

SCHEDULE V

INCOME FROM CAPITAL

**PART I**

**Capital disregarded for the purpose of calculating income**

20.—(1) Any amount paid—

- (a) by way of arrears of benefit;
- (b) by way of compensation for the late payment of benefit; or
- (c) in lieu of the payment of benefit.

[<sup>F1</sup>(d) any payment made by a local authority (including in England a county council), or by the [<sup>F2</sup>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][<sup>F3</sup>; or

(e) by way of local welfare provision including arrears and payments in lieu of local welfare provision; or

(f) in consequence of a reduction of council tax under section 13, 13A or 80 of the Local Government Finance Act 1992 (reduction of liability of[<sup>F4</sup>; council tax]);]

[<sup>F5</sup>(g) to rectify, or to compensate for, an error made by an officer of the Department for Work and Pensions which was not caused or materially contributed to by any person outside the Department and which prevented or delayed an assessment of the claimant’s entitlement to contributory employment and support allowance.]

(2) In paragraph (1), “benefit” means—

- (a) attendance allowance under section 64 of the Contributions and Benefits Act;
- (b) disability living allowance;

[<sup>F6</sup>(ba) personal independence payment;]

[<sup>F7</sup>(bb) armed forces independence payment;]

- (c) income support;
- (d) income-based jobseeker’s allowance;
- (e) housing benefit;
- (f) state pension credit;

[<sup>F8</sup>(g) .....

[<sup>F9</sup>(h) an increase of a disablement pension under section 104 of the Contributions and Benefits Act (increase where constant attendance needed), and any further increase of such a pension under section 105 of that Act (increase for exceptionally severe disablement); ]

(i) any amount included on account of the claimant’s exceptionally severe disablement [<sup>F10</sup>or need for constant attendance,] in a war disablement pension or [<sup>F11</sup>any other such amount described in regulation 15(5)(ac)].

[<sup>F12</sup>(j) council tax benefit;

- (k) social fund payments;
- (l) child benefit;

**Changes to legislation:** There are currently no known outstanding effects for the The State Pension Credit Regulations 2002, Paragraph 20. (See end of Document for details)

- <sup>F13</sup>(m) . . . . .
- (n) child tax credit under the Tax Credits Act 2002.]
- [<sup>F14</sup>(o) income-related employment and support allowance][<sup>F15</sup>;
- (p) universal credit]
- [<sup>F16</sup>(q) bereavement support payment under section 30 of the Pensions Act 2014.]
- [<sup>F17</sup>(r) early years assistance given in accordance with section 32 of the Social Security (Scotland) Act 2018.]
- [<sup>F18</sup>(s) funeral expense assistance given in accordance with section 34 of the Social Security (Scotland) Act 2018.]
- [<sup>F19</sup>(t) maternity allowance under section 35 of the 1992 Act (state maternity allowance for employed or self-employed earner).]
- [<sup>F20</sup>(u) any Scottish child payment assistance given in accordance with section 79 of the Social Security (Scotland) Act 2018.]
- [<sup>F21</sup>(v) any assistance given in accordance with the Carer’s Assistance (Young Carer Grants) (Scotland) Regulations 2019.]
- [<sup>F22</sup>(w) short-term assistance given in accordance with regulations made under section 36 of the Social Security (Scotland) Act 2018;]
- [<sup>F23</sup>(x) winter heating assistance given in accordance with regulations made under section 30 of the Social Security (Scotland) Act 2018;]
- [<sup>F24</sup>(y) disability assistance given in accordance with regulations made under section 31 of the Social Security (Scotland) Act 2018.]

#### Textual Amendments

- F1** Sch. V para. 20(1)(d) substituted (6.10.2003) by [The State Pension Credit \(Transitional and Miscellaneous Provisions\) Amendment Regulations 2003 \(S.I. 2003/2274\)](#), regs. 1, **2(12)(d)**
- F2** Words in Sch. V para. 20(1)(d) substituted (5.1.2009) by [The Social Security \(Miscellaneous Amendments\) \(No. 7\) Regulations 2008 \(S.I. 2008/3157\)](#), regs. 1(1), **4(6)(c)(i)**
- F3** Sch. V para. 20(1)(e)(f) and word inserted (2.4.2013) by [The Social Security \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/443\)](#), regs. 1, **6(4)**
- F4** Words in Sch. V para. 20(1)(f) substituted (15.7.2020) by [The Social Security \(Income and Capital\) \(Miscellaneous Amendments\) Regulations 2020 \(S.I. 2020/618\)](#), regs. 1, **4(4)(b)**
- F5** Sch. V para. 20(1)(g) inserted (15.7.2020) by [The Social Security \(Income and Capital\) \(Miscellaneous Amendments\) Regulations 2020 \(S.I. 2020/618\)](#), regs. 1, **4(4)(b)**
- F6** Sch. V para. 20(2)(ba) inserted (8.4.2013) by [The Personal Independence Payment \(Supplementary Provisions and Consequential Amendments\) Regulations 2013 \(S.I. 2013/388\)](#), reg. 2, **Sch. para. 27(7)**
- F7** Sch. V para. 20(2)(bb) 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. 23(7)**
- F8** Sch. V para. 20(2)(g) omitted (6.10.2003) by virtue of [The State Pension Credit \(Transitional and Miscellaneous Provisions\) Amendment Regulations 2003 \(S.I. 2003/2274\)](#), regs. 1, **2(12)(e)(i)**
- F9** Sch. V para. 20(2)(h) substituted (6.10.2003) by [The State Pension Credit \(Transitional and Miscellaneous Provisions\) Amendment Regulations 2003 \(S.I. 2003/2274\)](#), regs. 1, **2(12)(e)(ii)**
- F10** Words in Sch. V para. 20(2)(i) inserted (6.10.2003) by [The State Pension Credit \(Transitional and Miscellaneous Provisions\) Amendment Regulations 2003 \(S.I. 2003/2274\)](#), regs. 1, **2(12)(e)(iii)**
- F11** Words in Sch. V para. 20(2)(i) substituted (5.1.2009) by [The Social Security \(Miscellaneous Amendments\) \(No. 7\) Regulations 2008 \(S.I. 2008/3157\)](#), regs. 1(1), **4(6)(c)(ii)**

- F12** Sch. V para 20(2)(j)-(n) added (6.10.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(b), 23(o)(iii)(bb)
- F13** Sch. V para. 20(2)(m) omitted (6.10.2003) by virtue of The State Pension Credit (Transitional and Miscellaneous Provisions) Amendment Regulations 2003 (S.I. 2003/2274), regs. 1, **2(12)(e)(iv)**
- F14** Sch. V para. 20(2)(o) added (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **4(9)(a)**
- F15** Sch. V para. 20(2)(p) and semi-colon inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **33(7)(a)**
- F16** Sch. V Pt. I para. 20(2)(q) inserted (coming into force in accordance with art. 1-3 of the amending S.I.) by The Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2017 (S.I. 2017/422), arts. 1(2), **21(3)(a)**
- F17** Sch. V para. 20(2)(r) inserted (coming into force in accordance with art. 1(2) of the amending S.I.) by The Social Security (Scotland) Act 2018 (Best Start Grants) (Consequential Modifications and Saving) Order 2018 (S.I. 2018/1138), **art. 7(3)**
- F18** Sch. V para. 20(2)(s) inserted (16.9.2019 immediately after S.S.I. 2019/292 comes into force) by The Social Security (Scotland) Act 2018 (Funeral Expense Assistance and Early Years Assistance) (Consequential Modifications and Savings) Order 2019 (S.I. 2019/1060), arts. 1(2)(b), **11(3)**
- F19** Sch. V para. 20(2)(t) inserted (31.10.2019) by The Social Security (Capital Disregards) (Amendment) Regulations 2019 (S.I. 2019/1314), regs. 1, **4(2)**
- F20** Sch. V para. 20(2)(u) inserted (coming into force in accordance with art. 1(2) of the amending S.I.) by The Social Security (Scotland) Act 2018 (Information-Sharing and Scottish Child Payment) (Consequential Provision and Modifications) Order 2020 (S.I. 2020/482), **art. 5(3)**
- F21** Sch. V para. 20(2)(v) inserted (9.11.2020) by The Social Security (Scotland) Act 2018 (Young Carer Grants, Short-Term Assistance and Winter Heating Assistance) (Consequential Provision and Modifications) Order 2020 (S.I. 2020/989), arts. 1(2), **4(3)**
- F22** Sch. V para. 20(2)(w) inserted (9.11.2020) by The Social Security (Scotland) Act 2018 (Young Carer Grants, Short-Term Assistance and Winter Heating Assistance) (Consequential Provision and Modifications) Order 2020 (S.I. 2020/989), arts. 1(2), **11(3)**
- F23** Sch. V para. 20(2)(x) inserted (9.11.2020) by The Social Security (Scotland) Act 2018 (Young Carer Grants, Short-Term Assistance and Winter Heating Assistance) (Consequential Provision and Modifications) Order 2020 (S.I. 2020/989), arts. 1(2), **17(3)**
- F24** Sch. V para. 20(y) inserted (26.7.2021) by The Social Security (Scotland) Act 2018 (Disability Assistance, Young Carer Grants, Short-term Assistance and Winter Heating Assistance) (Consequential Provision and Modifications) Order 2021 (S.I. 2021/886), arts. 1(2), **13(3)**

**Changes to legislation:**

There are currently no known outstanding effects for the The State Pension Credit Regulations 2002, Paragraph 20.