

## SCHEDULE 3

### CAPITAL TO BE DISREGARDED

**66.**—<sup>F1</sup>(1) Subject to sub-paragraph (2), the amount of any trust payment made to a claimant, or a member of a claimant's family, who is—

- (a) a diagnosed person; or
- (b) the diagnosed person's partner, or the person who was his partner at the date of his death; or
- (c) a parent of a diagnosed person or a person acting in the place of his parents; or
- (d) a member of the diagnosed person's family (other than his partner) or a person who was a member of his family (other than his partner) at the date of his death.

(2) Where a trust payment is made to—

- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;
- (b) a person referred to in sub-paragraph (1)(c), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending two years after that date;
- (c) a person referred to in sub-paragraph (1)(d), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending—
  - (i) two years after that date; or
  - (ii) on the day before the day on which that person ceases full-time education or attains the age of 19,

whichever is the later.

(3) Subject to sub-paragraph (4), the amount of any payment out of the estate of a person to whom a trust payment has been made which is made to a claimant, or a member of a claimant's family, who is—

- (a) the person who was the diagnosed person's partner at the date of his death; or
- (b) a parent of a diagnosed person or a person acting in the place of his parents; or
- (c) a person who was a member of the diagnosed person's family (other than his partner) at the date of his death,

but only to the extent that such payments do not exceed the total amount of any trust payments made to the person to whom the trust payment had been made.

(4) Where a payment out of an estate as referred to in sub-paragraph (3) is made to—

- (a) the person referred to in sub-paragraph (3)(a), that sub-paragraph shall apply for the period beginning on the date on which the payment is made and ending on the date on which that person dies;
- (b) a person referred to in sub-paragraph (3)(b), that sub-paragraph shall apply for the period beginning on the date on which the payment is made and ending two years after that date;
- (c) a person referred to in sub-paragraph (3)(c), that sub-paragraph shall apply for the period beginning on the date on which the payment is made and ending—
  - (i) two years after that date; or
  - (ii) on the day before the day on which that person ceases full-time education or attains the age of 19,

whichever is the later.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Family Credit (General) Regulations 1987. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

(5) In this paragraph, a reference to a person being a member of the diagnosed person’s family at the date of the diagnosed person’s death shall include a person who would have been a member of his family but for the diagnosed person being in residential accommodation, a residential care home or a nursing home on that date.

(6) In this paragraph—

“diagnosed person” means a person who has been diagnosed as suffering from, or who after his death has been diagnosed as having suffered from, variant Creutzfeldt-Jakob disease;

“full-time education” means either—

- (a) full-time attendance on a course of full-time education at a recognised educational establishment as defined in section 147(1) of the Contributions and Benefits Act, or
- (b) full-time education provided otherwise than at a recognised educational establishment, if such education is recognised by the Secretary of State pursuant to section 142(2) of that Act and is not a course of advanced education for the purposes of Chapter VII of Part IV of these Regulations;

“relevant trust” means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeldt-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;

“residential accommodation”, “residential care home” and “nursing home” have the meanings given by regulation 2(1) of the Income Support (General) Regulations 1987;

“trust payment” means a payment under a relevant trust.]

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#### **Textual Amendments**

- F1** Sch. 3 para. 66 added (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), 8

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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\(5\)\(c\)](#)