

SCHEDULE 8 E+W+S

SUMS TO BE DISREGARDED IN THE CALCULATION OF INCOME OTHER THAN EARNINGS

32.—(1) Except where paragraph 31 (or 33) applies, and subject to sub-paragraph (2), any payment made to the claimant which is intended to be used and is used as a contribution towards—

- (a) any payment due on a loan if secured on the dwelling occupied as the home which does not qualify [^{F1}under Schedule 6][^{F1}under Part 1 of Schedule 1 to the Loans for Mortgage Interest Regulations];
- (b) [^{F2}any charge which qualifies in accordance with paragraph 18 of Schedule 6 (housing costs) to these Regulations or any interest payment on a loan which qualifies under Part 1 of Schedule 1 to the Loans for Mortgage Interest Regulations, to the extent that the charge or payment is not met under these Regulations or by loan payments (as the case may be);]
- (c) any payment due on a loan which qualifies [^{F3}under paragraph 16 or 17 of Schedule 6][^{F3}under Part 1 of Schedule 1 to the Loans for Mortgage Interest Regulations] attributable to the payment of capital;
- (d) any amount due by way of premiums on—
 - (i) an insurance policy taken out to insure against the risk of being unable to make the payments referred to in (a) to (c) above; or
 - (ii) a policy of insurance taken out to insure against loss or damage to any building or part of a building which is occupied by the claimant as the claimant's home;
- (e) the claimant's rent in respect of the dwelling occupied by the claimant as the home but only to the extent that it is not met by housing benefit; or the claimant's accommodation charge but only to the extent that the actual charge exceeds the amount payable by a local authority in accordance with Part 3 of the National Assistance Act 1948 [^{F4}or Part 1 of the Care Act 2014 (care and support) [^{F5}or Part 4 of the Social Services and Well-being (Wales) Act 2014 (meeting needs) other than any direct payment made in accordance with regulations made under section 50 or 52 of that Act].]

(2) This paragraph does not apply to any payment which is treated as possessed by the claimant by virtue of regulation 107(3)(c).

[^{F6}(3) In this paragraph—

- (a) “Loans for Mortgage Interest Regulations” means the Loans for Mortgage Interest Regulations 2017;
- (b) “loan payments” has the meaning given in the Loans for Mortgage Interest Regulations.]

Textual Amendments

- F1** Words in Sch. 8 para. 32(1)(a) substituted by S.I. 2017/725, Sch. 5 para. 1(d)(ii)(aa) (as inserted) (6.4.2018) by [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations 2018 \(S.I. 2018/307\)](#), regs. 1(2), **2(18)(b)**
- F2** Sch. 8 para. 32(1)(b) substituted (6.4.2018) by [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations 2018 \(S.I. 2018/307\)](#), regs. 1(2), **2(18)(b)**
- F3** Words in Sch. 8 para. 32(1)(c) substituted by S.I. 2017/725, Sch. 5 para. 1(d)(ii)(cc) (as inserted) (6.4.2018) by [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations 2018 \(S.I. 2018/307\)](#), regs. 1(2), **2(18)(b)**
- F4** Words in Sch. 8 para. 32(1)(e) inserted (1.4.2015) by [The Care Act 2014 \(Consequential Amendments\) \(Secondary Legislation\) Order 2015 \(S.I. 2015/643\)](#), art. 1(2), **Sch. para. 29(3)(b)** (with art. 4)

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Employment and Support Allowance Regulations 2008, Paragraph 32. (See end of Document for details)

- F5** Words in Sch. 8 para. 32(1)(e) inserted (3.11.2017) by The Social Services and Well-being (Wales) Act 2014 and the Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Order 2017 (S.I. 2017/901), arts. 1, **13(4)(d)**
- F6** Sch. 8 para. 32(3) inserted by S.I. 2017/725, Sch. 5 para. 1(d)(ii)(dd) (as inserted) (6.4.2018) by The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018 (S.I. 2018/307), regs. 1(2), **2(18)(b)**

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Changes to legislation:

There are currently no known outstanding effects for the The Employment and Support Allowance Regulations 2008, Paragraph 32.