).

19. Any payment made to the claimant by a person who normally resides with the claimant, which is a contribution towards that person's living and accommodation costs, except where that person is residing with the claimant in circumstances to which paragraph 20 or 21 refers.

20. Where the claimant occupies a dwelling as his home and the dwelling is also occupied by another person and there is a contractual liability to make payments to the claimant in respect of the occupation of the dwelling by that person or a member of his family—

- ^{F51}(a) where the aggregate of any payments made in respect of any one week in respect of the occupation of the dwelling by that person or a member of his family, or by that person and a member of his family, is less than £20, the whole of that amount; or
- (b) where the aggregate of any such payments is £20 or more per week, £20.]

Textual Amendments

F51 [Sch. 7 para. 20\(a\)\(b\)](#) substituted (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) \(No. 5\) Regulations 2007 \(S.I. 2007/2618\)](#), [regs. 1\(2\)](#), [8\(15\)](#)

21. Where the claimant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for whom such accommodation is provided for the whole or any part of a week, equal to—

- (a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed £20, 100% of such payments; or
- (b) where the aggregate of any such payments exceeds £20, £20 and 50% of the excess over £20.

22.—(1) [^{F52}Subject to sub-paragraphs (2) and (3)], except where [^{F53}regulation 103(6)(b) (provision of support under section 95 or 98 of the Immigration and Asylum Act including support provided by virtue of regulations made under Schedule 9 to that Act in the calculation of income other than earnings) or] regulation 105(10)(a)(i) (notional income) applies or in the case of a payment made—

- (a) to a person who is, or would be, prevented from being entitled to a jobseeker's allowance by section 14 (trade disputes); or
- (b) to a member of the family of such a person where the payment is made by virtue of that person's involvement in the trade dispute,

any income in kind.

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(2) The exceptions under sub-paragraph (1) shall not apply where the income in kind is received from the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No.2) Trust, the Fund, the Eileen Trust^[F54], MFET Limited^[F55], the Skipton Fund, the Caxton Foundation] or the Independent Living ^[F56]Fund (2006)].

^[F57](3) The first exception under sub-paragraph (1) shall not apply where the claimant is the partner of a person subject to immigration control and whose partner is receiving support provided under section 95 or 98 of the Immigration and Asylum Act including support provided by virtue of regulations made under Schedule 9 to that Act and the income in kind is support provided in respect of essential living needs of the partner of the claimant and his dependants (if any) as is specified in regulations made under paragraph 3 of Schedule 8 to the Immigration and Asylum Act.]

^[F58](4) The reference in sub-paragraph (1) to "income in kind" does not include a payment to a third party made in respect of the claimant which is used by the third party to provide benefits in kind to the claimant.]

Textual Amendments

- F52** Words in Sch. 7 para. 22(1) substituted (3.4.2000) by [The Social Security \(Immigration and Asylum\) Consequential Amendments Regulations 2000 \(S.I. 2000/636\)](#), regs. 1(2), **reg. 4(9)(a)**
- F53** Words in Sch. 7 para. 22(1) added (3.4.2000) by [The Social Security \(Immigration and Asylum\) Consequential Amendments Regulations 2000 \(S.I. 2000/636\)](#), regs. 1(2), **4(9)(b)**
- F54** Words in Sch. 7 para. 22(2) inserted (6.4.2010) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2010 \(S.I. 2010/641\)](#), regs. 1(1), **4(3)(f)**
- F55** Words in Sch. 7 para. 22(2) inserted (31.10.2011) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2011 \(S.I. 2011/2425\)](#), regs. 1(2), **10(9)**
- F56** Words in Sch. 7 para. 22(2) substituted (17.11.2008) by [The Social Security \(Miscellaneous Amendments\) \(No.6\) Regulations 2008 \(S.I. 2008/2767\)](#), regs. 1(2), **4(7)(e)**
- F57** Sch. 7 para. 22(3) added (3.4.2000) by [The Social Security \(Immigration and Asylum\) Consequential Amendments Regulations 2000 \(S.I. 2000/636\)](#), regs. 1(2), **4(9)(c)**
- F58** Sch. 7 para. 22(4) added (3.10.2005) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2005 \(S.I. 2005/2465\)](#), regs. 1(2), **3(8)(a)**

23.—(1) Any income derived from capital to which the claimant is, or is treated under regulation 115 (capital jointly held) as, beneficially entitled but, subject to sub-paragraph (2), not income ^[F59]derived] from capital disregarded under paragraph 1, 2, 4 to 8, 11 or 17 of Schedule 8.

(2) Income derived from capital disregarded under paragraph 2 or 4 to 8 of Schedule 8 but only to the extent of—

- (a) any mortgage repayments made in respect of the dwelling or premises in the period during which that income accrued; or
- (b) any council tax or water charges which the claimant is liable to pay in respect of the dwelling or premises and which are paid in the period during which that income accrued.

(3) The definition of "water charges" in regulation 1(3) shall apply to sub-paragraph (2) with the omission of the words "in so far as such charges are in respect of the dwelling which a person occupies as his home".

Textual Amendments

- F59** Word in Sch. 7 para. 23(1) inserted (7.10.1996) by [The Jobseeker's Allowance \(Amendment\) Regulations 1996 \(S.I. 1996/1516\)](#), reg. 1(1), **Sch. Pt. 2**

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24. Any income which is payable in a country outside the United Kingdom for such period during which there is prohibition against the transfer to the United Kingdom of that income.

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

26.—(1) Any payment made to the claimant in respect of a child or young person who is a member of his family—

(a) [^{F60}pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002 or in accordance] with a scheme approved by the [^{F61}Scottish Ministers under section 51A] of the Adoption (Scotland) Act 1978 ^{F62} (schemes for payment of allowances to adopters) [^{F63}or in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes)];

^{F64}(b)

[^{F65}(ba) which is a payment made by a local authority in Scotland in pursuance of section 50 of the Children Act 1975 (payments towards maintenance of children);]

(c) which is a payment made by a local authority in pursuance of section 15(1) of, and paragraph 15 of Schedule 1 to, the Children Act 1989 ^{F66} (local authority contribution to a child's maintenance where the child is living with a person as a result of a [^{F67}child arrangements] order);

[^{F68}(d) which is a payment made by an authority, as defined in Article 2 of the Children Order, in pursuance of Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to child's maintenance);]

[^{F69}(e) in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services);]

[^{F70}to the extent specified in sub-paragraph (2)].

[^{F71}(1A) Any payment, other than a payment to which sub-paragraph (1)(a) applies, made to the claimant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.]

(2) [^{F72}In the case of a child or young person—

(a) to whom regulation 106(5) (capital in excess of £3,000) applies, the whole payment;

(b) to whom that regulation does not apply, so much of the weekly amount of the payment as exceeds the applicable amount in respect of that child or young person and where applicable to him any amount by way of a disabled child premium.]

Textual Amendments

F60 Words in Sch. 7 para. 26(1)(a) substituted (30.12.2005) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2005 (S.I. 2005/2465), regs. 1(3)(b), **3(8)(b)**

F61 Words in Sch. 7 para. 26(1)(a) substituted (5.1.2009) by The Social Security (Miscellaneous Amendments) (No. 7) Regulations 2008 (S.I. 2008/3157), regs. 1(1), **3(10)(e)(i)**

F62 1978 c.28.

F63 Words in Sch. 7 para. 26(1)(a) inserted (15.7.2011) by The Adoption and Children (Scotland) Act 2007 (Consequential Modifications) Order 2011 (S.I. 2011/1740), art. 1(2), **Sch. 1 para. 19(3)**

F64 Sch. 7 para. 26(1)(b) omitted (5.1.2009) by virtue of The Social Security (Miscellaneous Amendments) (No. 7) Regulations 2008 (S.I. 2008/3157), regs. 1(1), **3(10)(e)(ii)**

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- F65** Sch. 7 para. 26(1)(ba) inserted (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by The Social Security (Miscellaneous Amendments) (No. 4) Regulations 2009 (S.I. 2009/2655), regs. 1(2)(b), **4(15)(c)**
- F66** 1989 c.41.
- F67** Words in Sch. 7 para. 26(1)(c) substituted (22.4.2014) by The Child Arrangements Order (Consequential Amendments to Subordinate Legislation) Order 2014 (S.I. 2014/852), arts. 1, **6**
- F68** Sch. 7 para. 26(1)(d) added (coming into force in accordance with reg. 1(2)(3)(4)(5)(6) of the amending S.I.) by The Social Security (Miscellaneous Amendments) Regulations 1998 (S.I. 1998/563), regs. 1, **7(1)(2)(e)**
- F69** Sch. 7 para. 26(1)(e) added (4.10.2004) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2004 (S.I. 2004/2308), regs. 1(1), **4(3)(4)(b)**
- F70** Words in Sch. 7 para. 26(1) omitted (for specified purposes and with effect in accordance with reg. 1(6)(7)(8) 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. 2 para. 23(c)**
- F71** Sch. 7 para. 26(1A) substituted (30.12.2005) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2005 (S.I. 2005/2465), regs. 1(3)(b), **3(8)(c)**
- F72** Sch. 7 para. 26(2) omitted (for specified purposes and with effect in accordance with reg. 1(6)(7)(8) 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. 2 para. 23(c)**

[^{F73}**26A.** In the case of a claimant who has a child or young person—

- (a) who is a member of his family, and
- (b) who is residing at an educational establishment at which he is receiving relevant education,

any payment made to that educational establishment, in respect of that child or young person's maintenance by or on behalf of a person who is not a member of the family or by a member of the family out of funds contributed for that purpose by a person who is not a member of the family.]

Textual Amendments

- F73** Sch. 7 para. 26A inserted (for specified purposes and with effect in accordance with reg. 1(6)(7)(8) of the amending S.I.) by The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), **Sch. 2 para. 23(d)**

[^{F74}**27.** Any payment made to the claimant with whom a person is accommodated by virtue of arrangements made—

- (a) by a local authority under—
 - (i) section 23(2)(a) of the Children Act 1989 (provision of accommodation and maintenance for a child whom they are looking after),
 - (ii) section 26 of the Children (Scotland) Act 1995 (manner of provision of accommodation to child looked after by local authority), or
 - (iii) regulations 33 or 51 of the Looked After Children (Scotland) Regulations 2009 (fostering and kinship care allowances and fostering allowances); or
- (b) by a voluntary organisation under section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations).]

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Textual Amendments

F74 Sch. 7 para. 27 substituted (1.11.2010) by [The Social Security \(Miscellaneous Amendments\) \(No. 5\) Regulations 2010 \(S.I. 2010/2429\)](#), regs. 1(2), **4(5)(b)**

^{F75}**28.** Any payment made to the claimant or his partner for a person (“the person concerned”), who is not normally a member of the claimant’s household but is temporarily in his care, by—

- (a) a health authority;
- (b) a local authority [^{F76}but excluding payments of housing benefit made in respect of the person concerned];
- (c) a voluntary organisation; or
- (d) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948 ^{F77}...
- ^{F78}(dza) the person concerned where the payment is for the provision of accommodation in respect of the meeting of that person’s needs under section 18 or 19 of the Care Act 2014 (duty and power to meet needs for care and support);]
- ^{F79}(da) a clinical commissioning group established under section 14D of National Health Service Act 2006;
- (db) the National Health Service Commissioning Board; or]
- ^{F80}(e)
- ^{F81}(f) a Local Health Board established under section 16BA of the National Health Service Act 1977 or established by an order made under section 11 of the Health Service (Wales) Act.]]

Textual Amendments

F75 Sch. 7 para. 28 substituted (coming into force in accordance with reg. 1(2)(3)(4)(5)(6) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) Regulations 1998 \(S.I. 1998/563\)](#), regs. 1, **7(3)(4)(f)**

F76 Words in Sch. 7 para. 28(b) added (4.4.2005) by [The Social Security \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/574\)](#), regs. 1(1), **6(5)(b)**

F77 Word in Sch. 7 para. 28(d) omitted (5.1.2009) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 7\) Regulations 2008 \(S.I. 2008/3157\)](#), regs. 1(1), **3(10)(f)(i)**

F78 Sch. 7 para. 28(dza) inserted (1.4.2015) by [The Care Act 2014 \(Consequential Amendments\) \(Secondary Legislation\) Order 2015 \(S.I. 2015/643\)](#), art. 1(2), **Sch. para. 9(3)(a)** (with art. 4)

F79 Sch. 7 para. 28(db) inserted (1.4.2013) by [The National Treatment Agency \(Abolition\) and the Health and Social Care Act 2012 \(Consequential, Transitional and Saving Provisions\) Order 2013 \(S.I. 2013/235\)](#), art. 1(2), **Sch. 2 para. 27(3)(a)**

F80 Sch. 7 para. 28(e) omitted (1.4.2013) by virtue of [The National Treatment Agency \(Abolition\) and the Health and Social Care Act 2012 \(Consequential, Transitional and Saving Provisions\) Order 2013 \(S.I. 2013/235\)](#), art. 1(2), **Sch. 2 para. 27(3)(b)**

F81 Sch. 7 para. 28(f) inserted (5.1.2009) by [The Social Security \(Miscellaneous Amendments\) \(No. 7\) Regulations 2008 \(S.I. 2008/3157\)](#), regs. 1(1), **3(10)(f)(iii)**

^{F82}**29.**—(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, or
- (c) section [^{F83}22,] 29 or 30 of the Children (Scotland) Act 1995.

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(2) Any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section [F84 22 or] 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) 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 who is, or would be, prevented from being entitled to a jobseeker's allowance by section 14 (trade disputes).

(5) Sub-paragraph (2) applies only where A—

- (a) was formerly in the claimant's care, and
- (b) is aged 18 or over, and
- (c) continues to live with the claimant.]

Textual Amendments

- F82** Sch. 7 para. 29 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. 4(16)(a)
- F83** Word in Sch. 7 para. 29(1)(c) inserted (1.11.2010) by The Social Security (Miscellaneous Amendments) (No. 5) Regulations 2010 (S.I. 2010/2429), regs. 1(2), 4(5)(c)(i)
- F84** Words in Sch. 7 para. 29(2)(c) inserted (1.11.2010) by The Social Security (Miscellaneous Amendments) (No. 5) Regulations 2010 (S.I. 2010/2429), regs. 1(2), 4(5)(c)(ii)

30.—(1) Subject to sub-paragraph (2), any payment received under an insurance policy, taken out to insure against the risk of being unable to maintain repayments on a loan which qualifies under paragraph 14 or 15 of Schedule 2 (housing costs in respect of loans to acquire an interest in the dwelling, or for repairs and improvements to the dwelling, occupied as the home) and used to meet such repayments, to the extent that it does not exceed the aggregate of—

- (a) the amount, calculated on a weekly basis, of any interest on that loan which is in excess of the amount met in accordance with Schedule 2 (housing costs);
- (b) the amount of any payment, calculated on a weekly basis, due on the loan attributable to the repayment of capital; and
- (c) any amount due by way of premiums on—
 - (i) that policy, or
 - (ii) an insurance policy taken out to insure against loss or damage to any building or part of a building which is occupied by the claimant as his home.

(2) This paragraph shall not apply to any payment which is treated as possessed by the claimant by virtue of regulation 105(10)(a)(ii) (notional income).

31.—(1) Except where paragraph 30 [F85 or 31A] applies, and subject to sub-paragraph (2), any payment made to the claimant which is intended to be used and is used as a contribution towards—

- (a) any payment due on a loan if secured on the dwelling occupied as the home which does not qualify under Schedule 2 (housing costs);
- (b) any interest payment or charge which qualifies in accordance with paragraphs 14 to 16 of Schedule 2 to the extent that the payment or charge is not met;
- (c) any payment due on a loan which qualifies under paragraph 14 or 15 of Schedule 2 attributable to the payment of capital;

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- (d) any amount due by way of premiums on—
- (i) an insurance policy taken out to insure against the risk of being unable to make the payments referred to in (a) to (c) above, or
 - (ii) an insurance policy taken out to insure against loss or damage to any building or part of a building which is occupied by the claimant as his home;
- (e) his rent in respect of the dwelling occupied by him as his home but only to the extent that it is not met by housing benefit; or his accommodation charge but only to the extent that the actual charge [^{F86}exceeds] the amount payable by a local authority in accordance with Part III of the National Assistance Act 1948 [^{F87}or Part 1 of the Care Act 2014 (care and support)]^{F88}.

(2) This paragraph shall not apply to any payment which is treated as possessed by the claimant by virtue of regulation 105(10)(a)(ii) (notional income).

Textual Amendments

- F85** Words in Sch. 7 para. 31(1) inserted (1.6.1998 for specified purposes) by [The Social Security \(Miscellaneous Amendments\) \(No.3\) Regulations 1998 \(S.I. 1998/1173\)](#), regs. 1(5), **5(a)**
- F86** Word in Sch. 7 para. 31(1)(e) substituted (8.4.2002) by [The Social Security Amendment \(Residential Care and Nursing Homes\) Regulations 2001 \(S.I. 2001/3767\)](#), **Sch. Pt. 2 para. 24(e)**
- F87** Words in Sch. 7 para. 31(1)(e) inserted (1.4.2015) by [The Care Act 2014 \(Consequential Amendments\) \(Secondary Legislation\) Order 2015 \(S.I. 2015/643\)](#), art. 1(2), **Sch. para. 9(3)(b)** (with art. 4)
- F88** 1948 c.29.

[^{F89}**31A.**—(1) Subject to sub-paragraph (2), any payment received under an insurance policy, other than an insurance policy referred to in paragraph 30, taken out to insure against the risk of being unable to maintain repayments under a regulated agreement as defined for the purposes of the Consumer Credit Act 1974 or under a hire-purchase agreement or a conditional sale agreement as defined for the purposes of Part III of the Hire-Purchase Act 1964.

(2) A payment referred to in sub-paragraph (1) shall only be disregarded to the extent that the payment received under that policy does not exceed the amounts, calculated on a weekly basis, which are used to—

- (a) maintain the repayments referred to in sub-paragraph (1); and
- (b) meet any amount due by way of premiums on that policy.]

Textual Amendments

- F89** Sch. 7 para. 31A inserted (1.6.1998 for specified purposes) by [The Social Security \(Miscellaneous Amendments\) \(No.3\) Regulations 1998 \(S.I. 1998/1173\)](#), regs. 1(5), **5(b)**

32.—(1) Subject to sub-paragraphs (2) and (3), in the case of a claimant [^{F90}residing in a care home, an Abbeyfield Home or an independent hospital], any payment, [^{F91}except a charitable or voluntary payment disregarded under paragraph 15]^{F92}..., made to the claimant which is intended to be used and is used to meet the cost of maintaining the claimant in that home [^{F93}or hospital].

(2) This paragraph shall not apply to a claimant for whom accommodation in a [^{F94}care home, an Abbeyfield Home or an independent hospital] is provided by

- [^{F95}(a) a local authority under section 26 of the National Assistance Act 1948 or section 59 of the Social Work (Scotland) Act 1968^{F96}....]^{F97}or

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- (b) a person other than a local authority under arrangements made with the person by a local authority in the exercise of the local authority's functions under section 18 or 19 of the Care Act 2014 (duty and power to meet needs for care and support).]
- (3) The amount to be disregarded under this paragraph shall not exceed the difference between—
- [^{F98}(a) the claimant's applicable amount; and]
- (b) the weekly charge for the accommodation.

Textual Amendments

- F90** Words in Sch. 7 para. 32(1) substituted (24.10.2005) by The Social Security (Care Homes and Independent Hospitals) Regulations 2005 (S.I. 2005/2687), reg. 1, **Sch. 2 para. 14(b)(i)**
- F91** Words in Sch. 7 para. 32(1) substituted (2.4.2007) by The Social Security (Miscellaneous Amendments) Regulations 2007 (S.I. 2007/719), regs. 1(2), **3(11)**
- F92** Words in Sch. 7 para. 32(1) omitted (for specified purposes and with effect in accordance with reg. 1(4) of the amending S.I.) by virtue of The Social Security (Miscellaneous Amendments) (No. 4) Regulations 2006 (S.I. 2006/2378), **reg. 13(12)(d)**
- F93** Words in Sch. 7 para. 32(1) inserted (24.10.2005) by The Social Security (Care Homes and Independent Hospitals) Regulations 2005 (S.I. 2005/2687), reg. 1, **Sch. 2 para. 14(b)(i)**
- F94** Words in Sch. 7 para. 32(2) substituted (24.10.2005) by The Social Security (Care Homes and Independent Hospitals) Regulations 2005 (S.I. 2005/2687), reg. 1, **Sch. 2 para. 14(b)(ii)**
- F95** Words in Sch. 7 para. 32(2)(a) renumbered as Sch. 7 para. 32(2)(a) (1.4.2015) by The Care Act 2014 (Consequential Amendments) (Secondary Legislation) Order 2015 (S.I. 2015/643), art. 1(2), **Sch. para. 9(3)(c)(i)** (with art. 4)
- F96** Words in Sch. 7 para. 32(2) omitted (8.4.2002) by virtue of The Social Security Amendment (Residential Care and Nursing Homes) Regulations 2001 (S.I. 2001/3767), **Sch. Pt. 2 para. 24(f)(i)**
- F97** Sch. 7 para. 32(2)(b) and word inserted (1.4.2015) by The Care Act 2014 (Consequential Amendments) (Secondary Legislation) Order 2015 (S.I. 2015/643), art. 1(2), **Sch. para. 9(3)(c)(ii)** (with art. 4)
- F98** Sch. 7 para. 32(3)(a) substituted (8.4.2002) by The Social Security Amendment (Residential Care and Nursing Homes) Regulations 2001 (S.I. 2001/3767), **Sch. Pt. 2 para. 24(f)(ii)**

33. Any social fund payment made pursuant to Part VIII of the Benefits Act.

[^{F99}**33A.** Any local welfare provision.]

Textual Amendments

- F99** Sch. 7 para. 33A inserted (2.4.2013) by The Social Security (Miscellaneous Amendments) Regulations 2013 (S.I. 2013/443), regs. 1, **4(12)(a)**

34. Any payment of income which under regulation 110 (income treated as capital) is to be treated as capital.

35. Any payment under Part X of the Benefits Act (pensioner's Christmas bonus).

36. In the case of a person who is, or would be, prevented from being entitled to a jobseeker's allowance by section 14 (trade disputes), any payment up to the amount of the prescribed sum within the meaning of section 15(2)(d) made by a trade union.

37. Any payment which is due to be paid before the date of claim 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.

38. The total of a claimant's income or, if he is a member of a family, the family's income and the income of any person which he is treated as possessing under regulation 88(4) (calculation of income

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and capital of members of claimant's family and of a polygamous marriage) to be disregarded under regulations 132(2)(b) and 133(1)(c) (calculation of covenant income where a contribution assessed), regulation 136(2) (treatment of student loans)^{F100}, regulation 136A(3) (treatment of payments from access funds)] and ^{F101}paragraph 17] shall in no case exceed £20 per ^{F102}benefit week].

Textual Amendments

- F100** Words in Sch. 7 para. 38 inserted (for specified purposes and with effect in accordance with reg. 1(bi) of the amending S.I.) by [The Social Security Amendment \(Students and Income-related Benefits\) Regulations 2000 \(S.I. 2000/1922\)](#), regs. 1, **3(10)**
- F101** Words in Sch. 7 para. 38 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. 13(12)(e)**
- F102** Words in Sch. 7 para. 38 substituted (7.4.1997) by [The Social Security \(Miscellaneous Amendments\) Regulations 1997 \(S.I. 1997/454\)](#), regs. 1(c), **2(16)**

39. Notwithstanding paragraph 38, 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 which would otherwise fall to be disregarded under this Schedule; but this paragraph shall only apply in the case of a payment which it has not been practicable to treat under regulation 96(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.

^{F103}**40.**

Textual Amendments

- F103** Sch. 7 para. 40 omitted (5.1.2009) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 7\) Regulations 2008 \(S.I. 2008/3157\)](#), regs. 1(1), **3(10)(g)**

41.—(1) Any payment made under ^{F104}or by] the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No.2) Trust, the Fund, the Eileen Trust ("the Trusts")^{F105}, MFET Limited]^{F106}, the Skipton Fund, the Caxton Foundation] or the Independent Living ^{F107}Fund (2006)].

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under ^{F104}or by] any of the Trusts to which sub-paragraph (1) refers 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 ^{F108}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 or 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 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 ^{F109}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 [F104 or by] any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

- (a) the person who is suffering from haemophilia or who is a qualifying person;
- (b) any child or 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 or who is a qualifying person, which derives from the payment under [F104 or by] any of the Trusts to which sub-paragraph (1) refers, where—

- (a) that person has no partner or former partner from whom he is not estranged or divorced [F110 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 student who has not completed his full-time education, and had 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 or who was a qualifying person, which derives from a payment under [F104 or by] any of the Trusts to which sub-paragraph (1) refers, 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 [F111 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 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.

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

[F112(7) For the purposes of paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Skipton Fund[F113, the Caxton Foundation][F114, MFET Limited][F115 and the London Bombings Relief Charitable Fund].]

Textual Amendments

F104 Words in Sch. 7 para. 41(1)-(5) inserted (6.4.2010) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2010 (S.I. 2010/641), regs. 1(1), 4(8)(e)

F105 Words in Sch. 7 para. 41(1) inserted (6.4.2010) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2010 (S.I. 2010/641), regs. 1(1), 4(12)(a)

F106 Words in Sch. 7 para. 41(1) inserted (31.10.2011) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2011 (S.I. 2011/2425), regs. 1(2), 10(9)

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- F107** Words in Sch. 7 para. 41(1) substituted (17.11.2008) by The Social Security (Miscellaneous Amendments) (No.6) Regulations 2008 (S.I. 2008/2767), regs. 1(2), **4(7)(e)**
- F108** Words in Sch. 7 para. 41(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. 26(12)(a)(i)** (with art. 3)
- F109** Words in Sch. 7 para. 41(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. 26(12)(a)(ii)** (with art. 3)
- F110** Words in Sch. 7 para. 41(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. 26(12)(a)(iii)** (with art. 3)
- F111** Words in Sch. 7 para. 41(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. 26(12)(a)(iv)** (with art. 3)
- F112** Sch. 7 para. 41(7) added (4.10.2004) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2004 (S.I. 2004/2308), regs. 1(1), **3(5)**
- F113** Words in Sch. 7 para. 41(7) inserted (31.10.2011) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2011 (S.I. 2011/2425), regs. 1(2), **10(10)**
- F114** Words in Sch. 7 para. 41(7) inserted (6.4.2010) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2010 (S.I. 2010/641), regs. 1(1), **4(12)(b)**
- F115** Words in Sch. 7 para. 41(7) added (12.12.2005) by The Income-related Benefits (Amendment) (No. 2) Regulations 2005 (S.I. 2005/3391), regs. 1, **5(4)**

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

43. 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 [F116]benefit Acts].

Textual Amendments
F116 Words in Sch. 7 para. 43 substituted (5.1.2009) by The Social Security (Miscellaneous Amendments) (No. 7) Regulations 2008 (S.I. 2008/3157), regs. 1(1), **3(10)(h)**

^{F117}**44.**

Textual Amendments
F117 Sch. 7 para. 44 omitted (17.11.2008) by virtue of The Social Security (Miscellaneous Amendments) (No.6) Regulations 2008 (S.I. 2008/2767), regs. 1(2), **4(11)**

[F118]**45.** Any payment in consequence of a reduction of council tax under section 13[F119], 13A] or 80 of the Local Government Finance Act 1992 (reduction in liability for council tax).]

Textual Amendments
F118 Sch. 7 para. 45 substituted (14.4.2008) by The Social Security (Miscellaneous Amendments) Regulations 2008 (S.I. 2008/698), regs. 1(1), **4(16)(b)**
F119 Word in Sch. 7 para. 45 inserted (2.4.2013) by The Social Security (Miscellaneous Amendments) Regulations 2013 (S.I. 2013/443), regs. 1, **4(12)(b)**

^{F120}**46.**

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Textual Amendments

F120 Sch. 7 para. 46 omitted (5.1.2009) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 7\) Regulations 2008 \(S.I. 2008/3157\)](#), regs. 1(1), **3(10)(i)**

[^{F121}47.—(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).

(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers which is analogous to a payment or repayment mentioned in sub-paragraph (1).]

Textual Amendments

F121 Sch. 7 para. 47-48 substituted (5.1.2009) by [The Social Security \(Miscellaneous Amendments\) \(No. 7\) Regulations 2008 \(S.I. 2008/3157\)](#), regs. 1(1), **3(10)(j)**

[^{F121}48. 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).]

Textual Amendments

F121 Sch. 7 para. 47-48 substituted (5.1.2009) by [The Social Security \(Miscellaneous Amendments\) \(No. 7\) Regulations 2008 \(S.I. 2008/3157\)](#), regs. 1(1), **3(10)(j)**

49. Any payment made either by the Secretary of State for [^{F122}Justice] or by the [^{F123}Scottish Ministers] under a scheme established to assist relatives and other persons to visit persons in custody.

Textual Amendments

F122 Word in Sch. 7 para. 49 substituted (22.8.2007) by [The Secretary of State for Justice Order 2007 \(S.I. 2007/2128\)](#), art. 1(2), **Sch. para. 16(2)**

F123 Words in Sch. 7 para. 49 substituted (5.1.2009) by [The Social Security \(Miscellaneous Amendments\) \(No. 7\) Regulations 2008 \(S.I. 2008/3157\)](#), regs. 1(1), **3(10)(k)**

50. Any payment (other than a training allowance) made, whether by the Secretary of State or by any other person, under the Disabled Persons (Employment) Act 1944 ^{F124}^{F125} ... to assist disabled persons to obtain or retain employment despite their disability.

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Textual Amendments

F124 1944 c.10.

F125 Words in **Sch. 7 para. 50** omitted (1.4.2004) by virtue of **The Social Security (Miscellaneous Amendments) Regulations 2004 (S.I. 2004/565)**, regs. 1(2)(a), **5(3)(b)**

^{F126}**51.**

.....

Textual Amendments

F126 **Sch. 7 para. 51** revoked (1.4.2013) by **The Council Tax Benefit Abolition (Consequential Provision) Regulations 2013 (S.I. 2013/458)**, reg. 1, **Sch. 1**

[^{F127}**52.**—(1)) If the claimant is in receipt of any benefit under Part 2, 3 or 5 of the Benefits Act, any increase in the rate of that benefit arising under Part 4 (increases for dependants) or section 106(a) (unemployability supplement) of that Act, where the dependant in respect of whom the increase is paid is not a member of the claimant’s family.

(2) If the claimant is in receipt of any pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006, any increase in the rate of that pension or allowance under that Order, where the dependant in respect of whom the increase is paid is not a member of the claimant’s family.]

.....

Textual Amendments

F127 **Sch. 7 para. 52-53** substituted (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by **The Social Security (Miscellaneous Amendments) (No. 7) Regulations 2008 (S.I. 2008/3157)**, regs. 1(2), **3(10)(l)**

[^{F127}**53.** Any supplementary pension under article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (pensions to surviving spouses and surviving civil partners) and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under that Order.]

.....

Textual Amendments

F127 **Sch. 7 para. 52-53** substituted (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by **The Social Security (Miscellaneous Amendments) (No. 7) Regulations 2008 (S.I. 2008/3157)**, regs. 1(2), **3(10)(l)**

54. In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983^{F128} (pensions to [^{F129}widows, widowers or surviving civil partners]), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.

.....

Textual Amendments

F128 S.I. 1983/686; relevant amending instruments are S.I. 1994/715 and 2021.

F129 Words in **Sch. 7 para. 54** substituted (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. 26(12)(c)** (with art. 3)

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55.—(1) Any payment which is—

(a) made under any of the Dispensing Instruments to a [^{F130}widow, widower or surviving civil partner] of a person—

(i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and

(ii) whose service in such capacity terminated before 31st March 1973; and

[^{F131}(b) equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006.]

(2) In this paragraph “the Dispensing Instruments” means the Order in Council of 19th December 1881, the Royal Warrant of 27th October 1884 and the Order by His Majesty of 14th January 1922 (exceptional grants of pay, non-effective pay and allowances)^{F132}.

Textual Amendments

F130 Words in Sch. 7 para. 55(1)(a) substituted (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. 26(12)(d)(i)** (with art. 3)

F131 Sch. 7 para. 55(1)(b) substituted (5.1.2009) by The Social Security (Miscellaneous Amendments) (No. 7) Regulations 2008 (S.I. 2008/3157), regs. 1(1), **3(10)(m)**

F132 Copies of the Dispensing Instruments are available from the Department of Social Security, 6th Floor, Adelphi, 1-11 John Adam Street, London WC2N 6HT.

[^{F133}56. Any payment made ^{F134}... [^{F135}as a direct payment as defined in section 4(2) of the Social Care (Self-directed Support) (Scotland) Act 2013][^{F136}, or under sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care) [^{F137}or under sections 31 to 33 of the Care Act 2014 (direct payments),][^{F138} or under regulations made under section 57 of the Health and Social Care Act 2001 (direct payments)][^{F139} or under regulations made under section 57 of the Health and Social Care Act 2001 (direct payments)].

Textual Amendments

F133 Sch. 7 paras. 56-59 added (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by The Income-related Benefits and Jobseeker's Allowance (Miscellaneous Amendments) Regulations 1997 (S.I. 1997/65), **reg. 1(1)(2)**, 2(4)(b)

F134 Words in Sch. 7 para. 56 omitted (6.4.2009) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2009 (S.I. 2009/583), regs. 1(2), **4(12)**

F135 Words in Sch. 7 para. 56 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. 5(a)** (with art. 3)

F136 Words in Sch. 7 para. 56 inserted (6.4.2010) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2010 (S.I. 2010/641), regs. 1(1), **4(13)**

F137 Words in Sch. 7 para. 56 inserted (1.4.2015) by The Care Act 2014 (Consequential Amendments) (Secondary Legislation) Order 2015 (S.I. 2015/643), art. 1(2), **Sch. para. 9(3)(d)** (with art. 4)

F138 Words in Sch. 7 para. 56 inserted (W.) (1.11.2004) by The Community Care, Services for Carers and Children's Services (Direct Payments) (Wales) Regulations 2004 (S.I. 2004/1748), reg. 1(b), **Sch. 2 para. 2**

F139 Words in Sch. 7 para. 56 inserted (E.) (8.4.2003) by The Community Care, Services for Carers and Children's Services (Direct Payments) (England) Regulations 2003 (S.I. 2003/762), regs. 1(1), 11(2), **Sch. 2**

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^{F140}**57.**

Textual Amendments

F133 Sch. 7 paras. 56-59 added (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by The Income-related Benefits and Jobseeker’s Allowance (Miscellaneous Amendments) Regulations 1997 (S.I. 1997/65), **reg. 1(1)(2), 2(4)(b)**

F140 Sch. 7 para. 57 omitted (1.4.2004) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2004 (S.I. 2004/565), regs. 1(2)(a), **5(3)(c)**

^{F141}**58.**

Textual Amendments

F133 Sch. 7 paras. 56-59 added (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by The Income-related Benefits and Jobseeker’s Allowance (Miscellaneous Amendments) Regulations 1997 (S.I. 1997/65), **reg. 1(1)(2), 2(4)(b)**

F141 Sch. 7 para. 58 omitted (1.4.2004) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2004 (S.I. 2004/565), regs. 1(2)(a), **5(3)(c)**

59.—(1) Any payment specified in sub-paragraph (2) to a claimant who was formerly a full-time student and who has completed the course in respect of which those payments were made.

(2) The payments specified for the purposes of sub-paragraph (1) are—

(a) any grant income and covenant income as defined for the purposes of Chapter IX of Part VIII;

[^{F142}(b) any student loan as defined in Chapter IX of Part VIII;]

(c) any contribution as defined in Chapter IX of Part VIII which—

(i) is taken into account in ascertaining the amount of a student loan referred to in head (b); and

(ii) has been paid.]

Textual Amendments

F133 Sch. 7 paras. 56-59 added (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by The Income-related Benefits and Jobseeker’s Allowance (Miscellaneous Amendments) Regulations 1997 (S.I. 1997/65), **reg. 1(1)(2), 2(4)(b)**

F142 Sch. 7 para. 59(2)(b)(c) substituted for para. 59(2)(b) (with effect in accordance with reg. 1(1)(b) of the amending S.I.) by The Social Security Amendment (Students) Regulations 1999 (S.I. 1999/1935), regs. 1(1)(b), **2(8)**

^{F143}**60.**

Textual Amendments

F143 Sch. 7 para. 60 omitted (1.4.2004) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2004 (S.I. 2004/565), regs. 1(2)(a), **5(3)(c)**

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^{F144}**60A.**

Textual Amendments

F144 Sch. 7 para. 60A omitted (1.4.2004) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2004 (S.I. 2004/565), regs. 1(2)(a), **5(3)(c)**

^{F145}**61.**

Textual Amendments

F145 Sch. 7 para. 61 omitted (1.4.2004) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2004 (S.I. 2004/565), regs. 1(2)(a), **5(3)(c)**

^{F146}**62.**—(1) Subject to sub-paragraph (2), in the case of a person who is receiving, or who has received, assistance under ^{F147}the self-employment route], any payment to that person—

- (a) to meet expenses wholly and necessarily incurred whilst carrying on the commercial activity;
- (b) which is used or intended to be used to maintain repayments on a loan taken out by that person for the purpose of establishing or carrying on the commercial activity,

in respect of which such assistance is or was received.

(2) Sub-paragraph (1) shall apply only in respect of payments which are paid to that person from the special account as defined for the purposes of Chapter IVA of Part VIII.]

Textual Amendments

F146 Sch. 7 para. 62 added (1.6.1998) by The Social Security (Miscellaneous Amendments) (No. 4) Regulations 1998 (S.I. 1998/1174), regs. 1(1), **4(b)**

F147 Words in Sch. 7 para. 62(1) substituted (27.11.2000) by The Social Security Amendment (Employment Zones) (No. 2) Regulations 2000 (S.I. 2000/2910), **reg. 4(2)(d)(i)**

Modifications etc. (not altering text)

C3 Sch. 7 para. 62 modified (temp.) (29.11.1999) by The Social Security (New Deal Pilot) Regulations 1999 (S.I. 1999/3156), regs. 1(1), **18(2)(3)** (with regs. 1(2), 11, 19)

C4 Sch. 7 para. 62 modified (temp. from 28.11.2000 until 27.11.2001) by The Social Security (New Deal Pilot) Regulations 2000 (S.I. 2000/3134), regs. 1(1)(b), **18(2)(3)(f)**

^{F148}**63.**

Textual Amendments

F148 Sch. 7 para. 63 omitted (1.4.2004) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2004 (S.I. 2004/565), regs. 1(2)(a), **5(3)(c)**

^{F149}**64.** Any payment ^{F150}made with respect to a person on account of the provision of after-care under section 117 of the Mental Health Act 1983 or section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003 or the provision of accommodation or welfare services to which

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Part III of the National Assistance Act 1948 refers or to which the Social Work (Scotland) Act 1968 refers, [^{F151}or the provision of care and support under Part 1 of the Care Act 2014,] which falls to be treated as notional income made under paragraph (11) of regulation 105 above (payments made in respect of a person [^{F152}residing in a care home, an Abbeyfield Home or an independent hospital]).]

Textual Amendments

F149 Sch. 7 para. 64 added (24.9.1998) by [The Social Security Amendment \(New Deal\) \(No.2\) Regulations 1998 \(S.I. 1998/2117\)](#), regs. 1(1), **6(1)**

F150 Words in [Sch. 7 para. 64](#) inserted (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 2009 \(S.I. 2009/2655\)](#), regs. 1(2)(b), **4(15)(d)**

F151 Words in [Sch. 7 para. 64](#) inserted (1.4.2015) by [The Care Act 2014 \(Consequential Amendments\) \(Secondary Legislation\) Order 2015 \(S.I. 2015/643\)](#), art. 1(2), **Sch. para. 9(3)(e)** (with art. 4)

F152 Words in [Sch. 7 para. 64](#) substituted (24.10.2005) by [The Social Security \(Care Homes and Independent Hospitals\) Regulations 2005 \(S.I. 2005/2687\)](#), reg. 1, **Sch. 2 para. 14(c)**

[^{F153}**65.** Any child care expenses reimbursed to the claimant in respect of his participation in the programme known as the intensive activity period of the New Deal pilots for 25 plus as defined for the purposes of the Social Security (New Deal Pilot) Regulations 1999 in regulation 2(1) of those Regulations.]

Textual Amendments

F153 Sch. 7 para. 65 modified (temp.) (29.11.1999) by [The Social Security \(New Deal Pilot\) Regulations 1999 \(S.I. 1999/3156\)](#), regs. 1(1), **16** (with regs. 1(2), 11, 19)

[^{F154}**66.** Any top-up payment made to a person (“the participant”) pursuant to—

(a) section 2 of the Employment and Training Act 1973 in respect of the participant’s participation in the intensive activity period of the New Deal pilots for 25 plus as defined for the purposes of the Social Security (New Deal Pilot) Regulations 1999 in regulation 2(1) of those Regulations (“the intensive activity period”); or

(b) a written arrangement entered into between the Secretary of State and the person who has arranged for the participant’s participation in the intensive activity period and which is made in respect of the participant’s participation in that period.]

Textual Amendments

F154 Sch. 7 para. 66 modified (temp.) (29.11.1999) by [The Social Security \(New Deal Pilot\) Regulations 1999 \(S.I. 1999/3156\)](#), regs. 1(1), **16** (with regs. 1(2), 11, 19)

[^{F155}**67.**—(1) Any payment of a sports award 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 83(f) or 84(1)(g) (housing costs)^{F156}..., 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)—

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“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

F155 Sch. 7 para. 67 added (23.8.1999) by [The Social Security Amendment \(Sports Awards\) Regulations 1999](#) (S.I. 1999/2165), regs. 1(1), **7(4)**

F156 Words in Sch. 7 para. 67(2) omitted (8.4.2002) by virtue of [The Social Security Amendment \(Residential Care and Nursing Homes\) Regulations 2001](#) (S.I. 2001/3767), **Sch. Pt. 2 para. 24(h)**

[^{F157}**68.** Where the amount of a subsistence allowance paid to a person in a benefit week exceeds the amount of income-based jobseeker's allowance that person would have received in that benefit week had it been payable to him, less 50p, that excess amount.

Textual Amendments

F157 Sch. 7 paras. 68, 69 added (3.4.2000) by [The Social Security Amendment \(Employment Zones\) Regulations 2000](#) (S.I. 2000/724), regs. 1(1), **3(3)(b)**

69. 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.]

Textual Amendments

F157 Sch. 7 paras. 68, 69 added (3.4.2000) by [The Social Security Amendment \(Employment Zones\) Regulations 2000](#) (S.I. 2000/724), regs. 1(1), **3(3)(b)**

[^{F158}**70.**—(1) Any payment of child maintenance made or derived from a liable relative where the child or young person in respect of whom the payment is made is a member of the claimant's family, except where the person making the payment is the claimant or the claimant's partner.

(2) In paragraph (1)—

“child maintenance” means any payment towards the maintenance of a child or young person, including any payment made voluntarily and payments made under—

- (a) the Child Support Act 1991;
- (b) the Child Support (Northern Ireland) Order 1991;
- (c) a court order;
- (d) a consent order;
- (e) a maintenance agreement registered for execution in the Books of Council and Session or the sheriff court books;

“liable relative” means a person listed in regulation 117 (interpretation) other than a person falling within sub-paragraph (d) of that definition.]

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Textual Amendments

F158 Sch. 7 para. 70 substituted (for specified purposes and with effect in accordance with reg. 1(6) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 2009](#) (S.I. 2009/2655), regs. 1(6)(b), **4(15)(e)**

[^{F159}71. Any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001.]

Textual Amendments

F159 Sch. 7 para. 71 added (2.7.2001) by [The Social Security Amendment \(Discretionary Housing Payments\) Regulations 2001](#) (S.I. 2001/2333), regs. 1(1), **2(1)(d)**

[^{F160}72.—[^{F161}(1) Any payment made by a local authority, or by the [^{F162}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” means—

- (a) in relation to England, a county council, a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;
- (b) in relation to Wales, a county council or a county borough council;
- (c) in relation to Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.]

Textual Amendments

F160 Sch. 7 para. 72 added (1.4.2003) by [The Social Security \(Miscellaneous Amendments\) Regulations 2003](#) (S.I. 2003/511), regs. 1, **3(2)**

F161 Sch. 7 para. 72(1) substituted (1.10.2003) by [The Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 2003](#) (S.I. 2003/2279), regs. 1(a), **3(4)(b)**

F162 Words in Sch. 7 para. 72(1) substituted (5.1.2009) by [The Social Security \(Miscellaneous Amendments\) \(No. 7\) Regulations 2008](#) (S.I. 2008/3157), regs. 1(1), **3(10)(n)**

[^{F163}72A. Armed forces independence payment.]

Textual Amendments

F163 Sch. 7 para. 72A inserted (8.4.2013) by [The Armed Forces and Reserve Forces Compensation Scheme \(Consequential Provisions: Subordinate Legislation\) Order 2013](#) (S.I. 2013/591), art. 2(2), **Sch. para. 10(9)**

[^{F164}73.]

Textual Amendments

F164 Sch. 7 para. 73 omitted (1.4.2004) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 2004](#) (S.I. 2004/565), regs. 1(2)(a), **5(3)(c)**

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^{F165}74.

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Textual Amendments

F165 Sch. 7 para. 74 omitted (1.4.2004) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2004 (S.I. 2004/565), regs. 1(2)(a), **5(3)(c)**

[^{F166}75. Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments)]

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Textual Amendments

F166 Sch. 7 para. 75 inserted (1.9.2014) by The Special Educational Needs (Consequential Amendments to Subordinate Legislation) Order 2014 (S.I. 2014/2103), arts. 1, **4(1)**

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