

SCHEDULE 8

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

41.—(1) Any payment made under [F1 or by] the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust (“the Trusts”), the Fund, the Eileen Trust [F2, MFET Limited][F3, the Skipton Fund, the Caxton Foundation][F4, the Scottish Infected Blood Support Scheme][F5, an approved blood scheme][F6, the London Emergencies Trust, the We Love Manchester Emergency Fund [F7, the National Emergencies Trust]] or [F8 the Independent Living Fund (2006)].

[F9(1A) Any—

- (a) Grenfell Tower payment;
- (b) child abuse payment;
- (c) Windrush payment.

[F10(d) Post Office compensation payment.]]

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia, or who is or was a qualifying person which derives from a payment made under [F1 or by] any of the Trusts to which sub-paragraph (1) refers [F11, or from a Grenfell Tower payment [F12, a child abuse payment [F13, a Windrush payment, a Post Office compensation payment or a vaccine damage payment]],] and which is made to or for the benefit of—

- (a) that person's partner or former partner from whom that person is not, or where that person has died was not, estranged or divorced or with whom that person has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
- (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 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 or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under [F1 or by] any of the Trusts to which sub-paragraph (1) refers [F14, or from a Grenfell Tower payment[F12, a child abuse payment [F13, a Windrush payment, a Post Office compensation payment or a vaccine damage payment]],] and which is made to or for the benefit of—

- (a) the person who is suffering from haemophilia 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.

(4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under [F1 or by] any of the Trusts to which sub-paragraph (1) refers,

[^{F15}or from a Grenfell Tower payment [^{F12}, a child abuse payment [^{F13}, a Windrush payment, a Post Office compensation payment or a vaccine damage payment]],] where—

- (a) that person has no partner or former partner from whom that person is not estranged or divorced or with whom that person has formed a civil partnership that has not been dissolved, 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 full-time student who has not completed full-time education and had no parent or step-parent, to that person's 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 or who was a qualifying person, which derives from a payment under [^{F1}or by] any of the Trusts to which sub-paragraph (1) refers, [^{F16}or from a Grenfell Tower payment [^{F12}, a child abuse payment [^{F13}, a Windrush payment, a Post Office compensation payment or a vaccine damage payment]],] where—

- (a) that person at the date of that person's death (the relevant date) had no partner or former partner from whom that person was not estranged or divorced or with whom that person had formed a civil partnership that had not been dissolved, nor any child or young person who was 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 relevant date was a child, a young person or a full-time student who had not completed full-time education and had no parent or step-parent, to that person's 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 [^{F17}or from a Grenfell Tower payment [^{F12}, a child abuse payment [^{F13}, a Windrush payment, a Post Office compensation payment or a vaccine damage payment]]].

(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts is to be construed as including a reference to the Fund, the Eileen Trust [^{F18}, MFET Limited], the Skipton Fund [^{F19}, the Caxton Foundation][^{F20}, the Scottish Infected Blood Support Scheme][^{F21}, an approved blood scheme][^{F22}, the London Emergencies Trust, the We Love Manchester Emergency Fund [^{F23}, the National Emergencies Trust]] and the London Bombings Relief Charitable Fund.

Textual Amendments

- F1** Words in Sch. 8 para. 41(1)-(5) inserted (6.4.2010) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2010 \(S.I. 2010/641\)](#), regs. 1(1), **12(5)(r)**
- F2** Words in Sch. 8 para. 41(1) inserted (6.4.2010) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2010 \(S.I. 2010/641\)](#), regs. 1(1), **12(3)(f)**
- F3** Words in Sch. 8 para. 41(1) inserted (31.10.2011) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2011 \(S.I. 2011/2425\)](#), regs. 1(2), **23(8)**
- F4** Words in Sch. 8 para. 41(1) inserted (3.4.2017) by [The Social Security \(Scottish Infected Blood Support Scheme\) Regulations 2017 \(S.I. 2017/329\)](#), regs. 1, **8(3)(e)**

- F5** Words in Sch. 8 para. 41(1) inserted (23.10.2017) by The Social Security (Infected Blood and Thalidomide) Regulations 2017 (S.I. 2017/870), regs. 1, **8(3)(e)**
- F6** Words in Sch. 8 para. 41(1) inserted (19.6.2017) by The Social Security (Emergency Funds) (Amendment) Regulations 2017 (S.I. 2017/689), regs. 1, **8(3)(e)**
- F7** Words in Sch. 8 para. 41(1) inserted (15.7.2020) by The Social Security (Income and Capital) (Miscellaneous Amendments) Regulations 2020 (S.I. 2020/618), regs. 1, **7(11)(b)(i)**
- F8** Words in Sch. 8 para. 41(1) substituted (27.10.2008) by The Employment and Support Allowance (Miscellaneous Amendments) Regulations 2008 (S.I. 2008/2428), regs. 1(2), **18(b)**
- F9** Sch. 8 para. 41(1A) substituted (1.1.2022) by The Social Security (Income and Capital Disregards) (Amendment) Regulations 2021 (S.I. 2021/1405), regs. 1, **7(7)(b)(i)**
- F10** Sch. 8 para. 41(1A)(d) inserted (9.7.2023) by The Social Security (Income and Capital Disregards) (Amendment) Regulations 2023 (S.I. 2023/640), regs. 1(1), **7(7)(a)**
- F11** Words in Sch. 8 para. 41(2) inserted (15.7.2020) by The Social Security (Income and Capital) (Miscellaneous Amendments) Regulations 2020 (S.I. 2020/618), regs. 1, **7(11)(b)(iii)**
- F12** Words in Sch. 8 para. 41(2)-(6) inserted (1.1.2022) by The Social Security (Income and Capital Disregards) (Amendment) Regulations 2021 (S.I. 2021/1405), regs. 1, **7(7)(c)**
- F13** Words in Sch. 8 para. 41(2)-(6) substituted (9.7.2023) by The Social Security (Income and Capital Disregards) (Amendment) Regulations 2023 (S.I. 2023/640), regs. 1(1), **7(7)(b)**
- F14** Words in Sch. 8 para. 41(3) inserted (15.7.2020) by The Social Security (Income and Capital) (Miscellaneous Amendments) Regulations 2020 (S.I. 2020/618), regs. 1, **7(11)(b)(iii)**
- F15** Words in Sch. 8 para. 41(4) inserted (15.7.2020) by The Social Security (Income and Capital) (Miscellaneous Amendments) Regulations 2020 (S.I. 2020/618), regs. 1, **7(11)(b)(iv)**
- F16** Words in Sch. 8 para. 41(5) inserted (15.7.2020) by The Social Security (Income and Capital) (Miscellaneous Amendments) Regulations 2020 (S.I. 2020/618), regs. 1, **7(11)(b)(iv)**
- F17** Words in Sch. 8 para. 41(6) inserted (15.7.2020) by The Social Security (Income and Capital) (Miscellaneous Amendments) Regulations 2020 (S.I. 2020/618), regs. 1, **7(11)(b)(v)**
- F18** Words in Sch. 8 para. 41(7) inserted (6.4.2010) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2010 (S.I. 2010/641), regs. 1(1), **12(3)(f)**
- F19** Words in Sch. 8 para. 41(7) inserted (31.10.2011) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2011 (S.I. 2011/2425), regs. 1(2), **23(9)**
- F20** Words in Sch. 8 para. 41(7) inserted (3.4.2017) by The Social Security (Scottish Infected Blood Support Scheme) Regulations 2017 (S.I. 2017/329), regs. 1, **8(3)(e)**
- F21** Words in Sch. 8 para. 41(7) inserted (23.10.2017) by The Social Security (Infected Blood and Thalidomide) Regulations 2017 (S.I. 2017/870), regs. 1, **8(3)(e)**
- F22** Words in Sch. 8 para. 41(7) inserted (19.6.2017) by The Social Security (Emergency Funds) (Amendment) Regulations 2017 (S.I. 2017/689), regs. 1, **8(3)(e)**
- F23** Words in Sch. 8 para. 41(7) inserted (15.7.2020) by The Social Security (Income and Capital) (Miscellaneous Amendments) Regulations 2020 (S.I. 2020/618), regs. 1, **7(11)(b)(vi)**

Changes to legislation:

There are currently no known outstanding effects for the The Employment and Support Allowance Regulations 2008, Paragraph 41.