

## SCHEDULE 2

Regulation 24(2)

### SUMS TO BE DISREGARDED IN THE CALCULATION OF INCOME OTHER THAN EARNINGS

1. Any amount paid by way of tax on income which is taken into account under regulation 24 (calculation of income other than earnings).

2. Any payment in respect of any expenses incurred by a claimant who is—

- (a) engaged by a charitable or <sup>[F1]</sup>voluntary organisation]; or
- (b) a volunteer,

if he otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under regulation 26(4) (notional income).

#### Textual Amendments

**F1** Words in sch. 2 para. 2(a) substituted (11.4.1995) by The Income-related Benefits Schemes (Miscellaneous Amendments) Regulations 1995 (S.I. 1995/516), regs. 1(1)(b), 15(a)

3. Any housing benefit <sup>[F2]</sup>, income-based jobseeker's allowance] or income support.

#### Textual Amendments

**F2** Words in Sch. 2 para. 3 inserted (7.10.1996) by The Social Security and Child Support (Jobseeker's Allowance) (Consequential Amendments) Regulations 1996 (S.I. 1996/1345), regs. 1, 8(5)(a)

4. Any mobility allowance <sup>[F3]</sup>, disability living allowance or <sup>[F4]</sup>disabled person's tax credit].]

#### Textual Amendments

**F3** Words in Sch. 2 para. 4 inserted (6.4.1992) by The Disability Living Allowance and Disability Working Allowance (Consequential Provisions) Regulations 1991 (S.I. 1991/2742), regs. 1(1), 13(5)

**F4** Words in Sch. 2 para. 4 substituted (5.10.1999) by The Tax Credits Schemes (Miscellaneous Amendments) Regulations 1999 (S.I. 1999/2487), regs. 1(1), 26(2), Sch. 2 para. 1(v)

5. Any concessionary payment made to compensate for the non-payment of—

- (a) any payment specified in paragraph 4 or 7;
- (b) income support <sup>[F5]</sup>or income-based jobseeker's allowance].

#### Textual Amendments

**F5** Words in Sch. 2 para. 5(b) inserted (7.10.1996) by The Social Security and Child Support (Jobseeker's Allowance) (Consequential Amendments) Regulations 1996 (S.I. 1996/1345), regs. 1, 8(5)(b)

6. Any mobility supplement or any payment intended to compensate for the non-payment of such a supplement.

7. Any payment which is—

- (a) an attendance allowance under section 35 of the Social Security Act <sup>M1</sup>;
- (b) an increase of disablement pension under sections 61 or 63 of that Act <sup>M2</sup>;

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- (c) a payment made under regulations made in exercise of the power conferred by section 159(3)(b) of that Act;
- (d) an increase of allowance payable in respect of constant attendance under section 5 of the Industrial Injuries and Diseases (Old Cases) Act 1975 <sup>M3</sup>;
- (e) payable by virtue of articles 14, 15, 16, 43 or 44 of the Personal Injuries (Civilians) Scheme 1983 <sup>M4</sup> or any analogous payment; or
- (f) a payment based on need for attendance which is paid as part of a war disablement pension.

#### Marginal Citations

- M1** 1975 c. 14; section 35 was amended by the [National Health Service Act 1977 \(c. 49\)](#) Schedule 15 paragraph 63, and by the [Social Security Act 1979 \(c. 18\)](#) section 2 and by the [Social Security Act 1980 \(c. 30\)](#) Schedule 1 Part II paragraph 8.
- M2** Subsections (3) and (4) of section 61 were added by the [Social Security Act 1986 \(c. 50\)](#) section 39 and Schedule 3 paragraph 6.
- M3** 1975 c. 16.
- M4** [S.I. 1983/686](#), amended by [S.I. 1983/1164](#) and 1984/1675.

**8.** Any payment to the claimant as holder of the Victoria Cross or of the George Cross or any analogous payment.

[<sup>F6</sup>**9.** Any—

(a) education maintenance allowance payable by virtue of regulations made under section 518 of the Education Act 1996 (payment of school expenses; grant of scholarships etc. ); or

(b) sum (not being an allowance coming within (a)) in respect of a course of study attended by a child or young person payable by virtue of regulations made under section 518 of the Education Act 1996, section 49 of the Education (Scotland) Act 1980 <sup>M5</sup> (power to assist persons to take advantage of educational facilities) or section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992 (provisions of financial assistance to students). ]

#### Textual Amendments

- F6** Sch. 2 para. 9 substituted (14.3.2000) by [The Tax Credits Schemes Amendment \(Education Maintenance Allowance\) Regulations 2000 \(S.I. 2000/421\)](#), regs. 1, **3(1)**, (2)(a)

#### Marginal Citations

- M5** 1980 c. 44.

**10.** In the case of a student, any sums intended for any expenditure specified in paragraph (2) of regulation 38 (calculation of grant income) necessary as a result of his attendance on his course.

[<sup>F7</sup>**11.** <sup>M6</sup> In the case of a claimant participating in arrangements for training made under section 2 of the Employment and Training Act 1973 [<sup>F8</sup>or section 2 of the Enterprise and New Towns (Scotland) Act 1990] or attending a course at an employment rehabilitation centre established under that section [<sup>F9</sup>of the 1973 Act]—

- (a) any travelling expenses reimbursed to the claimant;
- (b) any living away from home allowance under section 2(2)(d) [<sup>F10</sup> of the 1973 Act or section 2(4)(c) of the 1990 Act] ;
- (c) any training premium,

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- (d) [<sup>F11</sup>any child care expenses reimbursed to the claimant in respect of his participation in a New Deal option, in the Intensive Activity Period specified in regulation 75(1)(a)(iv) of the Jobseeker's Allowance Regulations 1996 or in the Intensive Activity Period for 50 plus,]

but this paragraph, except insofar as it relates to a payment under sub-paragraph (a), [<sup>F12</sup>(b), (c) or (d)], does not apply to any part of any allowance under section 2(2)(d) [<sup>F10</sup> of the 1973 Act or section 2(4)(c) of the 1990 Act] . ]

#### Textual Amendments

- F7** Sch. 2 para. 11 substituted (11.4.1988) by [Family Credit \(General\) Amendment Regulations 1988 \(S.I. 1988/660\)](#), [reg. 1](#), [13\(a\)](#)
- F8** Words in Sch. 2 para. 11 inserted (1.4.1991) by [The Enterprise \(Scotland\) Consequential Amendments Order 1991 \(S.I. 1991/387\)](#), [arts. 1, 2](#), [Sch.](#)
- F9** Words in Sch. 2 para. 11 inserted (1.4.1991) by [The Enterprise \(Scotland\) Consequential Amendments Order 1991 \(S.I. 1991/387\)](#), [arts. 1](#), [12\(a\)\(i\)](#)
- F10** Words in Sch. 2 para. 11 substituted (1.4.1991) by [The Enterprise \(Scotland\) Consequential Amendments Order 1991 \(S.I. 1991/387\)](#), [arts. 1](#), [12\(a\)\(ii\)](#)
- F11** Sch. 2 para. 11(d) substituted (24.4.2001) by [The Tax Credits \(New Deal Consequential Amendments\) Regulations 2001 \(S.I. 2001/1334\)](#), [regs. 1](#), [8\(2\)](#)
- F12** Words in Sch. 2 para. 11 substituted (5.1.1998) by [The Social Security Amendment \(New Deal\) Regulations 1997 \(S.I. 1997/2863\)](#), [regs. 1\(1\)](#), [17\(7\)\(b\)](#), [\(8\)\(c\)](#)

#### Marginal Citations

- M6** [1973 c. 50](#); section 2 was amended by sections 9 and 11 of Schedule 2 Part II paragraph 9 and Schedule 3 of the [Employment and Training Act 1981 \(c. 57\)](#).

[<sup>F13</sup>**12.** Any Jobmatch Allowance payable pursuant to arrangements made under section 2(1) of the Employment and Training Act 1973 where the payments will cease by the date on which the period under section 128(3) of the Contributions and Benefits Act (period of award) is to begin.]

#### Textual Amendments

- F13** Sch. 2 para. 12 substituted (with effect in accordance with reg. 1(3) of the amending S.I.) by [The Income-related Benefits Schemes and Social Security \(Claims and Payments\) \(Miscellaneous Amendments\) Regulations 1995 \(S.I. 1995/2303\)](#), [regs. 1\(1\)\(b\)](#), [4\(7\)\(a\)](#)

**12A.** [<sup>F14</sup>Any payment by way of Job Grant pursuant to arrangements made under section 2(1) of the Employment and Training Act 1973.]

#### Textual Amendments

- F14** Sch. 2 para. 12A inserted (with effect in accordance with reg. 8(5) of the amending S.I.) by [The Tax Credits Schemes \(Miscellaneous Amendments No. 4\) Regulations 2000 \(S.I. 2000/2978\)](#), [regs. 1\(1\)](#), [8\(2\)](#)

[<sup>F15</sup>**13.**—(1) Except where sub-paragraph (2) applies and subject to sub-paragraph (3) and paragraphs 29 and 34, [<sup>F16</sup>£20] of any charitable payment or of any voluntary payment made or due to be made at regular intervals.

(2) Subject to sub-paragraph (3) and paragraph 34, any charitable payment or voluntary payment made or due to be made at regular intervals which is intended and used for an item other than food,

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ordinary clothing or footwear, household fuel [<sup>F17</sup>or housing costs of any member of the family or is used for any personal community [<sup>F18</sup>charge,] collective community charge contribution [<sup>F19</sup>or council tax] for which any member of the family is liable.]

(3) [<sup>F20</sup>Sub-paragraphs (1) and (2) shall not apply to a payment which is made or due to be made by—

- (a) a former partner of the claimant, or a former partner of any member of the claimant's family; or
- (b) the parent of a child or young person where that child or young person is a member of the claimant's family.]

(4) For the purposes of sub-paragraph (1) where a number of charitable or voluntary payments fall to be taken into account they shall be treated as though they were one such payment.

(5) For the purposes of sub-paragraph (2) the expression “ordinary clothing or footwear” means clothing or footwear for normal daily use, but does not include school uniforms, or clothing or footwear used solely for sporting activities.]

#### Textual Amendments

- F15** Sch. 2 para. 13 substituted (10.4.1990) by [Family Credit \(General\) Amendment Regulations 1990 \(S.I. 1990/574\)](#), [reg. 1\(1\)](#), 14(a)
- F16** Word in Sch. 2 para. 13(1) substituted (9.4.1996) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/462\)](#), [regs. 1\(5\)](#), 8(e)
- F17** Words in Sch. 2 para. 13(2) substituted (8.10.1991) by [The Family Credit \(General\) Amendment Regulations 1991 \(S.I. 1991/1520\)](#), [reg. 1\(1\)](#), 10(a)
- F18** Words in sch. 2 para. 13(2) substituted (1.4.1993) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1993 \(S.I. 1993/315\)](#), [regs. 1\(1\)\(d\)](#), [Sch. para. 10\(2\)\(a\)](#)
- F19** Words in sch. 2 para. 13(2) inserted (1.4.1993) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1993 \(S.I. 1993/315\)](#), [regs. 1\(1\)\(d\)](#), [Sch. para. 10\(2\)\(b\)](#)
- F20** Sch. 2 para. 13(3) substituted (7.4.1992) by [The Income-related Benefits Schemes \(Miscellaneous Provisions\) Amendment Regulations 1991 \(S.I. 1991/2695\)](#), [reg. 1\(1\)\(d\)](#), 3(a)

[<sup>F21</sup>14. Subject to paragraph 29, £10 of any of the following, namely—

- (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 6 or 7);
- (b) a war widow's [<sup>F22</sup>or war widower's] pension;
- (c) a pension payable to a person as a widow [<sup>F23</sup>or widower] under the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983 insofar as that Order is made under the Naval and Marine Pay and Pensions Act 1865 [<sup>F24</sup>or the Pensions and Yeomanry Pay Act 1884], or is made only under section 12(1) of the Social Security (Miscellaneous Provisions) Act 1977 and 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 payment made to compensate for the non-payment of such a pension as is mentioned in any of the preceding sub-paragraphs;
- (e) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions mentioned in sub-paragraphs (a) to (c) above;

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- (f) a pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.]

#### Textual Amendments

- F21** Sch. 2 para. 14 substituted (28.10.1995) by The Income-related [Benefits Schemes Amendment \(No. 2\) Regulations 1995 \(S.I. 1995/2792\)](#), reg. 1, 4
- F22** Words in Sch. 2 para. 14(b) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [Tax Credits \(Miscellaneous Amendments No.2\) Regulations 2002 \(S.I. 2002/525\)](#), regs. 1(1), **5(1)(a)**
- F23** Words in Sch. 2 para. 14(c) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [Tax Credits \(Miscellaneous Amendments No.2\) Regulations 2002 \(S.I. 2002/525\)](#), regs. 1(1), **5(1)(b)**
- F24** Words in Sch. 2 para. 14(c) inserted (20.12.1995) by [The Income-related Benefits Schemes \(Widows' etc. Pensions Disregards\) Amendment Regulations 1995 \(S.I. 1995/3282\)](#), regs. 1, **2(1)(b)**

15. Any child benefit under Part I of the Child Benefit Act 1975 <sup>M7</sup>.

#### Marginal Citations

**M7** 1975 c. 61.

16.—(1) Any income derived from capital to which the claimant is, or is treated under regulation 35 (capital jointly held) as, beneficially entitled but, subject to sub-paragraph (2), not income derived from capital disregarded under paragraph 1, 2, 4, 6, [<sup>F25</sup>13 or 26 to 30] of Schedule 3.

(2) Income derived from capital disregarded under paragraph 2, [<sup>F26</sup>4 or 26 to 30] of Schedule 3 but [<sup>F27</sup>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 claimant is liable to pay in respect of the dwelling or premises and which are paid in the period during which that income accrued.]

#### Textual Amendments

- F25** Words in sch. 2 para. 16(1) substituted (12.9.1988) by Family Credit (General) Amendment No. 3 Regulations 1988 ([S.I. 1988/1438](#)), reg. 1(1)(b), 8(a)(i)
- F26** Words in sch. 2 para. 16(2) substituted (12.9.1988) by Family Credit (General) Amendment No. 3 Regulations 1988 ([S.I. 1988/1438](#)), reg. 1(1)(b), 8(a)(ii)
- F27** Words in sch. 2 para. 16(2)(a)(b) substituted (1.4.1993) by The Income-related [Benefits Schemes \(Miscellaneous Amendments\) Regulations 1993 \(S.I. 1993/315\)](#), **regs. 1(1)(d), 15(2)**

17. Where a person receives income under an annuity purchased with a loan which satisfies the following conditions—

- (a) that the loan was made as part of a scheme under which not less than 90 per cent of the proceeds of the loan were applied to the purchase by the person to whom it was made of an annuity ending with his life or with the life of the survivor of two or more persons (in this paragraph referred to as “the annuitants”) who include the person to whom the loan was made;
- (b) that the interest on the loan is payable by the person to whom it was made or by one of the annuitants;

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- (c) that at the time the loan was made the person to whom it was made or each of the annuitants had attained the age of 65;
- (d) that the loan was secured on a dwelling in Great Britain and the person to whom the loan was made or one of the annuitants owns an estate or interest in that dwelling; and
- (e) that the person to whom the loan was made or one of the annuitants occupies the dwelling on which it was secured as his home at the time the interest is paid,

the amount, calculated on a weekly basis equal to—

- [<sup>F28</sup>(i) where, or insofar as, section 369 of the Income and Corporation Taxes Act 1988 (mortgage interest payable under deduction of tax) applies to the payments of interest on the loan, the interest which is payable after deduction of a sum equal to income tax on such payments at the applicable percentage of income tax within the meaning of section 369(1A) of that Act;]
- (ii) in any other case the interest which is payable on the loan without deduction of such a sum.

#### Textual Amendments

**F28** Sch. 2 para. 17(e)(i) substituted (4.10.1994) by The Income-related [Benefits Schemes \(Miscellaneous Amendments\) \(No.5\) Regulations 1994 \(S.I. 1994/2139\)](#), **regs. 1(1)(b)**, 20(a)

[<sup>F29</sup>**18.** Any payment made to the claimant by a person who normally resides with the claimant, which is a contribution towards that person's living and accommodation costs, except where that person is residing with the claimant in circumstances to which paragraph 19 or 40 or regulation 21(2) (earnings of self-employed earners) refers.]

#### Textual Amendments

**F29** Sch. 2 para. 18 substituted (11.4.1995) by The Income-related [Benefits Schemes \(Miscellaneous Amendments\) Regulations 1995 \(S.I. 1995/516\)](#), **regs. 1(1)(b)**, 15(b)

[<sup>F30</sup>**19.** Where the claimant occupies a dwelling as his home and the dwelling is also occupied by [<sup>F31</sup>another person] and there is a contractual liability to make payments to the claimant in respect of the occupation of the dwelling by that person or a member of his family—

- (a) £4 of the aggregate of any payments made in respect of any one week in respect of the occupation of the dwelling by that person or a member of his family, or by that person and a member of his family; and
- (b) a further [<sup>F32</sup>£9.25,] where the aggregate of any such payments is inclusive of an amount for heating.]

#### Textual Amendments

**F30** Sch. 2 para. 19 substituted (12.4.1994) by The Income-related [Benefits Schemes \(Miscellaneous Amendments\) Regulations 1994 \(S.I. 1994/527\)](#), **regs. 1(1)(c)**, 22(2)

**F31** Words in sch. 2 para. 19 substituted (11.4.1995) by The Income-related [Benefits Schemes \(Miscellaneous Amendments\) Regulations 1995 \(S.I. 1995/516\)](#), **regs. 1(1)(b)**, 15(c)

**F32** Word in Sch. 2 para. 19(b) substituted (9.4.1996) by [The Social Security Benefits Up-rating Order 1996 \(S.I. 1996/599\)](#), arts. 1(2)(f), **16(e)** (with reg. 23)

**20.** Any income in kind.



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21. Any income which is payable in a country outside the United Kingdom where there is a prohibition against the transfer to the United Kingdom of that income.

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

- [<sup>F33</sup>(a) in accordance with regulations made pursuant to section 57A of the Adoption Act 1976(permitted allowances) or with a scheme approved by the Secretary of State under section 51 of the Adoption (Scotland) Act 1978 <sup>M8</sup> (schemes for payment of allowances to adopters) [<sup>F34</sup>or in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (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 (local authority contribution to a child's maintenance where the child is living with a person as a result of a residence order),]
- (c) [<sup>F35</sup> which is a payment made by an authority, as defined in Article 2 of the Children Order , in pursuance of Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to child's maintenance); ]

to the extent specified in sub-paragraph (2).

(2) In the case of a child or young person—

- (a) to whom regulation [<sup>F36</sup>27] applies (capital in excess of £3,000), the whole payment;
- (b) to whom that regulation does not apply, so much of the weekly amount of the payment as exceeds the credit in respect of that child or young person under Schedule 4.

#### Textual Amendments

- F33** Sch. 2 para. 22(1)(a)(b) substituted (7.4.1992) by [The Family Credit \(General\) Amendment Regulations 1992 \(S.I. 1992/573\)](#), regs. 1(1), [sch. para 3\(a\)](#)
- F34** Words in [Sch. 2 para. 22\(1\)\(a\)](#) inserted (15.7.2011) by [The Adoption and Children \(Scotland\) Act 2007 \(Consequential Modifications\) Order 2011 \(S.I. 2011/1740\)](#), art. 1(2), [Sch. 1 para. 10](#)
- F35** Sch. 2 para. 22(1)(c) added (1.4.1998 coming into force in accordance with reg. 1(2)(3)(4)(5)(6)) by [The Social Security \(Miscellaneous Amendments\) Regulations 1998 \(S.I. 1998/563\)](#), regs. 1, [7\(1\)](#), (2)(c)
- F36** Word in [Sch. 2 para. 22\(2\)\(a\)](#) substituted (1.4.1997 for specified purposes and , 7.4.1997 for specified purposes and , 7.4.1997 in so far as not already in force, 8.4.1997 for specified purposes and ) by [The Income-related Benefits and Jobseeker s Allowance \(Miscellaneous Amendments\) Regulations 1997 \(S.I. 1997/65\)](#), [reg. 2\(7\)](#)

#### Marginal Citations

- M8** 1978 c. 28.

[<sup>F37</sup>23. Any payment made by a local authority to the claimant with whom a person is accommodated by virtue of arrangements made under section 23(2)(a) of the Children Act 1989 or, as the case may be, section 21 of the Social Work (Scotland) Act 1968 or by a voluntary organisation under section 59(1)(a) of the 1989 Act or by a care authority under regulation 9 of the Boarding Out and Fostering of Children (Scotland) Regulations 1985 <sup>M9</sup> (provision of accommodation and maintenance for children by local authorities and voluntary organisations). ]

#### Textual Amendments

- F37** Sch. 2 para. 23 substituted (7.4.1992) by [The Family Credit \(General\) Amendment Regulations 1992 \(S.I. 1992/573\)](#), regs. 1(1), [sch. para 3\(b\)](#)

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**M9** [S.I. 1985/1799](#).

[<sup>F38</sup>**24.** Any payment made to the claimant or his partner for a person (“the person concerned”), who is not normally a member of the claimant’s household but is temporarily in his care, by—

- (a) a health authority;
- (b) a local authority;
- (c) a voluntary organisation; or
- (d) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948.]

#### Textual Amendments

**F38** Sch. 2 para. 24 substituted (1.4.1998 coming into force in accordance with reg. 1(2)(3)(4)(5)(6)) by [The Social Security \(Miscellaneous Amendments\) Regulations 1998 \(S.I. 1998/563\)](#), regs. 1, [7\(3\)](#), [\(4\)\(c\)](#)

[<sup>F39</sup>**25.** Any payment made by a local authority in accordance with section [<sup>F40</sup>17, 23C, 24, 24A, or 24B] of the Children Act 1989 or, as the case may be, section 12, 24 or 26 of the Social Work (Scotland) Act 1968 (provision of services for children and their families and advice and assistance to certain children).]

#### Textual Amendments

**F39** Sch. 2 para. 25 substituted (7.4.1992) by [The Family Credit \(General\) Amendment Regulations 1992 \(S.I. 1992/573\)](#), regs. 1(1), [sch. para 3\(c\)](#)

**F40** Words in Sch. 2 para. 25 substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Tax Credits \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/14\)](#), regs. 1(1), [4\(2\)](#)

[<sup>F41</sup>**25A.**—(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 claimant occupies as his home; or
- (b) under a regulated agreement as defined for the purposes of the Consumer Credit Act 1974 or under a hire-purchase agreement or a conditional sale agreement as defined for the purposes of Part III of the Hire-Purchase Act 1964.

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

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



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#### Textual Amendments

- F41** Sch. 2 para. 25A added (2.6.1998) by [The Social Security \(Miscellaneous Amendments\) \(No.3\) Regulations 1998 \(S.I. 1998/1173\)](#), **regs. 1(2)**, 3

**26.** Any payment of income which under regulation 31 (income treated as capital) is to be treated as capital.

[<sup>F42</sup>**27.** Any maternity allowance under section 22 of the Social Security Act or statutory maternity pay under Part V of the Act.]

#### Textual Amendments

- F42** Sch. 2 para. 27 substituted (7.4.1992) by [The Family Credit \(General\) Amendment Regulations 1992 \(S.I. 1992/573\)](#), **regs. 1(1)**, 13(a)

**27A.** [<sup>F43</sup>Any statutory paternity pay.]

#### Textual Amendments

- F43** [Sch. 2 para. 27A](#) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [Tax Credits \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/44\)](#), **regs. 1(1)**, **12(2)**

**28.** Any payment under paragraph 2 of Schedule 6 to the Act (pensioners' Christmas bonus).

**29.** The total of a claimant's income or, if he is a member of a family, the family's income and the income of any person which he is treated as possessing under regulation 10(2) (calculation of income and capital of members of claimant's family and of a polygamous marriage) to be disregarded under regulation 39(2)(b) (calculation of covenant income where a contribution assessed)[<sup>F44</sup>, regulation 42A(2) (treatment of student loans)] and paragraphs [<sup>F45</sup>13(1)] and 14, shall in no case exceed [<sup>F46</sup>£20] per week.

#### Textual Amendments

- F44** Words in sch. 2 para. 29 inserted (1.9.1990) by [Income-Related Benefits Amendment Regulations 1990 \(S.I. 1990/1657\)](#), **reg. 1(1)**, 3(2)
- F45** Words in sch. 2 para. 29 substituted (10.4.1990) by [Family Credit \(General\) Amendment Regulations 1990 \(S.I. 1990/574\)](#), reg. 1(1), 14(d)
- F46** Word in sch. 2 para. 29 substituted (9.4.1996) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/462\)](#), **regs. 1(5)**, 8(e)

**30.** 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.

[<sup>F47</sup>[<sup>F48</sup>**31.** Any maternity allowance under section 22 of the Social Security (Northern Ireland) Act 1975 or statutory maternity pay under Part VI of the Social Security (Northern Ireland) Order 1986.]

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#### Textual Amendments

- F47** Sch. 2 para. 31 substituted (7.4.1992) by [The Family Credit \(General\) Amendment Regulations 1992 \(S.I. 1992/573\)](#), [regs. 1\(1\), 13\(b\)](#)
- F48** Sch. 2 para. 31-34 inserted (11.4.1988) by [Family Credit \(General\) Amendment Regulations 1988 \(S.I. 1988/660\)](#), [reg. 1, 13\(b\)](#)

**32.** Any payment in respect of expenses to which regulation 19(2) (earnings of employed earners) applies.

#### Textual Amendments

- F48** Sch. 2 para. 31-34 inserted (11.4.1988) by [Family Credit \(General\) Amendment Regulations 1988 \(S.I. 1988/660\)](#), [reg. 1, 13\(b\)](#)

**33.** Any resettlement benefit which is paid to the claimant by virtue of regulation 3 of the Social Security (Hospital In-Patients) Amendment ( No. 2) Regulations 1987 (transitional provisions).

#### Textual Amendments

- F48** Sch. 2 para. 31-34 inserted (11.4.1988) by [Family Credit \(General\) Amendment Regulations 1988 \(S.I. 1988/660\)](#), [reg. 1, 13\(b\)](#)

<sup>F49</sup>**34.**—(1) Any payment made under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments)( No. 2) Trust (“the Trusts”), [<sup>F50</sup> the Fund ] [<sup>F51</sup> , the Eileen Trust ] or [<sup>F52</sup> the Independent Living Funds ] .

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia [<sup>F53</sup> or who is or was a qualifying person], which derives from a payment made under 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 he is not, or where that person has died was not, estranged or divorced;
- (b) any child who is a member of that person’s family or who was such a member and who is a member of the claimant’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 claimant’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 [<sup>F54</sup> 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, which derives from a payment made under 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 [<sup>F55</sup> 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 claimant’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 claimant’s family.

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(4) Any payment by a person who is suffering from haemophilia [<sup>F56</sup>or who is a qualifying person], which derives from a payment under any of the Trusts to which sub-paragraph(1) refers, where—

- (a) that person has no partner or former partner from whom he is not estranged or divorced, nor any child or young person who is or had been a member of that person's family; and
- (b) the payment is made either—
  - (i) to that person's parent or step-parent, or
  - (ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian,

but only for a period from the date of the payment until the end of two years from that person's death.

(5) Any payment out of the estate of a person who suffered from haemophilia [<sup>F57</sup>or who was a qualifying person], which derives from a payment under any of the Trusts to which sub-paragraph (1) refers, where—

- (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced, nor any child or young person who was or had been a member of his family; and
- (b) the payment is made either—
  - (i) to that person's parent or step-parent, or
  - (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,

but only for a period of 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.]]

[<sup>F58</sup>(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund [<sup>F59</sup>and the Eileen Trust].]

#### Textual Amendments

- F48** Sch. 2 para. 31-34 inserted (11.4.1988) by [Family Credit \(General\) Amendment Regulations 1988 \(S.I. 1988/660\)](#), [reg. 1](#), 13(b)
- F49** Sch. 2 para. 34 substituted (11.5.1991) by [The Income-related Benefits Schemes and Social Security \(Recoupment\) Amendment Regulations 1991 \(S.I. 1991/1175\)](#), [reg. 1\(1\)](#), 3(6)
- F50** Words in sch. 2 para. 34(1) substituted (7.5.1992) by [The Income-related Benefits Schemes and Social Security \(Recoupment\) Amendment Regulations 1992 \(S.I. 1992/1101\)](#), [regs. 1\(1\)](#), 4(6)(a)
- F51** Words in sch. 2 para. 34(1) inserted (14.5.1993) by [The Income-related Benefits Schemes and Social Security \(Recoupment\) Amendment Regulations 1993 \(S.I. 1993/1249\)](#), [regs. 1\(1\)\(a\)](#), 2(4)(a)
- F52** Words in sch. 2 para. 34(1) substituted (22.4.1993) by [The Social Security Benefits \(Miscellaneous Amendments\) \(No. 2\) Regulations 1993 \(S.I. 1993/963\)](#), [regs. 1\(1\)\(d\)](#), 3(3)
- F53** Words in sch. 2 para. 34(2) inserted (7.5.1992) by [The Income-related Benefits Schemes and Social Security \(Recoupment\) Amendment Regulations 1992 \(S.I. 1992/1101\)](#), [regs. 1\(1\)](#), 4(6)(b)
- F54** Words in sch. 2 para. 34(3) inserted (7.5.1992) by [The Income-related Benefits Schemes and Social Security \(Recoupment\) Amendment Regulations 1992 \(S.I. 1992/1101\)](#), [regs. 1\(1\)](#), 4(6)(c)(i)
- F55** Words in sch. 2 para. 34(3)(a) inserted (7.5.1992) by [The Income-related Benefits Schemes and Social Security \(Recoupment\) Amendment Regulations 1992 \(S.I. 1992/1101\)](#), [regs. 1\(1\)](#), 4(6)(c)(ii)

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- F56** Words in sch. 2 para. 34(4) inserted (7.5.1992) by The Income-related Benefits Schemes and Social Security (Recoupment) Amendment Regulations 1992 (S.I. 1992/1101), **regs. 1(1)**, 4(6)(d)
- F57** Words in sch. 2 para. 34(5) inserted (7.5.1992) by The Income-related Benefits Schemes and Social Security (Recoupment) Amendment Regulations 1992 (S.I. 1992/1101), **regs. 1(1)**, 4(6)(e)
- F58** Sch. 2 para. 34(7) added (7.5.1992) by The Income-related Benefits Schemes and Social Security (Recoupment) Amendment Regulations 1992 (S.I. 1992/1101), **regs. 1(1)**, 4(6)(f)
- F59** Words in sch. 2 para. 34(7) added (14.5.1993) by The Income-related Benefits Schemes and Social Security (Recoupment) Amendment Regulations 1993 (S.I. 1993/1249), **regs. 1(1)(a)**, 2(4)(b)

[<sup>F60</sup>**35.** Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.]

#### Textual Amendments

- F60** Sch. 2 para. 35 inserted (12.9.1988) by Family Credit (General) Amendment No. 3 Regulations 1988 (S.I. 1988/1438), reg. 1(1)(b), 8(c)

[<sup>F61</sup>**36.** Any payment made by the Secretary of State to compensate a person who was entitled to supplementary benefit in respect of a period ending immediately before 11th April 1988 but who did not become entitled to income support in respect of a period beginning with that day.

#### Textual Amendments

- F61** Sch. 2 para. 36-39 inserted (5.12.1988) by Family Credit (General) Amendment No. 4 Regulations 1988 (S.I. 1988/1970), reg. 1(1), 11(b)

**37.** Any payment made by the Secretary of State to compensate for the loss of housing benefit supplement under regulation 19 of the Supplementary Benefit (Requirements) Regulations 1983.

#### Textual Amendments

- F61** Sch. 2 para. 36-39 inserted (5.12.1988) by Family Credit (General) Amendment No. 4 Regulations 1988 (S.I. 1988/1970), reg. 1(1), 11(b)

**38.** Any payment made to a juror or witness in respect of attendance at court other than compensation for loss of earnings or for the loss of a benefit payable under the benefit Acts.

#### Textual Amendments

- F61** Sch. 2 para. 36-39 inserted (5.12.1988) by Family Credit (General) Amendment No. 4 Regulations 1988 (S.I. 1988/1970), reg. 1(1), 11(b)

[<sup>F62</sup>**39.** . . . . .]

#### Textual Amendments

- F61** Sch. 2 para. 36-39 inserted (5.12.1988) by Family Credit (General) Amendment No. 4 Regulations 1988 (S.I. 1988/1970), reg. 1(1), 11(b)
- F62** Sch. 2 para. 39 omitted (1.4.1993) by The Income-related Benefits Schemes (Miscellaneous Amendments) Regulations 1993 (S.I. 1993/315), **regs. 1(1)(d)**, **Sch. para. 10(3)**

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[<sup>F63</sup>40. Where the claimant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for whom such accommodation is provided for the whole or any part of a week, equal to—

- (a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed £20.00, 100% of such payments; or
- (b) where the aggregate of any such payments exceeds £20.00, £20.00 and 50% of the excess over £20.00.]

#### Textual Amendments

**F63** Sch. 2 para. 40 substituted (12.4.1994) by The Income-related [Benefits Schemes \(Miscellaneous Amendments\) Regulations 1994 \(S.I. 1994/527\)](#), [regs. 1\(1\)\(c\), 22\(3\)](#)

[<sup>F64</sup>41. Any community charge benefit.

#### Textual Amendments

**F64** Sch. 2 para. 41-43 inserted (3.4.1990) by [Family Credit \(General\) Amendment Regulations 1990 \(S.I. 1990/574\)](#), [reg. 1\(1\), 14\(f\)](#)

42. Any payment in consequence of a reduction of a personal community charge pursuant to regulations under section 13A of the Local Government Finance Act 1988 or section 9A of the Abolition of Domestic Rates Etc (Scotland) Act 1987 (reduction of liability for personal community charge) [<sup>F65</sup>or reduction of council tax under section 13 or, as the case may be, section 80 of the Local Government Finance Act 1992 (reduction of liability for council tax)].

#### Textual Amendments

**F64** Sch. 2 para. 41-43 inserted (3.4.1990) by [Family Credit \(General\) Amendment Regulations 1990 \(S.I. 1990/574\)](#), [reg. 1\(1\), 14\(f\)](#)

**F65** Words in sch. 2 para. 42 added (1.4.1993) by The Income-related [Benefits Schemes \(Miscellaneous Amendments\) Regulations 1993 \(S.I. 1993/315\)](#), [regs. 1\(1\)\(d\), Sch. para. 10\(4\)](#)

43. Any special war widows payment made under—

- (a) the Naval and Marine Pay and Pensions (Special War Widows Payment) Order 1990 made under section 3 of the Naval and Marine Pay and Pensions Act 1865;
- (b) the Royal Warrant dated 19th February 1990 amending the Schedule to the Army Pensions Warrant 1977;
- (c) the Queen's Order dated 26th February 1990 made under section 2 of the Air Force (Constitution) Act 1917;
- (d) the Home Guard War Widows Special Payments Regulations 1990 made under section 151 of the Reserve Forces Act 1980;
- (e) the Orders dated 19th February 1990 amending Orders made on 12th December 1980 concerning the Ulster Defence Regiment made in each case under section 140 of the Reserve Forces Act 1980;

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

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#### Textual Amendments

**F64** Sch. 2 para. 41-43 inserted (3.4.1990) by [Family Credit \(General\) Amendment Regulations 1990 \(S.I. 1990/574\)](#), [reg. 1\(1\)](#), 14(f)

**[<sup>F66</sup>44.—(1)** Any payment or repayment made—

- (a) as respects England and Wales, under regulation 3, 5 or 8 of the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988 (travelling expenses and health service supplies);
- (b) as respects Scotland, under regulation 3, 5 or 8 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Regulations 1988 (travelling expenses and health service supplies).

(2) Any payment or repayment made by the Secretary of State for Health [<sup>F67</sup>and Social Care], the Secretary of State for Scotland or the Secretary of State for Wales which is analogous to a payment or repayment mentioned in sub-paragraph (1).

#### Textual Amendments

**F66** Sch. 2 para. 44-46 added (2.10.1990) by Family Credit (General) Amendment No. 2 Regulations 1990 (S.I. 1990/1774), [reg. 1\(1\)](#), 4

**F67** Words in [Sch. 2 para. 44\(2\)](#) inserted (11.4.2018) by [The Secretaries of State for Health and Social Care and for Housing, Communities and Local Government and Transfer of Functions \(Commonhold Land\) Order 2018 \(S.I. 2018/378\)](#), [art. 1\(2\)](#), [Sch. para. 21\(b\)](#) (with [art. 14](#))

**45.** Any payment made under regulation 9 to 11 or 13 of the Welfare Food Regulations 1988 (payments made in place of milk tokens or the supply of vitamins).

#### Textual Amendments

**F66** Sch. 2 para. 44-46 added (2.10.1990) by Family Credit (General) Amendment No. 2 Regulations 1990 (S.I. 1990/1774), [reg. 1\(1\)](#), 4

**46.** Any payment made either by the Secretary of State for [<sup>F68</sup>Justice] or by the Secretary of State for Scotland under a scheme established to assist relatives and other persons to visit persons in custody.]

#### Textual Amendments

**F66** Sch. 2 para. 44-46 added (2.10.1990) by Family Credit (General) Amendment No. 2 Regulations 1990 (S.I. 1990/1774), [reg. 1\(1\)](#), 4

**F68** Word in [Sch. 2 para. 46](#) substituted (22.8.2007) by [Secretary of State for Justice Order 2007 \(S.I. 2007/2128\)](#), [art. 1\(2\)](#), [Sch. para. 14\(2\)](#)

**[<sup>F69</sup>47.—(1)** [<sup>F70</sup>Any] payment of maintenance, whether under a court order or not, which is made or due to be made by—

- (a) the claimant's former partner, or the claimant's partner's former partner; or
- (b) the parent of a child or young person where that child or young person is a member of the claimant's family except where that parent is the claimant or the claimant's partner.



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(2) For the purposes of sub-paragraph (1), where more than one maintenance payment falls to be taken into account in any week, all such payments shall be aggregated and treated as if they were a single payment.]

#### Textual Amendments

- F69** Sch. 2 para. 47 added (7.4.1992) by The Income-related [Benefits Schemes \(Miscellaneous Provisions\) Amendment Regulations 1991](#) (S.I. 1991/2695), [reg. 1\(1\)\(d\)](#), 3(b)
- F70** Word in Sch. 2 para. 47(1) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Tax Credits Schemes \(Miscellaneous Amendments\) Regulations 1999](#) (S.I. 1999/2487), [regs. 1\(1\), 12](#)

[<sup>F71</sup>**48.** 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 or in accordance with arrangements made under section 2 of the Employment and Training Act 1973 to assist disabled persons to obtain or retain employment despite their disability.]

#### Textual Amendments

- F71** Sch. 2 para. 48 substituted (7.4.1992) by [The Family Credit \(General\) Amendment Regulations 1992](#) (S.I. 1992/573), [regs. 1\(1\), 13\(c\)](#)

[<sup>F72</sup>**49.** Any council tax benefit.

#### Textual Amendments

- F72** Sch. 2 para. 49-50 added (1.4.1993) by The Income-related [Benefits Schemes \(Miscellaneous Amendments\) Regulations 1993](#) (S.I. 1993/315), [regs. 1\(1\)\(d\)](#), 15(3)

**50.** Any guardian's allowance.]

#### Textual Amendments

- F72** Sch. 2 para. 49-50 added (1.4.1993) by The Income-related [Benefits Schemes \(Miscellaneous Amendments\) Regulations 1993](#) (S.I. 1993/315), [regs. 1\(1\)\(d\)](#), 15(3)

[<sup>F73</sup>**51.** Where the claimant is in receipt of any benefit under Parts II, III or V of the Contributions and Benefits Act [<sup>F74</sup>or pension under the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983], any increase in the rate of that benefit arising under Part IV (increases for dependants) or section 106(a) (unemployability supplement) of that Act [<sup>F74</sup>or the rate of that pension under that Order] where the dependant in respect of whom the increase is paid is not a member of the claimant's family. ]

#### Textual Amendments

- F73** Sch. 2 para. 51 added (12.4.1994) by The Income-related [Benefits Schemes \(Miscellaneous Amendments\) Regulations 1994](#) (S.I. 1994/527), [regs. 1\(1\)\(c\)](#), 22(4)
- F74** Words in Sch. 2 para. 51 inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by [The Income-related Benefits Schemes and Social Security \(Claims and Payments\) \(Miscellaneous Amendments\) Regulations 1995](#) (S.I. 1995/2303), [regs. 1\(1\)\(b\)](#), [4\(7\)\(b\)\(i\)](#), [4\(7\)\(b\)\(ii\)](#)

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[<sup>F75</sup>52. Any supplementary pension under article 29(1A) of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983 (pensions to widows [<sup>F76</sup>or widowers]).

#### Textual Amendments

**F75** Sch. 2 para. 52-54 added (4.10.1994) by The Income-related [Benefits Schemes \(Miscellaneous Amendments\) \(No.5\) Regulations 1994 \(S.I. 1994/2139\)](#), [regs. 1\(1\)\(b\)](#), 20(b)

**F76** Words in Sch. 2 para. 52 inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [Tax Credits \(Miscellaneous Amendments No.2\) Regulations 2002 \(S.I. 2002/525\)](#), [regs. 1\(1\)](#), [6](#)

53. In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983 (pensions to widows [<sup>F77</sup>or widowers]), the sum specified in paragraph (1)(c) of Schedule 4 to that Scheme.

#### Textual Amendments

**F75** Sch. 2 para. 52-54 added (4.10.1994) by The Income-related [Benefits Schemes \(Miscellaneous Amendments\) \(No.5\) Regulations 1994 \(S.I. 1994/2139\)](#), [regs. 1\(1\)\(b\)](#), 20(b)

**F77** Words in Sch. 2 para. 53 inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [Tax Credits \(Miscellaneous Amendments No.2\) Regulations 2002 \(S.I. 2002/525\)](#), [regs. 1\(1\)](#), [6](#)

54.—(1) Any payment which is—

- (a) made under any of the Dispensing Instruments to a widow [<sup>F78</sup>or widower] of a person—
  - (i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and
  - (ii) whose service in such capacity terminated before 31st March 1973; and
- (b) equal to the amount specified in article 29(1A) of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983 (pensions to widows [<sup>F79</sup>or widowers] ).

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

#### Textual Amendments

**F75** Sch. 2 para. 52-54 added (4.10.1994) by The Income-related [Benefits Schemes \(Miscellaneous Amendments\) \(No.5\) Regulations 1994 \(S.I. 1994/2139\)](#), [regs. 1\(1\)\(b\)](#), 20(b)

**F78** Words in Sch. 2 para. 54(1)(a) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [Tax Credits \(Miscellaneous Amendments No.2\) Regulations 2002 \(S.I. 2002/525\)](#), [regs. 1\(1\)](#), [7](#)

**F79** Words in Sch. 2 para. 54(1)(b) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [Tax Credits \(Miscellaneous Amendments No.2\) Regulations 2002 \(S.I. 2002/525\)](#), [regs. 1\(1\)](#), [6](#)

[<sup>F80</sup>55. Any payment made by the Secretary of State to compensate for a reduction in a maintenance assessment made under the Child Support Act 1991.]

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#### Textual Amendments

**F80** Sch. 2 para. 55 added (11.4.1995) by The Income-related [Benefits Schemes \(Miscellaneous Amendments\) Regulations 1995 \(S.I. 1995/516\)](#), **regs. 1(1)(b)**, 15(d)

56. [<sup>F81</sup> Any payment made by the Secretary of State under the Earnings Top-up Scheme . ]

#### Textual Amendments

**F81** Sch. 2 para. 56 added (with effect in accordance with reg. 1(4) of the amending S.I.) by The Income-related [Benefits Schemes and Social Fund \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/1944\)](#), regs 1(1)(a), (4), 13, Sch. para. 5(1), 2(b)

57. [<sup>F82</sup> Any payment made under the Community Care (Direct Payments) Act 1996 or [<sup>F83</sup> as a direct payment as defined in section 4(2) of the Social Care (Self-directed Support) (Scotland) Act 2013][<sup>F84</sup> or under regulations made under section 57 of the Health and Social Care Act 2001 (direct payments)].]

#### Textual Amendments

**F82** Sch. 2 paras. 57, 58 added (1.4.1997 for specified purposes and , 7.4.1997 for specified purposes and , 7.4.1997 in so far as not already in force, 8.4.1997 for specified purposes and ) by [The Income-related Benefits and Jobseeker s Allowance \(Miscellaneous Amendments\) Regulations 1997 \(S.I. 1997/65\)](#), **reg. 2(5)(6)(b)**

**F83** Words in [Sch. 2 para. 57](#) substituted (1.4.2014) by [The Social Care \(Self-directed Support\) \(Scotland\) Act 2013 \(Consequential Modifications and Savings\) Order 2014 \(S.I. 2014/513\)](#), art. 1(2), **Sch. para. 2** (with art. 3)

**F84** Words in Sch. 2 para. 57 inserted (8.4.2003) (E), (1.11.2004) (E+W) by [Community Care, Services for Carers and Children's Services \(Direct Payments\) \(England\) Regulations 2003 \(S.I. 2003/762\)](#), **regs. 1(1), 11(2), Sch. 2**, (S.I. 2004/1748, reg. 1(b), Sch. 2 para. 2)

58.—[<sup>F82</sup>(1) Any Career Development Loan paid to the claimant pursuant to section 2 of the Employment and Training Act 1973 except to the extent that the loan has been applied for and paid in respect of living expenses for the period of education and training supported by that loan and those expenses relate to 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 housing costs of any member of the family or any personal community charge, collective community charge contribution or any council tax for which any member of the family is liable.

(3) For the purposes of this paragraph, “ordinary clothing and footwear” means clothing or footwear for normal daily use, but does not include school uniforms, or clothing and footwear used solely for sporting activities.]

#### Textual Amendments

**F82** Sch. 2 paras. 57, 58 added (1.4.1997 for specified purposes and , 7.4.1997 for specified purposes and , 7.4.1997 in so far as not already in force, 8.4.1997 for specified purposes and ) by [The Income-related Benefits and Jobseeker s Allowance \(Miscellaneous Amendments\) Regulations 1997 \(S.I. 1997/65\)](#), **reg. 2(5)(6)(b)**

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[<sup>F85</sup>59. Any mandatory top-up payment made to a person pursuant to section 2 of the Employment and Training Act 1973 in respect of that person's participation in—

- (a) the self-employment route;
- (b) an employment programme specified in—
  - (i) regulation 75(1)(a)(ii)(bb) of the Jobseeker's Allowance Regulations 1996 (Voluntary Sector Option of the New Deal);
  - (ii) regulation 75(1)(a)(ii)(cc) of those Regulations (Environmental Task Force Option of the New Deal); or
- (c) the Intensive Activity Period specified in regulation 75(1)(a)(iv) of those Regulations or the Intensive Activity Period for 50 plus.]

#### Textual Amendments

**F85** Sch. 2 para. 59 substituted (24.4.2001) by [The Tax Credits \(New Deal Consequential Amendments\) Regulations 2001 \(S.I. 2001/1334\)](#), regs. 1, **8(3)**

[<sup>F86</sup>60. Any discretionary payment to meet, or to help meet, special needs made to a person pursuant to section 2 of the Employment and Training Act 1973 in respect of that person's participation in the Full-Time Education and Training Option of the New Deal as specified in regulation 75(1)(b)(ii) of the Jobseeker's Allowance Regulations 1996.]

#### Textual Amendments

**F86** Sch. 2 para. 59-60 added (5.1.1998) by [The Social Security Amendment \(New Deal\) Regulations 1997 \(S.I. 1997/2863\)](#), regs. 1(1), **17(9)**, (10)(c)

[<sup>F87</sup>61.—(1) Subject to sub-paragraph (2), in respect of a person who is receiving, or who has received, assistance under an employment programme specified in regulation 75(1)(a)(ii)(aa)(ii) of the Jobseeker's Allowance Regulations 1996 (self-employment route of the Employment Option of the New Deal), 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) shall apply only in respect of payments which are paid to that person from the special account as defined for the purposes of Chapter IVA of Part VIII of the Jobseeker's Allowance Regulations 1996.]

#### Textual Amendments

**F87** Sch. 2 para. 61 added (1.6.1998) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 1998 \(S.I. 1998/1174\)](#), **regs. 1(1)**, 7(5)

#### Modifications etc. (not altering text)

**C1** Sch. 2 para. 61 modified (temp. until 27.11.2001) (28.11.2000) by [The Social Security \(New Deal Pilot\) Regulations 2000 \(S.I. 2000/3134\)](#), **regs. 1(1)(b)**, **18(2)**, (3)(c)

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<sup>F88</sup>**62.**—(1) Subject to sub-paragraph (2), any discretionary payment made pursuant to section 2 of the Employment and Training Act 1973 to meet, or help meet, special needs of a person who is undertaking a qualifying course within the meaning specified in regulation 17A(7) of the Jobseeker's Allowance Regulations 1996.

(2) No amount shall be disregarded pursuant to sub-paragraph (1) in respect of travel expenses incurred as a result of the student's attendance on the course where an amount in respect of those expenses has already been disregarded pursuant to regulation 42 (student's income to be disregarded).]

#### Textual Amendments

**F88** Sch. 2 para. 62 added (24.9.1998) by [The Social Security Amendment \(New Deal\) \(No.2\) Regulations 1998 \(S.I. 1998/2117\)](#), regs. **11(1)**, 4(3)

**63.** [Any child care expenses reimbursed to the claimant in respect of his participation in the programme known as the intensive activity period of the New Deal pilots for 25 plus as defined for the purposes of the Social Security (New Deal Pilot) Regulations 2000 in regulation 2(1) of those Regulations.]

#### Modifications etc. (not altering text)

**C2** Sch. 2 paras. 63 64 modified (temp. until 27.11.2001) (28.11.2000) by [The Social Security \(New Deal Pilot\) Regulations 2000 \(S.I. 2000/3134\)](#), regs. 1(1)(b), **16(1)**, (2)(c)

**64.** [Any top-up payment made to a person ("the participant") pursuant to—

- (a) section 2 of the Employment and Training Act 1973 in respect of the participant's participation in the intensive activity period of the New Deal pilots for 25 plus as defined for the purposes of the Social Security (New Deal Pilot) Regulations 2000 in regulation 2(1) of those Regulations ("the intensive activity period"); or
- (b) a written arrangement entered into between the Secretary of State and the person who has arranged for the participant's participation of the intensive activity period and which is made in respect of the participant's participation in that period.]

#### Modifications etc. (not altering text)

**C2** Sch. 2 paras. 63 64 modified (temp. until 27.11.2001) (28.11.2000) by [The Social Security \(New Deal Pilot\) Regulations 2000 \(S.I. 2000/3134\)](#), regs. 1(1)(b), **16(1)**, (2)(c)

**65.**—<sup>F89</sup>(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 housing costs of any member of the family or any council tax for which any member of the family is liable.

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

“food” does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made;

“housing costs” do not include accommodation costs incurred as a consequence of living away from home whilst training for, or competing in, the sport in respect of which the award was made;

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“ordinary clothing and footwear” means clothing or footwear for normal daily use but does not include school uniforms or clothing or footwear used solely for sporting activities.]

#### Textual Amendments

**F89** Sch. 2 para. 65 added (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Social Security Amendment \(Sports Awards\) Regulations 1999 \(S.I. 1999/2165\)](#), regs. 1(1), **4(4)**

**66.** [<sup>F90</sup>Any payment of voucher provided under section 95 or 99 of the Immigration and Asylum Act 1999 for any former asylum-seeker or his dependents.

#### Textual Amendments

**F90** Sch. 2 para. 66 - Sch. 2 para. 67 added (with effect in accordance with reg. 1(1) of the amending S.I.) by [The Tax Credits Schemes \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/795\)](#), regs. 1(1), **4(2)(b)**

**67.** In the case of a claimant participating in an employment zone scheme, any payment made by an employment zone contractor to the claimant being—

- (a) a training premium payable in respect of the claimant’s participation in the employment zone scheme; or
- (b) a discretionary payment, being a fee, grant, loan or otherwise.]

#### Textual Amendments

**F90** Sch. 2 para. 66 - Sch. 2 para. 67 added (with effect in accordance with reg. 1(1) of the amending S.I.) by [The Tax Credits Schemes \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/795\)](#), regs. 1(1), **4(2)(b)**

**68.** [<sup>F91</sup>In the case of a claimant participating in [<sup>F92</sup>a course of training or instruction funded by or on behalf of the Secretary of State for Education and Employment, the National Assembly for Wales, the Scottish Enterprise or the Highlands and Islands Enterprise, or] an employment zone scheme, any payment [<sup>F93</sup>under the course or scheme] by way of monies accumulated in order to assist in the pursuit of self-employed earner’s employment which are paid after the claimant has ceased to participate [<sup>F94</sup>in the course or scheme].]

#### Textual Amendments

**F91** Sch. 2 para. 68 added (with effect in accordance with reg. 8(6) of the amending S.I.) by [The Tax Credits Schemes \(Miscellaneous Amendments No. 4\) Regulations 2000 \(S.I. 2000/2978\)](#), regs. 1(1), **8(3)**

**F92** Words in Sch. 2 para. 68 inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Tax Credits \(Miscellaneous Amendments No. 4\) Regulations 2001 \(S.I. 2001/1082\)](#), regs. 1(1), **6(2)(a)**

**F93** Words in Sch. 2 para. 68 substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Tax Credits \(Miscellaneous Amendments No. 4\) Regulations 2001 \(S.I. 2001/1082\)](#), regs. 1(1), **6(2)(b)**

**F94** Words in Sch. 2 para. 68 substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Tax Credits \(Miscellaneous Amendments No. 4\) Regulations 2001 \(S.I. 2001/1082\)](#), regs. 1(1), **6(2)(c)**

**69.** [<sup>F95</sup>In the case of a claimant who is absent from work by reason of jury service, any payment to the claimant in respect of loss of earnings by reason of that jury service.]



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#### Textual Amendments

**F95** Sch. 2 para. 69 added (with effect in accordance with reg. 8(6) of the amending S.I.) by [The Tax Credits Schemes \(Miscellaneous Amendments No. 4\) Regulations 2000 \(S.I. 2000/2978\)](#), regs. 1(1), **8(4)**

**70.** [<sup>F96</sup>£15 of any—

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

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#### Textual Amendments

**F96** Sch. 2 para. 70 added (with effect in accordance with reg. 3(3) of the amending S.I.) by [Tax Credit Schemes \(Miscellaneous Amendments\) Regulations 2001 \(S.I. 2001/19\)](#), regs. 1(1), **3(2)**

**71.** [<sup>F97</sup>Any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001.]

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#### Textual Amendments

**F97** Sch. 2 para. 71 added (with effect in accordance with art. 1(2) of the amending S.I.) by [The Tax Credits \(Miscellaneous Amendments No. 6\) Regulations 2001 \(S.I. 2001/2220\)](#), art. 1 **reg. 4(2)**

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**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):

- Regs S.49A added by [S.I. 1996/1418 reg.2](#)
- regs.13A(2)21A(2) amended by [S.I. 1997/2793 reg.2\(5\)\(c\)](#)