

SCHEDULE 1

Regulation 8

PART I

CALCULATION OF RESOURCES

1. A claimant's resources shall be calculated in terms of income and capital and shall be calculated as follows:—
 - (a) income shall be calculated on a weekly basis according to the method of calculating or estimating income as prescribed by the provisions of Part V of, and Schedules 8 and 9 to, the Income Support (General) Regulations 1987⁽¹⁾ subject to the modifications referred to in paragraph 2; and
 - (b) capital shall be calculated according to the method of calculating or estimating capital as prescribed by the provisions of Chapter VI in Part V of, and Schedule 10 to, the Income Support (General) Regulations 1987 subject to the modifications referred to in paragraph 2.
2. The provisions of the Income Support (General) Regulations 1987 shall be applied as follows:—
 - (a) as respects the provisions specified in column 1 of Table A in this Schedule, in accordance with the modifications specified in the corresponding entries in column 2;
 - (b) as if—
 - (i) references to income support were to the remission of any relevant charges and the payment of any relevant travelling expenses,
 - (ii) references to an adjudication officer were to the Scottish Ministers, and
 - (iii) references in any of those provisions to any other of those provisions were to that other provision as modified in accordance with this paragraph;
 - (c) according to the provisions of regulation 2 of those Regulations (interpretation) but as if there were inserted after the definition of “relative”—

““relevant date” means—

 - (a) in the case of a claim made under regulation 9(1) of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Regulations 2003, the date of claim; and
 - (b) in the case of a claim made under regulation 11(2) of those Regulations, the date when the claimant paid the relevant charge or travelling expenses”;
 - (d) as if the Social Security (Income Support and Claims and Payments) Amendment Regulations 1995⁽²⁾ and the Income Support (General) Amendment and Transitional Regulations 1995⁽³⁾ had not been made.

(1) S.I.1987/1967.
(2) S.I. 1995/1613.
(3) S.I. 1995/2287.

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TABLE A

MODIFICATION OF PROVISIONS OF THE INCOME SUPPORT (GENERAL) REGULATIONS 1987 FOR THE PURPOSES OF PART 1 OF THIS SCHEDULE

<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
regulation 23(4)	As if in paragraph (1) for “section 22(5) of the Act” there were substituted “regulation 8(3) of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Regulations 2003”.
regulation 25	As if for the whole of regulation 25 (liable relative payments) there were substituted— <p style="margin-left: 40px;">“25.—(1) Where a claimant’s income consists of any payments made by a person, whether under a court order or not, for the maintenance of himself or any member of his family, and those payments are made or due to be made at regular intervals, his normal weekly income from those payments shall be determined—</p> <p style="margin-left: 80px;">(a) if before the relevant date those payments are made at regular intervals and in regular amounts, by reference to the normal weekly amount; or</p> <p style="margin-left: 80px;">(b) if they are not so made, by reference to the average amount.</p> <p style="margin-left: 40px;">(2) Any maintenance payment other than one to which paragraph (1) of this regulation applies shall be treated as capital.”.</p>
regulation 28	As if in paragraph (1) the words from “For the purposes” to “income support)” were omitted; and in paragraph (1)(a) for “the weekly amount of his income” there were substituted “the normal weekly amount of his income at the relevant date”.
regulation 29	As if this regulation were omitted.

(4) Amended by S.I. 1998/1228 regulation 6.

<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
regulation 30(5)	<p>As if in paragraph (1) the words “Except where paragraph (2) applies” were omitted; and paragraph (2) were omitted.</p> <p>As if in sub-paragraph (1)(a) at the beginning there were inserted the words “except where sub-paragraph (b) or (c) applies,”.</p> <p>As if in sub-paragraph (1)(b) at the beginning there were inserted the words “except where sub-paragraph (c) applies,”.</p> <p>As if after sub-paragraph (1)(b) the words “or” and the following new sub-paragraph were inserted–</p> <p>“(c) where the claimant provides in respect of the employment a profit and loss account and, where appropriate, a trading account or a balance sheet or both, and the profit and loss account is in respect of a period of at least 6 months but not exceeding 15 months and that period terminates within the twelve months preceding the date of claim or, as the case may be, the date when he paid the relevant charge or travelling expenses, over that period.”.</p> <p>As if after paragraph (1) the following new paragraph were inserted–</p> <p>“(1A) In paragraph (1)(c)–</p> <p>(a) “balance sheet” means a statement of the financial position of the employment disclosing its assets, liabilities and capital at the end of the period in question;</p> <p>(b) “profit and loss account” means a financial statement showing the net profit or loss of the employment for the period in question; and</p> <p>(c) “trading account” means a financial statement showing the revenue from sales, the cost of</p>

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<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
	those sales and the gross profit arising during the period in question.”.
regulation 31	As if this regulation were omitted.
regulation 32(6)	As if in paragraph (1) for the words from “regulation 29” to paragraphs (2) to (7) there were substituted “regulation 28 (calculation of income)”; and paragraphs 5(2) to (7) were omitted.
regulation 35	As if in paragraph 1(d) the words after “employment” were omitted.
regulation 36	As if in paragraph (1) for “regulation 29 (calculation of earnings of employed earners)” there were substituted “regulation 28 (calculation of income)”.
regulation 38(7)	<p>As if in paragraph (3) for the words “paragraph (9)” there were substituted the words “paragraph (3A) or (9)”.</p> <p>As if after paragraph (3) there were inserted–</p> <p>“(3A) For the purpose of paragraph (1) (a), in a case where earnings of the employment are calculated over a period determined under regulation 30(1)(c), the net profit of the employment shall, except where paragraph (9) applies, be calculated by taking into account the earnings of the employment relevant to that period (whether or not received in that period), less–</p> <p>(a) subject to paragraphs (5) to (7), any expenses relevant to that period (whether or not defrayed in that period) and which were wholly and exclusively incurred for the purposes of that employment; and</p> <p>(b) an amount in respect of–</p> <p>(i) income tax;</p> <p>(ii) social security contributions payable under the Social Security Contributions and Benefits</p>

(6) Amended by S.I. 1988/663, regulation 15 and 1989/1323, regulation 10.

(7) Amended by S.I. 1988/663, regulation 17.

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<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
	Act 1992 ⁽⁸⁾ , calculated in accordance with regulation 39 (deduction of tax and contributions for self-employed earners); and
	(iii) one half of any premium paid in the period that is relevant under regulation 30 in respect of a retirement annuity contract or a personal pension scheme.”
	As if in paragraph (4) after the word “shall” there were inserted the words “, except where paragraph (4A) or (9) applies,”.
	As if after paragraph (4) there were inserted the following new paragraph—
	“(4A) For the purposes of paragraph (1) (b), in a case where earnings of the employment are calculated over a period determined under regulation 30(1)(c), the net profit of the employment shall, except where paragraph (9) applies, be calculated by taking into account the earnings of the employment relevant to that period (whether or not received in that period) less, subject to paragraphs (5) to (7), any expenses relevant to that period (whether or not defrayed in that period) and which were wholly or exclusively incurred for the purposes of that employment.”.
	As if in paragraphs (5), (6), (7) ⁽⁹⁾ and (8) for the words “paragraph (3)(a) or (4)” there were substituted the words “paragraphs (3)(a), (3A)(a), (4) or (4A), as the case may be,”.
regulation 40 ⁽¹⁰⁾	As if in paragraph (1) for “regulation 29 (calculation of earnings of employed earners)” there were substituted “regulation 28 (calculation of income)”.

⁽⁸⁾ 1992 c. 4.

⁽⁹⁾ Amended by S.I. 1999/3178, Schedule 5, paragraph 2.

⁽¹⁰⁾ Amended by S.I. 1988/2002, regulation 9.

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<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
regulation 41 (11)	As if in paragraph (1) for the words from “on (a) the first day” to “the date of that supersession” there were substituted “at (a) the relevant date”; and paragraphs (3) and (4) were omitted.
regulation 42 (12)	As if in paragraph (4) the words from “and in the case” to “(trade disputes) applies” were omitted.
regulation 44 (13)	As if in paragraph (1) for the words from “on (a) the first day” to “the date of that supersession,” there were substituted “at the relevant date”; and paragraphs (2), (3), (8) and (9) were omitted.
regulation 45	As if this regulation were omitted.
regulation 46 (14)	As if in paragraph (1) the words from “For the purposes” to “income support” were omitted.
regulation 48 (15)	As if in paragraph (2) the words from “Except” to “applies”, were omitted; in paragraph (5) the words “Subject to paragraph (6)” were omitted; and paragraphs (6) and (10)(a) and (b) were omitted.
regulation 49 (16)	As if in sub-paragraph (b)(i) for the words from “first day” to “the date of that supersession,” there were substituted “relevant date”.
regulation 53	As if in paragraph (3) the reference to regulation 60 were a reference to regulation 25. As if in paragraph (1A) for “£10,000” on each occasion it appears there were substituted “£12,000” and as if for “£16,000” there were substituted “£19,500”.
regulations 54 to 60	As if these regulations were omitted.
regulation 61	As if, in the case of a student supported by the Student Awards Agency for Scotland,

(11) Amended by S.I. 1999/3178, Schedule 5, paragraph 3 and 2000/2545, regulation 2(1)(a).

(12) Regulation 4 was amended by S.I. 1988/663, regulation 19, 1988/1445, regulation 10, 1989/534, Schedule 1, paragraph 7, 1991/1559, regulation 8, 1993/315, Schedule, paragraph 2, 1994/527, regulation 4, 1995/2792, regulation 6(2), 1995/3282, regulation 2 and 1999/2640, regulation 2(1).

(13) Amended by S.I. 1998/3178, Schedule 5, paragraph 5.

(14) Amended by S.I. 1988/2022, regulation 10.

(15) Paragraph (2) was amended by S.I. 1988/1445, regulation 11.

(16) S.I. 1999/3178, Schedule 5, paragraph 6.

<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
regulation 62	<p>in the definition of “academic year”, for “1st September” there were substituted “1st August”.</p> <p>As if in paragraph (3) from the beginning to the words “shall be apportioned” there were substituted “Subject to paragraph (3A), a student’s grant income shall be apportioned”.</p> <p>As if in paragraph (3A) the words “under the provisions referred to in paragraph (3)” and the words “or, if there are 53 benefit weeks (including part-time weeks) in the year, 53” were omitted.</p> <p>As if paragraph (3B) were omitted.</p>
regulation 63	<p>As if in paragraph (2) the words “or, if there are 53 benefit weeks (including part-time weeks) in the year, 53” were omitted.</p>
regulation 64	<p>As if in paragraph (1)(c) the words, “or, if there are 53 benefit weeks (including part-time weeks) in the year, 53” were omitted.</p>
regulation 65(17)	<p>As if for the words “No part” there were substituted the words “(1) Subject to paragraph (2) below, no part”.</p> <p>As if the following paragraph were added to the regulation–</p> <p>“(2) For the purposes of this regulation and paragraph 15 of Schedule 9 “voluntary payment” shall not include any payment made by a person whose income a Minister of the Crown or an education authority–</p> <ul style="list-style-type: none">(a) would take into account in assessing the amount of a student’s grant or student’s loan if an application for it were to be made; or(b) has taken into account in assessing the amount of a student’s grant or student’s loan and which is in excess of contributions as assessed by a Minister of the Crown or an education authority.”.
regulation 66A	<p>As if for paragraph (2) there were substituted–</p>

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<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
Schedule 8(18)	<p>“(2) In calculating the weekly amount of the loan to be taken into account as income—</p> <p>(a) except where sub-paragraph (b) applies, the loan shall be apportioned equally between the 52 weeks in the academic year; or</p> <p>(b) in the case of a loan which is payable in respect of the final academic year of the course or if the course is only of one academic year’s duration, in respect of that year the loan shall be apportioned equally between the weeks in the period beginning with the start of the final academic year, or as the case may be, the single academic year and ending with the last day of the course,</p> <p>and, in the case of a person to whom paragraph (2A), (2B) or (2C) applies, from the weekly amount so apportioned there shall be disregarded £10.”.</p> <p>As if after paragraph (2) there were inserted the following paragraphs:—</p> <p>“(2A) This paragraph applies to a student whose applicable amount includes any premium specified in Parts II and III of Schedule 2.</p> <p>(2B) This paragraph applies where the claimant is a student to whom paragraph 12 of Schedule 1B to these Regulations applies.</p> <p>(2C) This paragraph applies where the student is a partner of a claimant and the claimant is not also a student.”.</p> <p>As if in paragraph 4(2) after the words “disability premium” the words “or higher pensioner premium” were inserted.</p> <p>As if sub-paragraphs (3), (4), and (7) of paragraph 4 were omitted.</p> <p>As if paragraph 6 were omitted.</p>

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<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
	As if in paragraph 7(1)(19), for the words “none of paragraphs 4 to 6B”, there were substituted the words “neither of paragraphs 4 or 5”.
	As if in paragraph 8(20) the words “part time” were omitted.
	As if there were inserted after paragraph 8 the following paragraph— “ 8A. In a case in which none of paragraphs 4 to 8 applies to the claimant and he is one of a married or unmarried couple and a member of that couple is engaged in employment, £10; but if this paragraph applies to a claimant it shall not apply to his partner except where, and to the extent that, the earnings of the claimant which are disregarded under this paragraph are less than £10.”.
	As if in paragraph 9 for “8” there were substituted “8A”.
	As if paragraphs 10, 13 and 16 were omitted.
Schedule 9	As if in paragraph 15(21) the references to paragraph 37 were omitted in sub paragraph (1); and sub-paragraph (3)(b) were omitted.
	As if in paragraph 16(22) for the words “paragraphs 36 and 37” there were substituted “paragraph 36”.
	As if in paragraph 21(1)(23) the words from “or in the case” to “applies” were omitted.
	As if in paragraph 28(24) the words from “Except” to “return to work)” were omitted.

(19) Amended by S.I. 1993/315, regulation 8 and S.I. 2000/2545, regulation 3 and Schedule, paragraph 2.

(20) Amended by S.I. 2000/2545, regulation 3 and Schedule, paragraph 2.

(21) Amended by S.I. 1993/2119, regulation 23, 1996/462, regulation 8 and 2002/2442, regulation 3.

(22) Amended by S.I. 1995/2792, regulation 2 and 2002/841, regulation 2.

(23) S.I. 2000/636, regulation 3(12).

(24) S.I. 1988/663, regulation 35, 1989/1034, regulation 12, 1992/468, Schedule, paragraph 9 and 2001/3070, article 3(2) and Schedule 1, paragraph (c).

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<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
Schedule 10	<p>As if for sub-paragraph (1) of paragraph 29 the following sub-paragraph was substituted—</p> <p>“(1) Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain payments of housing costs which qualify under paragraph 17(1) (zb) or (zc) of Schedule 3 or for repairs or improvements to the dwelling occupied as the home to the extent that it is used to meet—</p> <p style="padding-left: 40px;">(a) repayments of unsecured loans for the purpose of carrying out repairs and improvements to the dwelling occupied as the home;</p> <p style="padding-left: 40px;">(b) any amount due by way of premiums on that policy.”</p> <p>As if in paragraph 17(25) for the words from “Except” to “payment” there were substituted the words “Any payment”.</p>

PART II

CALCULATION OF REQUIREMENTS

3.—(1) A claimant’s requirements shall be calculated as being the amount referred to in head (a) below less, where applicable, the amount referred to in head (b) below, as follows:—

- (a) the amount which represents the aggregate of—
 - (i) the weekly applicable amount which would apply to the claimant, including that in respect of any other member of the claimant’s family, in connection with a claim for income support as specified by the provisions of regulations 17, 18 and 21 of, and Schedules 2, 3, and 7 to, the Income Support (General) Regulations 1987(26), but subject to the modifications referred to in paragraph 2(b) and (c) and paragraph 4; and
 - (ii) subject to sub paragraph (2), the weekly amount of any council tax which the claimant or the claimant’s partner is liable to pay under Part I or Part II of the Local Government Finance Act 1992(27);
- (b) the amount which represents the aggregate of the weekly amount of any housing benefit and the weekly amount of any council tax benefit to which the claimant or any member

(25) Amended by S.I. 1988/663, regulation 36, 1989/1034, regulation 12 1992/468, Schedule, paragraph 10 and 2001/3070, article 3(2) and paragraph (c) of Schedule 1.

(26) S.I. 1987/1967.

(27) 1992 c. 14.

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of the claimant’s family is entitled under the provisions of Part VII of the Social Security Contributions and Benefits Act 1992(28).

(2) Subject to sub paragraph (3), where a claimant is jointly and severally liable for council tax in respect of a dwelling in which the claimant is resident with one or more other persons, the claimant’s liability in respect of that tax for the purposes of these Regulations shall be the amount of that tax divided by the number of persons who are jointly and severally liable for that tax.

(3) Sub paragraph (2) shall not apply where a claimant is jointly and severally liable for council tax in respect of a dwelling with only the claimant’s partner.

4. The provisions of the Income Support (General) Regulations 1987 specified in column (1) of Table B in this Schedule shall be applied–

- (a) in accordance with the modifications specified in the corresponding entries in column (2); and
- (b) as if the Social Security (Income Support and Claims and Payments) Amendment Regulations 1995(29) and the Income Support (General) Amendment and Transitional Regulations 1995(30) had not been made.

TABLE B

MODIFICATIONS OF PROVISIONS OF THE INCOME SUPPORT (GENERAL) REGULATIONS 1987 FOR THE PURPOSES OF PART II OF THIS SCHEDULE

<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
regulation 3(31)	As if in paragraph (1) the words “or with whom a claimant normally resides” were omitted. As if in paragraph (2B) the words “Subject to paragraph (2C),” were omitted. As if paragraph (2C) were omitted.
regulation 17(32)	As if for the words from “18 to 22A” to “urgent cases)” there were substituted “18 to 21”); and as if sub-paragraphs (bb) and (g) of paragraph (1) were omitted.
regulation 18(33)	As if for the words from “19 to 22” to “urgent cases)” there were substituted “19 and 21”); and as if sub-paragraphs (cc) and (h) of paragraph (1) were omitted.
regulation 21(34)	As if in paragraph (1) the words from “Subject to” to “amounts)” were omitted.

(28) 1992 c. 4; Part VII was amended by the Local Government Finance Act 1992, section 103 and Schedule 9 which replaced references to community charge benefit with reference to council tax benefit.

(29) S.I. 1995/1613.

(30) S.I. 1995/2287.

(31) Paragraph (1) was amended by S.I. 1991/2334, regulation 2 and 1994/3061, regulation 2(2).

(32) The words “18 to 22A” were inserted by S.I. 1996/206, regulation 9.

(33) The number “21” was inserted by S.I. 2001/3767, regulation 2 and Schedule, and “to 22A” were inserted by S.I. 1996/206, regulation 10.

(34) Amended by S.I. 1994/2139, regulation 3.

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<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
Schedule 2	<p>As if in paragraph (3) the definition of “residential accommodation” were omitted.</p> <p>As if paragraphs (3A), (4) and (4A) were omitted.</p> <p>As if in column (1) of the Table in paragraph 1, for heads (b) and (c) of sub-paragraphs (1) and (2) there were substituted the following heads in each of those subparagraphs–</p> <p style="padding-left: 40px;">“(b) less than 18 and in respect of whom an amount is applicable under Schedule 3;</p> <p style="padding-left: 40px;">(c) less than 18 who–</p> <p style="padding-left: 80px;">(i) satisfies the condition in paragraph 11;</p> <p style="padding-left: 80px;">(ii) is undergoing youth training; or</p> <p style="padding-left: 80px;">(iii) is in remunerative work;”.</p> <p>As if in column (1) of the Table in paragraph 1, for sub paragraph (3) there were substituted–</p> <p style="padding-left: 40px;">“(3) Couple–</p> <p style="padding-left: 80px;">(a) except where head (b) applies, where both members are aged less than 18;</p> <p style="padding-left: 80px;">(b) where both members are aged less than 18 and–</p> <p style="padding-left: 120px;">(i) at least one of them is undergoing youth training;</p> <p style="padding-left: 120px;">(ii) at least one of them is in remunerative work;</p> <p style="padding-left: 120px;">(iii) in respect of at least one of them an amount is applicable under paragraph 2;</p> <p style="padding-left: 120px;">(iv) at least one of them satisfies the conditions in paragraph 11; or</p> <p style="padding-left: 120px;">(v) in respect of at least one of them an amount is applicable under Schedule 3;</p>

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<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
	<p>(c) where one member is aged not less than 18; or</p> <p>(d) where both members are aged not less than 18.”.</p> <p>As if in column (2) of the Table in paragraph 1, head (e) were omitted.</p> <p>As if in column (1) of that Table for both sub-paragraphs (1)(c) and (2)(c)(35) there were substituted in each case the following sub paragraph—</p> <p>“(c) less than 18 who—</p> <p>(i) satisfies the condition in paragraph 11;</p> <p>(ii) is undergoing youth training; or</p> <p>(iii) is in remunerative work;”.</p> <p>As if paragraph 1A were omitted.</p> <p>As if in paragraph 2—</p> <p>(a) in sub-paragraph (1) the words “for the relevant period specified in column (1)” were omitted;</p> <p>(b) For column (1) of the table there were substituted—</p> <p>“Persons aged—</p> <p>(a) less than 16 years; or</p> <p>(b) not less than 16 years but less than 19 years.”; and</p> <p>(c) sub-paragraph (2) were omitted.</p> <p>As if paragraph 2A were omitted.</p> <p>As if in paragraph 3—</p> <p>(a) in sub-paragraph (1)(a) the words “to whom the conditions in both sub-paragraphs (2) and (3) apply” were omitted; and</p> <p>(b) sub-paragraphs (2) to (7) were omitted.</p> <p>As if paragraphs 9 and 9A were omitted.</p> <p>As if for paragraph 10 there were substituted—</p> <p>“10.—(1) Where the claimant is a single claimant or a lone parent, the</p>

(35) Paragraphs (1) and (2) were amended by S.I. 1996/206, regulation 23 and Schedule 2.

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<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
	<p>condition is that he is aged not less than 60.</p> <p>(2) Where a claimant has a partner, the condition is that he or his partner is aged not less than 60.”</p> <p>As if for sub-paragraph (b) of paragraph 11 there were substituted—</p> <p>“(b) where the claimant has a partner and both are aged less than 60 and the additional condition specified in paragraph 12 is satisfied by at least one of them;”</p> <p>As if in paragraph 12(1)(a)(i)(36)—</p> <p>(a) for the words “long term incapacity benefit” the first time they appear, there were substituted the words “incapacity benefit, where the claimant or partner has been in receipt of that benefit for at least 28 weeks;”; and</p> <p>(b) the words from “but, in the case” to the end were omitted.</p> <p>As if in paragraph 12(1)(b)(37)—</p> <p>(a) after the words “the claimant” there were inserted the words “or, as the case may be, his partner”; and</p> <p>(b) for sub-head (ii) there were substituted the following sub-head—</p> <p>“(ii) has been so entitled or so incapable for a continuous period of at least 28 weeks;”</p> <p>As if in paragraph 12 sub-paragraphs (1) (c) and (4) were omitted.</p> <p>As if in paragraph 13(2)(a)(ii) and (2)(b) (iii)(38) for the words “normally residing with him or with whom he is normally residing” there were substituted the words “residing with him”.</p> <p>As if in paragraph 15 sub-paragraphs (2) and (2A) were omitted.</p>

(36) Paragraph 12(1)(a)(i) was amended by S.I. 1991/2742, regulation 11, 1994/2139, regulation 30, 1995/482, regulation 16 and 1999/2566, regulation 2(2) and Schedule 2, Part II.

(37) Relevant amending instrument is S.I. 1995/482

(38) Paragraph 13(2)(a)(ii) and (2)(b)(iii) was amended by S.I. 1994/3061, regulation 2(3).

<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
Schedule 3	<p>As if in paragraph 1–</p> <p>(a) in sub-paragraph (1)(b) for the words “paragraphs 15 to 17” there were substituted the words “paragraph 17”;</p> <p>(b) for sub-paragraph (2), the following sub-paragraph were substituted–</p> <p>“(2) In this Schedule “period of study” has the meaning specified in regulation 61 (student interpretation).”; and</p> <p>(c) for sub-paragraph (3) there were substituted–</p> <p>“(3) For the purposes of this Schedule a disabled person is a person–</p> <p>(a) (i) who satisfies a condition specified in paragraph 12(1)(a) or (b) of Schedule 2; and</p> <p>(ii) whose capital does not exceed the capital limit;</p> <p>(b) (i) who is aged 75 or over; and</p> <p>(ii) whose capital does not exceed the capital limit; or</p> <p>(c) in respect of whom a disabled child premium is included in his applicable amount or the applicable amount of a person living with him.”.</p> <p>As if in paragraph 2–</p> <p>(a) in sub-paragraph (1) for head (c) the following head were substituted–</p> <p>“(c) he in practice shares the housing costs with other members of the household where no member of that household who is liable to meet those costs is a close relative of the claimant or his partner and it is reasonable in</p>

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the circumstances that the claimant should be treated as sharing responsibility for those costs.”; and

- (b) sub-paragraph (2) were omitted.

As if in paragraph 3–

- (a) sub-paragraphs (8) to (10) were omitted;
- (b) in sub-paragraph (11)(c)(ix) the words “other than a person to whom sub-paragraph (8) applies” were omitted; and
- (c) in sub-paragraph (12) for the words “not exceeding” there shall be substituted the words “which is not likely to exceed”.

As if for paragraph 4 the following paragraph were substituted–

“Housing costs not met under this Schedule

4. No amount may be met under the provisions of this Schedule where the claimant is in accommodation which is a residential care home or a nursing home except where he is in such accommodation during a temporary absence from the dwelling he occupies as his home and, in so far as they relate to temporary absences, the provisions of paragraph 3(11) and (12) apply to him during that absence.”.

As if paragraphs 6 to 16 were omitted.

As if in paragraph 17–

- (a) in the cross heading for the word “Other” there were substituted the word “Qualifying”;
- (b) in sub-paragraph (1)–
 - (i) the following new heads were inserted immediately before head (a)–

“(za) any periodical payment which a

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	<p>person is liable to make by way of rent in respect of the dwelling he occupies as his home;</p> <p>(zb) payments of interest and capital—</p> <p>(i) of a mortgage or loan secured on the dwelling occupied as the home;</p> <p>(ii) under a hire purchase agreement or other loan to buy the dwelling occupied as the home; and</p> <p>(iii) in respect of a loan taken out to adapt the dwelling occupied as the home for the special needs of a disabled person;</p> <p>(zc) payments in respect of an endowment policy in connection with the purchase of the dwelling occupied as the home;”;</p> <p>and</p> <p>(ii) head (f) were omitted;</p>

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	<p>(c) in sub-paragraph (2)–</p> <p style="padding-left: 20px;">(i) for the words from “Subject to” to “amounts” there shall be substituted the words “Subject to sub-paragraphs (3), (3A) and (3B), the deductions to be made from the weekly amounts in respect of the housing costs specified in heads (za) and (a) to (e) of sub-paragraph (1)”;</p> <p style="padding-left: 20px;">(ii) in head (a) the words from “unless the claimant” to the end of the head shall be omitted; and</p> <p style="padding-left: 20px;">(iii) head (c) shall be omitted;</p> <p>(d) in sub-paragraph (3) at the beginning there shall be inserted the words “Subject to sub-paragraphs (3A) and (3B),”; and</p> <p>(e) after sub-paragraph (3) there shall be inserted the following new sub-paragraphs–</p> <p style="padding-left: 40px;">“(3A) Subject to sub-paragraph (3B), where arrangements are made for the housing costs mentioned in heads (za) and (a) to (e) of sub-paragraph (1) payable in respect of a period of study, to be paid irregularly, or so that–</p> <p style="padding-left: 80px;">(a) no such costs are payable for or collected in the Christmas or Easter vacations within a period of study; or</p> <p style="padding-left: 80px;">(b) the costs in respect of the Christmas or Easter vacations within a period of study vary from those in the rest of that period of study,</p> <p style="padding-left: 40px;">the weekly amount shall be the amount payable in respect of a period of study divided by the number of weeks in that period of study.</p> <p style="padding-left: 40px;">(3B) Where housing costs, to be calculated in accordance with sub-paragraph (3A), are subject to a deduction in accordance with sub-</p>

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	<p>paragraph (2)(a) or (b), as the case may be, the weekly amount of the deduction shall be the proportion of the deduction calculated in accordance with sub-paragraph (2)(a) or (b), as the number of weeks in the period of study, excluding Christmas and Easter vacations, bears to the number of weeks in the period of study.”.</p> <p>As if in paragraph 18, in sub-paragraph (7)–</p> <p>(a) head (e) were omitted; and</p> <p>(b) for head (f) the following head were substituted–</p> <p style="padding-left: 40px;">“(f) to whom paragraph (2B) of regulation 3 (definition of non dependant) would apply;”.</p>
Schedule 7	<p>As if the references in paragraph 1 to sub paragraph (g) of regulation 17(1) and sub paragraph (h) of regulation 18(1)(39) were omitted.</p> <p>As if paragraphs 7, 9(b)(iii), 10A, 10B, 10C, 13 and 17 were omitted.</p> <p>As if after paragraph 10 there were inserted the following paragraph–</p> <p>10ZA. Any amount applicable to the claimant under paragraph 1(1)(a), (b) and (c) of Schedule 4, determined as if he were a single claimant, plus–</p> <p>(a) in respect of each child who is a member of his family, the appropriate amount in respect of him prescribed in paragraph 2(a) or (b) of Schedule 2 or under this Schedule as appropriate; and</p> <p>(b) any amount which would be applicable to the claimant, if he were not temporarily living away from home, under regulation 17(1)(c) or (f) or (d) in so far as it relates to the lone</p>
10ZA. A claimant who is a lone parent who is in a residential care home or nursing home temporarily.	

(39) Regulations 17(1) and 18(1) were amended by S.I. 2002/668, article 16(7) and Schedule 4.

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	parent premium under paragraph 8 of Schedule 2.”.