

SCHEDULE 5

Capital disregards: pensioners

PART 1

Capital to be disregarded

- 21.**—(1) Subject to paragraph 22 any amount paid—
- (a) by way of arrears of benefit;
 - (b) by way of compensation for the late payment of benefit;
 - (c) in lieu of the payment of benefit;
 - (d) to rectify, or compensate for, an official error, as defined for the purposes of paragraph 22, being an amount to which that paragraph does not apply;
 - (e) by a local authority out of funds provided under either section 93 of the Local Government Act 2000⁽¹⁾ under a scheme known as “Supporting People” or section 91 of the Housing (Scotland) Act 2001.
- (2) In sub-paragraph (1), “benefit” means—
- (a) attendance allowance under section 64 of the SSCBA;
 - (b) disability living allowance;
 - (c) personal independence payment;
 - (d) an AFIP;
 - (e) income support;
 - (f) income-based jobseeker’s allowance;
 - (g) state pension credit;
 - (h) housing benefit;
 - (i) council tax benefit;
 - (j) child tax credit;
 - (k) an increase of a disablement pension under section 104 of the SSCBA (increase where constant attendance is needed), and any further increase of such a pension under section 105 of the SSCBA (increase for exceptionally severe disablement);
 - (l) any amount included on account of the applicant’s exceptionally severe disablement or need for constant attendance in a war disablement pension or a war widow’s or widower’s pension;
 - (m) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
 - (n) working tax credit; or
 - (o) income-related employment and support allowance.

(1) 2000 c 22