

SCHEDULE 9

Regulation 33(2)

Sums disregarded in the calculation of income other than earnings: persons who are not pensioners

1. Any payment made to the applicant in respect of any child care, travel or other expenses incurred, or to be incurred, by the applicant in respect of the applicant's participation in the Work for Your Benefit Pilot Scheme.

Commencement Information

I1 Sch. 9 para. 1 in force at 28.11.2013, see [reg. 1\(2\)](#)

2. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by the applicant in respect of the applicant's participation in the Mandatory Work Activity Scheme.

Commencement Information

I2 Sch. 9 para. 2 in force at 28.11.2013, see [reg. 1\(2\)](#)

3. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by the applicant in respect of the applicant's participation in the Employment, Skills and Enterprise Scheme.

Commencement Information

I3 Sch. 9 para. 3 in force at 28.11.2013, see [reg. 1\(2\)](#)

4. Any amount paid by way of tax on income which is to be taken into account under paragraph 17 of Schedule 6 (calculation of income other than earnings).

Commencement Information

I4 Sch. 9 para. 4 in force at 28.11.2013, see [reg. 1\(2\)](#)

5. Any payment in respect of any expenses incurred or to be incurred by an applicant who is—
(a) engaged by a charitable or voluntary organisation, or
(b) a volunteer,

if that applicant otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under paragraph 19(5) of Schedule 6 (notional income: persons who are not pensioners).

Commencement Information

I5 Sch. 9 para. 5 in force at 28.11.2013, see [reg. 1\(2\)](#)

6. Any payment in respect of expenses arising out of the applicant's participation in a service user group.

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Commencement Information

I6 Sch. 9 para. 6 in force at 28.11.2013, see [reg. 1\(2\)](#)

7. 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.

Commencement Information

I7 Sch. 9 para. 7 in force at 28.11.2013, see [reg. 1\(2\)](#)

8. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the whole of the applicant's income.

Commencement Information

I8 Sch. 9 para. 8 in force at 28.11.2013, see [reg. 1\(2\)](#)

9. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act 1995 and the applicant's partner is on an income-based jobseeker's allowance, the whole of the applicant's income.

Commencement Information

I9 Sch. 9 para. 9 in force at 28.11.2013, see [reg. 1\(2\)](#)

10. Where the applicant, or the person who was the partner of the applicant on 31 March 2003, was entitled on that date to income support or an income-based jobseeker's allowance but ceased to be so entitled on or before 5 April 2003 by virtue only of regulation 13 of the Housing Benefit (General) Amendment (No 3) Regulations 1999⁽¹⁾ as in force at that date, the whole of the applicant's income.

Commencement Information

I10 Sch. 9 para. 10 in force at 28.11.2013, see [reg. 1\(2\)](#)

11. Any disability living allowance, personal independence payment, or AFIP.

Commencement Information

I11 Sch. 9 para. 11 in force at 28.11.2013, see [reg. 1\(2\)](#)

12. Any concessionary payment made to compensate for the non-payment of—
(a) any payment specified in paragraph 11 or 14;
(b) income support;
(c) an income-based jobseeker's allowance;
(d) an income-related employment and support allowance.

⁽¹⁾ S.I. 1999/2734.

Commencement Information

I12 Sch. 9 para. 12 in force at 28.11.2013, see [reg. 1\(2\)](#)

13. Any mobility supplement under article 20 of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006⁽²⁾ (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983⁽³⁾ or any payment intended to compensate for the non-payment of such a supplement.

Commencement Information

I13 Sch. 9 para. 13 in force at 28.11.2013, see [reg. 1\(2\)](#)

14. Any attendance allowance.

Commencement Information

I14 Sch. 9 para. 14 in force at 28.11.2013, see [reg. 1\(2\)](#)

15. Any payment to the applicant as holder of the Victoria Cross or of the George Cross or any analogous payment.

Commencement Information

I15 Sch. 9 para. 15 in force at 28.11.2013, see [reg. 1\(2\)](#)

16.—(1) Any payment—

- (a) by way of an education maintenance allowance made pursuant to—
 - (i) regulations made under section 518 of the Education Act 1996⁽⁴⁾ (payment of school expenses; grant of scholarships etc);
 - (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980⁽⁵⁾ (power to assist persons to take advantage of educational facilities);
 - (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992⁽⁶⁾;
- (b) corresponding to such an education maintenance allowance, made pursuant to—
 - (i) section 14 or section 181 of the Education Act 2002⁽⁷⁾ (power of Secretary of State and the Welsh Ministers to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
 - (ii) regulations made under section 181 of that Act; or
- (c) in England and Wales, by way of financial assistance made pursuant to section 14 of the Education Act 2002.

(2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to—

(2) [S.I. 2006/206](#)
(3) [S.I. 1983/686](#).
(4) [1996 c.56](#).
(5) [1980 c.44](#).
(6) [1992 c.37](#).
(7) [2002 c.32](#).

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- (a) regulations made under section 518 of the Education Act 1996;
- (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
- (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992,

in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).

Commencement Information

I16 Sch. 9 para. 16 in force at 28.11.2013, see [reg. 1\(2\)](#)

17. Any payment made to the applicant by way of a repayment under regulation 11(2) of the Education (Teacher Student Loans) (Repayment etc) Regulations 2003⁽⁸⁾.

Commencement Information

I17 Sch. 9 para. 17 in force at 28.11.2013, see [reg. 1\(2\)](#)

18.—(1) Any payment made pursuant to section 2 of the Employment and Training Act 1973⁽⁹⁾ or section 2 of the Enterprise and New Towns (Scotland) Act 1990⁽¹⁰⁾ except a payment—

- (a) made as a substitute for income support, a jobseeker’s allowance, incapacity benefit, severe disablement allowance or an employment and support allowance;
- (b) of an allowance referred to in section 2(3) of the Employment and Training Act 1973 or section 2(5) of the Enterprise and New Towns (Scotland) Act 1990; or
- (c) intended to meet the cost of living expenses which relate to any one or more of the items specified in sub-paragraph (2) whilst an applicant is participating in an education, training or other scheme to help the applicant enhance the applicant’s employment prospects unless the payment is a Career Development Loan paid pursuant to section 2 of the 1973 Act and the period of education or training or the scheme, which is supported by that loan, has been completed.

(2) The items specified in this sub-paragraph for the purposes of sub-paragraph (1)(c) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of the applicant’s family, or any council tax or water charges for which that applicant or member is liable.

Commencement Information

I18 Sch. 9 para. 18 in force at 28.11.2013, see [reg. 1\(2\)](#)

19.—(1) Subject to sub-paragraph (2), any of the following payments—

- (a) a charitable payment;
- (b) a voluntary payment;

⁽⁸⁾ S.I. 2003/1917.

⁽⁹⁾ 1973 c.50.

⁽¹⁰⁾ 1990 c.35.

- (c) a payment (not falling within paragraph (a) or (b)) from a trust whose funds are derived from a payment made in consequence of any personal injury to the applicant;
 - (d) a payment under an annuity purchased—
 - (i) pursuant to any agreement or court order to make payments to the applicant; or
 - (ii) from funds derived from a payment made,in consequence of any personal injury to the applicant; or
 - (e) a payment (not falling within paragraphs (a) to (d)) received by virtue of any agreement or court order to make payments to the applicant in consequence of any personal injury to the applicant.
- (2) Sub-paragraph (1) is not to apply to a payment which is made or due to be made by—
- (a) a former partner of the applicant, or a former partner of any member of the applicant's family; or
 - (b) the parent of a child or young person where that child or young person is a member of the applicant's family.

Commencement Information

I19 Sch. 9 para. 19 in force at 28.11.2013, see [reg. 1\(2\)](#)

- 20.** Subject to paragraph 40, £10 of any of the following, namely—
- (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 13 or 14);
 - (b) a war widow's pension or war widower's pension;
 - (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
 - (d) a guaranteed income payment and, if the amount of that payment has been abated to less than £10 by a pension or payment falling within article 39(1)(a) or (b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011(**11**), so much of that pension or payment as would not, in aggregate with the amount of any guaranteed income payment disregarded, exceed £10;
 - (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
 - (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
 - (g) 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.

Commencement Information

I20 Sch. 9 para. 20 in force at 28.11.2013, see [reg. 1\(2\)](#)

- 21.** Subject to paragraph 40, £15 of any—

(11) [S.I. 2011/517](#).

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

Commencement Information

I21 Sch. 9 para. 21 in force at 28.11.2013, see [reg. 1\(2\)](#)

22.—(1) Any income derived from capital to which the applicant is or is treated under paragraph 32 of Schedule 6 (capital jointly held) as beneficially entitled but, subject to sub-paragraph (2), not income derived from capital disregarded under paragraphs 4, 5, 7, 11, 17 or 30 to 33 of Schedule 10.

(2) Income derived from capital disregarded under paragraphs 5, 7 or 30 to 33 of Schedule 10 but only to the extent of—

- (a) any mortgage repayments made in respect of the dwelling or premises in the period during which that income accrued; or
- (b) any council tax or water charges which the applicant is liable to pay in respect of the dwelling or premises and which are paid in the period during which that income accrued.

(3) The definition of “water charges” (“*taliadau dŵr*”) in regulation 2(1) applies to sub-paragraph (2) of this paragraph with the omission of the words “in so far as such charges are in respect of the dwelling which a person occupies as that person’s home”.

Commencement Information

I22 Sch. 9 para. 22 in force at 28.11.2013, see [reg. 1\(2\)](#)

23. Where the applicant 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—

- (a) under, or pursuant to regulations made under powers conferred by section 22 of the Teaching and Higher Education Act 1998(**12**), that student’s award;
- (b) under regulations made in exercise of the powers conferred by section 49 of the Education (Scotland) Act 1980(**13**), that student’s bursary, scholarship, or other allowance under that section or under regulations made in exercise of the powers conferred by section 73 of that Act of 1980, any payment to that student under that section; or
- (c) 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.

Commencement Information

I23 Sch. 9 para. 23 in force at 28.11.2013, see [reg. 1\(2\)](#)

24.—(1) Where the applicant is the parent of a student aged under 25 in advanced education who either—

- (a) is not in receipt of any award, grant or student loan in respect of that education; or

(12) 1998 c.30.

(13) 1980 c.44.

- (b) is in receipt of an award bestowed by virtue of the Teaching and Higher Education Act 1998, or regulations made thereunder, or a bursary, scholarship or other allowance under section 49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980,

and the applicant makes payments by way of a contribution towards the student's maintenance, other than a parental contribution falling within paragraph 23, 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 is to be equal to—
 - (a) the weekly amount of the payments; or
 - (b) the amount by way of a personal allowance for a single applicant under 25 less the weekly amount of any award, bursary, scholarship, allowance or payment referred to in sub-paragraph (1)(b),

whichever is less.

Commencement Information

I24 Sch. 9 para. 24 in force at 28.11.2013, see [reg. 1\(2\)](#)

- 25.** Any payment made to the applicant by a child or young person or a non-dependant.

Commencement Information

I25 Sch. 9 para. 25 in force at 28.11.2013, see [reg. 1\(2\)](#)

26. Where the applicant occupies a dwelling as the applicant's home and the dwelling is also occupied by a person other than one to whom paragraph 25 or 27 refers and there is a contractual liability to make payments to the applicant in respect of the occupation of the dwelling by that person or a member of that person's family—

- (a) where the aggregate of any payments made in respect of any one week in respect of the occupation of the dwelling by that person or a member of that person's family, or by that person and a member of that person's family, is less than £20, the whole of that amount; or
- (b) where the aggregate of any such payments is £20 or more per week, £20.

Commencement Information

I26 Sch. 9 para. 26 in force at 28.11.2013, see [reg. 1\(2\)](#)

27. Where the applicant occupies a dwelling as the applicant's home and the applicant provides in that dwelling board and lodging accommodation, an amount, in respect of each person for which such accommodation is provided for the whole or any part of a week, equal to—

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

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Commencement Information

I27 Sch. 9 para. 27 in force at 28.11.2013, see [reg. 1\(2\)](#)

28.—(1) Any income in kind, except where paragraph 17(10)(b) of Schedule 6 (provision of support under section 95 or 98 of the Immigration and Asylum Act 1999(**14**) in the calculation of income other than earnings) applies.

(2) The reference in sub-paragraph (1) to “income in kind” (“*incwm mewn nwyddau neu wasanaethau*”) does not include a payment to a third party made in respect of the applicant which is used by the third party to provide benefits in kind to the applicant.

Commencement Information

I28 Sch. 9 para. 28 in force at 28.11.2013, see [reg. 1\(2\)](#)

29. Any income which is 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 that income.

Commencement Information

I29 Sch. 9 para. 29 in force at 28.11.2013, see [reg. 1\(2\)](#)

30.—(1) Any payment made to the applicant in respect of a person who is a member of the applicant’s family—

- (a) pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002(**15**) or in accordance with a scheme approved by the Scottish Ministers under section 71 of the Adoption and Children (Scotland) Act 2007(**16**) (adoption allowances schemes);
- (b) which is a payment made by a local authority in pursuance of section 15(1) of, and paragraph 15 of Schedule 1 to, the Children Act 1989(**17**) (local authority contribution to a child’s maintenance where the child is living with a person as a result of a residence order) or in Scotland section 50 of the Children Act 1975(**18**) (payments towards maintenance of children);
- (c) which is a payment made by an authority, as defined in article 2 of the Children (Northern Ireland) Order 1995(**19**), in pursuance of article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to child’s maintenance);
- (d) in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services).

(2) Any payment, other than a payment to which sub-paragraph (1)(a) applies, made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.

(14) 1999 c.33.

(15) 2002 c.38.

(16) 2007 asp 4.

(17) 1989 c.41.

(18) 1975 c.72.

(19) S.I. 1995/755.

Commencement Information

I30 Sch. 9 para. 30 in force at 28.11.2013, see [reg. 1\(2\)](#)

31. Any payment made to an applicant with whom a person is accommodated by virtue of arrangements made—

- (a) by a local authority under—
 - (i) section 23(2)(a) of the Children Act 1989 (provision of accommodation and maintenance for a child whom they are looking after),
 - (ii) section 26 of the Children (Scotland) Act 1995⁽²⁰⁾ (manner of provision of accommodation to child looked after by local authority), or
 - (iii) regulation 33 or 51 of the Looked After Children (Scotland) Regulations 2009⁽²¹⁾ (fostering and kinship care allowances and fostering allowances); or
- (b) by a voluntary organisation under section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations).

Commencement Information

I31 Sch. 9 para. 31 in force at 28.11.2013, see [reg. 1\(2\)](#)

32. Any payment made to the applicant or the applicant’s partner for a person (“the person concerned”), who is not normally a member of the applicant’s household but is temporarily in the applicant’s care, by—

- (a) a health authority;
- (b) a local authority but excluding payments of housing benefit made in respect of the person concerned;
- (c) a voluntary organisation;
- (d) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948⁽²²⁾;
- (e) a primary care trust established under section 16A of the National Health Service Act 1977⁽²³⁾ or established by an order made under section 18(2)(c) of the National Health Service Act 2006⁽²⁴⁾; or
- (f) a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006⁽²⁵⁾.

Commencement Information

I32 Sch. 9 para. 32 in force at 28.11.2013, see [reg. 1\(2\)](#)

33. Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989⁽²⁶⁾ or, as the case may be, section 12 of the Social Work (Scotland) Act 1968

⁽²⁰⁾ 1995 c.36.
⁽²¹⁾ S.I. 2009/210.
⁽²²⁾ 1948 c.29.
⁽²³⁾ 1977 c.49.
⁽²⁴⁾ 2006 c.41.
⁽²⁵⁾ 2006 c.42.
⁽²⁶⁾ 1989 c.49.

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or section 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).

Commencement Information

I33 Sch. 9 para. 33 in force at 28.11.2013, see [reg. 1\(2\)](#)

34.—(1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ("A") which A passes on to the applicant.

(2) Sub-paragraph (1) applies only where A—

- (a) was formerly in the applicant's care, and
- (b) is aged 18 or over, and
- (c) continues to live with the applicant.

Commencement Information

I34 Sch. 9 para. 34 in force at 28.11.2013, see [reg. 1\(2\)](#)

35.—(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 applicant occupies as the applicant's home; or
- (b) under a regulated agreement as defined for the purposes of the Consumer Credit Act 1974⁽²⁷⁾ or under a hire-purchase agreement or a conditional sale agreement as defined for the purposes of Part 3 of the Hire-Purchase Act 1964⁽²⁸⁾.

(2) A payment referred to in sub-paragraph (1) is only to 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, (1)(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 applicant as the applicant's home and which is required as a condition of the loan referred to in sub-paragraph (1)(a).

Commencement Information

I35 Sch. 9 para. 35 in force at 28.11.2013, see [reg. 1\(2\)](#)

⁽²⁷⁾ 1974 c.39.

⁽²⁸⁾ 1964 c.53.

36. Any payment of income which by virtue of paragraph 27 of Schedule 6 (income treated as capital: persons who are not pensioners) is to be treated as capital.

Commencement Information

I36 Sch. 9 para. 36 in force at 28.11.2013, see [reg. 1\(2\)](#)

37. Any—

- (a) social fund payment made pursuant to Part 8 of the SSCBA (the social fund); or
- (b) occasional assistance.

Commencement Information

I37 Sch. 9 para. 37 in force at 28.11.2013, see [reg. 1\(2\)](#)

38. Any payment under Part 10 of the SSCBA (Christmas bonus for pensioners).

Commencement Information

I38 Sch. 9 para. 38 in force at 28.11.2013, see [reg. 1\(2\)](#)

39. 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.

Commencement Information

I39 Sch. 9 para. 39 in force at 28.11.2013, see [reg. 1\(2\)](#)

40. The total of an applicant's income or, if the applicant is a member of a family, the family's income and the income of any person which that applicant is treated as possessing under paragraph 7(3) of Schedule 6 (calculation of income and capital of members of applicant's family and of a polygamous marriage) to be disregarded under paragraph 5(2)(b) and paragraph 6(1)(d) of Schedule 11 (calculation of covenant income where a contribution is assessed, covenant income where no grant income or no contribution is assessed), paragraph 9(2) of Schedule 11 (treatment of student loans), paragraph 11(3) of Schedule 11 (treatment of payments from access funds) and paragraphs 20 and 21, is in no case to exceed £20 per week.

Commencement Information

I40 Sch. 9 para. 40 in force at 28.11.2013, see [reg. 1\(2\)](#)

41.—(1) Any payment made under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

- (a) that person's partner or former partner from whom that person is not, or where that person has died was not, estranged or divorced or with whom that person has formed a civil

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partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;

- (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 applicant'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 applicant's family.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was 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 or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers 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 applicant'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 applicant'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 or by any of the Trusts to which sub-paragraph (1) refers, where—

- (a) that person has no partner or former partner from whom that person is not estranged or divorced or with whom that person has formed a civil partnership that has not been dissolved, 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 full-time education and that person has no parent or step-parent, to that person's guardian,

but only for a period from the date of the payment until the end of two 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 or by any of the Trusts to which sub-paragraph (1) refers, where—

- (a) that person at the date of that person's death (the relevant date) had no partner or former partner from whom that person was not estranged or divorced or with whom that person has formed a civil partnership that has not been dissolved, nor any child or young person who was 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 relevant date was a child, a young person or a student who had not completed full-time education and that person had no parent or step-parent, to that person's guardian,

but only for a period of two 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 is to be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation and the London Bombings Relief Charitable Fund.

Commencement Information

I41 Sch. 9 para. 41 in force at 28.11.2013, see [reg. 1\(2\)](#)

42. Any housing benefit.

Commencement Information

I42 Sch. 9 para. 42 in force at 28.11.2013, see [reg. 1\(2\)](#)

43. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.

Commencement Information

I43 Sch. 9 para. 43 in force at 28.11.2013, see [reg. 1\(2\)](#)

44. 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 benefit Acts.

Commencement Information

I44 Sch. 9 para. 44 in force at 28.11.2013, see [reg. 1\(2\)](#)

45. Any payment in consequence of a reduction of council tax under section 13A(1)(c) of the 1992 Act (reduction of liability for council tax).

Commencement Information

I45 Sch. 9 para. 45 in force at 28.11.2013, see [reg. 1\(2\)](#)

46.—(1) Any payment or repayment made—

- (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003⁽²⁹⁾ (travelling expenses and health service supplies);
- (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007⁽³⁰⁾ (travelling expenses and health service supplies);

⁽²⁹⁾ S.I. 2003/2382.

⁽³⁰⁾ S.I. 2007/1104.

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(c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No 2) Regulations 2003⁽³¹⁾ (travelling expenses and health service supplies).

(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers which is analogous to a payment or repayment mentioned in sub-paragraph (1).

Commencement Information

I46 Sch. 9 para. 46 in force at 28.11.2013, see [reg. 1\(2\)](#)

47. Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988⁽³²⁾ in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins).

Commencement Information

I47 Sch. 9 para. 47 in force at 28.11.2013, see [reg. 1\(2\)](#)

48. Any payment made by either the Secretary of State for Justice or by the Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody.

Commencement Information

I48 Sch. 9 para. 48 in force at 28.11.2013, see [reg. 1\(2\)](#)

49.—(1) Where an applicant's applicable amount includes an amount by way of family premium, £15 of any payment of maintenance, other than child maintenance, whether under a court order or not, which is made or due to be made by the applicant's former partner, or the applicant's partner's former 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 are to be aggregated and treated as if they were a single payment.

(3) A payment made by the Secretary of State in lieu of maintenance is, for the purpose of sub-paragraph (1), to be treated as a payment of maintenance made by a person specified in sub-paragraph (1).

Commencement Information

I49 Sch. 9 para. 49 in force at 28.11.2013, see [reg. 1\(2\)](#)

50.—(1) Any payment of child maintenance made or derived from a liable relative where the child or young person in respect of whom the payment is made is a member of the applicant's family, except where the person making the payment is the applicant or the applicant's partner.

(2) In sub-paragraph (1)—

⁽³¹⁾ S.I. 2003/460.

⁽³²⁾ 1988 c.7.

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“child maintenance” (“*cynhaliaeth plant*”) means any payment towards the maintenance of a child or young person, including any payment made voluntarily and payments made under—

- (a) the Child Support Act 1991(33);
- (b) the Child Support (Northern Ireland) Order 1991(34);
- (c) a court order;
- (d) a consent order;
- (e) a maintenance agreement registered for execution in the Books of Council and Session or the sheriff court books;

“liable relative” (“*perthynas atebol*”) means a person listed in regulation 54 (interpretation) of the Income Support (General) Regulations 1987(35), other than a person falling within subparagraph (d) of that definition.

Commencement Information

I50 Sch. 9 para. 50 in force at 28.11.2013, see [reg. 1\(2\)](#)

51. Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944(36) to assist disabled persons to obtain or retain employment despite their disability.

Commencement Information

I51 Sch. 9 para. 51 in force at 28.11.2013, see [reg. 1\(2\)](#)

52. Any guardian’s allowance.

Commencement Information

I52 Sch. 9 para. 52 in force at 28.11.2013, see [reg. 1\(2\)](#)

53.—(1) If the applicant is in receipt of any benefit under Part 2, 3 or 5 of the SSCBA, any increase in the rate of that benefit arising under Part 4 (increases for dependants) or section 106(a) (unemployability supplement) of that Act, where the dependant in respect of whom the increase is paid is not a member of the applicant’s family.

(2) If the applicant is in receipt of any pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006(37), any increase in the rate of that pension or allowance under that Order, where the dependant in respect of whom the increase is paid is not a member of the applicant’s family.

Commencement Information

I53 Sch. 9 para. 53 in force at 28.11.2013, see [reg. 1\(2\)](#)

(33) 1991 c.48.

(34) S.I. 1991/2628.

(35) S.I. 1987/1967.

(36) 1944 c.10.

(37) S.I. 2006/606.

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54. Any supplementary pension under article 23(2) of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006 (pensions to surviving spouses and surviving civil partners) and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under that Order.

Commencement Information

I54 Sch. 9 para. 54 in force at 28.11.2013, see [reg. 1\(2\)](#)

55. In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983(**38**) (pensions to surviving spouses and surviving civil partners), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.

Commencement Information

I55 Sch. 9 para. 55 in force at 28.11.2013, see [reg. 1\(2\)](#)

56.—(1) Any payment which is—

- (a) made under any of the Dispensing Instruments to a widow, widower or surviving civil partner 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 31 March 1973; and
- (b) equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006.

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

Commencement Information

I56 Sch. 9 para. 56 in force at 28.11.2013, see [reg. 1\(2\)](#)

57. Any reduction under an authority’s scheme to which the applicant is entitled.

Commencement Information

I57 Sch. 9 para. 57 in force at 28.11.2013, see [reg. 1\(2\)](#)

58. Except in a case which falls under sub-paragraph (1) of paragraph 18 of Schedule 8, where the applicant is a person who satisfies any of the conditions of sub-paragraph (2) of that paragraph, any amount of working tax credit up to £17.10.

Commencement Information

I58 Sch. 9 para. 58 in force at 28.11.2013, see [reg. 1\(2\)](#)

59. Any payment made under section 12B of the Social Work (Scotland) Act 1968⁽³⁹⁾, or under sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care) or under regulations made under section 57 of the Health and Social Care Act 2001⁽⁴⁰⁾ (direct payments).

Commencement Information

I59 Sch. 9 para. 59 in force at 28.11.2013, see [reg. 1\(2\)](#)

60.—(1) Subject to sub-paragraph (2), in respect of a person who is receiving, or who has received, assistance under the self-employment route, any payment to that person—

- (a) to meet expenses wholly and necessarily incurred whilst carrying on the commercial activity;
- (b) which is used or intended to be used to maintain repayments on a loan taken out by that person for the purpose of establishing or carrying on the commercial activity,

in respect of which such assistance is or was received.

(2) Sub-paragraph (1) is to apply only in respect of payments which are paid to that person from the special account.

Commencement Information

I60 Sch. 9 para. 60 in force at 28.11.2013, see [reg. 1\(2\)](#)

61.—(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, household fuel or rent of the applicant or where the applicant is a member of a family, any other member of the applicant's family, or any council tax or water charges for which that applicant or member is liable.

(3) For the purposes of sub-paragraph (2) "food" (*"bwyd"*) 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.

Commencement Information

I61 Sch. 9 para. 61 in force at 28.11.2013, see [reg. 1\(2\)](#)

62. Where the amount of subsistence allowance paid to a person in a reduction week exceeds the amount of income-based jobseeker's allowance that person would have received in that reduction week had it been payable to that person, less 50p, that excess amount.

Commencement Information

I62 Sch. 9 para. 62 in force at 28.11.2013, see [reg. 1\(2\)](#)

⁽³⁹⁾ 1968 c.49.

⁽⁴⁰⁾ 2001 c.15.

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63. In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise.

.....
Commencement Information

I63 Sch. 9 para. 63 in force at 28.11.2013, see [reg. 1\(2\)](#)

64. Any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001⁽⁴¹⁾.

.....
Commencement Information

I64 Sch. 9 para. 64 in force at 28.11.2013, see [reg. 1\(2\)](#)

65. Any payment made by a local authority or by the Welsh Ministers, to or on behalf of the applicant or the applicant's partner relating to a service which is provided to develop or sustain the capacity of the applicant or the applicant's partner to live independently in the applicant's accommodation.

.....
Commencement Information

I65 Sch. 9 para. 65 in force at 28.11.2013, see [reg. 1\(2\)](#)

66. Any payment of child benefit.

.....
Commencement Information

I66 Sch. 9 para. 66 in force at 28.11.2013, see [reg. 1\(2\)](#)

(41) S.I. 2001/1167.

Changes to legislation:

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Changes and effects yet to be applied to :

- Sch. 9 para. 31(a)(iii) comma substituted by S.I. 2016/50 reg. 12(a)(iii)
- Sch. 9 para. 32(f) semi-colon substituted by S.I. 2016/50 reg. 12(b)(ii)
- Sch. 9 para. 33 substituted by S.I. 2016/50 reg. 12(c)
- Sch. 9 para. 34(1) substituted by S.I. 2016/50 reg. 12(d)
- Sch. 9 para. 59 substituted by S.I. 2016/50 reg. 12(e)
- Sch. 9 para. 20(g) substituted by S.I. 2018/14 reg. 12(a)
- Sch. 9 para. 31(a)(ii) word omitted by S.I. 2016/50 reg. 12(a)(ii)
- Sch. 9 para. 32(e) word omitted by S.I. 2016/50 reg. 12(b)(i)
- Sch. 9 para. 31(a)(i) words inserted by S.I. 2016/50 reg. 12(a)(i)
- Sch. 9 para. 41(1) words inserted by S.I. 2018/14 reg. 12(b)
- Sch. 9 para. 41(7) words inserted by S.I. 2018/14 reg. 12(b)
- Sch. 9 para. 46(2) words inserted by S.I. 2019/11 reg. 9(a)
- Sch. 9 para. 59 words substituted by S.I. 2014/513 Sch. para. 25(4)(a)
- Sch. 9 para. 59 words substituted by S.I. 2014/513 Sch. para. 25(4)(b) (Welsh text only)
- Sch. 9 para. 30(1)(b) words substituted by S.I. 2014/852 art. 25

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 para. 3(8)(c) and word added by S.I. 2015/44 reg. 7(a)(vi)(bb)
- Sch. 1 para. 3(10) inserted by S.I. 2015/44 reg. 7(a)(vii)
- Sch. 1 para. 10(1)(xvii) inserted by S.I. 2015/44 reg. 7(b)(ii)
- Sch. 1 para. 12(1)(ja) inserted by S.I. 2015/44 reg. 7(c)
- Sch. 1 para. 15(2)(d)(vi)(vii) inserted by S.I. 2016/50 reg. 5(b)(iii)
- Sch. 1 para. 16(2)(d) inserted by S.I. 2016/50 reg. 5(c)(iii)
- Sch. 1 para. 16(3)(d) inserted by S.I. 2016/50 reg. 5(c)(vi)
- Sch. 1 para. 16(11A)-(11D) inserted by S.I. 2016/50 reg. 5(c)(viii)
- Sch. 1 para. 11(3A) inserted by S.I. 2017/46 reg. 3(b)(ii)
- Sch. 1 para. 11(4A) inserted by S.I. 2017/46 reg. 3(b)(iii)
- Sch. 1 para. 10(1)(j)(xvii) inserted by S.I. 2020/16 reg. 7(b)
- Sch. 1 para. 12(1)(jb) inserted by S.I. 2020/16 reg. 7(c)
- Sch. 1 para. 10(1)(j)(xx) inserted by S.I. 2021/34 reg. 4(2)
- Sch. 1 para. 3(9)(c)(d) inserted by S.I. 2024/56 reg. 4(c)
- Sch. 1 para. 11(3A)(b)(c) substituted by S.I. 2018/14 reg. 4(c)(i)(bb)
- Sch. 1 para. 11(4A)(b)(c) substituted by S.I. 2018/14 reg. 4(c)(ii)(bb)
- Sch. 1 para. 11(3A)(a) words substituted by S.I. 2018/14 reg. 4(c)(i)(aa)
- Sch. 1 para. 11(4A)(a) words substituted by S.I. 2018/14 reg. 4(c)(ii)(aa)
- Sch. 2 para. 8(d) inserted by S.I. 2024/56 reg. 5(d)(ii)
- Sch. 2 Pt. 4 para. 12(1) sum substituted by S.I. 2020/16 reg. 8(b)(i)
- Sch. 2 Pt. 4 para. 12(2) sum substituted by S.I. 2020/16 reg. 8(b)(ii)
- Sch. 2 Pt. 4 para. 12(3) sum substituted by S.I. 2020/16 reg. 8(b)(iii)
- Sch. 2 Pt. 4 para. 12(4) sum substituted by S.I. 2020/16 reg. 8(b)(iv)
- Sch. 5 para. 28C(1) Sch. 5 para. 28C renumbered as Sch. 5 para. 28C(1) by S.I. 2024/56 reg. 6(b)(i)
- Sch. 5 para. 28A inserted by S.I. 2014/513 Sch. para. 25(3)(a)

- Sch. 5 para. 28A inserted by S.I. 2014/513 Sch. para. 25(3)(b) (Welsh text only)
- Sch. 5 para. 21(1)(f) inserted by S.I. 2014/66 reg. 8(a)(ii)
- Sch. 5 para. 21(2)(p)(q) inserted by S.I. 2014/66 reg. 8(a)(v)
- Sch. 5 para. 22(2)(f) inserted by S.I. 2014/66 reg. 8(b)(ii)
- Sch. 5 para. 33 inserted by S.I. 2014/66 reg. 8(c)
- Sch. 5 para. 27A inserted by S.I. 2016/50 reg. 8(a)
- Sch. 5 para. 28(f)(g) inserted by S.I. 2016/50 reg. 8(b)(iii)
- Sch. 5 para. 28B inserted by S.I. 2018/14 reg. 8(b)
- Sch. 5 para. 21(2)(r) inserted by S.I. 2019/11 reg. 5(a)(iii)
- Sch. 5 para. 28C inserted by S.I. 2019/11 reg. 5(b)
- Sch. 5 para. 28D28E inserted by S.I. 2022/51 reg. 6
- Sch. 5 para. 16(1A) inserted by S.I. 2024/56 reg. 6(a)(i)
- Sch. 5 para. 16(6A) inserted by S.I. 2024/56 reg. 6(a)(vi)
- Sch. 5 para. 28C(2) inserted by S.I. 2024/56 reg. 6(b)(ii)
- Sch. 5 para. 28F inserted by S.I. 2024/56 reg. 6(c)
- Sch. 5 para. 21(2)(p) word omitted by S.I. 2019/11 reg. 5(a)(i)
- Sch. 5 para. 21(2)(q) word substituted by S.I. 2019/11 reg. 5(a)(ii)
- Sch. 6 para. 5(8)(c) and word inserted by S.I. 2015/44 reg. 10(a)(vi)(bb)
- Sch. 6 para. 5(10) inserted by S.I. 2015/44 reg. 10(a)(vii)
- Sch. 6 para. 10A inserted by S.I. 2017/46 reg. 5(c)
- Sch. 6 para. 5(9)(d) inserted by S.I. 2018/14 reg. 9(a)(ix)
- Sch. 6 para. 5(9)(ba) inserted by S.I. 2024/56 reg. 7(c)
- Sch. 6 para. 10A(b)(c) substituted by S.I. 2018/14 reg. 9(b)(ii)
- Sch. 6 para. 10A(a) words substituted by S.I. 2018/14 reg. 9(b)(i)
- Sch. 7 para. 10(1)(a)(vii) substituted by S.I. 2016/50 reg. 10(a)(ii)
- Sch. 7 para. 10(1)(a)(vi) words substituted by S.I. 2022/634 reg. 71(3)
- Sch. 7 para. 10(1)(a)(vi) words substituted by S.I. 2022/634 reg. 72(3) (Amendment to Welsh text)
- Sch. 7 Pt. 4 para. 17(1) sum substituted by S.I. 2020/16 reg. 10(b)(i)
- Sch. 7 Pt. 4 para. 17(2) sum substituted by S.I. 2020/16 reg. 10(b)(ii)
- Sch. 7 Pt. 4 para. 17(3) sum substituted by S.I. 2020/16 reg. 10(b)(iii)
- Sch. 7 Pt. 4 para. 17(4) sum substituted by S.I. 2020/16 reg. 10(b)(iv)
- Sch. 7 Pt. 4 para. 17(5) sum substituted by S.I. 2020/16 reg. 10(b)(v)
- Sch. 7 Pt. 6 para. 24 sum substituted by S.I. 2020/16 reg. 10(c)
- Sch. 7 Pt. 6 para. 23 sum substituted by S.I. 2022/51 reg. 8(e)(i)
- Sch. 7 Pt. 6 para. 24 sum substituted by S.I. 2022/51 reg. 8(e)(ii)
- Sch. 7 Pt. 6 para. 23 sum substituted by S.I. 2023/47 reg. 9(e)(i)
- Sch. 7 Pt. 6 para. 24 sum substituted by S.I. 2023/47 reg. 9(e)(ii)
- Sch. 8 para. 18(2)(b)(iv)(v) substituted for Sch. 8 para. 18(2)(b)(iv) by S.I. 2019/11 reg. 8
- Sch. 8 para. 18(2)(b)(iv)(aa) words substituted by S.I. 2018/14 reg. 11(b)(i)
- Sch. 8 para. 18(2)(b)(iv)(bb) words substituted by S.I. 2018/14 reg. 11(b)(ii)
- Sch. 9 para. 31(a)(iv) inserted by S.I. 2016/50 reg. 12(a)(iv)
- Sch. 9 para. 32(g)(h) inserted by S.I. 2016/50 reg. 12(b)(iii)
- Sch. 9 para. 67 inserted by S.I. 2019/11 reg. 9(b)
- Sch. 10 para. 65(1) Sch. 10 para. 65 renumbered as Sch. 10 para. 65(1) by S.I. 2024/56 reg. 9(b)(i)
- Sch. 10 para. 2A inserted by S.I. 2014/66 reg. 11(a)
- Sch. 10 para. 12(1)(g) inserted by S.I. 2014/66 reg. 11(b)(ii)
- Sch. 10 para. 63 inserted by S.I. 2014/66 reg. 11(c)
- Sch. 10 para. 64 inserted by S.I. 2018/14 reg. 13(c)
- Sch. 10 para. 12(1)(h) inserted by S.I. 2019/11 reg. 10(a)(ii)
- Sch. 10 para. 65 inserted by S.I. 2019/11 reg. 10(c)
- Sch. 10 para. 6667 inserted by S.I. 2022/51 reg. 9
- Sch. 10 para. 29(1A) inserted by S.I. 2024/56 reg. 9(a)(i)
- Sch. 10 para. 29(5A) inserted by S.I. 2024/56 reg. 9(a)(vi)
- Sch. 10 para. 65(2) inserted by S.I. 2024/56 reg. 9(b)(ii)
- Sch. 10 para. 68 inserted by S.I. 2024/56 reg. 9(c)

- Sch. 10 para. 12(1)(g) punctuation mark substituted by S.I. 2019/11 reg. 10(a)(i)
- Sch. 11 para. 9(6) inserted by S.I. 2014/66 reg. 12(a)(ii)
- Sch. 11 para. 4(2)(j)(2A) inserted by S.I. 2016/50 reg. 14(b)
- Sch. 13 para. 5(7)(d) inserted by S.I. 2022/51 reg. 10(b)
- reg. 8(2)(aa) inserted by S.I. 2016/50 reg. 4
- reg. 8(5)(oa) inserted by S.I. 2014/66 reg. 4(b)(ii)
- reg. 9(g) inserted by S.I. 2023/47 reg. 3(2)
- reg. 18(6) inserted by S.I. 2015/44 reg. 5(b)
- reg. 28(4)(e) inserted by S.I. 2020/16 reg. 6(a)(iii)
- reg. 28(5)(e)(iii) word substituted by S.I. 2022/51 reg. 3(2)(b)
- reg. 28(5)(e)(iv) and word inserted by S.I. 2022/51 reg. 3(2)(c)
- reg. 28(5)(k) inserted by S.I. 2014/66 reg. 5(d)
- reg. 28(5)(l) and word added by S.I. 2015/44 reg. 6(b)(ii)
- reg. 28(5)(l) word substituted by S.I. 2022/51 reg. 3(4)
- reg. 28(5)(m)(n) inserted by S.I. 2022/51 reg. 3(5)
- reg. 28(5)(n) word substituted by S.I. 2023/47 reg. 4(3)
- reg. 28(5)(o) inserted by S.I. 2023/47 reg. 4(4)