

SCHEDULE 1

Sums to be disregarded in the calculation of income

PART 1

Sums to be disregarded

1. Any amount paid by way of tax on income which is taken into account under regulation 13 (calculation of income).

2.—(1) Subject to sub-paragraph (2), where A has needs for care and support other than the provision of accommodation in a care home, or where A is a temporary resident, any housing-related costs which A is liable to meet in respect of A's main or only home.

(2) Sub-paragraph (1) does not apply to the extent that the housing-related costs which A is liable to meet are a payment, contribution, or reimbursement or an amount which is disregarded under paragraph 3.

(3) In this paragraph, "housing-related costs" ("*costau cysylltiedig â thai*") means any mortgage repayments, payments of rent or ground rent, council tax or service charges, (other than services charges which are ineligible under Schedule 1 to the Housing Benefit Regulations 2006 (ineligible charges)).

3.—(1) Any payment which would be disregarded under paragraph 5 of Schedule 9 to the Income Support Regulations (housing benefit).

(2) Any payment of income support towards housing costs determined in accordance with Schedule 3 to the Income Support Regulations (housing costs) or any amount that the local authority considers would be determined as a payment towards housing costs if A were in receipt of income support.

(3) Any payment which would be disregarded under paragraph 46 of Schedule 9 to the Income Support Regulations (reduction of liability for council tax).

4. Any direct payments received by or on behalf of A in accordance with sections 50 or 52 of the Act.

5. Any payment in respect of any expenses incurred by A, where A is—

- (a) engaged by a charitable or voluntary body; or
- (b) a volunteer,

if A derives no remuneration or profit from the employment.

6. Any payment which would be disregarded under paragraph 3 or 4A of Schedule 9 to the Income Support Regulations (employed earner expenses and statutory sick pay in Northern Ireland).

7. The mobility component of any disability living allowance or the mobility component of personal independence payment.

8. Any armed forces independence payment.

9. Any payment which would be disregarded under paragraph 8 of Schedule 9 to the Income Support Regulations (mobility supplement).

10. If A is a temporary resident—

- (a) any attendance allowance;
- (b) the care component of any disability living allowance; or

(c) the daily living component of any personal independence payment.

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

- (a) any payment specified in paragraph 7 or 10; or
- (b) any income support.

12. Any amount which would be disregarded under paragraph 10 or 11 of Schedule 9 to the Income Support Regulations (payments to medal recipients and educational awards).

13. Any amount which would be disregarded under paragraph 13 of Schedule 9 to the Income Support Regulations (participants in training schemes).

14.—(1) Except where sub-paragraph (2) applies, and subject to paragraphs 45 and 46, any relevant payment made or due to be made at regular intervals other than any payment which is to be disregarded under paragraph 30.

(2) Subject to paragraph 46, any relevant payment made or due to be made at regular intervals which is intended and used for any item which was not taken into account when assessing the reasonable cost of meeting or securing A's need for care and support.

(3) In this paragraph, "relevant payment" (*"taliad perthnasol"*) means—

- (a) a charitable payment;
- (b) a voluntary payment;
- (c) a payment (not falling within paragraph (a) or (b)) from a trust whose funds are derived from a payment made in consequence of any personal injury to A;
- (d) a payment under an annuity purchased—
 - (i) pursuant to any agreement or court order to make payments to A; or
 - (ii) from funds derived from a payment made, in consequence of any personal injury to A;
- (e) a payment (not falling within paragraphs (a) to (d)) received by virtue of any agreement or court order to make payments to A in consequence of any personal injury to A.

15.—(1) Subject to sub-paragraphs (2) and (3), where A—

- (a) is not residing with their spouse or civil partner; and
- (b) at least 50% of any occupational pension of A's, or of any income from a personal pension scheme of A's, is being paid to, or in respect of, their spouse for that spouse's maintenance or their civil partner for that civil partner's maintenance,

an amount equal to 50% of the pension, pensions or income concerned.

(2) Where A is entitled to pensions or income referred to in sub-paragraph (1) from more than one source, all pensions and income to which A is entitled are to be aggregated for the purposes of that sub-paragraph.

(3) This paragraph does not have effect in respect of that part of any pension or income referred to in sub-paragraph (1) to which A's spouse or civil partner is legally entitled, whether or not under a court order.

16. Any amount which would be disregarded under paragraph 16 of Schedule 9 to the Income Support Regulations (specified pensions) save for paragraph 16(cc), but as if the reference in paragraph 16 of that Schedule to paragraphs 36 and 37 of Schedule 9 to the Income Support Regulations were a reference to paragraph 46 of this Schedule and as if, in relation to paragraph 16(a) of Schedule 9 to the Income Support Regulations, the reference in the opening words of paragraph 16 of that Schedule to £10 were a reference to £25 and as if the reference in paragraph 16(a) to

paragraph 8 or 9 of Schedule 9 to the Income Support Regulations were a reference to paragraph 9 or 10 of this Schedule.

17. Any guaranteed income payment referred to in article 15(1)(c) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011.

18. Subject to paragraph 46, £10 of any survivor's guaranteed income payment referred to in article 29(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011 and, if the amount of that payment has been abated to less than £10 by a pension falling within article 39(1)(a) of that Order, so much of that pension as would not, in aggregate with the amount of any survivor's guaranteed income payment disregarded, exceed £10.

19. Any payment which would be disregarded under paragraphs 17 to 20 of Schedule 9 to the Income Support Regulations (annuities, payments by third parties towards living costs, contractual payments in respect of occupation of a dwelling and payments by lodgers).

20. Any income in kind.

21.—(1) Any income derived from capital to which A is or is treated under regulation 24 (capital jointly held) as beneficially entitled but, subject to sub-paragraph (2), not income derived from capital disregarded under paragraph 1, 4, 8, 14 or 22 of Schedule 2.

(2) Any income derived from capital disregarded under paragraph 4, 22 or 24 of Schedule 2 but only to the extent of any mortgage repayments and payments of council tax or water charges which A is liable to make in respect of the dwelling or premises in the period during which that income accrued.

22. Any income which would be disregarded under paragraph 23 of Schedule 9 to the Income Support Regulations (income outside the United Kingdom).

23. Any amount which would be disregarded under paragraph 24 of Schedule 9 to the Income Support Regulations (charge or commission for converting income into sterling).

24.—(1) Any payment made to A in respect of a child or young person who is a member of A's family—

- (a) pursuant to regulations made under section 2(6)(b) or 3 of the Adoption and Children Act 2002;
- (b) in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes)(1);
- (c) 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 a child is living with a person as a result of a child arrangements order)(2).

(2) Any payment, other than a payment to which sub-paragraph (1)(a) applies, made to A pursuant to regulations made under section 2(6)(b) of the Adoption and Children Act 2002.

25. Any payment which would be disregarded under paragraph 26 or 28 of Schedule 9 to the Income Support Regulations (provision of accommodation and maintenance for children in care, and local authorities' duty to promote the welfare of children and powers to grant financial assistance to persons in or formerly in their care).

(1) 2007 asp 4.

(2) 1989 c. 41 ("the 1989 Act"). Section 15(1) of the 1989 Act was amended by paragraph 10(1) of Schedule 16 to the Courts and Legal Services Act 1990 (c. 41). Paragraph 15 of Schedule 1 to the 1989 Act was amended by section 78(3) of the Civil Partnership Act 2004 (c. 33) and paragraph 40(4) of Schedule 2 to the Children and Families Act 2014 (c. 6).

26. Any payment received under an insurance policy, taken out to insure against the risk of being unable to maintain repayments on a loan to acquire or retain an interest in a dwelling occupied by A as their main or only home, or for repairs and improvements to that home, and used to meet such repayments, to the extent that it does not exceed the aggregate of—

- (a) the amount payable, calculated on a weekly basis, of any interest on the loan;
- (b) the amount of any payment, calculated on a weekly basis, due on the loan attributable to the repayment of capital; and
- (c) the amount, calculated on a weekly basis, of the premium due on that policy.

27. Any payment which would be disregarded under paragraph 31 or 31A of Schedule 9 to the Income Support Regulations (social fund payments and local welfare provision).

28. Any payment of income which under regulation 19 (income treated as capital) is to be treated as capital.

29. Any payment which would be disregarded under paragraph 33 of Schedule 9 to the Income Support Regulations (pensioner's Christmas bonus).

30. Any payment which would be disregarded under paragraph 39 of Schedule 9 to the Income Support Regulations (the Fund, the Macfarlane Trusts and other trusts and Funds and the Independent Living Fund).

31. Any payment made under or by the Welsh Independent Living Scheme.

32. Any amount which would be disregarded under paragraphs 40, 43 and 48 to 51 of Schedule 9 to the Income Support Regulations (housing benefit compensation, juror and witness payments, travelling expenses and health service supplies, welfare food payments, prison visiting scheme payments and disabled persons' employment payments).

33.—(1) Any child benefit, except in circumstances where A is accompanied by the child or qualifying young person in respect of whom the child benefit is payable, and accommodation is provided or secured for that child or qualifying young person in accordance with the Act.

(2) In this paragraph, "child" ("*plentyn*") and "qualifying young person" ("*person ifanc cymwys*") have the same meaning as in section 142 of the 1992 Act.

34. Any payment which would be disregarded under paragraph 53 of Schedule 9 to the Income Support Regulations (increases in rates of benefits etc.).

35. Any payment which would be disregarded under paragraphs 54 to 56 of Schedule 9 to the Income Support Regulations (supplementary pensions etc.).

36. Any payment made by a local authority to or on behalf of A relating to welfare services in respect of which the Welsh Ministers have paid a grant to the local authority under section 93(2) of the Local Government Act 2000, where A qualified for that payment.

37. Any guardian's allowance.

38. Any child tax credit.

39. Any working tax credit.

40.—(1) Where A is in receipt of savings credit as a person who has no partner and has qualifying income not exceeding the standard minimum guarantee—

- (a) the amount of that savings credit where the amount received is £5.75 or less; or
- (b) £5.75 of that savings credit where the amount received is greater than £5.75.

(2) Where A—

- (a) has no partner;
 - (b) has attained the age of 65; and
 - (c) has qualifying income in excess of the standard minimum guarantee,
a sum of £5.75.
- (3) Where A is in receipt of savings credit as a person who has a partner and has qualifying income not exceeding the standard minimum guarantee—
- (a) the amount of that savings credit where the amount received is £8.60 or less; or
 - (b) £8.60 of that savings credit where the amount received is greater than £8.60.
- (4) Subject to sub-paragraph (5), where A—
- (a) has a partner;
 - (b) has—
 - (i) attained the age of 65; or
 - (ii) has attained pension credit age and A's partner has attained the age of 65; and
 - (c) has qualifying income in excess of the standard minimum guarantee,
a sum of £8.60.
- (5) Where—
- (a) the sum referred to in sub-paragraph (4) has been disregarded in the assessment of A's partner's income under these Regulations; or
 - (b) A's partner is in receipt of savings credit,
- sub-paragraph (4) does not apply to A.
- (6) For the purposes of this paragraph—
- (a) A has a partner if A would be considered to have a partner for the purposes of the Pension Credit Regulations;
 - (b) “qualifying income” (*“incwm cymhwys”*) is to be construed in accordance with regulation 9 of the Pension Credit Regulations and for the purposes of sub-paragraphs (3) and (4) the person's qualifying income includes any qualifying income of the A's partner;
 - (c) “standard minimum guarantee” (*“gwarant isafswm safonol”*) means, for the purposes of—
 - (i) sub-paragraphs (1) and (2), the amount prescribed by regulation 6(1)(b) of the Pension Credit Regulations; and
 - (ii) sub-paragraphs (3) and (4), the amount prescribed by regulation 6(1)(a) of the Pension Credit Regulations.
- 41.** Any payment made to a temporary resident in lieu of concessionary coal pursuant to section 19(1)(b) or (c) of the Coal Industry Act 1994⁽³⁾.
- 42.** Any payment made to A under section 63(6)(b) of the Health Services and Public Health Act 1968⁽⁴⁾ (“the 1968 Act”) (travelling and other allowances to persons availing themselves of instruction) for the purpose of meeting childcare costs where the instruction is provided pursuant to—
- (a) section 63(1)(a) of the 1968 Act; or
 - (b) section 63(1)(b) of the 1968 Act and where A is employed, or has it in contemplation to be employed, in an activity involved in or connected with a service which must or may be provided or secured as part of the health service.

(3) 1994 c. 21.

(4) 1968 c. 46.

Status: This is the original version (as it was originally made).

43. Any payment made in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardian support services)(**5**) to A where A is a prospective special guardian or a special guardian.

44.—(1) Where A is a student, any grant or other award, student loan, income used to make repayments on a student loan or other payment received by A for the purposes of their course of study at an educational establishment.

(2) In this paragraph, “course of study” (“*cwrs o astudiaeth*”), “student” (“*myfyriwr*”) and “student loan” (“*benthyciad myfyriwr*”) have the same meaning as in the Income Support Regulations.

(**5**) Section 14F was inserted by section 115(1) of the Adoption and Children Act 2002 (c. 38).