

## SCHEDULE 5

### Amounts to be disregarded in the calculation of income other than earnings

**12.—**(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.

(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 to the State Pension Credit Regulations 2002 <sup>F1</sup>.

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

- (a) if the payment is less than £20, the whole payment;
- (b) if, in the claimant's case, £10 is disregarded in accordance with paragraph 1(a) to (g), £10 or the whole payment if it is less than £10; or
- (c) if, in the claimant's case, £15 is disregarded under paragraph 7 or paragraph 8 and—
  - (i) he has no disregard under paragraph 1(a) to (g), £5 or the whole payment if it is less than £5;
  - (ii) he has a disregard under paragraph 1(a) to (g), nil.

(4) For the purposes of this paragraph—

“<sup>F2</sup>ordinary clothing or 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 these Regulations less any deductions in respect of non-dependants which fall to be made under regulation 55 (non-dependant deductions).

#### Textual Amendments

**F1** [S.I. 2002/1792](#); the relevant amending instruments are [S.I. 2002/3019](#), and [2002/3197](#) and [S.I. 2003/1195](#) and [2003/2274](#), [2004/2327](#) and [2000/2825](#) and [2005/522](#).

**F2** Words in Sch. 5 para. 12(4) substituted (19.5.2008) by [Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 2008 \(S.I. 2008/1042\)](#), regs. 1(2), **4(8)(b)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, Paragraph 12.