

## SCHEDULE VI

Regulation 17(9)

### SUMS DISREGARDED FROM CLAIMANT'S EARNINGS

- 1.—(1) In a case where a claimant is a lone parent, £20 of earnings.
- (2) In this paragraph—
- (a) “lone parent” means a person who has no partner and who is responsible for, and a member of the same household as, a child;
- (b) “child” means a person [<sup>F1</sup>who is a qualifying young person or] a child for the purposes of Part IX of the 1992 Act<sup>M1</sup>.

#### Textual Amendments

- F1** Words in Sch. VI para. 1(2)(b) substituted (10.4.2006) by [The Social Security \(Young Persons\) Amendment Regulations 2006 \(S.I. 2006/718\)](#), regs. 1(2)(a), **6(6)**

#### Marginal Citations

- M1** See section 142(1) of the 1992 Act.

2. In a case of earnings from employment to which sub-paragraph (2) applies, £20.
- (2) This paragraph applies to employment—
- (a) [<sup>F2</sup>as a part-time fireman in a fire brigade maintained in pursuance of the Fire Services Acts 1947 to 1959;]
- [<sup>F3</sup>(aa) as a part-time fire-fighter employed by a fire and rescue authority;]
- [<sup>F4</sup>(ab) as a part-time fire-fighter employed by [<sup>F5</sup>the Scottish Fire and Rescue Service];]
- (b) as an auxiliary coastguard in respect of coast rescue activities;
- (c) in the manning or launching of a lifeboat if the employment is part-time.
- [<sup>F6</sup>(d) a member of any territorial or reserve force prescribed in Part I of Schedule 6 to the Social Security (Contributions) Regulations 2001]

#### Textual Amendments

- F2** Sch. VI para. 2(2)(a) revoked (S.) (2.8.2005 for specified purposes; (E.W.) (29.10.2013) in so far as not already in force) by [The Fire \(Scotland\) Act 2005 \(Consequential Provisions and Modifications\) Order 2005 \(S.I. 2005/2060\)](#), art. 1(2)(f), **Sch. para. 16(a)**; (S.I. 2013/2536), reg. 10(5)(a)
- F3** Sch. VI para. 2(2)(aa) inserted (E.) (30.12.2004) by [The Fire and Rescue Services Act 2004 \(Consequential Amendments\) \(England\) Order 2004 \(S.I. 2004/3168\)](#), arts. 1(1), **62**; (W.) (25.10.2005) by [The Fire and Rescue Services Act 2004 \(Consequential Amendments\) \(Wales\) Order 2005 \(S.I. 2005/2929\)](#), arts. 1(1), **72**
- F4** Sch. VI para. 2(2)(ab) inserted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Provisions and Modifications\) Order 2005 \(S.I. 2005/2060\)](#), art. 1(2)(f), **Sch. para. 16(b)**
- F5** Words in Sch. VI para. 2(2)(ab) substituted (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), art. 1(2), **Sch. 2 para. 82**
- F6** Sch. VI para. 2(2)(d) added (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. 13(a)**

[<sup>F7</sup>**2A.** Where a person is engaged in one or more of the employments specified in paragraph 2 but his earnings derived from those employments are less than £20 in any week and he is also

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engaged in any other employment, so much of his earnings from that other employment as would not in aggregate with the amount of his earnings disregarded under paragraph 2 exceed £20.]

#### Textual Amendments

**F7** Sch. VI para. 2A 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. 13(b)**

**[<sup>F8</sup>2B.** Where only one member of a couple is in employment specified in paragraph 2(2), so much of the earnings of the other member of the couple as would not, in aggregate with the earnings disregarded under paragraph 2, exceed £20.]

#### Textual Amendments

**F8** Sch. VI para. 2B added (6.10.2003) by [The State Pension Credit \(Transitional and Miscellaneous Provisions\) Amendment Regulations 2003 \(S.I. 2003/2274\)](#), regs. 1, **2(13)**

**3.—(1)** If the claimant or one of the partners is a carer, or both partners are carers, £20 of any earnings received from his or their employment.

(2) In this paragraph the claimant or his partner is a carer if paragraph 4 of Part II of Schedule I (amount applicable for carers) is satisfied in respect of him.

**4.—(1)** £20 is disregarded if the claimant or, if he has a partner, his partner—

(a) is in receipt of—

- (i) long-term incapacity benefit under Section 30A of the 1992 Act<sup>M2</sup>;
- (ii) severe disablement allowance under section 68 of that Act;
- (iii) attendance allowance;
- (iv) disability living allowance under section 71 to 76 of that Act;
- (v) any mobility supplement under [<sup>F9</sup>article 20 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006]<sup>M3</sup> (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983<sup>M4</sup>, <sup>F10</sup>...

[<sup>F11</sup>(vi) the disability element or the severe disability element of working tax credit under Schedule 2 to the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002; or]

[<sup>F12</sup>(vii) employment and support allowance; or]

(b) is or are registered as blind in a register compiled by a local authority under section 29 of the National Assistance Act 1948<sup>M5</sup> (welfare services) or, in Scotland, has been certified as blind and in consequence is registered as blind in a register maintained by or on behalf of a regional or islands council.

(2) Subject to sub-paragraph (4), £20 is disregarded if the claimant or, if he has a partner, his partner has, within a period of 8 weeks ending on the day in respect of which the claimant first satisfies the conditions for entitlement to state pension credit, had an award of income support<sup>[<sup>F13</sup>, income-based jobseeker's allowance or income-related employment and support allowance]</sup> and—

(a) £20 was disregarded in respect of earnings taken into account in that award;

- (b) the person whose earnings qualified for the disregard continues in employment after the termination of that award.
- (3) Subject to sub-paragraph (4), £20 is disregarded if the claimant or, if he has a partner, his partner, immediately before attaining pensionable age,—
  - (a) had an award of state pension credit; and
  - (b) a disregard under paragraph 4(1)(a)(i) or (ii) was taken into account in determining that award.
- (4) The disregard of £20 specified in sub-paragraphs (2) and (3) applies so long as there is no break, other a break which does not exceed 8 weeks,—
  - (a) in a case to which sub-paragraph (2) refers, in a person’s entitlement to state pension credit or in employment following the first day in respect of which state pension credit is awarded; or
  - (b) in a case where sub-paragraph (3) applies, in the person’s entitlement to state pension credit since attaining pensionable age.

<sup>F14</sup>(5) .....

**Textual Amendments**

- F9** Words in Sch. VI para. 4(1)(a)(v) substituted (5.1.2009) by [The Social Security \(Miscellaneous Amendments\) \(No. 7\) Regulations 2008 \(S.I. 2008/3157\)](#), regs. 1(1), **4(7)**
- F10** Word in Sch. VI para. 4(1)(a)(v) omitted (27.10.2008) by virtue of [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(b), **4(10)(a)(i)**
- F11** Sch. VI para. 4(1)(a)(vi) added (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. 13(c)(i)**
- F12** Sch. VI para. 4(1)(a)(vii) 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(10)(a)(ii)**
- F13** Words in Sch. VI para. 4(2) substituted (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(b), **4(10)(b)**
- F14** Sch. VI para. 4(5) 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. 13(c)(ii)**

**Marginal Citations**

- M2** Section 30A was inserted by [Social Security \(Incapacity for Work\) Act 1994 \(c. 18\)](#).
- M3** [S.I.1983/883](#).
- M4** [S.I.1983/686](#); amended by [S.I.1983/1164](#) and 1540 and 1986/628.
- M5** [1948 c. 29](#).

<sup>F15</sup>**4A.**—(1) £20 is the maximum amount which may be disregarded under any of paragraphs 1, 2, 3 or 4 notwithstanding that—

- (a) in the case of a claimant with no partner, he satisfies the requirements of more than one of those paragraphs or, in the case of paragraph 4, he satisfies the requirements of more than one of the sub-paragraphs of that paragraph; or
- (b) in the case of [<sup>F16</sup>couples], both partners satisfy one or more of the requirements of paragraphs 2, 3 and 4.

(2) Where, in a case to which sub-paragraph (1)(b) applies, the amount to be disregarded in respect of one of the partners (“the first partner”) is less than £20, the amount to be disregarded

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in respect of the other partner shall be so much of that other partner's earnings as would not, in aggregate with the first partner's earnings, exceed £20.]

#### Textual Amendments

**F15** Sch. VI para. 4A 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. 13(d)**

**F16** Word in Sch. VI para. 4A(1)(b) 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(6)** (with art. 3)

**5.** Except where the claimant or his partner qualifies for a £20 disregard under the preceding provisions of this Schedule—

- (a) £5 shall be disregarded if a claimant who has no partner has earnings;
- (b) £10 shall be disregarded if a claimant who has a partner has earnings.

**6.** Any earnings<sup>F17</sup>, other than any amount referred to in regulation 17(9)(b),] derived from any employment which ended before the day in respect of which the claimant first satisfies the conditions for entitlement to state pension credit.

#### Textual Amendments

**F17** Words in Sch. VI para. 6 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. 13(e)**

[<sup>F18</sup>**7.** Any banking charges or commission payable in converting to Sterling payments of earnings made in a currency other than Sterling.]

#### Textual Amendments

**F18** Sch. VI para. 7 added (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. 13(f)**

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