

## SCHEDULE 4

Regulation 21(2)

### CAPITAL TO BE DISREGARDED

1. The value of one dwelling (and not more than one dwelling) of a temporary resident in circumstances where—

- (a) he intends to return to occupy that dwelling as his home; and
- (b) the dwelling to which he intends to return is still available to him.

2. The value of any premises which would be disregarded under paragraphs 2 or 4 of Schedule 10 to the Income Support Regulations<sup>(1)</sup> (premises acquired for occupation and premises occupied by a third party).

3. The value of the proceeds of sale of any premises which would be disregarded under paragraph 3 of Schedule 10 to the Income Support Regulations (proceeds of sale from premises formerly occupied).

4. Any reversionary interest.

5. Any assets which would be disregarded under paragraph 6 of Schedule 10 to the Income Support Regulations<sup>(2)</sup> (business assets), but as if in sub-paragraph (2) of that paragraph for the words from “the claim for income support” to the end of that sub-paragraph there were substituted the words “the accommodation was initially provided”.

6. Any amount which would be disregarded under paragraph 7 of Schedule 10 to the Income Support Regulations<sup>(3)</sup> (arrears of specified payments), but as if the reference in sub-paragraph (a) of that paragraph to paragraph 6, 8, 9 or 9A of Schedule 9 to the Income Support Regulations (other income to be disregarded) were a reference to paragraphs 4 to 6 of Schedule 3 to these Regulations (other income to be disregarded).

7. Any amount which would be disregarded under paragraph 8 or 9 of Schedule 10 to the Income Support Regulations (property repairs and amounts deposited with a housing association).

8. Any personal possessions except those which had or have been acquired by a resident with the intention of reducing his capital in order to satisfy a local authority that he was unable to pay for his accommodation at the standard rate or to reduce the rate at which he would otherwise be liable to pay for his accommodation.

9. Any amount which would be disregarded under paragraph 11 of Schedule 10 to the Income Support Regulations (income under an annuity).

10. Any amount which would be disregarded under paragraph 12 of Schedule 10 to the Income Support Regulations<sup>(4)</sup> (personal injury trusts).

11. Any amount which would be disregarded under paragraph 13 of Schedule 10 to the Income Support Regulations (a life interest or a liferent).

12. The value of the right to receive any income which is disregarded under paragraph 5 of Schedule 2 or paragraph 15 of Schedule 3 (earnings or other income to be disregarded).

13. Any amount which would be disregarded under paragraphs 15, 16, 18 or 19 of Schedule 10 to the Income Support Regulations<sup>(5)</sup> (surrender value of life insurance policy, outstanding instalments, social fund payments and tax refunds on certain loan interest).

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(1) Paragraph 2 was amended by regulation 26(a) of S.I. 1988/1445; paragraph 4 was amended by regulation 3(a) of S.I. 1988/910, regulation 26(b) of S.I. 1988/1445, and regulation 11(a) of S.I. 1990/1776.

(2) Amended by regulation 11(b) of S.I. 1990/1776.

(3) Amended by regulation 11(7) of S.I. 1991/2742.

(4) Paragraph 12 of the Income Support Regulations was substituted by regulation 11(c) of S.I. 1990/1776.

(5) Paragraph 18 of Schedule 10 to the Income Support Regulations was substituted by regulation 9(2) of S.I. 1992/468.

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

**14.** Any capital which under regulation 16 or 39 (capital treated as income and student loans) is to be treated as income.

**15.** Any amount which would be disregarded under paragraphs 21 to 24 of Schedule 10 to the Income Support Regulations(6) (charge or commission for converting capital into sterling, the Macfarlane Trusts, the Fund and the Independent Living Fund, personal or occupational pensions, and rent).

**16.** The value of any premises which would be disregarded under paragraph 27 or 28 of Schedule 10 to the Income Support Regulations(7) (premises a claimant intends to occupy).

**17.** Any amount which would be disregarded under paragraphs 29 to 43 of Schedule 10 to the Income Support Regulations(8) (fund payments in kind, training bonuses, housing benefit compensation, supplementary benefit compensation, housing benefit supplement compensation, juror or witness payments, community charge rebate, reduction of liability for personal community charge, housing grants, travelling expenses and health service supplies, welfare food payments, prison visiting scheme payments, special war widows payments, disabled persons' employment payments, and blind homeworkers' payments).

**18.** The value of any premises occupied in whole or in part by a third party where the local authority consider it would be reasonable to disregard the value of those premises.

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(6) Paragraphs 22 to 24 were added by regulation 36(b) of S.I. 1988/663; paragraph 22 was then substituted by regulation 5(8) (a) of S.I. 1991/1175 and amended by regulation 6(8)(a) of S.I. 1992/1101; and paragraph 23 was amended by regulation 21 of S.I. 1991/1559.

(7) Paragraphs 27 and 28 were inserted by regulation 3(b) of S.I. 1988/910, and paragraph 27 was then substituted by regulation 23(a) of S.I. 1988/2022.

(8) Paragraph 29 of Schedule 10 to the Income Support Regulations was added by regulation 26(c) of S.I. 1988/1445 and amended by regulation 3(4) of S.I. 1990/127, regulation 5(8)(b) of S.I. 1991/1175 and regulation 6(8)(b) of S.I. 1992/1101; paragraph 30 was added by regulation 26(c) of S.I. 1988/1445, and amended by articles 2 and 9(h) of, and the Schedule to, S.I. 1991/387; paragraph 31 was added by regulation 26(c) of S.I. 1988/1445; paragraphs 32 to 35 were added by regulation 23(b) of S.I. 1988/2022; paragraph 36 was added by regulation 23(a) of S.I. 1990/547; paragraph 37 was added by regulation 23(b) of S.I. 1990/547; paragraphs 38 to 41 were added by regulation 11(d) of S.I. 1990/1776; and paragraphs 42 and 43 were added by regulation 9(3) of S.I. 1992/468.