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SCHEDULES

SCHEDULE 1

EMPLOYMENT AND SUPPORT ALLOWANCE: ADDITIONAL CONDITIONS

[^{F1}PART 2

INCOME-RELATED ALLOWANCE

Textual Amendments

- F1** Sch. 1 Pt. 2 repealed (29.4.2013 for specified purposes, 1.7.2013 and 29.7.2013 for specified purposes, 28.10.2013 for specified purposes, 25.11.2013 for specified purposes, 24.2.2014 and 7.4.2014 for specified purposes, 23.6.2014 and further specified dates for specified purposes, 15.9.2014 and further specified dates for specified purposes, 26.11.2014 for specified purposes, 28.1.2015 for specified purposes, 16.2.2015 and further specified dates for specified purposes, 18.3.2015 and further specified dates for specified purposes, 21.9.2015 and further specified dates for specified purposes, 2.12.2015 for specified purposes, 27.1.2016 and 24.2.2016 for specified purposes, 23.3.2016 and 27.4.2016 for specified purposes) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 14 Pt. 1](#); [S.I. 2013/983](#), arts. 4(1) (c), 5, [Sch. 1](#) (with arts. 6, 9(1), 22, [Sch. 4](#)) (as amended: (1.7.2013) by [S.I. 2013/1511](#); (29.10.2013) by [S.I. 2013/2657](#); (16.6.2014) by [S.I. 2014/1452](#); (30.6.2014) by [S.I. 2014/1661](#); (28.7.2014) by [S.I. 2014/1923](#); (15.9.2014) by [S.I. 2014/2321](#); (17.11.2014) by [S.I. 2014/3067](#); (21.11.2014) by [S.I. 2014/3094](#); (19.1.2015) by [S.I. 2015/32](#) (as amended (10.2.2015) by [S.I. 2015/101](#)); (10.3.2015) by [S.I. 2015/634](#); (20.7.2015) by [S.I. 2015/1537](#); (23.11.2015) by [S.I. 2015/1930](#); (6.4.2017) by [S.I. 2017/483](#); (2.2.2018) by [S.I. 2018/138](#); (16.1.2019) by [S.I. 2019/10](#); and (31.1.2019) by [S.I. 2019/167](#)); [S.I. 2013/1511](#), art. 4, [Sch.](#) (as amended or modified: (29.10.2013) by [S.I. 2013/2657](#); (16.6.2014) by [S.I. 2014/1452](#); (30.6.2014) by [S.I. 2014/1661](#); (28.7.2014) by [S.I. 2014/1923](#); (17.11.2014) by [S.I. 2014/3067](#); (19.1.2015) by [S.I. 2015/32](#); (10.3.2015) by [S.I. 2015/634](#); (20.7.2015) by [S.I. 2015/1537](#); and (25.1.2017) by [S.I. 2017/57](#)); [S.I. 2013/2657](#), art. 4, [Sch.](#) (with art. 6) (as amended or modified: (16.6.2014) by [S.I. 2014/1452](#); (30.6.2014) by [S.I. 2014/1661](#); (28.7.2014) by [S.I. 2014/1923](#); (17.11.2014) by [S.I. 2014/3067](#); (19.1.2015) by [S.I. 2015/32](#); (10.3.2015) by [S.I. 2015/634](#); (20.7.2015) by [S.I. 2015/1537](#); (23.5.2016) [S.I. 2016/596](#); and (25.1.2017) by [S.I. 2017/57](#)); [S.I. 2013/2846](#), art. 4, [Sch.](#) (with art. 5) (as amended or modified: (16.6.2014) by [S.I. 2014/1452](#); (30.6.2014) by [S.I. 2014/1661](#); (28.7.2014) by [S.I. 2014/1923](#); (17.11.2014) by [S.I. 2014/3067](#); (19.1.2015) by [S.I. 2015/32](#); (10.3.2015) by [S.I. 2015/634](#); (20.7.2015) by [S.I. 2015/1537](#); and (23.5.2016) by [S.I. 2016/596](#)); [S.I. 2014/209](#), art. 4, [Sch.](#) (as amended or modified: (16.6.2014) by [S.I. 2014/1452](#); (30.6.2014) by [S.I. 2014/1661](#); (28.7.2014) by [S.I. 2014/1923](#); (17.11.2014) by [S.I. 2014/3067](#); (19.1.2015) by [S.I. 2015/32](#); (10.3.2015) by [S.I. 2015/634](#); (20.7.2015) by [S.I. 2015/1537](#); (23.5.2016) by [S.I. 2016/596](#); and (25.1.2017) by [S.I. 2017/57](#)); [S.I. 2014/1583](#), art. 4, [Sch.](#) (as amended or modified: (30.6.2014) by [S.I. 2014/1661](#); (28.7.2014) by [S.I. 2014/1923](#); (17.11.2014) by [S.I. 2014/3067](#); (19.1.2015) by [S.I. 2015/32](#); (10.3.2015) by [S.I. 2015/634](#); (20.7.2015) by [S.I. 2015/1537](#); and (19.5.2017) by [S.I. 2017/664](#)); [S.I. 2014/2321](#), art. 4 (as amended or modified: (17.11.2014) by [S.I. 2014/3067](#); (19.1.2015) by [S.I. 2015/32](#); (10.3.2015) by [S.I. 2015/634](#); (20.7.2015) by [S.I. 2015/1537](#); (23.5.2016) by [S.I. 2016/596](#); (29.9.2016) by [S.I. 2016/963](#); (24.4.2017) by [S.I. 2017/584](#); and (19.5.2017) by [S.I. 2017/664](#)); [S.I. 2014/3094](#), art. 4 (with art. 6); [S.I. 2015/33](#), art. 4 (with art. 6) (as amended: (11.2.2015) by [S.I. 2015/101](#); (10.3.2015) by

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S.I. 2015/634; (6.4.2017) by S.I. 2017/483; (11.4.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37; and (31.1.2019) by S.I. 2019/167; S.I. 2015/101, art. 4 (with art. 2(2)-(4)) (as amended or modified: (10.3.2015) by S.I. 2015/534; (17.3.2015) by S.I. 2015/740; (20.7.2015) by S.I. 2015/1537; (14.1.2016) by S.I. 2016/33; (21.3.2016) by S.I. 2016/407; (23.5.2016) by S.I. 2016/596; (29.9.2016) by S.I. 2016/963; (25.1.2017) by S.I. 2017/57; (24.4.2017) by S.I. 2017/584; and (19.5.2017) by S.I. 2017/664); S.I. 2015/634, art. 4 (with art. 6) (as amended: (17.3.2015) by S.I. 2015/740; (6.4.2017) by S.I. 2017/376; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37; and (31.1.2019) by S.I. 2019/167); S.I. 2015/1537, art. 4 (as modified: (23.11.2015) by S.I. 2015/1930; (14.1.2016) by S.I. 2016/33; (21.3.2016) by S.I. 2016/407; (23.5.2016) by S.I. 2016/596; (29.9.2016) by S.I. 2016/963; (25.1.2017) by S.I. 2017/57; (24.4.2017) by S.I. 2017/584; and (19.5.2017) by S.I. 2017/664); S.I. 2015/1930, art. 4; S.I. 2016/33, art. 4, Sch.; S.I. 2016/407, art. 4, Sch.

- 6 (1) The conditions are that the claimant—
- (a) has an income which does not exceed the applicable amount or has no income;
 - (b) does not have capital which, or a prescribed part of which, exceeds the prescribed amount;
 - (c) is not entitled to state pension credit;
 - (d) is not a member of a couple the other member of which is entitled to an income-related allowance, state pension credit, income support or an income-based jobseeker's allowance;
 - (e) is not engaged in remunerative work;
 - (f) is not a member of a couple the other member of which is engaged in remunerative work;
 - (g) is not receiving education.
- (2) Where the claimant is a member of a couple, the income and capital of the other member of the couple shall, except in prescribed circumstances, be treated for the purpose of this paragraph as income and capital of the claimant.
- (3) Regulations may prescribe circumstances in which, for the purposes of sub-paragraph (1)(e) and (f)—
- (a) a person who is not engaged in remunerative work is to be treated as engaged in remunerative work, or
 - (b) a person who is engaged in remunerative work is to be treated as not engaged in remunerative work.
- (4) Regulations may—
- (a) make provision about when, for the purposes of sub-paragraph (1)(g), a person is, or is not, to be treated as receiving education;
 - (b) prescribe circumstances in which sub-paragraph (1)(g) does not apply.
- (5) In this paragraph—
- “applicable amount” means the amount which, in the claimant's case, is the applicable amount for the purposes of section 4(1);
- [^{F2}[^{F3}“couple” means—
- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
 - (b) two people who are not married to, or civil partners of, each other but are living together as a married couple otherwise than in prescribed circumstances;]]

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“income-based jobseeker's allowance” has the same meaning as in the Jobseekers Act 1995 (c. 18);

[^{F4}(6) ^{F5}....]

- (7) Regulations may make provision for the preceding provisions of this paragraph to have effect with prescribed modifications in a case where—
- (a) the claimant is a husband or wife by virtue of a marriage entered into under a law which permits polygamy,
 - (b) either party to the marriage has for the time being any spouse additional to the other party, and
 - (c) the claimant, the other party to the marriage and the additional spouse are members of the same household.
- (8) Regulations may make provision for the purposes of this paragraph as to circumstances in which people are to be treated as being or not being members of the same household.]

Textual Amendments

- F2** Words in Sch. 1 para. 6(5) substituted (E.W.) (13.3.2014) by [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\) Order 2014 \(S.I. 2014/560\)](#), art. 1(2), **Sch. 1 para. 32(2)**
- F3** Words in Sch. 1 para. 6(5) substituted (S.) (16.12.2014) by [The Marriage and Civil Partnership \(Scotland\) Act 2014 and Civil Partnership Act 2004 \(Consequential Provisions and Modifications\) Order 2014 \(S.I. 2014/3229\)](#), art. 1(2), **Sch. 5 para. 17(2)**
- F4** Sch. 1 para. 6(6) omitted (E.W.) (13.3.2014) by virtue of [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\) Order 2014 \(S.I. 2014/560\)](#), art. 1(2), **Sch. 1 para. 32(3)**
- F5** Sch. 1 para. 6(6) omitted (S.) (16.12.2014) by virtue of [The Marriage and Civil Partnership \(Scotland\) Act 2014 and Civil Partnership Act 2004 \(Consequential Provisions and Modifications\) Order 2014 \(S.I. 2014/3229\)](#), art. 1(2), **Sch. 5 para. 17(3)**

Modifications etc. (not altering text)

- C1** Sch. 1 para. 6(1)(g) excluded (27.10.2008) by [Employment and Support Allowance Regulations 2008 \(S.I. 2008/794\)](#), regs. 1(a), **33(2)(c)**
- C2** Sch. 1 para. 6(1)(g) excluded (27.10.2008) by [Employment and Support Allowance Regulations 2008 \(S.I. 2008/794\)](#), regs. 1(a), **18**

Commencement Information

- I1** Sch. 1 para. 6(1)(a) (c)-(g) (5) (6) in force at 27.10.2008 by [S.I. 2008/787](#), **art. 2(4)(d)**
- I2** Sch. 1 para. 6(1)(b) (2)-(4) (7) (8) in force at 18.3.2008 for specified purposes by [S.I. 2008/787](#), **art. 2(1)**
- I3** Sch. 1 para. 6(1)(b) (2)-(4) (7) (8) in force at 27.10.2008 in so far as not already in force by [S.I. 2008/787](#), **art. 2(4)(d)**
- I4** Sch. 1 para. 6(5) in force at 18.3.2008 for specified purposes by [S.I. 2008/787](#), **art. 2(1)**

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