

## SCHEDULE 1

### **Determining eligibility for a reduction under an authority's scheme, amount of reduction and calculation of income and capital: pensioners**

#### **PART 4**

#### **Income and capital for the purposes of calculating eligibility for a reduction under an authority's scheme and amount of reduction: pensioners**

##### *CHAPTER 3*

##### *Income: other pensioners*

#### **Earning of self-employed earners: pensioners**

**15.**—(1) Subject to sub-paragraph (2), “earnings”, in the case of employment as a self-employed earner who is a pensioner, means the gross income of the employment.

(2) “Earnings” in the case of employment as a self-employed earner does not include—

- (a) where an applicant occupies a dwelling as the applicant's home and the applicant provides in that dwelling board and lodging accommodation for which payment is made, those payments;
- (b) any payment made by a local authority to an applicant—
  - (i) with whom a person is accommodated by virtue of arrangements made under sections 22C or 23(2)(a) of the Children Act 1989(1)(provision of accommodation and maintenance for a child whom they are looking after) or, as the case may be, section 26(1) of the Children (Scotland) Act 1995(2); or
  - (ii) with whom a local authority fosters a child under the Looked After Children (Scotland) Regulations 2009(3) or who is a kinship carer under those Regulations;
- (c) any payment made by a voluntary organisation in accordance with section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations);
- (d) any payment made to the applicant or the applicant's partner for a person (“the person concerned”) who is not normally a member of the applicant's household but is temporarily in the applicant's care, by—
  - (i) a local authority but excluding payments of housing benefit made in respect of the person concerned;
  - (ii) a voluntary organisation;
  - (iii) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948(4);
  - (iv) the National Health Service Commissioning Board or a clinical commissioning group established under section 14D of the National Health Service Act 2006(5); or

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(1) 1989 c. 41; section 23 was substituted by sections 22A to 22F by section 8(1) of the Children and Young Persons Act 2008 (c. 23). Section 22C is in force in England but is not yet in force in Wales.

(2) 1995 c. 36; section 26 was amended by paragraph 1 of Schedule 3 to the [Adoption and Children \(Scotland\) Act 2007 \(asp 4\)](#).

(3) S.I.2009/210.

(4) 1948 c. 29; section 26(3A) was inserted by section 42(4) of the National Health Service and Community Care Act 1990 (c. 19).

(5) 2006 c. 41. The Commissioning Board is established under section 1H of that Act (inserted by section 9 of the Health and Social Care Act 2012 (c. 7); section 14D was inserted by section 25 of the 2012 Act.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (v) a Local Health Board established by an order made under section 11 of the National Health Service (Wales) Act 2006<sup>(6)</sup>;
- (e) any sports award.

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<sup>(6)</sup> 2006 c. 42.