
STATUTORY INSTRUMENTS

1997 No. 65

**The Income-related Benefits and Jobseeker's Allowance
(Miscellaneous Amendments) Regulations 1997**

Income-related benefits and jobseeker's allowance: disregard of certain income other than earnings

2.^{F1}(1)

(2) ^{F1}...

(3) In Schedule 9 to the Income Support Regulations (sums to be disregarded in the calculation of income other than earnings)—

(a) in paragraph 15B ^{M1}—

(i) in sub-paragraph (1)—

(aa) in head (c), after the words "occupational pension of his", there shall be inserted the words " , or of any income from a personal pension scheme or a retirement annuity contract of his, ";

(bb) for the words "or pensions" there shall be substituted the words " , pensions or income";

(ii) for sub-paragraph (2) there shall be substituted the following sub-paragraph—

"(2) Where a claimant is entitled to pensions or income referred to in sub-paragraph (1) from more than one source, all such pensions and income to which he is entitled shall be aggregated for the purposes of that sub-paragraph.";

(iii) in sub-paragraph (3), for the words "occupational pension" there shall be substituted the words "pension or income referred to in sub-paragraph (1)";

(b) at the end there shall be added the following paragraphs—

"**58.** Any payment made under the Community Care (Direct Payments) Act 1996 or under section 12B of the Social Work (Scotland) Act 1968.

59.—(1) Subject to paragraph 60, any Career Development Loan paid to the claimant pursuant to section 2 of the Employment and Training Act 1973 except to the extent that the loan has been applied for and paid in respect of living expenses for the period of education and training supported by that loan and those expenses relate to 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 17(1)(e) or 18(1)(f) (housing costs) or any accommodation charges to the extent that they are met under regulation 19 (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 this paragraph, "ordinary clothing and footwear" means clothing or footwear for normal daily use, but does not include school uniforms, or clothing and footwear used solely for sporting activities.

60. Any Career Development Loan paid to the claimant pursuant to section 2 of the Employment and Training Act 1973 where the period of education and training supported by that loan has been completed.

61.—(1) Any payment specified in sub-paragraph (2) to a claimant who was formerly a 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 VIII of Part V;
- (b) any loan made pursuant to arrangements made under section 1 of the Education (Student Loans) Act 1990 ^{M2} or article 3 of the Education (Student Loans) (Northern Ireland) Order 1990 ^{M3}.

(4) In Schedule 7 to the Jobseeker's Allowance Regulations (sums to be disregarded in the calculation of income other than earnings)—

(a) in paragraph 16A ^{M4}—

(i) in sub-paragraph (1)—

(aa) in head (c), after the words "occupational pension of his", there shall be inserted the words " , or of any income from a personal pension scheme of his,";

(bb) for the words "or pensions" there shall be substituted the words " , pensions or income";

(ii) for sub-paragraph (2) there shall be substituted the following sub-paragraph—

"(2) Where a claimant is entitled to pensions or income referred to in sub-paragraph (1) from more than one source, all such pensions and income to which he is entitled shall be aggregated for the purposes of that sub-paragraph.";

(iii) in sub-paragraph (3), for the words "occupational pension" there shall be substituted the words "pension or income referred to in sub-paragraph (1)";

(b) at the end there shall be added the following paragraphs—

"**56.** Any payment made under the Community Care (Direct Payments) Act 1996 or under section 12B of the Social Work (Scotland) Act 1968.

57.—(1) Subject to paragraph 58, any Career Development Loan paid to the claimant pursuant to section 2 of the Employment and Training Act 1973 except to the extent that the loan has been applied for and paid in respect of living expenses for the period of education and training supported by that loan and those expenses relate to 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) 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 this paragraph, "ordinary clothing and footwear" means clothing or footwear for normal daily use, but does not include school uniforms, or clothing and footwear used solely for sporting activities.

58. Any Career Development Loan paid to the claimant pursuant to section 2 of the Employment and Training Act 1973 where the period of education and training supported by that loan has been completed.

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;
- (b) any loan made pursuant to arrangements made under section 1 of the Education (Student Loans) Act 1990 or article 3 of the Education (Student Loans) (Northern Ireland) Order 1990."

(5) At the end of the Schedules specified in paragraph (6) of this regulation (sums to be disregarded in the calculation of income other than earnings), there shall be added the following paragraphs bearing the specified respective paragraph numbers—

"Any payment made under the Community Care (Direct Payments) Act 1996 or under section 12B of the Social Work (Scotland) Act 1968."

"(1) Any Career Development Loan paid to the claimant pursuant to section 2 of the Employment and Training Act 1973 except to the extent that the loan has been applied for and paid in respect of living expenses for the period of education and training supported by that loan and those expenses relate to 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 or housing costs of any member of the family or any personal community charge, collective community charge contribution or any council tax for which any member of the family is liable.

(3) For the purposes of this paragraph, "ordinary clothing and footwear" means clothing or footwear for normal daily use, but does not include school uniforms, or clothing and footwear used solely for sporting activities."

(6) The respective paragraph numbers and Schedules for the purposes of paragraph (5) of this regulation are—

- (a) paragraphs 55 and 56 of Schedule 3 to the Disability Working Allowance Regulations;
- (b) paragraphs 57 and 58 of Schedule 2 to the Family Credit Regulations.

Changes to legislation: There are currently no known outstanding effects for the *The Income-related Benefits and Jobseeker's Allowance (Miscellaneous Amendments) Regulations 1997, Section 2.* (See end of Document for details)

(7) In paragraph 22 of Schedule 2 to the Family Credit Regulations, in sub-paragraph (2)(a), for the figure "27(2)" there shall be substituted the figure "27".

Textual Amendments

F1 Reg. 2(1)(2) revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

Marginal Citations

M1 Paragraph 15B was inserted by [S.I. 1996/606](#).
M2 [1990 c.6](#).
M3 [S.I. 1990/1506 \(N.I. 11\)](#).
M4 Paragraph 16A was inserted by [S.I. 1996/1517](#).

Changes to legislation:

There are currently no known outstanding effects for the The Income-related Benefits and Jobseeker's Allowance (Miscellaneous Amendments) Regulations 1997, Section 2.