

SCHEDULE

Regulation 3

MINOR AND MISCELLANEOUS AMENDMENTS TO THE DISABILITY WORKING ALLOWANCE REGULATIONS

1. The provisions of the Disability Working Allowance Regulations shall be further amended in accordance with the following provisions of this Schedule.

Amendment of regulation 6

2. In regulation 6 (remunerative work)—

(a) in paragraph (1) for the words from the beginning to “in remunerative work” there shall be substituted the following words—

“For the purposes of Part VII of the Social Security Contributions and Benefits Act 1992⁽¹⁾ as it applies to disability working allowance and subject to paragraph (3), a person shall be treated as engaged in remunerative work”;

(b) in paragraphs (2) and (3) the words “and normally engaged” shall be omitted;

(c) in paragraph (4)(c) for the words “of paragraph (3)” there shall be substituted the words “of this paragraph”;

(d) in paragraph (5) in sub-paragraphs (b) and (c) after the words “employer to work” there shall be inserted the words “or, where he is a self-employed earner he expects to work.”;

(e) after paragraph (6) there shall be added the following paragraph—

“(7) Where a person is treated as engaged in remunerative work in accordance with the above paragraphs, he shall also be treated as normally engaged in remunerative work.”.

Amendment of regulation 7

3. In regulation 7 (income-related benefits)—

(a) in paragraph (a) for the words “in case of” there shall be substituted the words “in the case of”;

(b) in paragraph (d) for the words “sub-paragraphs (a) to (c) above and” there shall be substituted the words “paragraphs (a) to (c) above”.

Amendment of regulation 22

4. In regulation 22(4)(a) (calculation of net earnings of employed earners)—

(a) for the words “the basic rate of tax” there shall be substituted the words “the lower rate or, as the case may be, the lower rate and the basic rate of tax”;

(b) after the words “less than a year,” there shall be inserted the words “the earnings to which the lower rate and, if appropriate, the basic rate of tax is to be applied and”.

Amendment of regulation 23

5. In regulation 23 (calculation of bonus or commission)—

(a) for the words “dividing that sum by 52, less —”, there shall be substituted the words “deducting from it —”;

(b) in paragraph (c) for the word “scheme.” there shall be substituted the word “scheme;” and

(1) 1992 c. 4.

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- (c) at the end of the regulation, there shall be inserted the words “and dividing the resulting sum by 52.”.

Amendment of regulation 25

- 6. In regulation 25 (calculation of net profit of self-employed earners)—
 - (a) in paragraph (1)(b)(i) for the words “regulation 22” there shall be substituted the words “regulation 26”;
 - (b) in paragraph (4)(a) for the words “subject to paragraphs (7) to (11)” there shall be substituted the words “subject to paragraphs (7) to (10)”;
 - (c) in paragraph (5) for the word “paragraphs” on the first two occasions where it occurs there shall be substituted the word “paragraph”;
 - (d) in paragraph (6) for the words “under regulation 18(1)(b)” there shall be substituted the words “under regulation 17(1)(b) (normal weekly earnings of self-employed earners)”.

Amendment of regulation 26

- 7. In regulation 26 (deduction of tax and contributions for self-employed earners)—
 - (a) in paragraph (1)—
 - (i) for the words “the basic rate of tax” there shall be substituted the words “the lower rate or, as the case may be, the lower rate and the basic rate of tax”;
 - (ii) for the words “sections 257(1) to (3) and 259(1) and (2)” there shall be substituted the words “sections 257(1), (6) and (7) and 259”;
 - (iii) after the words “less than a year” there shall be inserted the words “, the earnings to which the lower rate and, if appropriate, the basic rate of tax is to be applied and”;
 - (b) in paragraph (3)(c)(ii) for the words “under paragraph (4)” there shall be substituted the words “under paragraph (5)”.

Amendment of regulation 29

8.—(1) Regulation 29 (notional income) shall be amended in accordance with the following provisions of this regulation.

- (2) In paragraph (3)—
 - (a) in sub-paragraph (a) immediately after the words “possessed by” there shall be inserted the words “that single claimant or”;
 - (b) for sub-paragraph (b) there shall be substituted the following sub-paragraph—
 - “(b) to a single claimant or a member of the family in respect of a third party (but not in respect of another member of the family) shall be treated as possessed by that single claimant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.”.
- (3) In paragraph (6)(a)—
 - (a) for the words “the basic rate of tax” there shall be substituted the words “the lower rate or, as the case may be, the lower rate and the basic rate of tax”;
 - (b) after the words “less than a year,” there shall be inserted the words “the earnings to which the lower rate and, if appropriate, the basic rate of tax is to be applied and”.

Amendment of regulation 32

9. In regulation 32(1) (calculation of capital) for the words “under regulation 30” there shall be substituted the words “under regulation 34”.

Amendment of regulation 35

10. In regulation 35(a) (calculation of capital in the United Kingdom) for the word “sub-paragraph” there shall be substituted the word “paragraph”.

Amendment of regulation 37

11. In regulation 37(1) (notional capital) the words “Subject to regulation 38,” shall be omitted.

Amendment of regulation 41

12. In regulation 41 (interpretation)—

(a) in the definition of “a course of advanced education”—

(i) in paragraph (a) for the words “a higher national diploma of the Business & Technician Education Council” there shall be substituted the words “a higher national diploma or higher national certificate of either the Business & Technician Education Council”;

(ii) in paragraph (b) for the words “a national diploma of the Business & Technician Education Council or a national certificate of the Scottish Vocational Education Council” there shall be substituted the words “a national diploma or national certificate of either the Business & Technician Education Council or the Scottish Vocational Education Council”;

(b) in the definition of “student” for the words from the beginning to “course of study” there shall be substituted the following words—

““student” means a person, other than a person in receipt of a training allowance, who is aged less than 19 and attending a full-time course of advanced education or, as the case may be, who is aged 19 or over and attending a full-time course of study”.

Amendment of regulation 42

13. In regulation 42 (calculation of grant income)—

(a) in paragraph (1) for the words “paragraph (2)” there shall be substituted the words “paragraphs (2) and (2A)”;

(b) after paragraph (2) there shall be inserted the following paragraph—

“(2A) Where in pursuance of an award a student is in receipt of a grant in respect of maintenance under regulation 17(b) of the Education (Mandatory Awards) Regulations 1991(2) (payments), there shall be excluded from his grant income a sum equal to the amount specified in paragraph 7(4) of Schedule 2 to those Regulations (disregard of travel costs), being the amount to be disregarded in respect of travel costs in the particular circumstances of his case.”.

Amendment of regulation 43

14. In regulation 43(3) (calculation of covenant income where a contribution is assessed) for the words from “regulation 42(2)(f)” to the end there shall be substituted the following words—

(2) S.I.1991/1838.

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“regulation 42(2)(f) (calculation of grant income) falls short of the amount specified in paragraph 7(4)(i) of Schedule 2 to the Education (Mandatory Awards) Regulations 1991 (travel expenditure).”.

Amendment of regulation 44

15. In regulation 44 (covenant income where no grant income or no contribution is assessed) in paragraphs (1)(b) and (2)(b) for the words “under regulation 42(2)(e)” there shall be substituted the words “under regulation 42(2)(e) and (f) and (2A)”.

Amendment of regulation 50

16. In regulation 50 (disregard of changes occurring during summer vacation) for the words “period of study;” there shall be substituted the words “period of study;”.

Amendment of regulation 51

17. In regulation 51(5) (determination of appropriate maximum disability working allowance) for the words “in accordance with Part VI” there shall be substituted the words “in accordance with Part V”.

Amendment of regulation 52

18. In regulation 52 (applicable amount) for the words preceding the words “for the purposes of section 20(6A) of the Act”, there shall be substituted the words—

“Applicable amount

52.—(1) The applicable amount”.

Amendment of Schedule 4

19. In Schedule 4 (capital to be disregarded) in paragraph 18 for the words “section 17(b) or 24(7)” there shall be substituted the words “section 17 or 24”.