

SCHEDULE 1

Regulation 3

Disability which puts a person at a disadvantage in getting a job

PART I

1. When standing he cannot keep his balance unless he continually holds onto something.
2. Using any crutches, walking frame, walking stick, prosthesis or similar walking aid which he habitually uses, he cannot walk a continuous distance of 100 metres along level ground without stopping or without suffering severe pain.
3. He can use neither of his hands behind his back as in the process of putting on a jacket or of tucking a shirt into trousers.
4. He can extend neither of his arms in front of him so as to shake hands with another person without difficulty.
5. He can put neither of his hands up to his head without difficulty so as to put on a hat.
6. Due to lack of manual dexterity he cannot pick up with each hand a coin which is not more than 2½ centimetres in diameter.
7. He is not able to use his hands or arms to pick up a full jug of 1 litre capacity and pour from it into a cup without difficulty.
8. He can turn neither of his hands sideways through 180 degrees.
9. He is registered as blind or partially sighted in pursuance of arrangements made under section 1(1) of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978(1).
10. He cannot see to read 16 point print at a distance greater than 20 centimetres, if appropriate, wearing the glasses he normally uses.
11. He cannot hear a telephone ring when he is in the same room as the telephone, if appropriate, using a hearing aid he normally uses.
12. In a quiet room he has difficulty hearing what someone talking in a loud voice at a distance of 2 metres says, if appropriate, using a hearing aid he normally uses.
13. People who know him well have difficulty in understanding what he says.
14. When a person he knows well speaks to him he has difficulty in understanding what that person says.
15. At least once a year during waking hours he is in a coma or has a fit in which he loses consciousness.
16. He has a mental illness for which he receives regular treatment under the supervision of a medically qualified person.
17. Due to mental disability he is often confused or forgetful.
18. He cannot do the simplest addition and subtraction.
19. Due to mental disability he strikes people or damages property or is unable to form normal social relationships.

(1) 1978 c. 53

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20. He cannot normally sustain an 8 hour working day or a 5 day working week due to a medical condition or intermittent or continuous severe pain.

PART II

21. Subject to paragraph 24, there is payable to him—

- (a) the highest or middle rate of the care component of disability living allowance;
- (b) the higher rate of the mobility component of disability living allowance;
- (c) an attendance allowance under section 35 of the principal Act⁽²⁾;
- (d) disablement benefit where the extent of the disablement is assessed at not less than 80 per cent. in accordance with section 57 of, and Schedule 8 to, the principal Act⁽³⁾;
- (e) a war pension in respect of which the degree of disablement is certified at not less than 80 per cent.; and for the purposes of this sub-paragraph “war pension” means a war pension in accordance with section 25(4) of the Social Security Act 1989⁽⁴⁾;
- (f) mobility supplement; or
- (g) a benefit corresponding to a benefit mentioned in sub-paragraphs (a) to (f) under any enactment having effect in Great Britain.

22. Subject to paragraph 24, for one or more of the 56 days immediately preceding the date when the initial claim for disability working allowance was made or treated as made, there was payable to him severe disablement allowance or a corresponding benefit under any enactment having effect in Great Britain.

23. Subject to paragraph 24, he has an invalid carriage or other vehicle provided under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972⁽⁵⁾ or provided by the Secretary of State under section 5(2)(a) of, and Schedule 2 to, the National Health Service Act 1977⁽⁶⁾ or under section 46 of the National Health Service (Scotland) Act 1978⁽⁷⁾.

24. Paragraphs 21 to 23 are subject to the condition that no evidence is before the adjudication officer which gives him reasonable grounds for believing that in respect of an initial claim, none of the paragraphs in Part I or III of this Schedule apply to the claimant and in respect of a repeat claim, none of the paragraphs in Part I apply to the claimant.

PART III

25. As a result of an illness or accident he is undergoing a period of habilitation or rehabilitation.

(2) 1975 c. 15; section 35 was amended by Article 3 of the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I. 5)), paragraph 8 of Schedule 1 to the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)), Article 3 of the Social Security (Northern Ireland) Order 1988 (S.I. 1988/594 (N.I. 2)), paragraph 5 of Schedule 8 to the Social Security (Northern Ireland) Order 1989 (S.I. 1989/1342 (N.I. 13)), Article 3(1) and (2) of the Social Security (Northern Ireland) Order 1990 (S.I. 1990/1511 (N.I. 15)) and Article 4(1) of the Disability Living Allowance and Disability Working Allowance (Northern Ireland) Order 1991

(3) Section 57 was amended by Article 32(2) of the Social Security (Northern Ireland) Order 1982 (S.I. 1982/1084 (N.I. 16)), paragraph 3 of Schedule 3 to the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18)) and paragraph 11 of Schedule 7 to the Social Security (Northern Ireland) Order 1989

(4) 1989 c. 24

(5) S.I. 1972/1265 (N.I. 14)

(6) 1977 c. 49

(7) 1978 c. 29

SCHEDULE 2

Regulations 22(2) and 25(2)

Sums to be disregarded in the calculation of earnings

1. Any earnings derived from employment which are payable in a country outside the United Kingdom where there is a prohibition against the transfer to the United Kingdom of those earnings.
2. Any earnings of a child or young person.
3. Where a payment of earnings is made in a currency other than sterling, any banking charge or commission payable in converting that payment to sterling.

SCHEDULE 3

Regulation 27(2)

Sums to be disregarded in the calculation of income other than earnings

1. Any amount paid by way of tax on income which is taken into account under regulation 27 (calculation of income other than earnings).
2. Any payment in respect of any expenses incurred by a claimant who is—
 - (a) engaged by a charitable or voluntary body; or
 - (b) a volunteer,if he otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under regulation 29(4) (notional income).
3. Any housing benefit or income support.
4. Any mobility allowance or disability living allowance.
5. Any concessionary payment made to compensate for the non-payment of—
 - (a) any payment specified in paragraph 4 or 7; or
 - (b) income support.
6. Any mobility supplement or any payment intended to compensate for the non-payment of such a supplement.
7. Any attendance allowance.
8. Any payment to the claimant as holder of the Victoria Cross or of the George Cross or any analogous payment.
9. Any sum in respect of a course of study attended by a child or young person payable by virtue of regulations made under Article 50, 51 or 55(1) of the Education and Libraries (Northern Ireland) Order 1986⁽⁸⁾ (provisions to assist persons to take advantage of educational facilities).
10. In the case of a student, any sums intended for any expenditure specified in regulation 42(2) (calculation of grant income) necessary as a result of his attendance on his course.
11. In the case of a claimant participating in provision or arrangements for training under sections 2 and 3 of the Disabled Persons (Employment) Act (Northern Ireland) 1945⁽⁹⁾ or section 1(1) of the

⁽⁸⁾ S.I. 1986/594 (N.I. 3)

⁽⁹⁾ 1945 c. 6 (N.I.); sections 2 and 3 were amended by section 1 of the Disabled Persons (Employment) Act (Northern Ireland) 1960 (c. 4 (N.I.)) and Schedule 18 to the Education and Libraries (Northern Ireland) Order 1986

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Employment and Training Act (Northern Ireland) 1950⁽¹⁰⁾, or attending a course at an employment rehabilitation unit established under any of those sections—

- (a) any travelling expenses reimbursed to the claimant;
- (b) any lodging allowance under section 4 of the Disabled Persons (Employment) Act (Northern Ireland) 1945 or section 3(3) of the Employment and Training Act (Northern Ireland) 1950; or
- (c) any training premium under the Employment and Training Act (Northern Ireland) 1950,

but this paragraph, except in so far as it relates to a payment under sub-paragraph (a), (b) or (c), does not apply to any part of any allowance under section 4 of the Disabled Persons (Employment) Act (Northern Ireland) 1945 or section 3(3) of the Employment and Training Act (Northern Ireland) 1950.

12.—(1) Except where sub-paragraph (2) applies and subject to sub-paragraph (3) and paragraphs 29 and 34, £10 of any charitable payment or of any voluntary payment made or due to be made at regular intervals.

(2) Subject to sub-paragraph (3) and paragraph 34, any charitable payment or voluntary payment made or due to be made at regular intervals which is intended and used for an item other than food, ordinary clothing or footwear, household fuel or housing costs of any member of the family.

(3) Sub-paragraphs (1) and (2) shall not apply to a maintenance payment which is made or due to be made by—

- (a) a former partner of the claimant, or former partner of any member of the claimant's family; or
- (b) the parent of a child or young person where that child or young person is a member of the claimant's family.

(4) For the purposes of sub-paragraph (1), where a number of charitable or voluntary payments fall to be taken into account in any week they shall be aggregated and treated as though they were one such payment.

(5) For the purposes of sub-paragraph (2), “ordinary clothing or footwear” means clothing or footwear for normal daily use, but does not include school uniforms, or clothing or footwear used solely for sporting activities.

13.—(1) Where the claimant or his partner is treated as responsible for a child or young person by virtue of regulation 9 (circumstances in which a person is to be treated as responsible or not responsible for another), £15 of any payment of maintenance, whether under a court order or not, which is made or due to be made by—

- (a) the claimant's former partner, or the claimant's partner's former partner; or
- (b) the parent of a child or young person where that child or young person is a member of the claimant's family except where that parent is the claimant or the claimant's partner.

(2) For the purposes of sub-paragraph (1), where more than one maintenance payment falls to be taken into account in any week, all such payments shall be aggregated and treated as if they were a single payment.

14. Subject to paragraph 29, £10 of any of the following—

- (a) a war disablement pension or war widow's pension or a payment made to compensate for the non-payment of such a pension;

⁽¹⁰⁾ 1950 c. 29 (N.I.); section 1 was amended by Article 3 of the Employment and Training (Amendment) (Northern Ireland) Order 1988 (S.I. 1988/1087 (N.I. 10)) and by Article 5 of the Industrial Training (Northern Ireland) Order 1990 (S.I. 1990/1200 (N.I. 8))

- (b) a pension paid by the government of a country outside the United Kingdom which is either—
 - (i) analogous to a war disablement pension, or
 - (ii) analogous to a war widow's pension; or
- (c) a pension paid under any special provision made by the law of the Federal Republic of Germany or any part of it, or of the Republic of Austria, to victims of National Socialist persecution.

15. Any child benefit under Part II of the Child Benefit (Northern Ireland) Order 1975⁽¹¹⁾.

16.—(1) Any income derived from capital to which the claimant is, or is treated under regulation 39 (capital jointly held) as, beneficially entitled but, subject to sub-paragraphs (2) and (3), not income derived from capital disregarded under paragraph 1, 2, 4, 6, 13 or 26 to 30 of Schedule 4.

(2) Income derived from capital disregarded under paragraph 2, 4 or 26 to 30 of Schedule 4 but, subject to sub-paragraph (3), only to the extent of any mortgage repayments and payments of rates made in respect of the premises or land in the period during which that income accrued.

(3) Where income is derived from conacre or agistment letting any expenses reasonably incurred therein including the repayment of interest and capital on any loan used for the purchase of land under the Northern Ireland Land Act 1925⁽¹²⁾.

17. Where a person receives income under an annuity purchased with a loan which satisfies the following conditions—

- (a) that the loan was made as part of a scheme under which not less than 90 per cent. of the proceeds of the loan were applied to the purchase by the person to whom it was made of an annuity ending with his life or with the life of the survivor of two or more persons (in this paragraph referred to as “the annuitants”) who include the person to whom the loan was made;
- (b) that the interest on the loan is payable by the person to whom it was made or by one of the annuitants;
- (c) that at the time the loan was made the person to whom it was made or each of the annuitants had attained the age of 65;
- (d) that the loan was secured on a dwelling in Northern Ireland and the person to whom the loan was made or one of the annuitants owns an estate or interest in that dwelling; and
- (e) that the person to whom the loan was made or one of the annuitants occupies the dwelling on which it was secured as his home at the time the interest is paid,

the amount, calculated on a weekly basis equal to—

- (i) where, or insofar as, section 26 of the Finance Act 1982⁽¹³⁾ (deduction of tax from certain loan interest) applies to the payments of interest on the loan, the interest which is payable after deduction of a sum equal to income tax on such payments at the basic rate for the year of assessment in which the payment of interest becomes due, and
- (ii) in any other case the interest which is payable on the loan without deduction of such a sum.

⁽¹¹⁾ S.I. 1975/1504 (N.I. 16)

⁽¹²⁾ 1925 c. 34

⁽¹³⁾ 1982 c. 39

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18. Any payment made to the claimant by a person who normally resides with the claimant as a contribution towards his living and accommodation costs except a payment to which paragraph 19 or 39 or regulation 24(2) (earnings of self-employed earners) applies.

19. Where the claimant occupies a dwelling as his home which is also occupied by a person other than one to whom paragraph 18 refers or one who is provided with board and lodging accommodation and that person is contractually liable to make payments in respect of his occupation of the dwelling to the claimant—

- (a) £4 of any payment made by that person; and
- (b) a further £8.60, where that payment is inclusive of an amount for heating.

20. Any income in kind.

21. Any income which is payable in a country outside the United Kingdom where there is a prohibition against the transfer to the United Kingdom of that income.

22.—(1) Any payment made to the claimant in respect of a child or young person who is a member of his family—

- (a) in accordance with a scheme approved by the Department under Article 59(4) of the Adoption (Northern Ireland) Order 1987⁽¹⁴⁾ (schemes for payments of allowances to adopters);
- (b) in accordance with a scheme approved by the Secretary of State under section 57A of the Adoption Act 1976⁽¹⁵⁾ (permitted allowances) or, as the case may be, section 51(5) of the Adoption (Scotland) Act 1978⁽¹⁶⁾ (schemes for payments of allowances to adopters); or
- (c) which is a payment made by a local authority in pursuance of paragraph 15(1) of Schedule 1 to the Children Act 1989⁽¹⁷⁾ (local authority contribution to child's maintenance),

to the extent specified in sub-paragraph (2).

(2) In the case of a child or young person—

- (a) to whom regulation 30 applies (modifications in respect of children and young persons), the whole payment; or
- (b) to whom that regulation does not apply, so much of the weekly amount of the payment as exceeds the allowance in respect of that child or young person under Schedule 5.

23. Any payment made by a Health and Social Services Board or training school within the meaning of section 137 of the Children and Young Persons Act (Northern Ireland) 1968⁽¹⁸⁾ (approval of schools) to the claimant with whom a person is boarded out by virtue of arrangements made under section 114(1)(a) of that Act or by a voluntary organisation under section 129(1) of that Act.

24. Any payment made by a Health and Social Services Board, training school or voluntary organisation to the claimant in respect of a person who is not normally a member of the claimant's household but is temporarily in his care.

⁽¹⁴⁾ S.I. 1987/2203 (N.I. 22)

⁽¹⁵⁾ 1976 c. 36; section 57A was inserted by paragraph 25 of Schedule 10 to the Children Act 1989 (c. 41)

⁽¹⁶⁾ 1978 c. 28

⁽¹⁷⁾ 1989 c. 41

⁽¹⁸⁾ 1968 c. 34 (N.I.); section 137 was amended by Schedule 18 to the Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972/1265 (N.I. 14))

25. Any payment made by a Health and Social Services Board under section 122, 123 or 164 of the Children and Young Persons Act (Northern Ireland) 1968⁽¹⁹⁾ (Health and Social Services Boards' duty to promote the welfare of children or powers to grant financial assistance to persons in, or formally in, their care).

26. Any payment of income which under regulation 34 (income treated as capital) is to be treated as capital.

27. Any statutory maternity pay under Part VI of the Order or maternity allowance under section 22 of the principal Act.

28. Any payment under paragraph 2 of Schedule 6 to the Order.

29. The total of a claimant's income or, if he is a member of a family, the family's income and the income of any person which he is treated as possessing under regulation 12(2) (calculation of income and capital of members of claimant's family and of a polygamous marriage) to be disregarded under regulation 43(2)(b) (calculation of covenant income where a contribution is assessed), regulation 44(1)(c) (calculation of covenant income where no grant income or no contribution is assessed), regulation 47(2) (treatment of student loans) and paragraphs 12(1) and 14, shall in no case exceed £10 per week.

30. Any payment made under the legislation of, or under any scheme operating in, the Republic of Ireland which is analogous to any income to which this Schedule relates.

31. Where a payment of income is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.

32. Any statutory maternity pay under Part V of the Social Security Act 1986⁽²⁰⁾ or maternity allowance under section 22 of the Social Security Act 1975⁽²¹⁾.

33. Any payment in respect of expenses to which regulation 21(2) (earnings of employed earners) applies.

34.—(1) Any payment made under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust ("the Trusts"), or the Independent Living Fund.

(2) Any payment by or on behalf of a person who suffered or is suffering from haemophilia, or by or on behalf of his partner or former partner from whom he is not or, where either that person or his former partner has died, was not estranged or divorced, which derives from a payment under any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

- (a) that person or that person's partner or former partner to whom this sub-paragraph refers;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the claimant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the claimant's family.

(3) Any payment by a person who is suffering from haemophilia, which derives from a payment under any of the Trusts to which sub-paragraph (1) refers, where—

- (a) that person has no partner or former partner from whom he is not estranged or divorced, nor any child or young person who is or had been a member of that person's family; and
- (b) the payment is made either—

⁽¹⁹⁾ Sections 122 and 164 were amended by Schedule 18 to the Health and Personal Social Services (Northern Ireland) Order 1972; by virtue of Article 17(1)(c) of that Order the functions under sections 122, 123 and 164 are exercised by Health and Social Services Boards

⁽²⁰⁾ 1986 c. 50

⁽²¹⁾ 1975 c. 14

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- (i) to that person's parent or step-parent, or
 - (ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian,
- but only for a period from the date of the payment until the end of 2 years from that person's death.
- (4) Any payment out of the estate of a person who suffered from haemophilia, which derives from a payment under any of the Trusts to which sub-paragraph (1) refers, where—
- (a) that person at the date of his death ("the relevant date") had no partner or former partner from whom he was not estranged or divorced, nor any child or young person who was or had been a member of his family; and
 - (b) the payment is made either—
 - (i) to that person's parent or step-parent, or
 - (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,
- but only for a period of 2 years from the relevant date.
- (5) In the case of a person to whom or for whose benefit a payment under sub-paragraph (1), (2), (3) or (4) is made, any income which derives from any payment of income or capital made under or deriving from any of the Trusts.
35. Any payment made under arrangements made by the Department to compensate for the loss (in whole or in part) of entitlement to housing benefit.
36. Any payment made by the Department to compensate a person who was entitled to supplementary benefit in respect of a period ending immediately before 11th April 1988 but who did not become entitled to income support in respect of a period beginning with and including that day.
37. Any payment made under arrangements made by the Department to compensate for the loss of housing benefit supplement under regulation 19A of the Supplementary Benefit (Requirements) Regulations (Northern Ireland) 1983⁽²²⁾.
38. Any payment made to a juror or witness in respect of attendance at court other than compensation for loss of earnings or for the loss of a benefit payable under the benefit Acts.
39. Where the claimant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation—
- (a) £20.00 of any payment for that accommodation made by the person to whom it is provided; and
 - (b) where any such payment exceeds £20.00, 50 per cent. of the excess.
40. Any community charge benefit.
41. Any payment in consequence of a reduction of a personal community charge pursuant to regulations under section 13A of the Local Government Finance Act 1988⁽²³⁾ or section 9A of the Abolition of Domestic Rates Etc. (Scotland) Act 1987⁽²⁴⁾ (reduced liability for personal community charge).
42. Any special war widow's payment made under—

⁽²²⁾ S.R. 1983 No. 61; relevant amending regulations are S.R. 1983 No. 291, S.R. 1984 No. 79 and S.R. 1986 No. 236

⁽²³⁾ 1988 c. 41; section 13A was inserted by paragraph 5 of Schedule 5 to the Local Government and Housing Act 1989 (c. 42)

⁽²⁴⁾ 1987 c. 47; section 9A was inserted by section 143 of the Local Government and Housing Act 1989

- (a) the Naval and Marine Pay and Pensions (Special War Widows Payment) Order 1990 made under section 3 of the Naval and Marine Pay and Pensions Act 1865(25);
- (b) the Royal Warrant dated 19th February 1990 amending the Schedule to the Army Pensions Warrant 1977(26);
- (c) the Queen's Order dated 26th February 1990 made under section 2 of the Air Force (Constitution) Act 1917(27);
- (d) the Home Guard War Widows Special Payments Regulations 1990 made under section 151 of the Reserve Forces Act 1980(28); or
- (e) the Orders dated 19th February 1990 amending Orders made on 12th December 1980 concerning the Ulster Defence Regiment made in each case under section 140 of the Reserve Forces Act 1980(29),

and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under the provisions mentioned in sub-paragraphs (a) to (e).

43.—(1) Any payment or repayment made under regulation 3 (entitlement to full remission and payment), regulation 5 (persons entitled to remission in part or payment in part) or regulation 8 (repayment) of the Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 1989(30).

(2) Any payment or repayment made by the Department which is analogous to a payment or repayment mentioned in sub-paragraph (1).

44. Any payment made under regulation 8 (failure to receive milk tokens), regulation 9 (inability to purchase dried milk at a reduced price), regulation 10 (inability to obtain free vitamins) or regulation 12 (absence of beneficiary for less than a week) of the Welfare Foods Regulations (Northern Ireland) 1988(31).

45. Any payment made under a scheme established by the Northern Ireland Office to assist relatives and other persons to visit persons in custody.

46. Any payment made by the Department of Economic Development under the Disabled Persons (Employment) Act (Northern Ireland) 1945 or in accordance with provision or arrangements under section 1 of the Employment and Training Act (Northern Ireland) 1950 to assist disabled persons to obtain or retain employment despite their disability.

47. Any family credit.

SCHEDULE 4

Regulation 32(2)

Capital to be disregarded

1. The dwelling including any garage, garden and outbuildings normally occupied by the claimant as his home, together with any agricultural land adjoining that dwelling and any land not adjoining that dwelling which it is impracticable or unreasonable to sell separately but,

(25) 1865 c. 73. Copies of the order are available from Ministry of Defence, NPC2, Room 317, Archway Block South, Old Admiralty Building, Spring Gardens, London, SW1A 2BE

(26) Army Code No. 13045 published by HMSO

(27) 1917 c. 51. Queen's Regulations for the Royal Air Force are available from HMSO

(28) 1980 c. 9. Copies of the regulations are available from Ministry of Defence, NPC2, Room 317, Archway Block South, Old Admiralty Buildings, Spring Gardens, London, SW1A 2BE

(29) Army Code No. 60589 published by HMSO

(30) S.R. 1989 No. 348; relevant amending regulations are S.R. 1990 No. 313 and S.R. 1991 No. 224

(31) S.R. 1988 No. 137; relevant amending regulations are S.R. 1991 No. 81

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notwithstanding regulation 12 (calculation of income and capital of members of claimant's family and of a polygamous marriage), only one dwelling shall be disregarded under this paragraph.

2. Any premises or land acquired for occupation by the claimant as his home which he intends to occupy within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the claimant to obtain possession and commence occupation of the premises or land.

3. Any sum directly attributable to the proceeds of sale of any premises which formerly comprised the dwelling occupied as the home and which is to be used for the purchase of other premises or land intended for such occupation within 26 weeks of the date of sale or such longer period as is reasonable in the circumstances to enable the claimant to complete the purchase.

4. Any premises occupied in whole or in part as the home by a partner or relative (that is to say any close relative, grandparent, grandchild, uncle, aunt, nephew or niece) of any member of the family, where that person is aged 60 or over or has been incapacitated for a continuous period of at least 13 weeks immediately preceding the date of the claim.

5. Any reversionary interest.

6.—(1) The assets of any business owned in whole or in part by the claimant and for the purposes of which he is engaged as a self-employed earner or, if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of any such asset.

(2) The assets of any business owned in whole or in part by the claimant where—

- (a) he has ceased to be engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; and
- (b) he intends to become re-engaged as a self-employed earner in that business as soon as he recovers or is able to be re-engaged in that business,

for a period of 26 weeks from the date on which the claimant last ceased to be engaged in that business, or, if it is unreasonable to expect him to become re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so re-engaged.

7. Any sum attributable to the proceeds of sale of any asset of such a business which is re-invested or to be re-invested in the business within 13 weeks of the date of sale or such longer period as may be reasonable to allow for the re-investment.

8. Any arrears of, or any concessionary payment made to compensate for arrears due to non-payment of—

- (a) any payment specified in paragraph 4, 6 or 7 of Schedule 3; or
- (b) an income-related benefit or family income supplement under the Family Income Supplements Act (Northern Ireland) 1971⁽³²⁾, supplementary benefit under the Supplementary Benefits (Northern Ireland) Order 1977⁽³³⁾ or housing benefit under the Housing Benefits (Northern Ireland) Order 1983⁽³⁴⁾,

but only for a period of 52 weeks from the date of the receipt of the arrears or of the concessionary payment.

9. Any sum—

⁽³²⁾ 1971 c. 8 (N.I.); repealed with effect from 11th April 1988 by Schedule 10 to the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18))

⁽³³⁾ S.I. 1977/2156 (N.I. 27); repealed in part with effect from 11th April 1988 by Schedule 10 to the Social Security (Northern Ireland) Order 1986

⁽³⁴⁾ S.I. 1983/1121 (N.I. 14); repealed with effect from 11th April 1988 by Schedule 10 to the Social Security (Northern Ireland) Order 1986

- (a) paid to the claimant in consequence of damage to, or loss of, the home or any personal possession and intended for its repair or replacement; or
- (b) acquired by the claimant (whether as a loan or otherwise) on the express condition that it is to be used for effecting essential repairs or improvements to the home,

which is to be used for the intended purpose, for a period of 26 weeks from the date on which it was so paid or acquired or such longer period as is reasonable in the circumstances to enable the claimant to effect the repairs, replacement or improvements.

10. Any sum—

- (a) deposited with a housing association as defined in Article 114 of the Housing (Northern Ireland) Order 1981⁽³⁵⁾ (interpretation) as a condition of occupying the home; or
- (b) which was so deposited and which is to be used for the purchase of another home, for the period of 26 weeks or such longer period as is reasonable in the circumstances to complete the purchase.

11. Any personal possessions except those which have been acquired by the claimant with the intention of reducing his capital in order to secure entitlement to disability working allowance or to increase the amount of that benefit.

12. The value of the right to receive any income under an annuity and the surrender value (if any) of such an annuity.

13. Where the funds of a trust are derived from a payment made in consequence of any personal injury to the claimant, the value of the trust fund and the value of the right to receive any payment under that trust.

14. The value of the right to receive any income under a life interest.

15. The value of the right to receive any income which is disregarded under paragraph 1 of Schedule 2 or paragraph 21 of Schedule 3.

16. The surrender value of any policy of life insurance.

17. Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.

18. Any payment made by a Health and Social Services Board under section 122, 123 or 164 of the Children and Young Persons Act (Northern Ireland) 1968.

19. Any social fund payment under Part IV of the Order.

20. Any refund of tax which falls to be deducted under section 26 of the Finance Act 1982 (deductions of tax from certain loan interest) on a payment of relevant loan interest for the purpose of acquiring an interest in the home or carrying out repairs or improvements to the home.

21. Any capital which by virtue of regulation 28 (capital treated as income) or 47 (treatment of student loans) is to be treated as income.

22. Where a payment of capital is made in a currency other than sterling, any banking charge or commission payable in converting that payment to sterling.

23.—(1) Any payment made under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust (“the Trusts”) or the Independent Living Fund.

⁽³⁵⁾ [S.I. 1981/156 \(N.I. 3\)](#); the definition of “housing association” was amended by Part I of Schedule 1 to the Companies Consolidation (Consequential Provisions) (Northern Ireland) Order 1986 ([S.I. 1986/1035 \(N.I. 9\)](#))

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(2) Any payment by or on behalf of a person who suffered or is suffering from haemophilia, or by or on behalf of his partner or former partner from whom he is not or, where either that person or his former partner has died, was not estranged or divorced, which derives from a payment under any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

- (a) that person or that person's partner or former partner to whom this sub-paragraph refers;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the claimant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the claimant's family.

(3) Any payment by a person who is suffering from haemophilia, which derives from a payment under any of the Trusts to which sub-paragraph (1) refers, where—

- (a) that person has no partner or former partner from whom he is not estranged or divorced, nor any child or young person who is or had been a member of that person's family; and
- (b) the payment is made either—
 - (i) to that person's parent or step-parent, or
 - (ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian,

but only for a period from the date of the payment until the end of 2 years from that person's death.

(4) Any payment out of the estate of a person who suffered from haemophilia, which derives from a payment under any of the Trusts to which sub-paragraph (1) refers, where—

- (a) that person at the date of his death ("the relevant date") had no partner or former partner from whom he was not estranged or divorced, nor any child or young person who was or had been a member of his family; and
- (b) the payment is made either—
 - (i) to that person's parent or step-parent, or
 - (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,

but only for a period of 2 years from the relevant date.

(5) In the case of a person to whom or for whose benefit a payment under sub-paragraph (1), (2), (3) or (4) is made, any capital resource which derives from any payment of income or capital made under or deriving from any of the Trusts.

24. The value of the right to receive an occupational or personal pension.

25. The value of the right to receive any rent.

26.—(1) Where a claimant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling.

(2) In this paragraph "dwelling" includes any garage, garden and outbuildings which were formerly occupied by the claimant as his home and any premises not so occupied which it is impracticable or unreasonable to sell separately.

27. Any premises or land where the claimant is taking reasonable steps to dispose of those premises or that land, for a period of 26 weeks from the date on which he first took such steps, or

such longer period as is reasonable in the circumstances to enable him to dispose of those premises or that land.

28. Any premises which the claimant intends to occupy as his home, and in respect of which he is taking steps to obtain possession and has sought legal advice, or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which he first sought such advice or first commenced such proceedings, whichever is the earlier, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.

29. Any premises which the claimant intends to occupy as his home, to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the claimant first takes steps to effect those repairs or alterations, or such longer period as is reasonable in the circumstances to enable those repairs or alterations to be carried out and the claimant to commence occupation of the premises.

30. Any premises occupied in whole or in part by the former partner of a claimant as his home; but this provision shall not apply where the former partner is a person from whom the claimant is estranged or divorced.

31. Any payment in kind made by a charity or under the Macfarlane (Special Payments) Trust or the Macfarlane (Special Payments) (No. 2) Trust.

32. Any payment not exceeding £200 made under section 4 of the Disabled Persons (Employment) Act (Northern Ireland) 1945(36) or section 1 of the Employment and Training Act (Northern Ireland) 1950(37) as a training bonus to a person participating in provision or arrangements for training under either of those Acts but only for a period of 52 weeks from the date of the receipt of that payment.

33. Any payment made under arrangements made by the Department to compensate for the loss (in whole or in part) of entitlement to housing benefit.

34. Any payment made by the Department to compensate a person who was entitled to supplementary benefit in respect of a period ending immediately before 11th April 1988 but who did not become entitled to income support in respect of a period beginning with and including that day.

35. Any payment made under arrangements made by the Department to compensate for the loss of housing benefit supplement under regulation 19A of the Supplementary Benefit (Requirements) Regulations (Northern Ireland) 1983.

36. Any payment made to a juror or witness in respect of attendance at court other than compensation for loss of earnings or for the loss of a benefit payable under the benefit Acts.

37. Any payment in consequence of a reduction of a personal community charge pursuant to regulations under section 13A of the Local Government Finance Act 1988 or section 9A of the Abolition of Domestic Rates Etc. (Scotland) Act 1987 (reduced liability for personal community charge) but only for a period of 52 weeks from the date of receipt of the payment.

38. Any grant made in Great Britain to the claimant in accordance with a scheme made under section 129 of the Housing Act 1988(38) or section 66 of the Housing (Scotland) Act 1988(39) (schemes for payments to assist local housing authority and local authority tenants to obtain other accommodation) which is to be used—

(36) 1945 c. 6 (N.I.)

(37) 1950 c. 29 (N.I.); section 1 was amended by Article 3 of the Employment and Training (Amendment) (Northern Ireland) Order 1988 (S.I. 1988/1087 (N.I. 10)) and by Article 5 of the Industrial Training (Northern Ireland) Order 1990 (S.I. 1990/1200 (N.I. 8))

(38) 1988 c. 50

(39) 1988 c. 43

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- (a) to purchase premises intended for occupation as his home; or
- (b) to carry out repairs or alterations which are required to render premises fit for occupation as his home,

for a period of 26 weeks from the date on which he received such a grant or such longer period as is reasonable in the circumstances to enable the purchase, repairs or alterations to be completed and the claimant to commence occupation of those premises as his home.

39.—(1) Any payment or repayment made under regulation 3, 5 or 8 of the Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 1989, but only for a period of 52 weeks from the date of receipt of the payment or repayment.

(2) Any payment or repayment made by the Department which is analogous to a payment or repayment mentioned in sub-paragraph (1), but only for a period of 52 weeks from the date of receipt of the payment or repayment.

40. Any payment made under regulation 8, 9, 10 or 12 of the Welfare Foods Regulations (Northern Ireland) 1988, but only for a period of 52 weeks from the date of receipt of the payment.

41. Any payment made under a scheme established by the Northern Ireland Office to assist relatives and other persons to visit persons in custody, but only for a period of 52 weeks from the date of receipt of the payment.

42. Any arrears of special war widow’s payment which is disregarded under paragraph 42 of Schedule 3, but only for a period of 52 weeks from the date of receipt of the arrears.

43. Any payment made by the Department of Economic Development under the Disabled Persons (Employment) Act (Northern Ireland) 1945 or in accordance with provision or arrangements under section 1 of the Employment and Training Act (Northern Ireland) 1950, to assist disabled persons to obtain or retain employment despite their disability.

SCHEDULE 5

Regulation 51

Determination of appropriate maximum disability working allowance: claimant, child and young person allowance

(1) Claimant, child or young person	(2) Amount of allowance
1. Single claimant.	1. £42.40.
2. Claimant who is a member of a married or unmarried couple, or is a lone parent.	2. £58.80.
3. Child—	(a) (a) £10.40;
(a) aged less than 11 years;	(b) £17.25.
(b) aged not less than 11 but less than 16 years.	
4. Young person—	(a) (a) £21.45;
(a) aged not less than 16 but less than 18 years;	(b) £29.90.
(b) aged not less than 18 but less than 19 years.	

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