

## SCHEDULE IV

Regulation 17(7)

### AMOUNTS TO BE DISREGARDED IN THE CALCULATION OF INCOME OTHER THAN EARNINGS

1. In addition to any sum which falls to be disregarded in accordance with paragraphs 3 to 6, £10 of any of the following, namely—

- (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 2 or 3);
- (b) a war widow's or war widower's pension;
- [<sup>F1</sup>(ba) unless paragraph 1(a) or (b) applies, any payment described in regulation 15(5)(ac) (except insofar as such a payment falls to be disregarded under paragraph 2 or 3);]
- (c) a pension payable to a person as a [<sup>F2</sup>widow, widower or surviving civil partner] under <sup>F3</sup>... any power of Her Majesty otherwise than under an enactment to make provision about 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;
- [<sup>F4</sup>(cc) a guaranteed income payment [<sup>F5</sup>and, if the amount of that payment has been abated to less than £10 by a [<sup>F6</sup>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 [<sup>F7</sup>that pension or payment] as would not, in aggregate with the amount of [<sup>F8</sup>any] guaranteed income payment disregarded, exceed £10];]
- (d) a payment made to compensate for the non-payment of such a pension [<sup>F9</sup>or payment] as is mentioned in any of the preceding sub-paragraphs;
- (e) a pension paid by the government of a country outside Great Britain which is analogous to any of the [<sup>F10</sup>pensions or payments mentioned in sub-paragraphs (a) to (cc) above];
- [<sup>F11</sup>(f) a pension paid by a government to victims of National Socialist persecution.]

#### Textual Amendments

- F1** Sch. IV para. 1(ba) inserted (5.1.2009) by [The Social Security \(Miscellaneous Amendments\) \(No. 7\) Regulations 2008 \(S.I. 2008/3157\)](#), regs. 1(1), **4(5)(a)**
- F2** Words in Sch. IV para. 1(c) 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. 35(4)(a)** (with art. 3)
- F3** Words in Sch. IV para. 1(c) omitted (5.1.2009) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 7\) Regulations 2008 \(S.I. 2008/3157\)](#), regs. 1(1), **4(5)(b)**
- F4** Sch. IV para. 1(cc) inserted (4.4.2005) by [The Social Security \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/574\)](#), regs. 1(1), **2(7)(a)(8)(d)**
- F5** Words in Sch. IV para. 1(cc) inserted (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) \(No. 7\) Regulations 2008 \(S.I. 2008/3157\)](#), regs. 1(2), **4(5)(c)**
- F6** Words in Sch. IV para. 1(cc) 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)(c), **5(5)(a)**
- F7** Words in Sch. IV para. 1(cc) 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)(c), **5(5)(b)**

**Status:** Point in time view as at 09/07/2023.

**Changes to legislation:** There are currently no known outstanding effects for the The State Pension Credit Regulations 2002, SCHEDULE IV. (See end of Document for details)

- F8** Word in Sch. IV para. 1(cc) 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)(c), **5(5)(c)**
- F9** Words in Sch. IV para. 1(d) inserted (4.4.2005) by [The Social Security \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/574\)](#), regs. 1(1), **2(7)(b)(8)(d)**
- F10** Words in Sch. IV para. 1(e) substituted (4.4.2005) by [The Social Security \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/574\)](#), regs. 1(1), **2(7)(c)(8)(d)**
- F11** Sch. IV para. 1(f) substituted (20.3.2017) by [The Social Security \(Income-Related Benefits\) Amendment Regulations 2017 \(S.I. 2017/174\)](#), regs. 1, **4(3)**

2. The whole of any amount included in a pension to which paragraph 1 relates in respect of—
- the claimant's need for constant attendance;
  - the claimant's exceptionally severe disablement.

3. Any mobility supplement under [<sup>F12</sup>article 20 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006] (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983<sup>M1</sup> or any payment intended to compensate for the non-payment of such a supplement.

#### Textual Amendments

- F12** Words in [Sch. IV para. 3](#) substituted (5.1.2009) by [The Social Security \(Miscellaneous Amendments\) \(No. 7\) Regulations 2008 \(S.I. 2008/3157\)](#), regs. 1(1), **4(5)(d)**

#### Marginal Citations

- M1** [S.I. 1983/686](#); amended by [S.I. 1983/1164](#) and 1540 and 1986/628.

[<sup>F13</sup>4. 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

- F13** [Sch. IV para. 4](#) substituted (5.1.2009) by [The Social Security \(Miscellaneous Amendments\) \(No. 7\) Regulations 2008 \(S.I. 2008/3157\)](#), regs. 1(1), **4(5)(e)**

5. In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983<sup>M2</sup> (pensions to [<sup>F14</sup>widows, widowers or surviving civil partners]), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.

#### Textual Amendments

- F14** Words in Sch. IV para. 5 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. 35(4)(c)** (with art. 3)

#### Marginal Citations

- M2** [S.I.1983/686](#); the relevant amending Instruments are [S.I.1994/715](#) and 2021.

6.—(1) Any payment which is—

(a) made under any of the Dispensing Instruments to a [<sup>F15</sup>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

[<sup>F16</sup>(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).

**Textual Amendments**

**F15** Words in Sch. IV para. 6(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. 35(4)(d)(i)** (with art. 3)

**F16** Sch. IV para. 6(1)(b) substituted (5.1.2009) by [The Social Security \(Miscellaneous Amendments\) \(No. 7\) Regulations 2008 \(S.I. 2008/3157\)](#), regs. 1(1), **4(5)(f)**

7. £10 of any widowed parent’s allowance to which the claimant is entitled under section 39A of the 1992 Act <sup>M3</sup>.

**Marginal Citations**

**M3** Section 39A was inserted by section 55 of the [Welfare Reform and Pensions Act 1999 \(c. 30\)](#).

[<sup>F17</sup>7A. £10 of any widowed mother’s allowance to which the claimant is entitled under section 37 of the 1992 Act.]

**Textual Amendments**

**F17** Sch. IV para. 7A inserted (6.10.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) \(No. 2\) Regulations 2002 \(S.I. 2002/3197\)](#), reg. 1(1)(b), **Sch. para. 11(a)**

8.—(1) 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 £20.00, 100% of such payments; or

(b) where the aggregate of any such payments exceeds £20.00, £20.00 and 50% of the excess over £20.00.

<sup>F18</sup>(2) .....

**Status:** Point in time view as at 09/07/2023.

**Changes to legislation:** There are currently no known outstanding effects for the The State Pension Credit Regulations 2002, SCHEDULE IV. (See end of Document for details)

#### Textual Amendments

**F18** Sch. IV para. 8(2) omitted (3.10.2005) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2005 \(S.I. 2005/2465\)](#), regs. 1(2), **6(5)**

#### 9. If the claimant—

- (a) owns the freehold or leasehold interest in any property or is a tenant of any property; and
- (b) occupies a part of that property; and
- (c) has an agreement with another person allowing that person to occupy another part of that property on payment of rent and—
  - (i) the amount paid by that person is less than £20 per week, the whole of that amount; or
  - (ii) the amount paid is £20 or more per week, £20.

#### 10. 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% 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 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 [<sup>F19</sup>or, if it was higher at that time, pensionable age];
- (c) 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;
- (d) that the person to whom the loan was made or one of the annuitants occupies the dwelling on which it was secured as his home at the time the interest is paid; and
- (e) that the interest payable on the loan is paid by the person to whom the loan was made or by one of the annuitants,

the amount, calculated on a weekly basis, equal to—

- (i) where, or insofar as, section 369 of the Income and Corporation Taxes Act 1988 <sup>M4</sup> (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

**F19** Words in Sch. IV para. 10(b) inserted (6.12.2018) by [The Social Security \(Miscellaneous Amendments\) No. 5\) Regulations 2017 \(S.I. 2017/1187\)](#), regs. 1(2)(b), **5(4)**

#### Marginal Citations

**M4** 1988 c. 1; subsection (1A) was inserted by the [Finance Act 1994 \(c. 9\)](#), **section 81(3)**.

**11.—(1)** Any payment, other than a payment to which sub-paragraph (2) applies, made to the claimant by Trustees in exercise of a discretion exercisable by them.

**Status:** Point in time view as at 09/07/2023.

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(2) This sub-paragraph applies to payments made to the claimant by Trustees in exercise of a discretion exercisable by them for the purpose of—

- (a) obtaining food, ordinary clothing or footwear or household fuel;
- (b) the payment of rent, council tax or water charges for which that claimant or his partner is liable;
- (c) meeting housing costs of a kind specified in Schedule 2;

<sup>F20</sup>(d) . . . . .

(3) In a case to which sub-paragraph (2) applies, £20 or—

- (a) if the payment is less than £20, the whole payment; or
- (b) if, in the claimant’s case, £10 is disregarded in accordance with paragraph 1(a) to (f), [<sup>F21</sup>or paragraph 7 [<sup>F22</sup>or 7A]] £10 or the whole payment if it is less than £10.

(4) 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; and

“rent” means eligible rent for the purposes of the Housing Benefit (General) Regulations 1987 <sup>M5</sup> less any deductions in respect of non-dependants which fall to be made under regulation 63 (non-dependant deductions) of those Regulations.

**Textual Amendments**

- F20** Sch. IV para. 11(2)(d) omitted (6.10.2003) by virtue of [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(b), **23(n)(i)**
- F21** Words in Sch. IV para. 11(3)(b) inserted (6.10.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(b), **23(n)(ii)**
- F22** Words in Sch. IV para. 11(3)(b) inserted (6.10.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) \(No. 2\) Regulations 2002 \(S.I. 2002/3197\)](#), reg. 1(1)(b), **Sch. para. 11(b)**

**Marginal Citations**

- M5** [S.I. 1987/1971](#); see regulations 2(1) and 10.

12. Any increase in [<sup>F23</sup>pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006] paid in respect of a dependent other than the pensioner’s <sup>F24</sup>... [<sup>F25</sup>partner].

**Textual Amendments**

- F23** Words in [Sch. IV para. 12](#) 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), **4(5)(g)(i)**
- F24** Words in [Sch. IV para. 12](#) omitted (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 7\) Regulations 2008 \(S.I. 2008/3157\)](#), regs. 1(2), **4(5)(g)(ii)**
- F25** Words in Sch. IV para. 12 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. 35(4) (e)** (with art. 3)

**Status:** Point in time view as at 09/07/2023.

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13. Any payment ordered by a court to be made to the claimant or the claimant’s partner in consequence of any accident, injury or disease suffered by [<sup>F26</sup>the person] to whom the payments are made.

**Textual Amendments**

**F26** Words in Sch. IV para. 13 substituted (6.10.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) \(No. 2\) Regulations 2002 \(S.I. 2002/3197\)](#), reg. 1(1)(b), **Sch. para. 11(c)**

14. Periodic payments made to the claimant or the claimant’s partner under an agreement entered into in <sup>F27</sup>... settlement of a claim made by [<sup>F28</sup>that person] for an injury suffered by him.

**Textual Amendments**

**F27** Word in Sch. IV para. 14 omitted (6.10.2003) by virtue of [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) \(No. 2\) Regulations 2002 \(S.I. 2002/3197\)](#), reg. 1(1)(b), **Sch. para. 11(d)(i)**

**F28** Words in Sch. IV para. 14 substituted (6.10.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) \(No. 2\) Regulations 2002 \(S.I. 2002/3197\)](#), reg. 1(1)(b), **Sch. para. 11(d)(ii)**

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

16. Any banking charges or commission payable in converting to Sterling payments of income made in a currency other than Sterling.

<sup>F29</sup>17. ....

**Textual Amendments**

**F29** Sch. IV para. 17 omitted (5.1.2009) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 7\) Regulations 2008 \(S.I. 2008/3157\)](#), regs. 1(1), **4(5)(h)**

[<sup>F30</sup>18. Except in the case of income from capital specified in Part II of Schedule V, any actual income from capital.]

**Textual Amendments**

**F30** Sch. IV paras. 17, 18 added (6.10.2003) by [The State Pension Credit \(Transitional and Miscellaneous Provisions\) Amendment Regulations 2003 \(S.I. 2003/2274\)](#), regs. 1, **2(11)(f)**

**Status:**

Point in time view as at 09/07/2023.

**Changes to legislation:**

There are currently no known outstanding effects for the The State Pension Credit Regulations 2002, SCHEDULE IV.