

SCHEDULE V

INCOME FROM CAPITAL

PART I

Capital disregarded for the purpose of calculating income

^{F1}**20A.**—(1) Subject to sub-paragraph (3), any payment of £5,000 or more to which paragraph 20(1)(a), (b) or (c) applies, which has been made to rectify, or to compensate for, an official error [^{F2}or an error on a point of law] relating to a [^{F3}relevant benefit, or to which paragraph 20(1)(g) applies, and which has been] received by the claimant in full on or after the day on which he became entitled to benefit under these Regulations.

- (2) Subject to sub-paragraph (3), the total amount of any payment disregarded under—
- (a) paragraph 7(2) of Schedule 10 to the Income Support (General) Regulations 1987;
 - (b) paragraph 12(2) of Schedule 8 to the Jobseeker’s Allowance Regulations 1996;
 - ^{F4}(c)
 - ^{F4}(d)
 - ^{F5}(e) paragraph 11(2) of Schedule 9 to the Employment and Support Allowance Regulations,]
 - ^{F6}(f) paragraph 9(2) [^{F7}or 9A] of Schedule 6 to the Housing Benefit Regulations 2006;
 - (g) paragraph 22 of Schedule 6 to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006;
 - (h) paragraph 9(2) of Schedule 5 to the Council Tax Benefit Regulations 2006; ^{F8}...
 - (i) paragraph 22 of Schedule 4 to the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006;]^{F9}or
 - (j) [^{F10}paragraph 18] of Schedule 10 to the Universal Credit Regulations 2013;]
 - ^{F11}(k) regulations 10A to 10C of the Universal Credit (Transitional Provisions) Regulations 2014;]

where the award during which the disregard last applied in respect of the relevant sum either terminated immediately before the relevant date or is still in existence at that date.

(3) Any disregard which applies under sub-paragraph (1) or (2) shall have effect until the award comes to an end.

- (4) In this paragraph—
- “the award”, except in sub-paragraph (2), means—
- (a) the award of State Pension Credit under these Regulations during which the relevant sum or, where it is received in more than one instalment, the first instalment of that sum is received; or
 - (b) where that award is followed immediately by one or more further awards which begins immediately after the previous award ends, such further awards until the end of the last award, provided that, for such further awards, the claimant—
 - (i) is the person who received the relevant sum;
 - (ii) is the partner of that person; or
 - (iii) was the partner of that person at the date of his death;

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

“official error”—

- (a) where the error relates to housing benefit^{F12}..., has the meaning given by regulation 1(2) of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001;

and

- (b) where the error relates to any other relevant benefit, has the meaning given by regulation 1(3) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999;

“the relevant date” means the date on which the claimant became entitled to benefit under the Act;

“relevant benefit” means any benefit specified in paragraph 20(2); and

“the relevant sum” means the total payment referred to in sub-paragraph (1) or, as the case may be, the total amount referred to in sub-paragraph (2).]

Textual Amendments

- F1** Sch. V para. 20A substituted (6.10.2003) by [The State Pension Credit \(Transitional and Miscellaneous Provisions\) Amendment Regulations 2003 \(S.I. 2003/2274\)](#), regs. 1, **2(12)(f)**
- F2** Words in Sch. V para. 20A(1) inserted (11.9.2018) by [The Social Security \(Treatment of Arrears of Benefit\) Regulations 2018 \(S.I. 2018/932\)](#), regs. 1, **4**
- F3** Words in Sch. V para. 20A(1) substituted (15.7.2020) by [The Social Security \(Income and Capital\) \(Miscellaneous Amendments\) Regulations 2020 \(S.I. 2020/618\)](#), regs. 1, **4(4)(c)(i)**
- F4** Sch. V para. 20A(2)(c)(d) omitted (5.1.2009) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 7\) Regulations 2008 \(S.I. 2008/3157\)](#), regs. 1(1), **4(6)(d)**
- F5** Sch. V para. 20A(2)(e) and word 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)(b)(ii)**
- F6** Sch. V para. 20A(2)(f)-(i) inserted (5.1.2009) by [The Social Security \(Miscellaneous Amendments\) \(No. 7\) Regulations 2008 \(S.I. 2008/3157\)](#), regs. 1(1), **4(6)(e)**
- F7** Words in Sch. V para. 20A(2)(f) inserted (15.7.2020) by [The Social Security \(Income and Capital\) \(Miscellaneous Amendments\) Regulations 2020 \(S.I. 2020/618\)](#), regs. 1, **4(4)(c)(ii)(aa)**
- F8** Sch. V para. 20A(2)(h) word omitted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **33(7)(b)**
- F9** Sch. V para. 20A(2)(j) 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), **33(7)(b)**
- F10** Words in Sch. V Pt. I para. 20A(2)(j) substituted (29.10.2013) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2013 \(S.I. 2013/2536\)](#), regs. 1(1), **10(4)**
- F11** Sch. V para. 20A(2)(k) inserted (15.7.2020) by [The Social Security \(Income and Capital\) \(Miscellaneous Amendments\) Regulations 2020 \(S.I. 2020/618\)](#), regs. 1, **4(4)(c)(ii)(bb)**
- F12** Words in Sch. V para. 20A(4) revoked (1.4.2013) by [The Council Tax Benefit Abolition \(Consequential Provision\) Regulations 2013 \(S.I. 2013/458\)](#), reg. 1, **Sch. 1**

Changes to legislation:

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