

SCHEDULE

Regulation 8

PART I

CALCULATION OF RESOURCES

1. A claimant's resources shall be calculated in terms of income and capital and shall be calculated as follows:—

- (a) income shall be calculated on a weekly basis according to the method of calculating or estimating income as prescribed by the provisions of Part V of, and Schedules 8 and 9 to, the Income Support (General) Regulations 1987⁽¹⁾ subject to the modifications referred to in paragraph 2; and
- (b) capital shall be calculated according to the method of calculating or estimating capital as prescribed by the provisions of Chapter VI in Part V of, and Schedule 10 to, the Income Support (General) Regulations 1987 subject to the modifications referred to in paragraph 2.

2. The provisions of the Income Support (General) Regulations 1987 shall be applied as follows:—

- (a) as respects the provisions specified in column 1 of Table A in this Schedule, in accordance with the modifications specified in the corresponding entries in column 2;
- (b) as if—
 - (i) references to income support were to the remission of any relevant charges and the payment of any relevant travelling expenses,
 - (ii) references to an adjudication officer were to the Scottish Ministers;
 - (iii) references in any of those provisions to any other of those provisions were to that other provision as modified in accordance with this paragraph; and
 - (iv) the State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002⁽²⁾ had not been made; and
- (c) as if there were inserted in regulation 2 (interpretation) of those Regulations after the definition of “relative”—

““relevant date” means—

 - (a) in the case of a claim made under regulation 9(1) of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003, the date of claim; and
 - (b) in the case of a claim made under regulation 11(2) of those Regulations, the date when the claimant paid the relevant charges or relevant travelling expenses”.

(1) S.I.1987/1967.

(2) S.I. 2002/3019.

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TABLE A

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

<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
Regulation 23	In paragraph (1)(3) for “section 22(5) of the Act” substitute “regulation 8(3) of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003”.
Regulation 25	For the whole of regulation 25 (liable relative payments) substitute— <p style="margin-left: 40px;">“25.—(1) Where a claimant’s income consists of any payments made by a person, whether under a court order or not, for the maintenance of himself or any member of his family, and those payments are made or due to be made at regular intervals, his normal weekly income from those payments shall be determined—</p> <p style="margin-left: 80px;">(a) if before the relevant date those payments are made at regular intervals and in regular amounts, by reference to the normal weekly amount; or</p> <p style="margin-left: 80px;">(b) if they are not so made, by reference to the average amount of such payments received in the 13 weeks immediately preceding the week which includes the relevant date.</p> <p style="margin-left: 40px;">(2) Any maintenance payment other than one to which paragraph (1) of this regulation applies shall be treated as capital.”.</p>
Regulation 25A	Omit this regulation.
Regulation 28	In paragraph (1)(4) omit the words from “For the purposes” to “income support”.

(3) Amended by S.I. 2003/455, regulation 2 and Schedule 1.

(4) Amended by S.I. 1991/159, regulation 7.

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<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
Regulation 29	In paragraph (1)(a) for “the weekly amount of his income” substitute “the normal weekly amount of his income at the relevant date”.
Regulation 30	Omit this regulation.
	In paragraph (1)(5) omit the words “Except where paragraph (2) applies”.
	In paragraph (1)(a) at the beginning insert the words “except where sub-paragraphs (b) or (c) apply,”.
	In paragraph (1)(b) at the beginning insert the words “except where sub-paragraph (c) applies,”.
	After paragraph (1)(b) insert–
	“or
	(c) where in respect of the employment the claimant provides a profit and loss account (and, where appropriate, a trading account or a balance sheet or both), and the profit and loss account is in respect of a period of at least 6 months but not exceeding 15 months and that period ends within the 12 months preceding the relevant date.”.
	After paragraph (1) insert–
	“(1A) In paragraph (1)(c)–
	(a) “balance sheet” means a statement of the financial position of the employment disclosing its assets, liabilities and capital at the end of the period in question;
	(b) “profit and loss account” means a financial statement showing the net profit or loss of the employment for the period in question; and

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	(c) “trading account” means a financial statement showing the revenue from sales, the cost of those sales and the gross profit arising during the period in question.”.
Regulation 31	Omit paragraph (2).
Regulation 32	Omit this regulation.
	In paragraph (1)(6) for “regulation 29” substitute “regulation 28” and for “subject to paragraphs (2) to (7)” substitute “subject to paragraph (6)”.
	In paragraph (6) omit “and has changed more than once”.
Regulation 35	Omit paragraphs (3)-(5), (6A) and (7).
	Omit paragraphs (1)(c), (1)(g), (1)(i), (1A) and (2A).
	In paragraph (1)(d)(7) omit the words after “employment”.
Regulation 36	In paragraph (2)(a)(8) omit the words “subject to paragraph (2A)”.
	In paragraph (1) for “regulation 29 (calculation of earnings of employed earners)” substitute “regulation 28 (calculation of income)”.
Regulation 38	In paragraph (3)(9) for “paragraph (9)” substitute “paragraphs (3A) or (9)”.
	After paragraph (3) insert– “(3A) For the purpose of paragraph (1) (a), in a case where earnings of the employment are calculated over a period determined under regulation 30(1)(c), the net profit of the employment shall, except where paragraph (9) applies, be calculated by taking into account the earnings of the employment relevant to that period

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

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

(8) Amended by S.I. 1999/1509, regulation 2(5).

(9) Amended by S.I. 1993/2119, regulation 13 and 1994/2139, regulation 28.

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<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
	(whether or not received in that period), less– <ul style="list-style-type: none">(a) subject to paragraphs (5) to (7), any expenses relevant to that period (whether or not defrayed in that period) and which were wholly and exclusively incurred for the purposes of that employment; and(b) an amount in respect of–<ul style="list-style-type: none">(i) income tax;(ii) social security contributions payable under the Social Security Contributions and Benefits Act 1992(10), calculated in accordance with regulation 39 (deduction of tax and contributions for self-employed earners); and(iii) one half of any premium paid in the period that is relevant under regulation 30 (calculation of earnings of self-employed earners) in respect of a retirement annuity contract or a personal pension scheme.”.
Regulations 39A-D	In paragraph (4) after “the net profit of the employment” insert “, except where paragraphs (3A) or (9) apply.”.
Regulation 40	Omit these regulations. In paragraph (1)(11) for “regulation 29 (calculation of income other than earnings)” substitute “regulation 28 (calculation of income)” and for “paragraphs (2) to (3B)” substitute “paragraphs (2) and (3)”.
	Omit paragraphs (3A) to (5).

(10) 1992 c. 4.

(11) Amended by S.I. 1988/2002, regulation 9, 1998/563, regulation 13(1)(a) and 2003/455, Regulation 2 and Schedule 1, paragraph 8.

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<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
Regulation 41	In paragraph (1)(12) for “on the first day” to “the date of that supersession” substitute “at the relevant date”.
	Omit paragraphs (3) and (4).
Regulation 42	In paragraph (4)(13) omit the words from “and in the case of” to “(trade disputes) applies”.
Regulation 45	For this regulation substitute– “Capital Limit 45. For the purposes of Regulation 5(1)(a) of the National Health Service (Travelling Expenses and Remission of Charges)(Scotland) (No. 2) Regulations 2003 the capital limit is– (a) for a claimant under 60, or if the claimant has a partner, where both are under 60 – £8,000; (b) for a claimant permanently residing in accommodation as defined in Regulation 19A – £19,500; or (c) for a claimant 60 or over, or if the claimant has a partner, where either or both are 60 or over, and neither is permanently residing in accommodation as defined in Regulation 19A – £12,000.”.
Regulation 46	In paragraph (1)(14) omit from “For the purposes” to “income support”.
Regulation 48	In paragraph (2)(15) omit from “Except” to “applies”. In paragraph (5) omit “Subject to paragraph (6)”.

(12) Amended by S.I. [1999/3178](#), article 3(5) and Schedule 5, paragraph 3 and [2000/2545](#), regulation 2(1)(a).

(13) Amended by S.I. [1988/1445](#), regulation 10 and Schedule 1, paragraph 4, [1989/534](#), Schedule 1, paragraph 7, [1991/1559](#), regulation 8, [1993/315](#), Schedule, paragraph 2, [1994/527](#), regulation 4, [1995/2792](#), regulation 6(2), [1995/3282](#), regulation 2, [1998/2117](#), regulation 2(2), [1999/2640](#), regulation 2(1), [2002/841](#), regulation 2(2) and [2003/455](#), regulation 10.

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

(15) Amended by S.I. [1988/1445](#), regulation 11.

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<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
	Omit paragraphs (6) and (10)(a) and (b).
Regulation 49	In paragraph (b)(i)(16) for “first day” to “date of that supersession” substitute “relevant date”.
Regulation 51	Omit paragraph (1)(b).
Regulation 51A	Omit this regulation.
Regulation 53	In paragraph (1A)(17) for “£10,000” on each occasion it appears substitute “£12,000” and for “£16,000” substitute “£19,500”. For paragraph (1B) substitute— “(1B) For the purposes of paragraph (1A) and regulation 45 the prescribed circumstances are that the claimant lives permanently in accommodation as set out in Regulation 19A.”.
Regulations 54—60E	In paragraph (3)(18) for “regulation 60” substitute “regulation 25.” Omit these regulations.
Regulation 61	In paragraph (1)(19) as if, in the case of a student supported by the Student Awards Agency for Scotland, in the definition of “academic year”, for “1st September”, there were substituted “1st August”.
Regulation 62	In paragraph (3)(20) from the beginning to the words “shall be apportioned” substitute “Subject to paragraph (3A), a student’s grant income shall be apportioned”. In paragraph (3)(a) for “in the period beginning with the benefit week”, to “the last day of which coincides with, or immediately precedes, the last day of the period of study,” substitute “in that period”.

(16) Amended by S.I. 1999/3178, article 3(5) and Schedule 5, paragraph 6.

(17) Inserted by S.I. 1996/462, regulation 12(1).

(18) Amended by S.I. 1988/2022, regulation 13, 1996/462, regulation 12(1) and 2000/2545, regulation 2(1)(c).

(19) Amended by S.I. 2000/1981, regulation 5(3) and 2001/2319, regulation 2(1) and (2)(c).

(20) Amended by S.I. 2000/1922, regulation 2(4)(e) and 2003/455, paragraph 16.

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<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
	<p>In paragraph (3)(b) for “in the period beginning with the benefit week”, to “the last day of the period for which it is payable,” substitute “in respect of which it is payable”.</p> <p>In paragraph (3A)(21) omit “under the provisions referred to in paragraph (3)” and “or, if there are 53 benefit weeks (including part-time weeks) in the year, 53”.</p> <p>Omit paragraph (3B).</p> <p>In paragraph (4), for “the weeks in the period beginning with the benefit week”, to “the last day of the period of experience” substitute “the remaining weeks in that period”.</p>
Regulation 63	In paragraph (2) omit “or, if there are 53 benefit weeks (including part-time weeks) in the year, 53”.
Regulation 64	In paragraph (1)(c) omit “or if there are 53 benefit weeks (including part-time weeks) in the year, 53”.
Regulation 65	<p>For “No part”(22) substitute “(1) Subject to paragraph (2), no part”.</p> <p>After paragraph (1) insert–</p> <p>“(2) For the purposes of this regulation and paragraph 15 of Schedule 9 “voluntary payment” shall not include any payment made by a person whose income the Scottish Ministers–</p> <ul style="list-style-type: none"> (a) would take into account in assessing the amount of a student’s grant or student’s loan if an application for it were to be made; or (b) has taken into account in assessing the amount of a student’s grant or student’s loan and which is in excess of

(21) Inserted by S.I. 2001/2319, regulation 6 and amended by 2003/455, paragraph 16.

(22) Amended by S.I. 1990/547, regulation 14 and 1996/462, regulation 8.

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<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
Regulation 66A (23)	<p>contributions as assessed by the Scottish Ministers.”.</p> <p>For paragraph (2) substitute–</p> <p>“(2) In calculating the weekly amount of the loan to be taken into account as income–</p> <p>(a) except where sub-paragraph (b) applies, the loan shall be apportioned equally between the 52 weeks in the academic year; or</p> <p>(b) in the case of a loan which is payable in respect of the final academic year of the course or if the course is only of one academic year’s duration, in respect of that year the loan shall be apportioned equally between the weeks in the period beginning with the start of the final academic year, or as the case may be, the single academic year and ending with the last day of the course,</p> <p>and, in the case of a person to whom paragraph (2A), (2B) or (2C) applies, from the weekly amount so apportioned there shall be disregarded £10.”.</p> <p>After paragraph (2) insert–</p> <p>“(2A) This paragraph applies to a student whose applicable amount includes any premium specified in Parts II and III of Schedule 2.</p> <p>(2B) This paragraph applies where the claimant is a student to whom paragraph 12 of Schedule 1B applies.</p> <p>(2C) This paragraph applies where the student is a partner of a claimant and the claimant is not also a student.”.</p>
Schedule 8	<p>In paragraph 4(2)(24) after “disability premium” insert “or higher pensioner premium”.</p> <p>In paragraph 4 omit sub-paragraphs (3), (4), and (7).</p>

(23) Inserted by S.I. 1990/1549, regulation 5(7).

(24) Amended by S.I. 2001/3767, regulation 2(1) and Part I of Schedule, paragraph 18.

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<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
Schedule 9	<p>In paragraph 6A(1)(25) for “none of the paragraphs 4 to 6 applies” substitute “paragraph 4 does not apply”.</p> <p>In paragraph 7(26) for the words “none of paragraphs 4 to 6B” substitute “none of paragraphs 4 or 5 or 6A or 6B”.</p> <p>In paragraph 8(27) omit “part-time”.</p> <p>After paragraph 8 insert–</p> <p style="padding-left: 40px;">“8A. In a case in which none of paragraphs 4 to 8 applies to the claimant and he is one of a married or unmarried couple and a member of that couple is engaged in employment, £10; but if this paragraph applies to a claimant it shall not apply to his partner except where, and to the extent that, the earnings of the claimant which are to be disregarded under this paragraph are less than £10.”.</p> <p>In paragraph 9 for “8” substitute “8A”.</p> <p>Omit paragraphs 6, 10, 13 and 16.</p> <p>In paragraph 15(28), in sub-paragraph (1) omit “paragraph 37”, and omit sub-paragraph (3)(b).</p> <p>In paragraph 16(29) for “paragraphs 36 and 37” substitute “paragraph 36”.</p> <p>In paragraph 19(30) for “£4.00” substitute “£20.00” and omit sub-paragraph (b).</p> <p>In paragraph 21(1)(31) omit “or in the case of a person to whom section 23 of the Act (trade dispute) applies”.</p>

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

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

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

(28) Amended by S.I. 1993/518, regulation 5, 1995/2303, regulation 6(9) and 2001/3767, regulation 2(1) and Part I of Schedule, paragraph 19.

(29) Amended by S.I. 1995/2792, regulation 6(3), 2000/2239, regulation 2(4) and 2002/841, regulation 2(4).

(30) Amended by S.I. 1994/527, regulation 9, 1995/516, regulation 27 and 2002/668, article 16(9).

(31) Amended by S.I. 1988/999, regulation 5, 1990/127, regulation 3, 1991/1175, regulation 5, 1992/1101, regulation 6, 1993/963, regulation 2(3), 1993/1249, regulation 4(4) and 2000/636, regulation 3(12).

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<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
	In paragraph 28(32) omit from “Except” to “return to work”).
	For paragraph 29(1) substitute— “(1) Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain payments of housing costs on a loan which qualifies under paragraphs 15 or 16 of Schedule 3, or for repairs or improvements to the dwelling occupied as the home to the extent that it is used to meet— (a) repayments of unsecured loans for the purposes of carrying out repairs and improvements to the dwelling occupied as the home; or (b) any amount due by way of premiums on that policy.”
	Omit paragraphs 30, 34 and 37.
	After paragraph 76 insert— “77. Any payment of State Pension Credit Savings Credit as defined under sections 1 and 3 of the State Pension Credit Act 2002(33).”
Schedule 10	In paragraph 17(34) for the words from “Except” to “payment” substitute “Any payment”.

PART II

CALCULATION OF REQUIREMENTS

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

- (a) the amount which represents the aggregate of—
 - (i) the weekly applicable amount which would apply to the claimant, including that in respect of any other member of the claimant’s family, in connection with a claim

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

(33) 2002 c. 16.

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

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for income support as specified by the provisions of regulations 17, 18 and 21 of, and Schedules 2, 3, and 7 to, the Income Support (General) Regulations 1987⁽³⁵⁾, but subject to the modifications referred to in paragraph 2(b) and (c) and paragraph 4; and

(ii) subject to sub paragraph (2), the weekly amount of any council tax which the claimant or the claimant's partner is liable to pay under Part I or Part II of the Local Government Finance Act 1992⁽³⁶⁾;

(b) the amount which represents the aggregate of the weekly amount of any housing benefit and the weekly amount of any council tax benefit to which the claimant or any member of the claimant's family is entitled under the provisions of Part VII of the Social Security Contributions and Benefits Act 1992⁽³⁷⁾.

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

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

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

(a) in accordance with the modifications specified in the corresponding entries in column (2); and

(b) as if the Social Security (Income Support and Claims and Payments) Amendment Regulations 1995⁽³⁸⁾ and the Income Support (General) Amendment and Transitional Regulations 1995⁽³⁹⁾ had not been made.

TABLE B

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

<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
Regulation 3	In paragraph (1) ⁽⁴⁰⁾ omit the words “or with whom a claimant normally resides”.
	In paragraph (2B) ⁽⁴¹⁾ omit the words “subject to paragraph (2C)”.
	Omit paragraph (2C).

⁽³⁵⁾ S.I. 1987/1967.

⁽³⁶⁾ 1992 c. 14.

⁽³⁷⁾ 1992 c. 4; Part VII was amended by the Local Government Finance Act 1992, section 103 and Schedule 9 which replaced references to community charge benefit with reference to council tax benefit.

⁽³⁸⁾ S.I. 1995/1613.

⁽³⁹⁾ S.I. 1995/2287.

⁽⁴⁰⁾ Amended by S.I. 1991/2334, regulation 2 and 1994/3061, regulation 2(2).

⁽⁴¹⁾ Inserted by S.I. 1991/2334, regulation 2.

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<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
Regulation 17	<p>In paragraph (1)(42) for the words from “18 to 22A” to “urgent cases” substitute “18, 19A and 21”.</p> <p>Omit paragraphs (1)(bb) and (g).</p> <p>In paragraph (1)(e) omit “mortgage interest payments or” and “other”.</p>
Regulation 18	<p>In paragraph (1)(43) for the words from “regulations 21 to 22A” to “urgent cases” substitute “regulations 19A and 21 (special cases)”.</p> <p>Omit paragraph (1)(cc) and (h).</p> <p>After Regulation 18 insert–</p> <p style="text-align: center;">“Care Homes</p> <p style="text-align: center;">19A. Where the claimant lives permanently in–</p> <p style="text-align: center;">(a) accommodation provided by a care home service provider or by a local authority under the Social Work (Scotland) Act 1968(44); or</p> <p style="text-align: center;">(b) in accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act 1948(45),</p> <p>and he is a resident of such accommodation due to his personal circumstances and not as a carer, then his weekly applicable amount shall be calculated in accordance with Part 1 of Schedule 4A.”.</p>

(42) Amended by S.I. 1988/910, regulation 2, 1988/445, Schedule 1, paragraph 11, 1989/534, Schedule 1, paragraph 17, 1992/3147, regulation 2(1), 1996/206, regulation 9 and 2003/455, Schedule 1, paragraph 2.

(43) Amended by S.I. 1988/1228, regulation 5, 1988/1445, regulation 6 and Schedule 1, paragraph 12, 1989/1034, regulation 5, 1989/534, Schedule 1, paragraph 17, 1992/3147, regulation 2(1), 1993/2119, regulation 8, 1996/206, regulation 10 and 2001/3767, regulation 2 and Schedule, Part I, paragraph 4.

(44) 1968 c. 49.

(45) 1948 c. 29.

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<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
Regulation 21	<p>In paragraph (1)(46) omit from “Subject to” to “amounts”.</p> <p>In paragraph (3)(47) omit “partner of a person subject to immigration control”.</p> <p>In paragraph (3) omit the definition of “person from abroad”.</p> <p>Omit paragraphs (1B), (2), (3A), (3B), (3C), (3D), (3E), (3F), (4), (4A), (4B) and (5).</p>
Regulations 21ZB and 22A	Omit these regulations
Schedule 2	<p>In column (1) of the Table(48) for sub-paragraphs (1) to (3) substitute–</p> <p>“(1) Single Person aged not less than 25; (2) Lone Parent; (3) Single Person aged less than 25; (4) Couple”.</p> <p>In column (2) of the Table (amounts) insert–</p> <p>(a) against sub-paragraph (1) of column (1), the amount prescribed in paragraph 1(e) of column (2) in the unmodified Regulations;</p> <p>(b) against sub-paragraph (2) of column (1), the amount prescribed in paragraph 1(e) of column (2) in the unmodified Regulations;</p> <p>(c) against sub-paragraph (3) of column (1), the amount prescribed in paragraph 1(b) of column (2) in the unmodified Regulations; and</p> <p>(d) against sub-paragraph (4) of column (1), the amount prescribed in paragraph 3(d) of column (2) in the unmodified Regulations.</p> <p>Omit paragraphs 1A, 2A, 9, 9A, 10(3), 10(4), 12(1)(c), 12(4), 15(2) and 15(2A).</p>

(46) Amended by S.I. 1991/1033, regulation 2, 1994/527, regulation 3, 1996/206, regulation 12, 1996/2431, regulation 2, 2000/636, regulation 3(4)(a), 2001/3767, regulation 2 and Schedule, Part 1, paragraph 6 and 2003/455, Schedule 1, paragraph 3.

(47) Amended by S.I. 1992/3147, Schedule 1, paragraph 3, 1994/1087, regulation 4(1), 1994/2139, regulation 25, 1995/516, regulation 21, 1996/1944, regulation 6(6), 1996/2006, regulation 4, 1998/563, regulation 8(1) and (2)(c)(i), 1998/563, regulation 18(3) and (4)(c), 2000/636, regulation 3(4)(a) and 2000/979, regulation 2.

(48) Amended by S.I. 1996/206, regulation 23 and Schedule 2 and 2002/668, article 16(4).

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<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
	<p>In paragraph 2(1)(49) omit “for the relevant period specified in column (1)”.</p> <p>In paragraph 3(1)(a)(50) omit the words from “to whom” to “(3) apply” and omit paragraphs (2) to (7).</p> <p>For paragraph 10 substitute–</p> <p style="padding-left: 40px;">“10.—(1) Where the claimant is a single claimant or a lone parent, the condition is that he is aged not less than 60;</p> <p style="padding-left: 40px;">(2) Where the claimant has a partner, the condition is that he or his partner is aged not less than 60.”.</p> <p>For paragraph 11(b) substitute–</p> <p style="padding-left: 40px;">“(b) where the claimant has a partner and both are aged less than 60 and the additional condition specified in paragraph 12 is satisfied by at least one of them.”.</p> <p>In cross heading to paragraph 12, omit “Higher Pensioner”.</p> <p>In paragraph 12(1)(a)(i)(51) for the words “long term incapacity benefit” substitute “incapacity benefit, where the claimant or partner has been in receipt of that benefit for at least 28 weeks,” and omit the words from “but, in the case” to “in respect of him”.</p> <p>In paragraph 12(1)(b)(52) after “the claimant” insert “or, as the case may be, his partner” and for sub-head (ii) substitute–</p>

(49) Amended by S.I. 1996/2545, regulation 2, 1999/264, article 18(3) and Schedule 4, 1999/2555, regulation 2(1)(b) and (2) and 2002/668, article 16(3) and Schedule 2.

(50) Amended by 1988/1445, regulation 19, 1996/1803, regulation 39, 1997/2197, regulation 7(5) and (6)(a) and 2002/668, article 16(4).

(51) Amended by 1991/2742, regulation 11(4), 1994/2139, regulation 30, 1995/482, regulation 16, 1999/2566, regulation 2(2) and Schedule 2, Part II and 2003/455, Schedule 1, paragraph 20.

(52) Amended by S.I. 1995/482, regulation 17 and 1995/2303, regulation 6(8).

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<i>Column 1</i>	<i>Column 2</i>
<i>Regulation or Schedule</i>	<i>Modification</i>
Schedule 3	<p>“(ii) has been so entitled or so incapable for a continuous period of at least 28 weeks.”.</p> <p>In paragraph 12(6)(53) after “sub-paragraph (1)(a)(i)” delete “or (c) (i)” and for “long-term incapacity benefit” substitute “incapacity benefit, notwithstanding the requirement that the claimant or his partner has been in receipt of that benefit for at least 28 weeks,”.</p> <p>In paragraph 13(2)(a)(ii)(54) and 13(2)(b) (iii)(55) for “normally residing” substitute “residing with him” and delete “or with whom he is normally residing”.</p> <p>In paragraph 1(1)(b) for “paragraphs 15 to 17” substitute “paragraph 17”.</p> <p>For paragraph 1(2) substitute–</p> <p>“(2) In this Schedule “period of study” has the meaning specified in regulation 61 (Interpretation).”</p> <p>For paragraph 1(3) substitute–</p> <p>“(3) For the purposes of this Schedule a disabled person is a person–</p> <ul style="list-style-type: none"> (a) who satisfies a condition specified in paragraph 12(1) (a) or (b) of Schedule 2 and whose capital does not exceed the capital limit; or (b) who is aged 75 or over and whose capital does not exceed the capital limit; or (c) in respect of whom a disabled child premium is included in his applicable amount or the applicable amount of a person living with him.”. <p>For paragraph 2(1)(c) substitute–</p> <p>“(c) he in practice shares the housing costs with other</p>

(53) Amended by S.I. 1995/482, regulation 16.

(54) Amended by S.I. 1994/3061, regulation 2(3).

(55) Amended by S.I. 1994/3061, regulation 2(3) and 2000/681, regulation 4.

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	members of the household, where no member of that household who is liable to meet those costs is a close relative of the claimant or his partner and it is reasonable in the circumstances that the claimant should be treated as sharing responsibility for those costs.”.
	Omit paragraphs 1A, 2(2), 3(7)-(10) 6-16 and 18(7)(e).
	In paragraph 3(12) for “not exceeding” substitute “is not likely to exceed”.
	For paragraph 4 substitute– “4. No amount may be met under the provisions of this Schedule where the claimant is in accommodation which is a care home or accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act(56) except where he is in such accommodation during a temporary absence from the dwelling he occupies as his home and, in so far as they relate to temporary absences, the provisions of paragraphs 3(11) and (12) apply to him for those absences.”.
	In paragraph 17– (a) in the cross heading for “Other” substitute “Qualifying”; (b) in sub-paragraph (1) omit head (f) and immediately before head (a) insert– “(za) any periodical payment which a person is liable to make by way of rent in respect of a dwelling he occupies as his home; (zb) payments of interest and capital–

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	<ul style="list-style-type: none"> (i) of a mortgage or loan secured on the dwelling occupied as the home; (ii) under a hire purchase agreement or other loan to buy the dwelling occupied as the home; or (iii) in respect of a loan taken out to adapt the dwelling occupied as the home for the special needs of a disabled person; (zc) payments in respect of an endowment policy in connection with the purchase of the dwelling occupied as the home;”. (c) In sub-paragraph (2) omit head (c) and for “Subject to” to “amounts” substitute “Subject to sub-paragraphs (3), (3A) and (3B), the deductions to be made from the weekly amounts in respect of the housing costs specified in heads (za) and (a) to (e) of sub-paragraph (1)” and in head (a) omit the words from “unless the claimant” to the end of the head; and (d) After sub-paragraph (3) insert– <ul style="list-style-type: none"> “(3A) Subject to sub-paragraph (3B), where arrangements are made for the housing costs mentioned in heads (za) and (a) to (e) of sub-paragraph (1) payable in respect of a period of study, to be paid irregularly or so that– <ul style="list-style-type: none"> (a) no such costs are payable for or collected in the Christmas or Easter vacation within a period of study; or (b) the costs in respect of the Christmas or Easter vacations within a period

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	<p>of study vary from those in the rest of that period of study,</p> <p>the weekly amount shall be the amount payable in respect of a period of study divided by the number of weeks in that period of study.</p> <p>(3B) Where the housing costs, to be calculated in accordance with sub-paragraph (3A), are subject to a deduction in accordance with sub-paragraph (2)(a) or (b), as the case may be, the weekly amount of the deduction shall be the proportion of the deduction calculated in accordance with sub-paragraph (2)(a) or (b), as the number of weeks in the period of study, excluding Christmas and Easter vacations, bears to the number of weeks in the period of study.”.</p>
Schedule 3B	<p>For paragraph 18(7)(f) substitute–</p> <p>“(f) to whom paragraph (2B) of regulation 3 (definition of non-dependant) would apply;”.</p>
	<p>After Schedule 3B insert–</p> <p>“Schedule 4A</p> <p>Applicable amounts of a person in accommodation within the meaning of Regulation 19A.</p> <p>1.—(1) The applicable amount of a claimant to whom regulation 19A applies shall be the aggregate of–</p> <p>(a) subject to paragraphs (2) and Schedule 2, the weekly charge for the accommodation, including all meals and services provided for him or, if he is a member of a family, for him and his family increased, where appropriate, in accordance with paragraph (2); and</p>

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Schedule 7	<p>(b) a weekly amount for personal expenses for him and, if he is a member of a family, for each member of his family determined in accordance with paragraph (2).</p> <p>(2) Except where otherwise provided, no amount shall be included in respect of a child or young person who is a member of the claimant’s family if the capital of that child or young person calculated in accordance with Part V in like manner as for the Claimant would exceed £3,000.</p> <p>2.—(1) The allowance for personal expenses for the claimant and his partner (where appropriate) shall be that set out in Schedule 9 to the Social Security (Claims and Payments) Regulations 1987(57) at paragraph 4(2)(c).</p> <p>(2) Where the claimant has a dependent child or children residing with him, the personal expenses allowed for each dependant shall be that set out in Schedule 9 to the Social Security (Claims and Payments) Regulations 1987 at paragraph 4(2)(c).”.</p> <p>Omit the references in paragraph 1(58) to sub-paragraph (g) of regulation 17 (1) and sub-paragraph (h) of regulation 18(1).</p> <p>Omit both columns of paragraphs 6, 7, 10A, 10B, 10C, 16A, 17 and 19A.</p> <p>In the first column of paragraph 9(a) for sub-paragraphs (i) and (ii) substitute—</p> <p style="padding-left: 40px;">“(i) accommodation provided by a care home service provider or by a local authority under the Social Work (Scotland) Act 1968(59);</p>

(57) S.I. 1987/1968.

(58) Amended by S.I. 1997/2197, regulation 5(7), 2002/668, article 16(7) and Schedule 4 and 2003/455, Schedule 1, paragraph 21.

(59) 1968 c. 49.

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	(ii) is in accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act 1948(60)
	In the first column of paragraph 9(b) for sub-paragraphs (iii) and (iv) substitute— “(iii) accommodation provided by a care home service provider or by a local authority under the Social Work (Scotland) Act 1968; (iv) is in accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act 1948”.
	After paragraph 10 insert— “ 10ZA. A claimant who is a lone parent who is temporarily in accommodation provided by a care home service provider or by a local authority under sections 21 to 24 and 26 of the National Assistance Act 1948. 10ZB. Any amount applicable to the claimant under paragraph 1(1) of Schedule 4A, determined as if he were a single claimant plus— (a) in respect of each child who is a member of his family, the appropriate amount in respect of him prescribed in paragraph 2 of Schedule 2 or under this Schedule as appropriate; and (b) any amount which would be applicable to the claimant, if he were not living away from home, under regulation 17(1) (c) or (d) in so far as it relates to the lone parent premium and family premium under paragraph 8 of Schedule 2.”.

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