

SCHEDULE 1

Regulations 15 and 16 Regulations 15(a) and (b) and 16(a) to (c)

APPLICABLE AMOUNTS

PART I

PERSONAL ALLOWANCES

1. The amounts specified in column (2) below in respect of each person or couple specified in column (1) shall be the amounts specified for the purposes of regulations 15(a) and 16(a) and (b) –

Column (1) <i>Person or couple</i>	Column (2) <i>Amount</i>
(1) Single person aged	(1)
(a) (a) less than 25	(a) (a) £43.25;
(b) (b) not less than 25	(b) (b) £54.65;
(2) Lone parent aged-	(2)
(a) (a) less than 18	(a) (a) £43.25;
(b) (b) not less than 18	(b) (b) £54.65;
(3) Couple –	(3)
(a) (a) where both members are aged less than 18	(a) (a) £65.30;
(b) (b) where at least one member is aged not less than 18	(b) (b) £85.75.

2. The amounts specified in column (2) below in respect of each person specified in column (1) shall, for the relevant period specified in column (1), be the amounts specified for the purposes of regulations 15(b) and 16(c) –

Column (1) <i>Child or Young Person</i>	Column (2) <i>Amount</i>
Person in respect of the period –	
(a) (a) beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday	(a) (a) £38.50;
(b) (b) beginning on the first Monday in September following that person's sixteenth birthday and ending on the day preceding that person's nineteenth birthday	(b) (b) £38.50.

Regulations 15(c) and 16(d)

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PART II

FAMILY PREMIUM

3.—(1) Subject to sub-paragraph (2), the amount for the purposes of regulations 15(c) and 16(d) shall be £15·75.

(2) Where the relevant person was a lone parent throughout the period starting on 5th April 1998 and ending on the date on which the application is made, and no premium is applicable under paragraph 7, 8, or 11, the amount for those purposes shall be £22·20.

(3) The amounts specified in sub-paragraphs (1) and (2) shall be increased by £10·45 where at least one child is under the age of one year and, for the purposes of this paragraph, where that child's first birthday does not fall on a Monday he shall be treated as being under the age of one year until the first Monday after his first birthday.
Regulations 15(d) and 16(e)

PART III

PREMIUMS

4. Except as provided in paragraph 5, the premiums specified in Part IV shall for the purposes of regulations 15(d) and 16(e) be applicable to a relevant person who satisfies the condition specified in paragraphs 7 to 16 in respect of that premium.

5. Subject to paragraph 6, where a relevant person satisfies the condition in this Part in respect of more than one premium, only one premium shall be applicable to him and, if they are different amounts, the higher or highest amount shall apply.

6.—(1) Subject to sub-paragraph (2), the following premiums, namely –

- (a) a severe disability premium to which paragraph 13 applies;
- (b) an enhanced disability premium to which paragraph 14 applies;
- (c) a disabled child premium to which paragraph 15 applies; and
- (d) a carer premium to which paragraph 16 applies,

may be applicable in addition to any other premium which may apply under this Schedule.

(2) An enhanced disability premium in respect of a person shall not be applicable in addition to –

- (a) a pensioner premium to which paragraph 7 or 8 applies; or
- (b) a higher pensioner premium to which paragraph 9 applies.

Pensioner premium for persons under 75

7. The condition is that the relevant person –

- (a) is a single person or lone parent aged not less than 60 but less than 75; or
- (b) has a partner and is, or his partner is, aged not less than 60 but less than 75.

Pensioner premium for persons 75 and over

8. The condition is that the relevant person –

- (a) is a single person or lone parent aged not less than 75 but less than 80; or
- (b) has a partner and is, or his partner is, aged not less than 75 but less than 80.

Higher pensioner premium

- 9.—(1) Where the relevant person is a single person or a lone parent, the condition is that –
- (a) he is aged not less than 80; or
 - (b) he is aged less than 80 but not less than 60, and the additional condition specified in paragraph 12(1)(a) is satisfied.
- (2) Where the relevant person has a partner, the condition is that –
- (a) he or his partner is aged not less than 80; or
 - (b) he or his partner is aged less than 80 but not less than 60 and the additional condition specified in paragraph 12(1)(a) is satisfied.

Bereavement Premium

10. The condition is that the relevant person –
- (a) had, as at 9th April 2001, attained the age of 55 but not the age of 60;
 - (b) was in receipt of, but is no longer entitled to, a bereavement allowance under section 39B(1) of the 1992 Act in respect of the death of a spouse who died on or after 9th April 2001; and
 - (c) is a single person or a lone parent.

Disability premium

11. The condition is that –
- (a) where the relevant person is a single person or a lone parent, he is aged less than 60 and the additional condition specified in paragraph 12 is satisfied; or
 - (b) where the relevant person has a partner, either
 - (i) the relevant person is aged less than 60 and the additional condition specified in paragraph 12 (1)(a) or (b) is satisfied by him, or
 - (ii) his partner is aged less than 60 and the additional condition specified in paragraph 12(1)(a) is satisfied by his partner.

Additional condition for the higher pensioner and disability premiums

- 12.—(1) Subject to sub-paragraph (2) and paragraphs 17 and 18, the additional condition referred to in paragraphs 9 and 10 is that either –
- (a) the relevant person, or as the case may be, his partner –
 - (i) is in receipt of one or more of the following benefits: attendance allowance, disability living allowance, the disability element or the severe disability element of working tax credit as specified in regulation 20(1)(b) and (f) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002(2), mobility supplement, long-term incapacity benefit under Part III of the 1992 Act or severe disablement allowance under Part II of that Act but in the case of long-term incapacity benefit or severe disablement allowance only where it is paid in respect of him, or
 - (ii) was in receipt of long-term incapacity benefit under Part II of the 1992 Act when entitlement to that benefit ceased on account of the payment of a retirement pension

(1) Section 39B was inserted by the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11))

(2) S.I. 2002/2005

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under that Act and, if the invalidity pension was payable to his partner, the partner is still a member of the family, or

- (iii) was in receipt of attendance allowance or disability living allowance but payment of benefit has been suspended in accordance with regulations made under section 113(2) of the 1992 Act, or otherwise abated as a consequence of the relevant person or his partner being a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(2) of the Social Security (Hospital In-Patients) Regulations (Northern Ireland) 1975(3), or
- (iv) is provided by the Department of Health, Social Services and Public Safety with an invalid carriage or other vehicle under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972(4) or receives payments by way of grant from the Department of Health, Social Services and Public Safety under Article 30(3) of that Order, or
- (v) has been certified as blind and in consequence is registered as blind in a register maintained by or on behalf of a Health and Social Services Board; or

(b) the relevant person –

- (i) is, or is treated as, incapable of work in accordance with the provisions of, and regulations made under, Part XIII A of the 1992 Act(5) (incapacity for work), and
- (ii) has been incapable, or has been treated as incapable, of work for a continuous period of not less than –
 - (aa) in the case of a relevant person who is terminally ill within the meaning of Section 30B(4) of the 1992 Act(6), 196 days; and
 - (bb) in any other case, 364 days.

(2) For the purposes of sub-paragraph (1)(a)(v), a person who has ceased to be registered as blind on regaining his eyesight shall nevertheless be treated as blind and as satisfying the condition set out in that sub-paragraph for a period of 28 weeks following the date on which he ceased to be so registered.

(3) For the purposes of sub-paragraph (1)(b), once the higher pensioner premium or the disability premium is applicable to a person by virtue of his satisfying the additional condition specified in that provision, if he then ceases, for a period of 8 weeks or less, to be treated as incapable for work or to be incapable of work, he shall, on again becoming so incapable of work, immediately thereafter be treated as satisfying the condition in sub-paragraph (1)(b).

(4) For the purposes of sub-paragraph (1)(b), once the disability premium is applicable to a person by virtue of his satisfying the additional condition specified in that provision, he shall continue to be treated as satisfying that condition for any period spent by him in undertaking a course of training provided under section 3 of the Employment and Training Act (Northern Ireland) 1950(7) or for any period during which he is in receipt of a training allowance.

(5) For the purposes of sub-paragraph (1)(b), where any two or more periods of incapacity are separated by a break of not more than 56 days, those periods shall be treated as one continuous period.

(6) For the purposes of this paragraph, a reference to a person who is or was in receipt of long-term incapacity benefit includes a person who is or was in receipt of short-term incapacity benefit at a

(3) S.R. 1975 No. 109; regulation 2(2) was substituted by regulation 2 of S.R. 1992 No. 453

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

(5) Part XIII A was inserted by Articles 7 and 8(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12))

(6) Section 30B was inserted by Article 4(1) of S.R. 1994/1898 (N.I. 12)

(7) S.I. 1950 c. 29 (N.I.); section 3 was amended by Article 35 and Schedule 4 to the Industrial Training (Northern Ireland) Order 1984 (S.I. 1984/1159 (N.I. 9))

rate equal to the long-term rate by virtue of Section 30B(4)(a) of the 1992 Act (short-term incapacity benefit for a person who is terminally ill), or who would be or would have been in receipt of short-term incapacity benefit at such a rate but for the fact that the rate of short-term incapacity benefit already payable to him is or was equal to or greater than the long-term rate.

Severe disability premium

13.—(1) Subject to paragraphs 17 and 18, the condition is that the relevant person is a severely disabled person.

(2) For the purposes of sub-paragraph (1), a relevant person shall be treated as a severely disabled person if, and only if –

(a) in the case of a single person, a lone parent or a relevant person who is treated as having no partner in consequence of sub-paragraph (3) –

(i) he is in receipt of attendance allowance or the care component of a disability living allowance at the highest or middle rate prescribed in accordance with section 72 of the 1992 Act,

(ii) subject to sub-paragraph (4), he has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing, and

(iii) a carer's allowance is not in payment to anyone in respect of caring for him;

(b) in the case of a relevant person who has a partner –

(i) the relevant person is in receipt of attendance allowance or the care component of a disability living allowance at the highest or middle rate prescribed in accordance with section 72 of the 1992 Act,

(ii) and his partner is also in receipt of such allowance or, if he is a member of a polygamous marriage, all the partners of that marriage are in receipt of such an allowance, and

(iii) subject to sub-paragraph (4), the relevant person has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing, and either a carer's allowance is payable to someone in respect of caring for only one of a couple or, in the case of a polygamous marriage for one or more but not all the partners of the marriage, or else such an allowance is not in payment to anyone in respect of caring for either member of a couple or any partner of a polygamous marriage.

(3) Where a relevant person has a partner who does not satisfy the conditions in sub-paragraph (2)(b)(ii), and that partner is blind or is treated as blind within the meaning of paragraph 12(1)(a)(v) and (2), that partner will be treated for the purposes of sub-paragraph (2) as if he were not a partner of the relevant person.

(4) For the purposes of sub-paragraph (2)(b) a person shall be treated as being in receipt of –

(a) attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act, if he would, but for his being a patient for a period exceeding 28 days, be so in receipt;

(b) a carer's allowance if he would, but for the person for whom he was caring being a patient for a period exceeding 28 days, be so in receipt.

(5) For the purposes of sub-paragraphs (2)(a)(ii) and (2)(b)(iii) no account shall be taken of either

(a) a person receiving attendance allowance or the care component of a disability living allowance at the highest or middle rate prescribed in accordance with section 72 of the 1992 Act, or

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(b) a person who is blind or is treated as blind within the meaning of paragraph 12(1)(a)(v) and (2).

(6) For the purposes of sub-paragraph (2)(a)(iii) and (b), no account shall be taken of an award of carer's allowance to the extent that payment of such an award is back-dated for a period before the date on which the award is made.

Enhanced disability premium

14.—(1) Subject to sub-paragraph (2), the condition is that the care component of disability living allowance is, or would, but for a suspension of benefit in accordance with regulations under section 111(3) of the 1992 Act or but for an abatement as a consequence of hospitalisation, be payable at the highest rate prescribed under section 72(3) of the 1992 Act in respect of –

- (a) the relevant person; or
- (b) a member of the relevant person's family, who is aged less than 60.

(2) An enhanced disability premium shall not be applicable in respect of a child or young person whose capital, if calculated in accordance with Chapter VI of Part IV of these Regulations in like manner as for the relevant person, except as provided in regulation 33(5), would exceed £6,000.

Disabled child premium

15.—(1) Subject to paragraphs 17 and 18, the condition is that a child or young person for whom the relevant person or a partner of his is responsible and who is a member of the relevant person's household –

- (a) has no capital or capital which, if determined in accordance with Chapter VI of Part IV (capital) in like manner as for the relevant person except as provided in regulation 33(5) (modifications in respect of child and young person), would not exceed £6,000; and
- (b) is in receipt of disability living allowance or is no longer in receipt of such allowance because he is a patient, provided that the child or young person continues to be a member of the family; or
- (c) is blind or treated as blind within the meaning of paragraph 12(1)(a)(v) or (2).

(2) In paragraph (1), "patient" means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(2) of the Social Security (Hospital In-Patients) Regulations (Northern Ireland) 1975⁽⁸⁾.

Carer premium

16.—(1) Subject to paragraphs 17 and 18, the condition is that the relevant person or his partner is, or both of them are, in receipt of carer's allowance.

(2) If a relevant person or his partner, or both of them, would be in receipt of carer's allowance but for the provisions of the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979⁽⁹⁾, where –

- (a) the claim for that allowance was made after 31st October 1992, and
- (b) the person or persons in respect of whose care the allowance has been claimed remains or remain in receipt of attendance allowance or the care component of a disability living allowance at the highest or middle rate prescribed in accordance with section 72 of the 1992 Act,

⁽⁸⁾ S.R. 1975 No. 109; regulation 2(2) was substituted by regulation 2 of S.R. 1992 No. 453

⁽⁹⁾ S.R. 1979 No. 242; the relevant amending regulations are S.R. 1980 No. 451, S.R. 1983 No. 36 and S.R. 1984 No. 317

he or his partner, or both of them, as the case may be, shall be treated for the purposes of sub-paragraph (1) as being in receipt of carer’s allowance.

(3) Where the relevant person or his partner ceases to be in receipt of, or ceases to be treated as being in receipt of, carer’s allowance, the condition mentioned in sub-paragraph (1) shall be treated as satisfied for a period of 8 weeks from the date on which he or his partner, as the case may be, was last in receipt of, or was last treated as being in receipt of, carer’s allowance.

Persons in receipt of concessionary payments

17. For the purposes of determining whether a premium is applicable to a person under paragraphs 12 to 16, any concessionary payment made to compensate that person for the non-payment of any benefit mentioned in those paragraphs shall be treated as if it were a payment of that benefit.

Persons in receipt of benefit

18. For the purposes of this Part, a person shall be regarded as being in receipt of any benefit if, and only if, it is paid in respect of him and shall be so regarded only for any period in respect of which that benefit is paid.

PART IV

AMOUNTS OF PREMIUMS SPECIFIED IN PART III

<i>Premium</i>	<i>Amount</i>
19. —	(1)
(1) Pensioner premium for persons aged under 75 –	
(a) (a) where the relevant person satisfies the condition in paragraph 7(a);	(a) (a) £47·45;
(b) (b) where the relevant person satisfies the condition in paragraph 7(b).	(b) (b) £70·05.
(2) Pensioner premium for persons aged 75 and over –	(2)
(a) (a) where the relevant person satisfies the condition in paragraph 8(a);	(a) (a) £47·45;
(b) (b) where the relevant person satisfies the condition in paragraph 8(b).	(b) (b) £70·05.
(3) Higher pensioner premium –	(3)
(a) (a) where the relevant person satisfies the condition in paragraph 9(1)(a) or (b);	(a) (a) £47·45;

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<i>Premium</i>	<i>Amount</i>
(b) (b) where the relevant person satisfies the condition in paragraph 9(2)(a) or (b).	(b) (b) £70·05.
(4) Disability premium –	(4)
(a) (a) where the relevant person satisfies the condition in paragraph 11(a);	(a) (a) £23·30;
(b) (b) where the relevant person satisfies the condition in paragraph 11(b).	(b) (b) £33·25.
(5) Bereavement premium.	(5) £22·80.
(6) Severe disability premium –	(6)
(a) (a) where the relevant person satisfies the condition in paragraph 13(2)(a);	(a) (a) £42·95;
(b) (b) where the relevant person satisfies the condition in paragraph 13(2)(b)-	(b) (b)
(i) in a case where there is someone in receipt of a carer’s allowance or if he or any partner satisfies that condition only by virtue of paragraph 13(4),	(i) £42·95;
(ii) in a case where there is no one in receipt of such an allowance.	(ii) £85·90.
(6) Disabled child premium	(6) £41·30 for each child or young person for whom the condition specified in paragraph 15 is satisfied.
(7) Carer premium	(7) £25·10 for each person who satisfies the condition specified in paragraph 16.
(8) Enhanced disability premium	(a) (8) (a) £16·60 in respect of each child or young person in respect of whom the conditions specified in paragraph 14 are satisfied;
	(b) £11·40 in respect of each person who is neither –
	(i) a child or young person; nor
	(ii) a member of a couple in respect of whom the conditions specified in paragraph 16 are satisfied.
	(c) £16·45 where the relevant person is a member of a couple and the conditions specified in paragraph 16

<i>Premium</i>	<i>Amount</i>
	are satisfied in respect of a member of that couple.

SCHEDULE 2

Regulations 26(2), 28(2) and 33(3)

SUMS TO BE DISREGARDED IN THE DETERMINATION OF EARNINGS

1. In the case of a relevant person who has been engaged in remunerative work as an employed earner or, had the employment been in Northern Ireland, would have been so engaged –

- (a) where –
 - (i) the employment has been terminated because of retirement; and
 - (ii) on retirement he is entitled to a retirement pension under the 1992 Act, or is not so entitled solely because of his failure to satisfy the contribution conditions, any earnings in respect of that employment, but only for a period commencing on the day immediately after the date on which the employment was terminated;
- (b) where before the date of the application the employment has been terminated otherwise than because of retirement, any earnings in respect of that employment except earnings to which regulation 25(1)(b) to (e), (g) and (h) (earnings of employed earners) applies;
- (c) where at the date of application –
 - (i) the employment has not been terminated, but
 - (ii) the relevant person is not engaged in remunerative work, any earnings in respect of that employment except earnings to which regulation 25(1)(d), (e), (i) and (k) and sub-paragraph (j) insofar as it relates to regulation 25(1)(i) applies.

2. In the case of a relevant person who before the date of application –

- (a) has been engaged in part-time employment as an employed earner or, where the employment has been outside Northern Ireland, would have been so engaged had the employment been in Northern Ireland, and
- (b) has ceased to be engaged in that employment, whether or not that employment has been terminated,

any earnings in respect of that employment except –

- (i) where that employment has been terminated, earnings to which regulation 25(1)(e) applies,
- (ii) where that employment has not been terminated, earnings to which regulation 25(1)(e), (i) and (k) and sub-paragraph (j) insofar as it relates to regulation 25(1)(i) applies.

3.—(1) In a case to which this paragraph applies and paragraph 4 does not apply, £15; but notwithstanding regulation 18 (determination of income and capital of members of a relevant person's family and of a polygamous marriage) if this paragraph applies to a relevant person it shall not apply to his partner except where, and to the extent that, the earnings of the relevant person which are to be disregarded under this paragraph are less than £15.

(2) This paragraph applies where the relevant person's applicable amount includes an amount by way of the disability premium or severe disability premium under Schedule 1 (applicable amounts).

(3) This paragraph applies where –

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- (a) the relevant person is a member of a couple and his applicable amount would, but for the higher pensioner premium under Schedule 1 being applicable, include an amount by way of the disability premium under that Schedule; and
 - (b) he or his partner is under the age of 60 and at least one is engaged in employment.
- (4) This paragraph applies where –
- (a) the relevant person’s applicable amount includes an amount by way of the higher pensioner premium under Schedule 1;
 - (b) the relevant person or, if he is a member of a couple, either he or his partner has attained the age of 60;
 - (c) immediately before attaining that age he or, as the case may be, he or his partner was engaged in employment and the relevant person would have been entitled by virtue of sub-paragraph (2) or (3) to a disregard of £15; and
 - (d) he or, if he is a member of a couple, he or his partner has continued in employment.
- (5) This paragraph applies where –
- (a) the relevant person is a member of a couple and his applicable amount would include an amount by way of the disability premium under Schedule 1, but for –
 - (i) the pensioner premium for persons aged 75 and over under that Schedule being applicable, or
 - (ii) the higher pensioner premium under that Schedule being applicable; and
 - (b) he or his partner has attained the age of 75 but is under the age of 80 and the other is under the age of 60 and at least one member of the couple is engaged in employment.
- (6) This paragraph applies where –
- (a) the relevant person is a member of a couple and he or his partner has attained the age of 75 but is under the age of 80 and the other has attained the age of 60;
 - (b) immediately before the younger member attained that age either member was engaged in employment and the relevant person would have been entitled by virtue of sub-paragraph (5) to a disregard of £15; and
 - (c) either he or his partner has continued in employment.
- (7) For the purposes of this paragraph, no account shall be taken of any period not exceeding 8 consecutive weeks occurring on or after the date on which the relevant person or, if he is a member of a couple, he or his partner attained the age of 60 during which either or both ceased to be engaged in employment.
4. In the case where the relevant person is a lone parent, £25.
- 5.—(1) In a case to which neither paragraph 3 nor 4 applies to the relevant person, and subject to sub-paragraph (2), where the relevant person’s applicable amount includes an amount by way of the carer premium under Schedule 1 (applicable amounts), £15 of the earnings of the person who is, or at any time in the preceding 8 weeks was, in receipt of carer’s allowance or treated in accordance with paragraph 16(2) of that Schedule as being in receipt of such an allowance.
- (2) Where the carer premium is awarded in respect of the relevant person and of any partner of his, their earnings shall, for the purposes of this paragraph, be aggregated, but the amount of earnings to be disregarded in accordance with sub-paragraph (1) shall not exceed £15 of the aggregated amount.
6. Where the carer premium is awarded in respect of a relevant person who is a member of a couple and whose earnings are less than £15, but is not awarded in respect of the other member of the couple, and that other member is engaged in an employment –

- (a) specified in paragraph 8(1), so much of the other member's earnings as would not, when aggregated with the amount disregarded under paragraph 5, exceed £15;
- (b) other than an employment specified in paragraph 8(1), so much of the other member's earnings from such other employment up to £10 as would not, when aggregated with the amount disregarded under paragraph 5, exceed £15.

7. In a case where paragraphs 3, 5, 6 and 8 do not apply to the relevant person and he is one of a couple and a member of that couple is in employment, £10; but, notwithstanding regulation 18 (determination of income and capital of members of relevant person's family and of a polygamous marriage), if this paragraph applies to a relevant person it shall not apply to his partner except where, and to the extent that, the earnings of the relevant person which are to be disregarded under this paragraph are less than £10.

8.—(1) In a case to which none of paragraphs 3, 4, 5 or 6 applies to the relevant person, £15 of earnings derived from one or more employments as –

- (a) a part-time fireman in a fire brigade maintained in pursuance of the Fire Services (Northern Ireland) Order 1984⁽¹⁰⁾;
- (b) an auxiliary coastguard in respect of coast rescue activities;
- (c) a person engaged part-time in the manning or launching of a life-boat;
- (d) a member of any territorial or reserve force prescribed in Part 1 of Schedule 6 to the Social Security (Contributions) Regulations 2001⁽¹¹⁾;
- (e) a person in the army whose service is restricted to part-time service in Northern Ireland pursuant to section 1 of the Army Act 1992⁽¹²⁾, regulations made under section 2 of the Armed Forces Act 1966⁽¹³⁾, or the terms of his commission;
- (f) a part-time member of the Police Service of Northern Ireland Reserve appointed under section 37 of the Police (Northern Ireland) Act 2000⁽¹⁴⁾,

but, notwithstanding regulation 18 (determination of income and capital of members of relevant person's family and of a polygamous marriage), if this paragraph applies to a relevant person it shall not apply to his partner except to the extent specified in sub-paragraph (2).

(2) If the relevant person's partner is engaged in employment –

- (a) specified in sub-paragraph (1), so much of his earnings as would not in aggregate with the amount of the relevant person's earnings disregarded under this paragraph exceed £15;
- (b) other than one specified in sub-paragraph (1), so much of his earnings from that employment up to £10 as would not, in aggregate with the applicant's earnings disregarded under this paragraph, exceed £15.

9. Where the relevant person is engaged in one or more employments specified in paragraph 8(1), but his earnings derived from such employments are less than £15 in any week and he is also engaged in any other employment so much of his earnings from that other employment, up to £5 if he is a single person, or up to £10 if he has a partner, as would not, in aggregate with the amount of his earnings disregarded under paragraph 8, exceed £15.

10. In a case to which none of the paragraphs 3 to 9 applies, £5.

⁽¹⁰⁾ S.I. 1984/1821 (N.I. 11); to which there are amendments not relevant to these Regulations

⁽¹¹⁾ S.I. 2001/1004

⁽¹²⁾ 1992 c. 39

⁽¹³⁾ 1966 c. 45; section 2 was amended by section 2 of the Army Act 1992

⁽¹⁴⁾ 2000 c. 32

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11. Any amount or the balance of any amount which would fall to be disregarded under paragraph 19 or 20 of Schedule 3 had the relevant person's income which does not consist of earnings been sufficient to entitle him to the full disregard thereunder.

12. Where a relevant person –

- (a) is in receipt of income support, guarantee credit or an income-based jobseeker's allowance; or
- (b) is a member of a married or unmarried couple (within the meaning of the State Pension Credit Act (Northern Ireland) 2002)⁽¹⁵⁾ and the other member of that couple is in receipt of guarantee credit, his earnings.

13. Any earnings derived from employment which are payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of those earnings.

14. Where a payment of earnings is made in a currency other than sterling, any banking charges or commission payable in converting that payment into sterling.

15. Any earnings of a child or young person except earnings to which paragraph 16 applies.

16. In the case of earnings of a child or young person who has ceased full-time education for the purposes of section 138 of the 1992 Act (meaning of child) and who is engaged in remunerative work –

- (a) if an amount by way of a disabled child premium under Schedule 1 is included in the determination of his applicable amount, £15;
- (b) in any other case, £5.

17. In this Schedule “part-time employment” means employment in which the person is engaged on average for less than 16 hours a week.

18.—(1) In a case where the relevant person is a person who satisfies at least one of the conditions specified in sub-paragraph (2), and his net earnings equal or exceed the total of the amounts set out in sub-paragraph (3), the amount of his earnings that falls to be disregarded under paragraphs 3 to 10 shall be increased by £11·90.

(2) The conditions of this sub-paragraph are that –

- (a) the relevant person or, if he is a member of a couple, either the relevant person or his partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002⁽¹⁶⁾ applies; or
- (b) the relevant person is, or if he is a member of a couple, at least one member of that couple is aged at least 25 and is engaged in remunerative work for on average not less than 30 hours per week;
- (c) the relevant person is a member of a couple and –
 - (i) at least one member of that couple is engaged in remunerative work for on average not less than 16 hours per week;
 - (ii) the aggregate number of hours for which the couple are engaged in remunerative work is at least 30 hours per week; and
 - (iii) his applicable amount includes a family premium under paragraph 3 of Schedule 1;
- (d) the relevant person is a lone parent who is engaged in remunerative work for on average not less than 30 hours per week;

⁽¹⁵⁾ 2002 c. 14 (N.I.)

⁽¹⁶⁾ S.I. 2002/2005

- (e) the relevant person is, or if he is a member of a couple, at least one member of that couple is or both members are, engaged in remunerative work for on average not less than 30 hours per week and –
 - (i) the relevant person’s applicable amount includes a higher pensioner premium or a disability premium under paragraph 9 or 11 of Schedule 1 respectively; and
 - (ii) where he is a member of a couple, at least one member of that couple satisfies the qualifying conditions for the higher pensioner premium or disability premium referred to in paragraph (i) and is engaged in remunerative work for on average not less than 16 hours per week.
- (3) The following are the amounts referred to in sub-paragraph (1) –
 - (a) the amount calculated as disregardable from the relevant person’s earnings under paragraphs 3 to 10;
 - (b) the amount of child care charges calculated as deductible under regulation 19(1); and
 - (c) £11·90.
- (4) The provisions of regulation 4 of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 shall apply in determining whether or not a person works for on average not less than 30 hours per week, but as if the reference to 16 hours in paragraph (1) of that regulation were a reference to 30 hours.

SCHEDULE 3

Regulation 30(2)

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

1. Any amount attributable to tax on income which is to be taken into account under regulation 30 (determination of income other than earnings).
2. Any payment in respect of any expenses incurred, or to be incurred, by a relevant person who is –
 - (a) engaged by a charitable or voluntary organisation, 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 32(4) (notional income).
3. In the case of employment as an employed earner, any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment.
4. Where a relevant person –
 - (a) is in receipt of income support, guarantee credit or an income-based jobseeker’s allowance; or
 - (b) is a member of a married or unmarried couple (within the meaning of the State Pension Credit Act (Northern Ireland) 2002) and the other member of that couple is in receipt of guarantee credit,the whole of his income.
5. Any disability living allowance.
6. Any concessionary payment made to compensate for the non-payment of –
 - (a) any payment specified in paragraph 5 or 8;

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- (b) income support;
- (c) state pension credit;
- (d) or an income-based jobseeker's allowance.

7. Any mobility supplement under Article 26A of the Naval, Military and Air Forces, etc, (Disablement and Death) Service Pensions Order 1983(17) (including such a supplement by virtue of any other scheme or order) or under Article 25A of the Personal Injuries (Civilians) Scheme 1983(18) or any payment intended to compensate for the non-payment of such a supplement.

8. Any attendance allowance.

9. Any payment to the relevant person as holder of the Victoria Cross or of the George Cross or any analogous payment.

10. Any –

- (a) educational maintenance allowances payable under Article 50 of the Education and Libraries (Northern Ireland) Order 1986(19) (provisions to assist persons to take advantage of educational facilities); or
- (b) sum (not being an allowance coming within sub-paragraph (a)) in respect of a course of study attended by a child or young person payable under Article 50 of the Education and Libraries (Northern Ireland) Order 1986.

11. In the case of a relevant person participating in provision or arrangements for training under section 1(1) of the Employment and Training Act (Northern Ireland) 1950(20), or attending a course at an employment rehabilitation unit established under that section –

- (a) any travelling expenses reimbursed to the relevant person;
- (b) if he receives any lodging allowance under section 3(3) of the Employment and Training Act (Northern Ireland) 1950, such amount, if any, of that allowance expressed to be a living away from home allowance;
- (c) any child care expenses reimbursed to the relevant person in respect of his participation in a New Deal option, in the Preparation for Employment Programme or the Preparation for Employment Programme for 50 plus;

but this paragraph, except in so far as it relates to a payment under any of sub-paragraphs (a) to (c), does not apply to any part of any allowance under 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 34 and 35, £20 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 35, 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, eligible rates or rent to which regulation 9 or 10 of

(17) S.I. 1983/883; Article 26A was inserted by S.I. 1983/1116 and amended by S.I. 1983/1521, S.I. 1986/592, S.I. 1990/1308, S.I. 1991/766, S.I. 1992/710, S.I. 1995/766 and S.I. 1997/286

(18) S.I. 1983/686; Article 25A was inserted by S.I. 1983/1164 and amended by S.I. 1983/1540, S.I. 1986/628, S.I. 1989/415, S.I. 1990/1300, S.I. 1991/708, S.I. 1992/702, S.I. 1995/445 and S.I. 1997/812

(19) S.I. 1986/594 (N.I. 3); Article 50 was amended by Article 9 of, and the Schedule to, the Education (Student Support) (Northern Ireland) Order 1998 (S.I. 1998/1760 (N.I. 14))

(20) 1950 c. 29 (N.I.); section 1(1) was substituted by Article 3 of the Employment and Training (Amendment) (Northern Ireland) Order 1988 (S.I. 1988/1087 (N.I. 10))

the Housing Benefit (General) Regulations (Northern Ireland) 1987(21) refers, or both, of a single relevant person or, as the case may be, of the relevant person or any other member of his 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 relevant person, or a former partner of any member of the relevant person's family; or
- (b) the parent of a child or young person where that child or young person is a member of the relevant person'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 one week they shall be treated as though they were one such payment.

(5) In sub-paragraph (2) –

- (a) “rates or rent” means eligible rates or rent to which regulations 9 or 10, as the case may be, of the Housing Benefit (General) Regulations (Northern Ireland) 1987 refer, less any deductions in respect of non-dependants which fall to be made under regulation 63 (non-dependant deductions) of those regulations;
- (b) “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. Any war disablement pension or war widow's or war widower's pension or a payment made to compensate for the non-payment of such a pension.

14. Any pension paid by the government of a country outside the United Kingdom and which either –

- (a) is analogous to a war disablement pension;
- (b) is analogous to a war widow's or war widower's pension.

15. Subject to paragraph 34, £10 of any of the following, namely –

- (a) a pension paid to victims of National Socialist persecution 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;
- (b) loan treated as income by virtue of regulation 47.

16. Subject to paragraph 34, £15 of any –

- (a) widowed mother's allowance paid pursuant to section 37 of the 1992 Act;
- (b) widowed parent's allowance paid pursuant to section 39A of the 1992 Act.

17.—(1) Any income derived from capital to which the relevant person is, or is treated under regulation 40 (capital jointly held) as, beneficially entitled but, subject to sub-paragraph (2), not income derived from capital disregarded under paragraphs 1, 2, 3, 5, 8, 14, 25 or 26 of Schedule 4.

(2) Income derived from capital disregarded under paragraphs 3(a), 5, 25 or 26 of Schedule 4 but only to the extent of any mortgage payments or payment of rates made in respect of the dwelling or buildings in the period during which that income accrued.

18. Where a relevant 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

(21) S.R. 1987 No. 461; the relevant amending regulations are S.R. 1988 No. 424, S.R. 1990 No. 297, S.R.1990 No. 442, S.R. 1993 No. 145, S.R. 1993 No. 149 and S.R. 1996 No. 111

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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 369 of the Income and Corporation Taxes Act 1988⁽²²⁾ (mortgage interest payable under deduction of tax) 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 applicable percentage of income tax within the meaning of section 369(1A) of that Act;
- (ii) in any other case, the interest which is payable on the loan without deduction of such a sum.

19. Where the relevant person makes a parental contribution in respect of a student attending a course at an establishment in the United Kingdom or undergoing education in the United Kingdom, which contribution has been assessed for the purposes of calculating under regulations made in exercise of the powers conferred by Articles 50 and 51 of the Education and Libraries (Northern Ireland) Order 1986⁽²³⁾, that student’s award under those Articles or the student’s student loan, an amount equal to the weekly amount of that parental contribution, but only in respect of the period for which that contribution is assessed as being payable.

20.—(1) Where the relevant person is the parent of a student aged under 25 in advanced education who either –

- (a) is not in receipt of any award or student grant or student loan in respect of that education; or
- (b) is in receipt of an award under Article 50(3) of the Education and Libraries (Northern Ireland) Order 1986 (awards made at the discretion of boards),

and the relevant person makes payments by way of a contribution towards the student’s maintenance, other than a parental contribution falling within paragraph 19, an amount specified in sub-paragraph (2) in respect of each week during the student’s term.

(2) For the purposes of sub-paragraph (1), the amount shall be equal to –

- (a) the weekly amount of the payments; or
- (b) the amount by way of a personal allowance for a single person under 25 less the weekly amount of any award, bursary, scholarship, allowance or payment referred to in sub-paragraph (1)(b),

whichever is less.

21. Any payment made to the relevant person by a child or young person or a non-dependant.

⁽²²⁾ 1988 c. 1; section 369(1A) was inserted by section 81(3) of the Finance Act 1994 (c. 9)

⁽²³⁾ S.I. 1986/594 (N.I. 3); Article 50(1) and (2) were repealed by Article 9 of, and the Schedule to, the Education (Student Support) (Northern Ireland) Order 1998 (S.I. 1998/1760 (N.I. 14)) and Article 51 was substituted by Article 43 and Part II of Schedule 5 to the Education (Northern Ireland) Order 1996 (S.I. 1996/274 (N.I. 1))

22. Where the relevant person occupies a dwelling as his only or main residence which is also occupied by a person other than one to whom paragraph 21 or 39 refers and there is a contractual liability to make payments to the relevant person in respect of the occupation of the dwelling by that person or a member of his family –

- (a) £4 of the aggregate of any payments made in any one week in respect of the occupation of the dwelling by that person or a member of his family, or by that person and a member of his family; and
- (b) a further £9·25, where the aggregate of any such payments is inclusive of an amount for heating.

23. Any income in kind.

24. Any income which is payable in a country outside the United Kingdom for such a period during which there is a prohibition against the transfer to the United Kingdom of that income.

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

- (a) in accordance with the Adoption Allowance Regulations (Northern Ireland) 1996⁽²⁴⁾;
- (b) in accordance with the Adoption Allowance Regulations 1991⁽²⁵⁾;
- (c) in accordance with the Adoption Allowance (Scotland) Regulations 1996⁽²⁶⁾;
- (d) which is a payment made by a local authority in pursuance of paragraph 15(1) of Schedule 1 to the Children Act 1989⁽²⁷⁾ (local authority contribution to child's maintenance);
- (e) which is a payment made by an authority, as defined in Article 2 of the Children (Northern Ireland) Order 1995⁽²⁸⁾, in pursuance of Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to a 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 33(2) applies (capital in excess of £6,000), the whole payment;
- (b) to whom that regulation does not apply, so much of the weekly amount of the payment as exceeds the amount included under Schedule 1 in the determination of the relevant person's applicable amount for that child or young person by way of the personal allowance and disabled child premium, if any.

26. Any payment made by a voluntary organisation under Article 75 of the Children (Northern Ireland) Order 1995 to the relevant person with whom a person is placed by virtue of arrangements made under that Article.

27. Any payment made to the relevant person or his partner for a person ("the person concerned") who is not normally a member of the relevant person's household but is temporarily in his care, by –

- (a) a Health and Social Services Board;
- (b) a training school;
- (c) a voluntary organisation, or

⁽²⁴⁾ S.R. 1996 No. 438

⁽²⁵⁾ S.I. 1991/2030, as amended by regulation 2 of the Adoption Allowance (Amendment) Regulations 1991 (S.I. 1991/2130)

⁽²⁶⁾ S.I. 1996 No. 3257 (S. 247)

⁽²⁷⁾ 1989 c. 41

⁽²⁸⁾ S.I. 1995/755 (N.I. 2)

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(d) the person concerned pursuant to Article 36(7) of the Health and Personal Social Services (Northern Ireland) Order 1972(29).

28. Any payment made by a Health and Social Services Board under Article 18, 35 or 36 of the Children (Northern Ireland) Order 1995 (Health and Social Services Boards' duty to promote the welfare of children or powers to grant financial assistance to persons in, or formerly in, their care).

29.—(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 repayments –

- (a) on a loan which is secured on the dwelling which the relevant person occupies as his home; or
- (b) under a regulated agreement as defined for the purposes of the Consumer Credit Act 1974(30) or under a hire-purchase agreement or a conditional sale agreement as defined in section 5 of the Consumer Protection Act (Northern Ireland) 1965(31).

(2) A payment referred to in sub-paragraph (1) shall only be disregarded to the extent that the payment received under that policy does not exceed the amounts, calculated on a weekly basis, which are used to –

- (a) maintain the repayments referred to in sub-paragraph (1)(a) or, as the case may be, (b); and
- (b) meet any amount due by way of premiums on –
 - (i) that policy; or
 - (ii) in a case to which sub-paragraph (1)(a) applies, an insurance policy taken out to insure against loss or damage to any building or part of a building which is occupied by the relevant person as his home and which is required as a condition of the loan referred to in sub-paragraph (1)(a).

30. Any payment of income which by virtue of regulation 36 (income treated as capital) is to be treated as capital.

31. Any social fund payment.

32. Any payment under section 144 of the 1992 Act (entitlement of pensioners to Christmas bonus).

33. 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.

34. The total of a relevant person'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 18(3) (determination of income and capital of members of relevant person's family and of a polygamous marriage) to be disregarded under paragraphs 12(1), 15 and 16 shall in no case exceed £20 per week.

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

(2) Any payment by or on behalf of a person who suffered or is suffering from haemophilia or who was or is a qualifying person, which derives from a payment made under any of the Trusts and which is made to or for the benefit of –

(29) S.I. 1972/1275 (N.I. 14); Article 36 was substituted by Article 25 of the Health and Personal Social Services (Northern Ireland) Order 1991 (S.I. 1991/194 (N.I. 1))

(30) 1974 c. 39

(31) 1965 c. 14 (N.I.); section 5 was amended by section 66(4) of, and Schedule 6 to, the Hire Purchase Act (Northern Ireland) 1966 (c. 42 (N.I.)) and by paragraph 46 of Schedule 4 to the Consumer Credit Act 1974 (c. 39)

- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced;
 - (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 relevant person'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 relevant person's family.
- (3) Any payment by or on behalf of the partner or former partner of a person who suffered or is suffering from haemophilia or who was or is a qualifying person, provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced, which derives from a payment made under any of the Trusts and which is made to or for the benefit of –
- (a) the person who is suffering from haemophilia or who is a qualifying person;
 - (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 relevant person'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 relevant person's family.
- (4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under any of the Trusts 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.
- (5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under any of the Trusts 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.
- (6) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any income which derives from any payment of income or capital made under or deriving from any of the Trusts.
- (7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund.
36. Any housing benefit and any housing benefit in the form of a rate rebate.
37. Any payment made under arrangements made by the Department for Social Development to compensate for the loss (in whole or in part) of entitlement to housing benefit.

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38. Any resettlement benefit which is paid to the relevant person by virtue of regulation 3 of the Social Security (Hospital In-Patients) (Amendment No. 2) Regulations (Northern Ireland) 1987⁽³²⁾.

39.—(1) Where the relevant person occupies the dwelling as his only or main residence and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for whom such accommodation is provided for the whole or any part of a week, equal to –

- (a) where the aggregate of any payments made in any one week in respect of such accommodation provided to such person does not exceed £20, 100 per cent of such payments; or
- (b) where the aggregate of any such payments exceeds £20, £20 and 50 per cent of the excess over this £20.

(2) In this paragraph “board and lodging accommodation” means accommodation provided to a person or, where he is a member of a family, to him or any other member of his family, for a charge which is inclusive of the provisions of that accommodation and at least some cooked and prepared meals which are both cooked or prepared (by a person other than the person to whom the accommodation is provided or a member of his family) and consumed in that accommodation or associated premises.

40. Any special war widows payment made under –

- (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⁽³³⁾;
- (b) the Royal Warrant dated 21st February 1990 amending the Schedule to the Army Pensions Warrant 1977⁽³⁴⁾;
- (c) the Queen’s Order dated 26th February 1990 made under section 2 of the Air Force (Constitution) Act 1917⁽³⁵⁾;
- (d) the Home Guard War Widows Special Payments Regulations 1990 made under section 151 of the Reserve Forces Act 1980⁽³⁶⁾;
- (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⁽³⁷⁾;

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

41. Any payment to a juror or witness in respect of attendance at a court other than compensation for loss of earnings or for the loss of a benefit payable under the 1992 Act.

42.—(1) Any payment or repayment made under regulations 3, 5 or 8 of the Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 1989⁽³⁸⁾ (entitlement to full remission and payment, persons entitled to remission in part or payment in part, or repayment).

(2) Any payment or repayment made by the Department of Health, Social Services and Public Safety which is analogous to a payment or repayment mentioned in sub-paragraph (1).

⁽³²⁾ [S.R. 1987 No. 391](#)

⁽³³⁾ [1865 c. 73](#); copies of the Regulations are available from: Ministry of Defence, NPC2, Room 317, Archway Block South, Old Admiralty Building, Spring Gardens, London SW1A 2BE

⁽³⁴⁾ Army Code No. 13045 published by HMSO

⁽³⁵⁾ [1917 c. 51](#); section 2 was amended by [S.I. 1968/1699](#), Article 5(4)(a)

⁽³⁶⁾ [1980 c. 9](#); copies of the Regulations are available from the Ministry of Defence, NPC2, Room 317, Archway Block South, Old Admiralty Building, Spring Gardens, London SW1A 2BE

⁽³⁷⁾ Army Code No. 60589 published by HMSO

⁽³⁸⁾ [S.R. 1989 No. 348](#); the relevant amending regulations are [S.R. 1990 No. 313](#) and [S.R. 1991 No. 224](#)

43. Any payment made under regulation 8, 9, 10 or 12 of the Welfare Foods Regulations (Northern Ireland) 1988**(39)** (failure to receive milk tokens, inability to purchase dried milk at a reduced price, inability to obtain free vitamins or absence of beneficiary for less than a week).

44. Any payment made under a scheme established by the Secretary of State to assist relatives and other persons to visit persons in custody.

45.—(1) Where a relevant person's applicable amount includes an amount by way of a family premium, £15 of any maintenance payment, whether under a court order or not, which is made or due to be made by –

- (a) the relevant person's former partner, or the relevant person'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 relevant person's family except where that parent is the relevant person or the relevant person's partner.

(2) For the purpose 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.

46. Any payment (other than a training allowance) made, whether by the Department for Employment and Learning or any other person, under the Disabled Persons (Employment) Act (Northern Ireland) 1945**(40)** or in accordance with arrangements made under section 1(1) of the Employment and Training Act (Northern Ireland) 1950**(41)** to assist disabled persons to retain employment despite their disability.

47. Any guardian's allowance under Part III of the 1992 Act.

48.—(1) Where the relevant person is in receipt of any benefit under Parts II, III or V of the 1992 Act or pension under the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983**(42)** any increase in the rate of that benefit arising under Part IV (increases for dependants) or section 106(a) (unemployability supplement) of that Act or the rate of that pension under that Order where the dependant in respect of whom the increase is paid is not a member of the relevant person's family.

(2) For the purposes of sub-paragraph (1), an addition to a contribution-based jobseeker's allowance under regulation 9(4) of the Jobseeker's Allowance (Transitional Provisions) Regulations (Northern Ireland) 1996**(43)** shall be treated as an increase of a benefit under the 1992 Act arising under Part IV of that Act.

49. 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 the preceding paragraphs relate.

50. Any supplementary pension under Article 29(1A) of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983 (pensions to widows and widowers)**(44)**.

(39) S.R. 1988 No. 137; the relevant amending regulations are S.R. 1991 No. 81, S.R. 1999 No. 397, S.R. 2001 No. 139, S.R. 203 No. 202 and S.R. 2003 No. 393

(40) 1945 c. 6 (N.I.); to which there are amendments not relevant to these Regulations

(41) 1950 c. 29 (N.I.); section 1 (1) was substituted by Article 3 of the Employment and Training (Amendment) (Northern Ireland) Order 1988 (S.I. 1988/1087 (N.I. 10))

(42) S.I. 1983/883; relevant amending instruments are S.I. 1983/1116 and 1521, 1984/1154 and 1687, 1985/1201, 1986/592, 1987/165, 1988/248 and 2248, 1989/156, 1990/250 and 1308, 1991/766, 1992/710 and 3208, 1993/598, 1994/772 and 1906, 1995/766, 1996/732 and 1638, 1997/286, 1998/262, 1999/294, 2000/252, 2001/409, 2002/792 and 2003/434

(43) S.R. 1996 No. 200

(44) S.I. 1983/883; relevant amending instruments are S.I. 1993/598 and 1994/1906

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51. In the case of a pension awarded at the supplementary rate under Article 27(3) of the Personal Injuries (Civilians) Scheme 1983 (pensions to widows and widowers)(45), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.

52.—(1) Any payment which is –

- (a) made under any of the Dispensing Instruments to a widow or a widower of a person –
 - (i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and
 - (ii) whose service in such capacity terminated before 31st March 1973; and
- (b) equal to the amount specified in Article 29(1A) of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983 (pensions to widows).

(2) In this paragraph “the Dispensing Instruments” means the Order in Council of 19th December 1881, the Royal Warrant of 27th October 1884 and the Order by His Majesty of 14th January 1922 (exceptional grants of pay, non-effective pay and allowances)(46).

53. Except in a case which falls under paragraph 18 of Schedule 2, where the relevant person is entitled to the 30 hour element of working tax credit referred to in regulation 20(1)(c) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002, any amount of working tax credit up to £11·90.

54. Any payment made under Article 15A of the Health and Personal Social Services (Northern Ireland) Order 1972(47).

55. Any mandatory top-up payment made to a person pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950 in respect of that person’s participation in –

- (a) an employment programme specified in –
 - (i) regulation 75(1)(a)(ii)(48) of the Jobseeker’s Allowance Regulations (Voluntary Sector Option of the New Deal);
 - (ii) regulation 75(1)(a)(iii) of those Regulations (Environmental Task Force Option of the New Deal) or;
- (b) the Preparation for Employment Programme or in the Preparation for Employment Programme for 50 plus.

56. Any discretionary payment to meet or help meet special needs made to a person pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950 in respect of that person’s participation in the Full-Time Education and Training Option of the New Deal as specified in regulation 75(1)(b)(ii) of the Jobseeker’s Allowance Regulations.

57.—(1) Subject to sub-paragraph (2), any discretionary payment made pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950 to meet, or help meet, special needs of a person who is undertaking a qualifying course within the meaning specified in regulation 17A(7) of the Jobseeker’s Allowance Regulations.

(2) No amount shall be disregarded pursuant to sub-paragraph (1) in respect of travel expenses incurred as a result of the student’s attendance on the course where an amount in respect of those expenses has already been disregarded pursuant to regulation 46 (other amounts to be disregarded).

(45) [S.I. 1983/686](#); relevant amending instruments are [S.I. 1994/715](#) and [1994/2021](#)

(46) Copies of the Dispensing Instruments are available from the Department for Social Development, Social Security Policy and Legislation Division, Stormont Estate, Belfast BT4 3SJ

(47) [S.I. 1972/1265 \(N.I. 14\)](#) as inserted by Article 3 of the Personal Social Services (Direct Payments) (Northern Ireland) 1996 ([S.I. 1996/1923 \(N.I. 19\)](#))

(48) Regulation 75 was substituted by regulation 8 of [S.R. 1997 No. 541](#) and amended by [S.R. 1998 No. 182](#) and [S.R. 2000 No. 197](#)

58. Any child care expenses reimbursed to the relevant person in respect of his participation in the Preparation for Employment Programme but this paragraph does not apply to any part of any allowance under section 1 of the Employment and Training Act (Northern Ireland) 1950.

59. Any mandatory top-up payment made to a person pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950 in respect of that person's participation in the Preparation for Employment Programme.

60.—(1) Any payment of a sports award except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear or household fuel of the relevant person or where the relevant person is a member of a family, any other member of his family, or any eligible rates or rent to which regulation 9 or 10 of the Housing Benefit (General) Regulations (Northern Ireland) 1987(49) refers for which that relevant person or member is liable.

(3) For the purposes of sub-paragraph (2) –

- (a) “food” does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made;
- (b) “ordinary clothing and footwear” means clothing or footwear for normal daily use but does not include school uniforms or clothing or footwear used solely for sporting activities;
- (c) “rates or rent” means eligible rates or rent to which regulations 9 or 10 of the Housing Benefit (General) Regulations (Northern Ireland) 1987 refer less any deductions in respect of non-dependants which fall to be made under regulation 63(50) of those Regulations.

61. Any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations (Northern Ireland) 2001(51).

62. Any payment –

- (a) from a trust whose funds are derived from a payment made in consequence of any personal injury to a relevant person;
- (b) under an annuity purchased –
 - (i) pursuant to any agreement or court order to make payments to a relevant person; or
 - (ii) from funds derived from a payment made, in consequence of any personal injury to a relevant person; and
- (c) (not falling within (a) and (b) above) received by virtue of any agreement or court order to make payments to a relevant person in consequence of any personal injury to that person.

SCHEDULE 4

Regulation 34(2)

CAPITAL TO BE DISREGARDED

1. The dwelling or building to which the application relates.

(49) S.R. 1987 No. 461; the relevant amending regulations are S.R. 1988 No. 424, S.R. 1990 Nos. 297 and 442, S.R. 1993 Nos. 145 and 149 and S.R. 1996 No. 111

(50) Regulation 63 was amended by S.R. 1989 No. 125, S.R. 1990 Nos. 136 and 345, S.R. 1992 Nos. 85, 404 and 549, S.R. 1993 Nos. 145, 195 and 233, S.R. 1996 No. 334, S.R. 1997 Nos. 3 and 113, S.R. 1998 No. 81 and S.R. 2000 No. 38

(51) S.R. 2001 No. 216

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2. Any one dwelling normally occupied by the relevant person as his only or main residence including any premises not so occupied which it is impracticable or unreasonable to sell separately, but, notwithstanding regulation 18 (determination of income and capital of members of relevant person's family and of a polygamous marriage), only one dwelling shall be disregarded under this paragraph.

3. Any dwelling which the relevant person intends to occupy as his only or main residence and –

- (a) which he acquires for occupation, and intends to occupy as such residence within 26 weeks from the date of acquisition or such longer period as is reasonable in the circumstances to enable the relevant person to obtain possession and commence occupation,
- (b) in respect of which he is taking steps to attain 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, or
- (c) to which essential repairs or alterations are required in order to render it fit for such occupation, for such period as is necessary to enable those repairs or alterations to be carried out, but, notwithstanding regulation 18 (determination of income and capital of members of relevant person's family and of a polygamous marriage) only one dwelling shall be disregarded under this paragraph.

4.—(1) Subject to sub-paragraph (2), any sum directly attributable to the proceeds of sale of any dwelling formerly occupied by the relevant person as his only or main residence to the extent to which it is to be used for the purchase of either –

- (a) the dwelling or building to which the application relates, or
- (b) any dwelling, other than that to which the application relates, which is intended for such occupation within 26 weeks from the date of sale or such longer period as is reasonable in the circumstances to enable the relevant person to complete the purchase.

(a) (2) (a) Sub-paragraph (1) shall not apply where a dwelling is disregarded under paragraph 26;

(b) sub-paragraph (1)(b) shall not apply where a dwelling is disregarded under paragraph 3.

5. Any dwelling occupied in whole or in part as his only or main residence –

- (a) by a partner, close relative, grandparent, grandchild, uncle, aunt, nephew or niece of a relevant person who is single or of any member of the family of the relevant person where that person is either aged 60 or over or incapacitated;
- (b) by the former partner of the relevant person; but this provision shall not apply where the former partner is a person from whom the relevant person is estranged or divorced.

6. Where a relevant person –

- (a) is in receipt of income support, guarantee credit or an income-based jobseeker's allowance; or
- (b) is a member of a married or unmarried couple (within the meaning of the State Pension Credit (Northern Ireland) Act 2002) and the other member of that couple is in receipt of guarantee credit,

the whole of his capital.

7. Any future interest in property of any kind, other than land or premises in respect of which the relevant person has granted a subsisting lease or tenancy, including sub-leases or sub-tenancies.

8.—(1) The assets of any business owned in whole or in part by the relevant person 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 relevant person where –

- (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but
- (b) he intends to become engaged or, as the case may be, re-engaged as a self-employed earner in that business as soon as he recovers or is able to become engaged or re-engaged in that business.

9. Any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of, –

- (a) any payment specified in paragraph 5, 7 or 8 of Schedule 3;
- (b) working families' tax credit under section 127 of the 1992 Act or disabled person's tax credit under section 128 of that Act⁽⁵²⁾;
- (c) an income-based jobseeker's allowance;
- (d) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations (Northern Ireland) 2001;
- (e) child tax credit and working tax credit where such payment is made as a result of change of circumstances.

10.—(1) Subject to sub-paragraph (2), any sum –

- (a) paid to the relevant person in consequence of damage to or loss of his only or main residence or any personal possession and intended for its repair or replacement; or
- (b) acquired by the relevant person (whether as a loan or otherwise) on the express condition that it is to be used for effecting essential repairs or improvements to his only or main residence, 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 effect the repairs, replacement or improvement.

(2) A sum to which sub-paragraph 1(b) applies shall be disregarded under this paragraph to the extent only that it is not for carrying out works to which the application relates.

11. Any sum –

- (a) deposited with a housing association as a condition of occupying the only or main residence;
- (b) which was so deposited and which is to be used for the purchase of another dwelling being the only or main residence, for the period of 26 weeks or such longer period as may be reasonable in the circumstances to enable the relevant person to complete the purchase.

12. Any personal possessions except those which have been acquired by the relevant person with the intention of reducing his capital in order to increase the amount of grant.

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

14.—(1) Subject to sub-paragraph (2), where the funds of a trust are derived from a payment made in consequence of any personal injury to the relevant person, the value of the trust fund and the value of the right to receive any payment under that trust.

(52) Working families' tax credit and disabled person's tax credit were replaced by working tax credit with effect from 6th April 2003

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(2) Any value to which sub-paragraph (1) applies shall be disregarded under this paragraph to the extent only that it does not represent funds or a payment which are for carrying out works to which the application relates.

15. The value of the right to receive any income under a life interest or from a life rent.

16. The value of the right to receive any income which is disregarded under paragraph 13 of Schedule 2 or paragraph 24 of Schedule 3.

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

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

19. Any payment made by a Health and Social Services Board under Article 18, 35 or 36 of the Children (Northern Ireland) Order 1995⁽⁵³⁾ (Health and Social Services Boards' duty to promote the welfare of children or powers to grant financial assistance to persons in, or formerly in, their care).

20. Any social fund payment.

21. Any refund of tax which falls to be deducted under section 369 of the Income and Corporation Taxes Act 1988⁽⁵⁴⁾ (mortgage interest payment under deduction of tax) on a payment of relevant loan interest for the purpose of acquiring an interest in the only or main residence or carrying out repairs or improvements to that residence.

22. Any capital which by virtue of regulation 31, 33(5) or 47 (annuity treated as income, modifications in respect of child and young person or treatment of student loans) is to be treated as income.

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

24.—(1) Any payment made under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust (“the Trusts”), the Fund, the Independent Living (Extension) Fund, the Independent Living (1993) Fund or the Independent Living Fund.

(2) Any payment by or on behalf of a person who suffered or is suffering from haemophilia or who was or is a qualifying person, which derives from a payment made under any of the Trusts and which is made to or for the benefit of –

- (a) that person’s partner or former partner from whom he is not, or where that person had died was not, estranged or divorced;
- (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 relevant person’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 relevant person’s family.

(3) Any payment by or on behalf of the partner or former partner of a person who suffered or is suffering from haemophilia or who was or is a qualifying person, provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced, which derives from a payment made under any of the Trusts and which is made to or for the benefit of –

- (a) the person who is suffering from haemophilia or who is a qualifying person;
- (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 relevant person’s family; or

⁽⁵³⁾ S.I. 1995/755 (N.I. 2); Article 18 was amended by Article 40(1) of, and paragraph 52(3) of Schedule 2 to, the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15)), paragraph 6(k) of Schedule 1 to the Tax Credits Act 1999 (c. 10) and paragraphs 51-53 of Schedule 3 to the Tax Credits Act 2002 (c. 21)

⁽⁵⁴⁾ 1988 c. 1; section 369(1A) was inserted by section 81(3) of the Finance Act 1994 (c. 9)

- (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 relevant person's family.
- (4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under any of the Trusts 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.
- (5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under any of the Trusts 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.
- (6) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any capital resource which derives from any payment of income or capital made under or deriving from any of the Trusts.
- (7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund.

25.—(1) Where a relevant person has ceased to occupy what was formerly the dwelling occupied as the only or main residence 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, or where the dwelling is occupied by the former partner who is a lone parent, for so long as it is so occupied.

(2) In this paragraph "dwelling" includes any premises not so occupied which it is impracticable or unreasonable to sell separately.

26. Any premises where the relevant person is taking reasonable steps to dispose of those premises, 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.

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

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

29. The value of any funds held under a personal pension scheme or retirement annuity contract.

30. The value of the right to receive any rent except where the relevant person has a reversionary interest in the property in respect of which rent is due.

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31. Any payment in kind made by a charity or under the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund or the Independent Living (1993) Fund.

32. £200 of any payment, or if the payment is less than £200, the whole of the payment made under section 1 of the Employment and Training Act (Northern Ireland) 1950 as a training bonus to a person participating in provision or arrangements for training under that Act but only for a period of 52 weeks from the date of receipt of that payment.

33. Any housing benefit.

34. Any arrears of special war widows payment which is disregarded under paragraph 40 of Schedule 3 (sums to be disregarded in the determination of income other than earnings) or of any amount which is disregarded under paragraph 50, 51 or 52 of that Schedule.

35.—(1) Any payment or repayment made under regulation 3, 5 or 8 of the Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 1989⁽⁵⁵⁾ (entitlement to full remission and payment, persons entitled to remission in part or payment in part, or repayment).

(2) Any payment or repayment made by the Department of Health, Social Services and Public Safety which is analogous to a payment or repayment mentioned in sub-paragraph (1).

36. Any payment made under regulation 8, 9, 10 or 12 of the Welfare Foods Regulations (Northern Ireland) 1988⁽⁵⁶⁾ (failure to receive milk tokens, inability to purchase dried milk at a reduced price, inability to obtain free vitamins or absence of beneficiary for less than a week).

37. Any payment made under a scheme established by the Secretary of State to assist relatives and other persons to visit persons in custody.

38. Any payment (other than a training allowance, or a training bonus paid under section 3(3) of the Employment and Training Act (Northern Ireland) 1950)⁽⁵⁷⁾ made, whether by the Department for Employment and Learning or any other person, under the Disabled Persons (Employment) Act (Northern Ireland) 1945⁽⁵⁸⁾ or in accordance with arrangements made under section 1(1) of the Employment and Training Act (Northern Ireland) 1950⁽⁵⁹⁾ to assist disabled persons to obtain or retain employment despite their disability.

39.—(1) Any sum of capital administered –

(a) by the High Court –

(i) on behalf of a person under the provisions of Order 80 of the Rules of the Supreme Court (Northern Ireland) 1980⁽⁶⁰⁾; or

(ii) on behalf of a patient under the provisions of Order 109 of those Rules⁽⁶¹⁾;

(b) by the county court –

(i) under the provisions of Order 44 of the County Court Rules (Northern Ireland) 1981⁽⁶²⁾; or

(ii) under Article 21 of the County Courts (Northern Ireland) Order 1980⁽⁶³⁾.

⁽⁵⁵⁾ S.R. 1989 No. 348; the relevant amending regulations are S.R. 1990 No. 313 and S.R. 1991 No. 224

⁽⁵⁶⁾ S.R. 1988 No. 137; the relevant amending regulations are S.R. 1991 No. 81, S.R. 1999 No. 397, S.R. 2001 No. 139, S.R. 203 No. 202 and S.R. 2003 No. 393

⁽⁵⁷⁾ 1950 c. 29 (N.I.); section 3 was amended by Article 35 of, and Schedule 4 to, the Industrial Training (Northern Ireland) Order 1984 (S.I. 1984/1159 (N.I. 9))

⁽⁵⁸⁾ 1945 c. 6 (N.I.); to which there are amendments not relevant to these Regulations

⁽⁵⁹⁾ Section 1(1) was substituted by Article 3 of the Employment and Training (Amendments) (Northern Ireland) Order 1988 (S.I. 1988/1087 (N.I. 10))

⁽⁶⁰⁾ S.R. 1980 No. 346 as amended by S.R. 1986 No. 184 and S.R. 1996 No. 321

⁽⁶¹⁾ Order 109 was amended by S.R. 1986 No. 184 and S.R. 1995 No. 462

⁽⁶²⁾ S.R. 1981 No. 225 as amended by S.R. 1986 No. 218 rule 3 and S.R. 1988 No. 100 rule 2(5)

⁽⁶³⁾ S.I. 1980/397 (N.I. 3)

(2) Paragraph (1) applies to a sum which derives from –

- (a) an award of damages for a personal injury to a person mentioned in that paragraph; or
- (b) compensation for the death of one or both parents of such person where the person concerned is under the age of 18.

40. Any sum of capital administered on behalf of a person by Her Majesty’s High Court of Justice in England under the provisions of Order 80 of the Rules of the Supreme Court 1965(64), the county court under Order 10 of the County Court Rules 1981(65), or the Court of Protection, where such sum derives from –

- (a) an award of damages for a personal injury to that person; or
- (b) compensation for the death of one or both parents where the person concerned is under the age of 18.

41. Any sum of capital administered on behalf of a person in accordance with an order made under Rule 43.15 of the Act of Sederunt (Rules of the Court of Session 1994) 1994(66) or under Rule 131 of the Act of Sederunt (Rules of the Court, consolidation and amendment) 1965(67), or under Rule 36.14 of the Ordinary Cause Rules 1993(68) or under Rule 128 of the Ordinary Cause Rules(69) where such sum derives from –

- (a) an award of damages for a personal injury to that person; or
- (b) compensation for the death of one or both parents where the person concerned is under the age of 18.

42. Any payment to the relevant person as a holder of the Victoria Cross or George Cross.

43. Any back to work bonus payable by way of a jobseeker’s allowance or income support in accordance with Article 28 of the Jobseekers (Northern Ireland) Order 1995(70) or a corresponding payment under section 26 of the Jobseekers Act 1995(71).

44. Any amount of housing benefit to which a person is entitled by virtue of regulation 7B of the Housing Benefit (General) Regulations (Northern Ireland) 1987(72).

45. Any amount of income support to which a person is entitled by virtue of regulation 21A of the Income Support (General) Regulations (Northern Ireland) 1987(73).

46. Any mandatory top-up payment made to a person pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950(74) in respect of that person’s participation in –

- (a) an employment programme specified in –
 - (i) regulation 75(1)(a)(ii)(75) of the Jobseeker’s Allowance Regulations (Voluntary Sector Option of the New Deal);
 - (ii) regulation 75(1)(a)(iii) of those Regulations (Environmental Task Force Option of the New Deal) or;

(64) [S.I. 1965/1776](#); for Order 80 as currently in force *see* “The Supreme Court Practice 1997”: ISBN 0-421-57620-0

(65) [S.I. 1981/1687](#); for Order 10 as currently in force *see* “The County Court Practice 1996”; ISBN 0-406-06506-3

(66) [S.I. 1994/1443](#)

(67) [S.I. 1965/321](#)

(68) First Schedule to the Sheriff Courts (Scotland) Act 1907 (c. 51) as substituted in respect of causes commenced on or after 1st January 1994 by [S.I. 1993/1956](#)

(69) First Schedule to the Sheriff Courts (Scotland) Act 1907 as substituted by [S.I. 1983/747](#)

(70) [S.I. 1995/2705 \(N.I. 15\)](#)

(71) 1995 c. 18

(72) [S.R. 1987 No. 461](#); regulation 7B was inserted by [S.R. 1996 No. 448](#)

(73) [S.R. 1987 No. 459](#); regulation 21A was substituted by [S.R. 2000 No. 71](#)

(74) 1950 c. 29 (N.I.); section 1(1) was substituted by Article 3 of the Employment and Training (Amendment) (Northern Ireland) Order 1988 ([S.I. 1988/1087 \(N.I. 10\)](#)) and section 1(2) and (3) was substituted by Article 5 of the Industrial Training (Northern Ireland) Order 1990 ([S.I. 1990/1200 \(N.I. 8\)](#))

(75) Regulation 75 was substituted by regulation 8 of [S.R. 1997 No. 541](#) and amended by [S.R. 1998 No. 182](#) and [S.R. 2000 No. 197](#)

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- (b) the Preparation for Employment Programme or in the Preparation for Employment Programme for 50 plus,

but only for the period of 52 weeks from the date of receipt of the payment.

47. Any discretionary payment to meet or help meet special needs made to a person pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950 in respect of that person's participation in the Full-Time Education and Training Option of the New Deal as specified in regulation 75(1)(b)(ii) of the Jobseeker's Allowance Regulations but only for a period of 52 weeks from the date of receipt of the payment.

48. Any discretionary payment made pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950 to meet, or help meet, special needs of a person who is undertaking a qualifying course within the meaning specified in regulation 17A(7)(76) of the Jobseeker's Allowance Regulations but only for a period of 52 weeks from the date of receipt of the payment.

49. Any child care expenses reimbursed to the relevant person in respect of his participation in the Preparation for Employment Programme but only for a period of 52 weeks from the date of receipt of the payment.

50. Any mandatory top-up payment made to a person pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950 in respect of that person's participation in the Preparation for Employment Programme but only for a period of 52 weeks from the date of receipt of the payment.

51.—(1) Any payment of a sports award for a period of 26 weeks from the date of receipt of that payment except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear or household fuel of the relevant person or, where the relevant person is a member of a family, any other member of his family, or any eligible rates or rent to which regulation 9 or 10 of the Housing Benefit (General) Regulations (Northern Ireland) 1987 for which that relevant person or member is liable.

(3) For the purposes of sub-paragraph (2) –

- (a) “food” does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made;
- (b) “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;
- (c) “rates or rent” means eligible rates or rent to which regulations 9 or 10 of the Housing Benefit (General) Regulations (Northern Ireland) 1987 refer less any deductions in respect of non-dependants which fall to be made under regulation 63 of those Regulations.

52. Where an ex-gratia payment of £10,000 has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or internment of –

- (a) the relevant person;
- (b) the relevant person's partner;
- (c) the relevant person's deceased spouse; or
- (d) the relevant person's partner's deceased spouse;

by the Japanese during the Second World War, £10,000.

(76) Regulation 17A was inserted by regulation 4 of S.R. 1998 No. 198 and amended by S.R. 1998 No. 418 and S.R. 1999 No. 467

53.—(1) Subject to sub-paragraph (2), the amount of any trust payment made to the relevant person or a member of the relevant person's family who is –

- (a) a diagnosed person;
- (b) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
- (c) a parent of a diagnosed person, a person acting in the place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
- (d) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death.

(2) Where a trust payment is made to –

- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;
- (b) a person referred to in sub-paragraph 1(c), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending two years after that date;
- (c) a person referred to in sub-paragraph (1)(d), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending –
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person –
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 19,whichever is the latest.

(3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to the relevant person or a member of a relevant person's family who is –

- (a) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
- (b) a parent of a diagnosed person, a person acting in the place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
- (c) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death,

but only to the extent that such payments do not exceed the total amount of any trust payments made to that person.

(4) Where a payment as referred to in sub-paragraph (3) is made to –

- (a) a person referred to in sub-paragraph (3)(a), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending on the date on which that person dies;
- (b) a person referred to in sub-paragraph (3)(b), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending two years after that date;
- (c) a person referred to in sub-paragraph (3)(c), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending –
 - (i) two years after that date; or

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

- (ii) on the day before the day on which that person –
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 19,whichever is the latest.

(5) In this paragraph, a reference to a person –

- (a) being the diagnosed person's partner;
- (b) being a member of the diagnosed person's family; or
- (c) acting in the place of the diagnosed person's parents,

at the date of the diagnosed person's death shall include a person who would have been such a person or a person who would have been so acting, but for the diagnosed person being in residential accommodation, a residential care home or a nursing home on that date.

(6) In this paragraph –

“diagnosed person” means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeldt-Jakob disease;

“relevant trust” means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeldt-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;

“residential accommodation”, “residential care home” and “nursing home” shall have the same meanings as for the purposes of the Income Support (General) Regulations (Northern Ireland) 1987⁽⁷⁷⁾;

“trust payment” means a payment under a relevant trust.

54. Any ex-gratia payment made by the Secretary of State to members of the families of the disappeared, but only for a period of 52 weeks from the date of receipt of that payment.

55. Any training grant payable under the New Deal 50 Plus Employment Credit Scheme pursuant to arrangements made under section 2(1) of the Employment and Training Act (Northern Ireland) 1950⁽⁷⁸⁾ but only for a period of 52 weeks from the date of payment.

56. The amount of a payment, other than a war pension within the meaning in section 25 of the Social Security Act 1989 f Ref="f00185"/>, to compensate for the fact that the relevant person, the relevant person's partner, the relevant person's deceased spouse or the relevant person's partner's deceased spouse –

- (a) was a slave labourer or a forced labourer;
- (b) had suffered property loss or had suffered personal injury; or
- (c) was a parent of a child who had died,

during the Second World War.

⁽⁷⁷⁾ S.R. 1987 No. 459

⁽⁷⁸⁾ 1950 c. 29 as amended by the Employment and Training (Amendment) (Northern Ireland) Order 1988 (S.I. 1988/1087 (N.I. 10))

SCHEDULE 5

Regulation 52

REVOCATIONS

<i>Regulations revoked</i>	<i>References</i>
The Housing Renovation, etc. Grants (Reduction of Grant) Regulations (Northern Ireland) 1997	S.R. 1997 No. 456
The Housing Renovation, etc. Grants (Reduction of Grant) (Amendment) Regulations (Northern Ireland) 1998	S.R. 1998 No. 396
The Housing Renovation, etc. Grants (Reduction of Grant) (Amendment) Regulations (Northern Ireland) 1999	S.R. 1999 No. 387
The Housing Renovation, etc. Grants (Reduction of Grant) (Amendment) Regulations (Northern Ireland) 2000	S.R. 2000 No. 62
The Housing Renovation, etc. Grants (Reduction of Grant) (Amendment No. 2)8 Regulations (Northern Ireland) 2000	S.R. 2000 No. 325
The Housing Renovation, etc. Grants (Reduction of Grant) (Amendment) Regulations (Northern Ireland) 2001	S.R. 2001 No. 315
The Housing Renovation, etc. Grants (Reduction of Grant) (Amendment) Regulations (Northern Ireland) 2003	S.R. 2003 No. 234
The Housing Renovation, etc. Grants (Reduction of Grant) (Amendment No. 2) Regulations (Northern Ireland) 2003	S.R. 2003 No. 282
The Housing Renovation, etc. Grants (Reduction of Grant) (Amendment No. 3) Regulations (Northern Ireland) 2003	S.R. 2003 No. 387