

SCHEDULES

SCHEDULE 8

Regulation 108(2)

CAPITAL TO BE DISREGARDED

Modifications etc. (not altering text)

C1 Sch. 8 para. 49 modified (temp.) (29.11.1999) by [The Social Security \(New Deal Pilot\) Regulations 1999 \(S.I. 1999/3156\)](#), regs. 1(1), **17** (with regs. 1(2), 11, 19)

1. The dwelling occupied as the home but, notwithstanding regulation 88, (calculation of income and capital of members of claimant's family and of a polygamous marriage), only one dwelling shall be disregarded under this paragraph.

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

3. Any sum directly attributable to the proceeds of sale of any premises formerly occupied by the claimant as his home which is to be used for the purchase of other premises intended for such occupation within 26 weeks of the date of sale, or such longer period as is reasonable in the circumstances to enable the claimant to complete the purchase.

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

- (a) a partner or relative of a single claimant or of any member of the family as his home where that person is aged 60 or over or is incapacitated;
- (b) the former partner of a claimant as his home; but this provision shall not apply where the former partner is a person from whom the claimant is estranged or divorced.

5. Where a claimant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling.

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

7. Any premises which the claimant intends to occupy as his home, and in respect of which he is taking steps to obtain possession and has sought legal advice or has commenced legal proceedings with a view to obtaining possession, for a period of 26 weeks from the date on which he first sought such advice or first commenced such proceedings, whichever is earlier, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.

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

Status: Point in time view as at 12/04/2001.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Jobseeker's Allowance Regulations 1996. 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)

9. Any grant made to the claimant in accordance with a scheme made under section 129 of the Housing Act 1988 ^{F1} or section 66 of the Housing (Scotland) Act 1988 ^{F2} (schemes for payments to assist local housing authority and local authority tenants to obtain other accommodation) which is to be used—

- (a) to purchase premises intended for occupation as his home; or
- (b) to carry out repairs or alterations which are required to render premises fit for occupation as his home,

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

Textual Amendments

F1 1988 c.50; section 129 was amended by the [Local Government and Housing Act 1989 \(c.42\)](#), [section 194](#) and Schedule 12.

F2 1988 c.43.

10. Any future interest in property of any kind, other than land or premises in respect of which the claimant has granted a subsisting lease or tenancy, including sub-leases or sub-tenancies.

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

- (2) The assets of any business owned in whole or in part by the claimant where—
 - (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but
 - (b) he intends to become engaged (or, as the case may be, re-engaged) as a self-employed earner in that business as soon as he recovers or is able to become engaged or re-engaged in that business,

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

^{F3}(3) In the case of a person who is receiving assistance under ^{F4}the self-employment route], the assets acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is being received.

(4) In the case of a person who has ceased carrying on the commercial activity in respect of which assistance was received as specified in sub-paragraph (3), the assets relating to that activity for such period as may be reasonable in the circumstances to allow for disposal of any such asset.]

Textual Amendments

F3 Sch. 8 para. 11(3)(4) added (1.6.1998) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 1998 \(S.I. 1998/1174\)](#), regs. 1(1), [5\(a\)](#)

F4 Words in Sch. 8 para. 11(3) substituted (27.11.2000) by [The Social Security Amendment \(Employment Zones\) \(No. 2\) Regulations 2000 \(S.I. 2000/2910\)](#), [reg. 4\(2\)\(d\)\(ii\)](#)

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Modifications etc. (not altering text)

C2 Sch. 8 para. 11 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)

12. Any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of—

- (a) any payment specified in paragraph 7, 9 or 10 of Schedule 7 (other income to be disregarded);
- (b) a jobseeker's allowance or an income-related benefit under Part VII of the Benefits Act;
- [^{F5}(c) any allowance paid by the Secretary of State under the Earnings Top-up Scheme.]

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

Textual Amendments

F5 Sch. 8 para. 12(c) inserted (28.10.1996) by [The Social Security and Child Support \(Jobseeker's Allowance\) \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/2538\)](#), regs. 1, **2(14)**

13. Any sum—

- (a) paid to the claimant in consequence of damage to, or loss of, the home or any personal possession and intended for its repair or replacement; or
- (b) acquired by the claimant (whether as a loan or otherwise) on the express condition that it is to be used for effecting essential repairs or improvements to the home,

and which is to be used for the intended purpose, for a period of 26 weeks from the date on which it was so paid or acquired or such longer period as is reasonable in the circumstances to enable the claimant to effect the repairs, replacement or improvements.

14. Any sum—

- (a) deposited with a housing association as defined in section 1(1) of the Housing Associations Act 1985 ^{F6} as a condition of occupying the home;
- (b) which was so deposited and which is to be used for the purchase of another home, for the period of 26 weeks or such longer period as is reasonable in the circumstances to complete the purchase.

Textual Amendments

F6 [1985 c.69](#).

15. Any personal possessions except those which have or had been acquired by the claimant with the intention of reducing his capital in order to secure entitlement to a jobseeker's allowance or to income support or to increase the amount of those benefits.

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

17. Where the funds of a trust are derived from a payment made in consequence of any personal injury to the claimant, the value of the trust fund and the value of the right to receive any payment under that trust.

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

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19. The value of the right to receive any income which is disregarded under paragraph 14 of Schedule 6 or paragraph 24 of Schedule 7 (earnings or other income payable in a country outside the United Kingdom).

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

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

22. Except 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 made by a local authority in accordance with section 17 or 24 of the Children Act 1989^{F7} or, as the case may be, section 12, 24 or 26 of the Social Work (Scotland) Act 1968^{F8} (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care).

Textual Amendments

F7 1989 c.41.

F8 1968 c.49.

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

24. Any refund of tax which falls to be deducted under section 369 of the Income and Corporation Taxes Act 1988^{F9} (deductions of tax from certain loan interest) on a payment of relevant loan interest for the purpose of acquiring an interest in the home or carrying out repairs or improvements in the home.

Textual Amendments

F9 1988 c.1; section 369 was amended by the Finance Act 1993 (c.34), section 58 and the Finance Act 1994 (c.9), section 81.

25. Any capital which under regulation 104, 106(1) or 136 (capital treated as income, modifications in respect of children and young persons and treatment of student loans) is to be treated as income.

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

27.—(1) Any payment made under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No.2) Trust, the Fund, the Eileen Trust ("the Trusts") or the Independent Living Funds.

(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 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 had died was not, estranged or divorced;
- (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,

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which derives from a payment made under 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 a payment made under 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, 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 payment is a child, a young person or a student who has not completed his full-time education, and has no parent or step-parent, to his guardian,

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

(5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment made under 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, 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 capital resource which derives from any payment of income or capital made under or deriving from any of the Trusts.

28. The value of the right to receive an occupational or personal pension.

29. The value of any funds held under a personal pension scheme.

30. The value of the right to receive any rent except where the claimant has a reversionary interest in the property in respect of which rent is due.

31. Any payment in kind made by a charity or under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No.2) Trust, the Fund, the Eileen Trust or the Independent Living Funds.

32. £200 of any payment or, if the payment is less than £200, the whole of any payment made under section 2 of the Employment and Training Act 1973^{F10} or section 2 of the Enterprise and New Towns (Scotland) Act 1990,^{F11} as a training bonus to a person participating in arrangements for training.

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Textual Amendments

- F10** 1973 c.50; section 2 was amended by section 25(1) of the [Employment Act 1988 \(c.19\)](#), Part I of Schedule 7 to the [Employment Act 1989 \(c.38\)](#), and section 47(1) of the [Trade Union Reform and Employment Rights Act 1993 \(c.19\)](#).
- F11** 1990 c.35.

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

34. Any payment made to a juror or a witness in respect of attendance at a court other than compensation for loss of earnings or for the loss of a benefit payable under the Act or under the Benefits Act.

35. Any payment in consequence of a reduction of a personal community charge pursuant to regulations under section 13A of the Local Government Finance Act 1988 ^{F12} or section 9A of the Abolition of Domestic Rates Etc (Scotland) Act 1987 ^{F13} (reduction of liability for personal community charge) or reduction of council tax under section 13 or, as the case may be, section 80 of the Local Government Finance Act 1992 ^{F14} (reduction of liability for council tax), but only for a period of 52 weeks from the date of the receipt of the payment.

Textual Amendments

- F12** 1988 c.41; section 13A was inserted by the [Local Government and Housing Act 1989 \(c.42\)](#) ("the 1989 Act"), Schedule 5 paragraph 5.
- F13** 1987 c.47; section 9A was inserted by the 1989 Act, section 143.
- F14** 1992 c.14.

36.—(1) Any payment or repayment made—

- (a) as respects England and Wales, under regulations 3, 5 or 8 of the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988 ^{F15} (travelling expenses and health service supplies);
- (b) as respects Scotland, under regulation 3, 5 or 8 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Regulations 1988 ^{F16} (travelling expenses and health service supplies),

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

(2) Any payment or repayment made by the Secretary of State for Health, the Secretary of State for Scotland or the Secretary of State for Wales which is analogous to a payment or repayment mentioned in sub-paragraph (1); but only for a period of 52 weeks from the date of receipt of the payment or repayment.

Textual Amendments

- F15** [S.I. 1988/551](#); relevant amending instruments are [S.I. 1989/394](#), 1990/918, 1991/557 and 1992/1104.
- F16** [S.I. 1988/546](#).

37. Any payment made under regulation 9 to 11 or 13 of the Welfare Food Regulations 1988 ^{F17} (payments made in place of milk tokens or the supply of vitamins), but only for a period of 52 weeks from the date of receipt of the payment.

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Textual Amendments

F17 [S.I. 1988/536](#); relevant amending instruments are [S.I. 1990/3](#) and [1991/585](#).

38. Any payment made either by the Secretary of State for the Home Department or by the Secretary of State for Scotland under a scheme established to assist relatives and other persons to visit persons in custody, but only for a period of 52 weeks from the date of receipt of the payment.

39. Any arrears of special war widows payment which is disregarded under paragraph 46 of Schedule 7 (sums to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 53, 54 or 55 of that Schedule, but only for a period of 52 weeks from the date of receipt of the arrears.

40. Any payment (other than a training allowance, or a training bonus under section 2 of the Employment and Training Act 1973) made, whether by the Secretary of State or by any other person, under the Disabled Persons (Employment) Act 1944 ^{F18} or in accordance with arrangements made under section 2 of the Employment and Training Act 1973, to assist disabled persons to obtain or retain employment despite their disability.

Textual Amendments

F18 [1944 c.10](#).

41. Any payment made by a local authority under section 3 of the Disabled Persons (Employment) Act 1958 ^{F19} to homeworkers assisted under the Blind Homeworkers Scheme.

Textual Amendments

F19 [1958 c.33](#).

42. Any sum of capital administered on behalf of a person under the age of 18 by the High Court under the provisions of Order 80 of the Rules of the Supreme Court ^{F20}, the County Court under Order 10 of the County Court Rules 1981 ^{F21}, or the Court of Protection where such sum derives from—

- (a) an award of damages for a personal injury to that person; or
- (b) compensation for the death of one or both parents [^{F22}where the person concerned is under the age of 18].

Textual Amendments

F20 [S.I. 1965/1776](#).

F21 [S.I. 1981/1687](#).

F22 Words in Sch. 8 para. 42 added (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Income-related Benefits and Jobseekers Allowance \(Amendment\) \(No. 2\) Regulations 1997 \(S.I. 1997/2197\)](#), regs. 1(2), **7(9)(b)(10)(f)**

43. Any sum of capital administered on behalf of a person under the age of 18 in accordance with an order made under Rule 43.15 of the Act of Sederunt (Rules of the Court of Session 1994) 1994 ^{F23} or under Rule 131 of the Act of Sederunt (Rules of the Court, consolidation and amendment) 1965 ^{F24}, or under Rule 36.14 of the Ordinary Cause Rules 1993 ^{F25} or under Rule 128 of the Ordinary Cause Rules ^{F26}, where such sum derives from—

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- (a) an award of damages for a personal injury to that person; or
- (b) compensation for the death of one or both parents [^{F27}where the person concerned is under the age of 18].

Textual Amendments

F23 S.I. 1994/1443.

F24 S.I. 1965/321.

F25 First Schedule to the [Sheriff Courts \(Scotland\) Act 1907 \(c.51\)](#) as substituted in respect of causes commenced on or after 1 January 1994 by [S.I. 1993/1956](#).

F26 First Schedule to the aforesaid Act of 1907 as substituted by [S.I. 1983/747](#).

F27 Words in Sch. 8 para. 43 added (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Income-related Benefits and Jobseekers Allowance \(Amendment\) \(No. 2\) Regulations 1997 \(S.I. 1997/2197\)](#), regs. 1(2), **7(9)(b)(10)(f)**

44. Any payment to the claimant as holder of the Victoria Cross or George Cross.

[^{F28}**45.** Any mandatory top-up payment made to a person pursuant to section 2 of the Employment and Training Act 1973 in respect of that person's participation in—

- (a) the self-employment route;
- (b) an employment-programme specified in—
 - (i) regulation 75(1)(a)(ii)(bb) (Voluntary Sector Option of the New Deal); or
 - (ii) regulation 75(1)(a)(ii)(cc) (Environment Task Force Option of the New Deal); or
- (c) the Intensive Activity Period specified in regulation 75(1)(a)(iv) or in the Intensive Activity Period for 50 plus,
but only for the period of 52 weeks from the date of receipt of the payment.]

Textual Amendments

F28 Sch. 8 para. 45 substituted (9.4.2001) by [The Social Security Amendment \(New Deal\) Regulations 2001 \(S.I. 2001/1029\)](#), regs. 1(1), **13**

[^{F29}**46.** Any discretionary payment to meet, or to help to meet, special needs made to a person pursuant to section 2 of the Employment and Training Act 1973 in respect of that person's participation in the Full-Time Education and Training Option of the New Deal as specified in regulation 75(1)(b)(ii) but only for a period of 52 weeks from the date of receipt of the payment.]

Textual Amendments

F29 Sch. 8 paras. 45, 46 added (5.1.1998) by [The Social Security Amendment \(New Deal\) Regulations 1997 \(S.I. 1997/2863\)](#), regs. 1(1), **15**

[^{F30}**47.** In the case of a person who is receiving, or who has received, assistance under [^{F31}the self-employment route], any sum of capital which is acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is or was received but only for a period of 52 weeks from the date on which that sum was acquired.]

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Textual Amendments

- F30** Sch. 8 para. 47 added (1.6.1998) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 1998 \(S.I. 1998/1174\)](#), regs. 1(1), **5(c)**
- F31** Words in Sch. 8 para. 47 substituted (27.11.2000) by [The Social Security Amendment \(Employment Zones\) \(No. 2\) Regulations 2000 \(S.I. 2000/2910\)](#), **reg. 4(2)(d)(ii)**

Modifications etc. (not altering text)

- C3** Sch. 8 para. 47 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)

[^{F32}**48.** Any discretionary payment made pursuant to section 2 of the Employment and Training Act 1973 to meet, or help meet, special needs of a person who is undertaking a qualifying course within the meaning specified in regulation 17A(7) but only for the period of 52 weeks from the date of receipt of that payment.]

Textual Amendments

- F32** Sch. 8 para. 48 added (24.9.1998) by [The Social Security Amendment \(New Deal\) \(No.2\) Regulations 1998 \(S.I. 1998/2117\)](#), regs. 1(1), **5(1)**

49. [^{F33}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, but only for a period of 52 weeks from the date of receipt of the payment.]

Textual Amendments

- F33** Sch. 8 para. 49 modified (temp.) (29.11.1999) by [The Social Security \(New Deal Pilot\) Regulations 1999 \(S.I. 1999/3156\)](#), regs. 1(1), **17** (with regs. 1(2), 11, 19)

50. [^{F34}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

but only for the period of 52 weeks beginning on the date of receipt of the payment]

Textual Amendments

- F34** Sch. 8 para. 50 modified (temp.) (29.11.1999) by [The Social Security \(New Deal Pilot\) Regulations 1999 \(S.I. 1999/3156\)](#), regs. 1(1), **17** (with regs. 1(2), 11, 19)

[^{F35}**51.**—(1) Any payment of a sports award for a period of 26 weeks from the date of receipt of that payment except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).

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(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) or any accommodation charges to the extent that they are met under regulation 86 (persons in residential care or nursing homes), of the claimant or, where the claimant is a member of a family, any other member of his family, or any council tax or water charges for which that claimant or member is liable.

(3) For the purposes of sub-paragraph (2)—

“food” does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made;

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

Textual Amendments

F35 Sch. 8 para. 51 added (23.8.1999) by [The Social Security Amendment \(Sports Awards\) Regulations 1999 \(S.I. 1999/2165\)](#), regs. 1(1), **7(5)**

52. [^{F36}Any education maintenance allowance payable by virtue of regulations made under section 518 of the Education Act 1996 (payment of school expenses; grant of scholarships etc.) which is payable as a termly bonus or as an achievement bonus at the end of an academic term but only for a period of 52 weeks from the date of receipt of that allowance.]

Textual Amendments

F36 Sch. 8 para. 52 added (7.2.2000) by [The Social Security Amendment \(Education Maintenance Allowance\) Regulations 2000 \(S.I. 2000/55\)](#), regs. 1(1), **2(3)(4)**

[^{F37}**53.** In the case of a claimant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the claimant, being a fee, grant, loan or otherwise, but only for the period of 52 weeks from the date of receipt of the payment.

Textual Amendments

F37 Sch. 8 paras. 53, 54 added (3.4.2000) by [The Social Security Amendment \(Employment Zones\) Regulations 2000 \(S.I. 2000/724\)](#), regs. 1(1), **3(4)(b)**

54. Any arrears of subsistence allowance paid as a lump sum but only for the period of 52 weeks from the date of receipt of the payment.]

Textual Amendments

F37 Sch. 8 paras. 53, 54 added (3.4.2000) by [The Social Security Amendment \(Employment Zones\) Regulations 2000 \(S.I. 2000/724\)](#), regs. 1(1), **3(4)(b)**

[^{F38}**55.** Any payment made to a person under regulation 11 of the Social Security (Payments to Reduce Under-occupation) Regulations 2000, but only for a period of 52 weeks from the date of payment.]

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Textual Amendments

F38 Sch. 8 para. 55 added (3.4.2000) by [The Social Security \(Payments to Reduce Under-occupation\) Regulations 2000 \(S.I. 2000/637\)](#), regs. 1(2), **12(1)(2)(d)** (with reg. 15)

[^{F39}**56.** Where an ex-gratia payment of £10,000 has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or internment of—

- (a) the claimant;
- (b) the claimant's partner;
- (c) the claimant's deceased spouse; or
- (d) the claimant's partner's deceased spouse,

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

Textual Amendments

F39 Sch. 8 para. 56 added (1.2.2001) by [The Social Security Amendment \(Capital Disregards\) Regulations 2001 \(S.I. 2001/22\)](#), regs. 1, **2(b)**

[^{F40}**57.**—(1) Subject to sub-paragraph (2), the amount of any trust payment made to a claimant or a member of a claimant's family who is—

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

(2) Where a trust payment is made to—

- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;
- (b) a person referred to in sub-paragraph (1)(c), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending two years after that date;
- (c) a person referred to in sub-paragraph (1)(d), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending—
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person—
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 19,whichever is the latest.

Status: Point in time view as at 12/04/2001.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Jobseeker's Allowance Regulations 1996. 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)

(3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made, or of any payment out of the estate of a person to whom a trust payment has been made, which is made to a claimant or a member of a claimant's family who is—

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

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

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

- (a) a person referred to in sub-paragraph (3)(a), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending on the date on which that person dies;
- (b) a person referred to in sub-paragraph (3)(b), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending two years after that date;
- (c) a person referred to in sub-paragraph (3)(c), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending—
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person—
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 19,
 whichever is the latest.

(5) In this paragraph, a reference to a person—

- (a) being the diagnosed person's partner;
- (b) being a member of the diagnosed person's family; or
- (c) acting in the place of the diagnosed person's parents,

at the date of the diagnosed person's death shall include a person who would have been such a person or a person who would have been so acting, but for the diagnosed person being in residential accommodation, a residential care home or a nursing home on that date.

(6) In this paragraph—

“diagnosed person” means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeldt-Jakob disease;

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

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

Textual Amendments

F40 Sch. 8 para. 57 added (12.4.2001) by The Social Security Amendment (Capital Disregards and Recovery of Benefits) Regulations 2001 (S.I. 2001/1118), regs. 1, **2(1)**

Status:

Point in time view as at 12/04/2001.

Changes to legislation:

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