

SCHEDULE 3

Regulation 27(2)

Sums to be disregarded in the calculation of income other than earnings

1. Any amount paid by way of tax on income which is taken into account under regulation 27 (calculation of income other than earnings).

2. Any payment in respect of any expenses incurred by a claimant who is—

(a) engaged by a charitable or voluntary body; or

(b) a volunteer,

if he otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under regulation 29(4) (notional income).

3. Any housing benefit or income support.

4. Any mobility allowance or disability living allowance.

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

(a) any payment specified in paragraph 4 or 7; or

(b) income support.

6. Any mobility supplement or any payment intended to compensate for the non-payment of such a supplement.

7. Any attendance allowance.

8. Any payment to the claimant as holder of the Victoria Cross or of the George Cross or any analogous payment.

9. Any sum in respect of a course of study attended by a child or young person payable by virtue of regulations made under Article 50, 51 or 55(1) of the Education and Libraries (Northern Ireland) Order 1986(1) (provisions to assist persons to take advantage of educational facilities).

10. In the case of a student, any sums intended for any expenditure specified in regulation 42(2) (calculation of grant income) necessary as a result of his attendance on his course.

11. In the case of a claimant participating in provision or arrangements for training under sections 2 and 3 of the Disabled Persons (Employment) Act (Northern Ireland) 1945(2) or section 1(1) of the Employment and Training Act (Northern Ireland) 1950(3), or attending a course at an employment rehabilitation unit established under any of those sections—

(a) any travelling expenses reimbursed to the claimant;

(b) any lodging allowance under section 4 of the Disabled Persons (Employment) Act (Northern Ireland) 1945 or section 3(3) of the Employment and Training Act (Northern Ireland) 1950; or

(c) any training premium under the Employment and Training Act (Northern Ireland) 1950,

but this paragraph, except in so far as it relates to a payment under sub-paragraph (a), (b) or (c), does not apply to any part of any allowance under section 4 of the Disabled Persons (Employment) Act (Northern Ireland) 1945 or section 3(3) of the Employment and Training Act (Northern Ireland) 1950.

(1) S.I. 1986/594 (N.I. 3)

(2) 1945 c. 6 (N.I.); sections 2 and 3 were amended by section 1 of the Disabled Persons (Employment) Act (Northern Ireland) 1960 (c. 4 (N.I.)) and Schedule 18 to the Education and Libraries (Northern Ireland) Order 1986

(3) 1950 c. 29 (N.I.); section 1 was amended by Article 3 of the Employment and Training (Amendment) (Northern Ireland) Order 1988 (S.I. 1988/1087 (N.I. 10)) and by Article 5 of the Industrial Training (Northern Ireland) Order 1990 (S.I. 1990/1200 (N.I. 8))

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12.—(1) Except where sub-paragraph (2) applies and subject to sub-paragraph (3) and paragraphs 29 and 34, £10 of any charitable payment or of any voluntary payment made or due to be made at regular intervals.

(2) Subject to sub-paragraph (3) and paragraph 34, any charitable payment or voluntary payment made or due to be made at regular intervals which is intended and used for an item other than food, ordinary clothing or footwear, household fuel or housing costs of any member of the family.

(3) Sub-paragraphs (1) and (2) shall not apply to a maintenance payment which is made or due to be made by—

- (a) a former partner of the claimant, or former partner of any member of the claimant’s family; or
- (b) the parent of a child or young person where that child or young person is a member of the claimant’s family.

(4) For the purposes of sub-paragraph (1), where a number of charitable or voluntary payments fall to be taken into account in any week they shall be aggregated and treated as though they were one such payment.

(5) For the purposes of sub-paragraph (2), “ordinary clothing or footwear” means clothing or footwear for normal daily use, but does not include school uniforms, or clothing or footwear used solely for sporting activities.

13.—(1) Where the claimant or his partner is treated as responsible for a child or young person by virtue of regulation 9 (circumstances in which a person is to be treated as responsible or not responsible for another), £15 of any payment of maintenance, whether under a court order or not, which is made or due to be made by—

- (a) the claimant’s former partner, or the claimant’s partner’s former partner; or
- (b) the parent of a child or young person where that child or young person is a member of the claimant’s family except where that parent is the claimant or the claimant’s partner.

(2) For the purposes of sub-paragraph (1), where more than one maintenance payment falls to be taken into account in any week, all such payments shall be aggregated and treated as if they were a single payment.

14. Subject to paragraph 29, £10 of any of the following—

- (a) a war disablement pension or war widow’s pension or a payment made to compensate for the non-payment of such a pension;
- (b) a pension paid by the government of a country outside the United Kingdom which is either—
 - (i) analogous to a war disablement pension, or
 - (ii) analogous to a war widow’s pension; or
- (c) a pension paid under any special provision made by the law of the Federal Republic of Germany or any part of it, or of the Republic of Austria, to victims of National Socialist persecution.

15. Any child benefit under Part II of the Child Benefit (Northern Ireland) Order 1975(4).

16.—(1) Any income derived from capital to which the claimant is, or is treated under regulation 39 (capital jointly held) as, beneficially entitled but, subject to sub-paragraphs (2) and (3), not income derived from capital disregarded under paragraph 1, 2, 4, 6, 13 or 26 to 30 of Schedule 4.

(4) [S.I. 1975/1504 \(N.I. 16\)](#)

(2) Income derived from capital disregarded under paragraph 2, 4 or 26 to 30 of Schedule 4 but, subject to sub-paragraph (3), only to the extent of any mortgage repayments and payments of rates made in respect of the premises or land in the period during which that income accrued.

(3) Where income is derived from conacre or agistment letting any expenses reasonably incurred therein including the repayment of interest and capital on any loan used for the purchase of land under the Northern Ireland Land Act 1925⁽⁵⁾.

17. Where a person receives income under an annuity purchased with a loan which satisfies the following conditions—

- (a) that the loan was made as part of a scheme under which not less than 90 per cent. of the proceeds of the loan were applied to the purchase by the person to whom it was made of an annuity ending with his life or with the life of the survivor of two or more persons (in this paragraph referred to as “the annuitants”) who include the person to whom the loan was made;
- (b) that the interest on the loan is payable by the person to whom it was made or by one of the annuitants;
- (c) that at the time the loan was made the person to whom it was made or each of the annuitants had attained the age of 65;
- (d) that the loan was secured on a dwelling in Northern Ireland and the person to whom the loan was made or one of the annuitants owns an estate or interest in that dwelling; and
- (e) that the person to whom the loan was made or one of the annuitants occupies the dwelling on which it was secured as his home at the time the interest is paid,

the amount, calculated on a weekly basis equal to—

- (i) where, or insofar as, section 26 of the Finance Act 1982⁽⁶⁾ (deduction of tax from certain loan interest) applies to the payments of interest on the loan, the interest which is payable after deduction of a sum equal to income tax on such payments at the basic rate for the year of assessment in which the payment of interest becomes due, and
- (ii) in any other case the interest which is payable on the loan without deduction of such a sum.

18. Any payment made to the claimant by a person who normally resides with the claimant as a contribution towards his living and accommodation costs except a payment to which paragraph 19 or 39 or regulation 24(2) (earnings of self-employed earners) applies.

19. Where the claimant occupies a dwelling as his home which is also occupied by a person other than one to whom paragraph 18 refers or one who is provided with board and lodging accommodation and that person is contractually liable to make payments in respect of his occupation of the dwelling to the claimant—

- (a) £4 of any payment made by that person; and
- (b) a further £8.60, where that payment is inclusive of an amount for heating.

20. Any income in kind.

21. Any income which is payable in a country outside the United Kingdom where there is a prohibition against the transfer to the United Kingdom of that income.

22.—(1) Any payment made to the claimant in respect of a child or young person who is a member of his family—

(5) 1925 c. 34

(6) 1982 c. 39

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- (a) in accordance with a scheme approved by the Department under Article 59(4) of the Adoption (Northern Ireland) Order 1987(7) (schemes for payments of allowances to adopters);
- (b) in accordance with a scheme approved by the Secretary of State under section 57A of the Adoption Act 1976(8) (permitted allowances) or, as the case may be, section 51(5) of the Adoption (Scotland) Act 1978(9) (schemes for payments of allowances to adopters); or
- (c) which is a payment made by a local authority in pursuance of paragraph 15(1) of Schedule 1 to the Children Act 1989(10) (local authority contribution to child's maintenance),

to the extent specified in sub-paragraph (2).

(2) In the case of a child or young person—

- (a) to whom regulation 30 applies (modifications in respect of children and young persons), the whole payment; or
- (b) to whom that regulation does not apply, so much of the weekly amount of the payment as exceeds the allowance in respect of that child or young person under Schedule 5.

23. Any payment made by a Health and Social Services Board or training school within the meaning of section 137 of the Children and Young Persons Act (Northern Ireland) 1968(11) (approval of schools) to the claimant with whom a person is boarded out by virtue of arrangements made under section 114(1)(a) of that Act or by a voluntary organisation under section 129(1) of that Act.

24. Any payment made by a Health and Social Services Board, training school or voluntary organisation to the claimant in respect of a person who is not normally a member of the claimant's household but is temporarily in his care.

25. Any payment made by a Health and Social Services Board under section 122, 123 or 164 of the Children and Young Persons Act (Northern Ireland) 1968(12) (Health and Social Services Boards' duty to promote the welfare of children or powers to grant financial assistance to persons in, or formally in, their care).

26. Any payment of income which under regulation 34 (income treated as capital) is to be treated as capital.

27. Any statutory maternity pay under Part VI of the Order or maternity allowance under section 22 of the principal Act.

28. Any payment under paragraph 2 of Schedule 6 to the Order.

29. The total of a claimant's income or, if he is a member of a family, the family's income and the income of any person which he is treated as possessing under regulation 12(2) (calculation of income and capital of members of claimant's family and of a polygamous marriage) to be disregarded under regulation 43(2)(b) (calculation of covenant income where a contribution is assessed), regulation 44(1)(c) (calculation of covenant income where no grant income or no contribution is assessed), regulation 47(2) (treatment of student loans) and paragraphs 12(1) and 14, shall in no case exceed £10 per week.

(7) [S.I. 1987/2203 \(N.I. 22\)](#)

(8) [1976 c. 36](#); section 57A was inserted by paragraph 25 of Schedule 10 to the Children Act [1989 \(c. 41\)](#)

(9) [1978 c. 28](#)

(10) [1989 c. 41](#)

(11) [1968 c. 34 \(N.I.\)](#); section 137 was amended by Schedule 18 to the Health and Personal Social Services (Northern Ireland) Order 1972 ([S.I. 1972/1265 \(N.I. 14\)](#))

(12) Sections 122 and 164 were amended by Schedule 18 to the Health and Personal Social Services (Northern Ireland) Order 1972; by virtue of Article 17(1)(c) of that Order the functions under sections 122, 123 and 164 are exercised by Health and Social Services Boards

30. Any payment made under the legislation of, or under any scheme operating in, the Republic of Ireland which is analogous to any income to which this Schedule relates.

31. Where a payment of income is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.

32. Any statutory maternity pay under Part V of the Social Security Act 1986⁽¹³⁾ or maternity allowance under section 22 of the Social Security Act 1975⁽¹⁴⁾.

33. Any payment in respect of expenses to which regulation 21(2) (earnings of employed earners) applies.

34.—(1) Any payment made under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust (“the Trusts”), or the Independent Living Fund.

(2) Any payment by or on behalf of a person who suffered or is suffering from haemophilia, or by or on behalf of his partner or former partner from whom he is not or, where either that person or his former partner has died, was not estranged or divorced, which derives from a payment under any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

- (a) that person or that person’s partner or former partner to whom this sub-paragraph refers;
- (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 a person who is suffering from haemophilia, which derives from a payment under any of the Trusts to which sub-paragraph (1) refers, where—

- (a) that person has no partner or former partner from whom he is not estranged or divorced, 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 student who has not completed his full-time education and has no parent or step-parent, to his guardian,

but only for a period from the date of the payment until the end of 2 years from that person’s death.

(4) Any payment out of the estate of a person who suffered from haemophilia, which derives from a payment under any of the Trusts to which sub-paragraph (1) refers, where—

- (a) that person at the date of his death (“the relevant date”) had no partner or former partner from whom he was not estranged or divorced, nor any child or young person who was or had been a member of his 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 student who had not completed his full-time education and had no parent or step-parent, to his guardian,

but only for a period of 2 years from the relevant date.

⁽¹³⁾ 1986 c. 50

⁽¹⁴⁾ 1975 c. 14

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(5) In the case of a person to whom or for whose benefit a payment under sub-paragraph (1), (2), (3) or (4) is made, any income which derives from any payment of income or capital made under or deriving from any of the Trusts.

35. Any payment made under arrangements made by the Department to compensate for the loss (in whole or in part) of entitlement to housing benefit.

36. Any payment made by the Department to compensate a person who was entitled to supplementary benefit in respect of a period ending immediately before 11th April 1988 but who did not become entitled to income support in respect of a period beginning with and including that day.

37. Any payment made under arrangements made by the Department to compensate for the loss of housing benefit supplement under regulation 19A of the Supplementary Benefit (Requirements) Regulations (Northern Ireland) 1983(15).

38. Any payment made to a juror or witness in respect of attendance at court other than compensation for loss of earnings or for the loss of a benefit payable under the benefit Acts.

39. Where the claimant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation—

- (a) £20.00 of any payment for that accommodation made by the person to whom it is provided; and
- (b) where any such payment exceeds £20.00, 50 per cent. of the excess.

40. Any community charge benefit.

41. Any payment in consequence of a reduction of a personal community charge pursuant to regulations under section 13A of the Local Government Finance Act 1988(16) or section 9A of the Abolition of Domestic Rates Etc. (Scotland) Act 1987(17) (reduced liability for personal community charge).

42. Any special war widow's payment made under—

- (a) the Naval and Marine Pay and Pensions (Special War Widows Payment) Order 1990 made under section 3 of the Naval and Marine Pay and Pensions Act 1865(18);
- (b) the Royal Warrant dated 19th February 1990 amending the Schedule to the Army Pensions Warrant 1977(19);
- (c) the Queen's Order dated 26th February 1990 made under section 2 of the Air Force (Constitution) Act 1917(20);
- (d) the Home Guard War Widows Special Payments Regulations 1990 made under section 151 of the Reserve Forces Act 1980(21); or
- (e) the Orders dated 19th February 1990 amending Orders made on 12th December 1980 concerning the Ulster Defence Regiment made in each case under section 140 of the Reserve Forces Act 1980(22),

and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under the provisions mentioned in sub-paragraphs (a) to (e).

(15) S.R. 1983 No. 61; relevant amending regulations are S.R. 1983 No. 291, S.R. 1984 No. 79 and S.R. 1986 No. 236
(16) 1988 c. 41; section 13A was inserted by paragraph 5 of Schedule 5 to the Local Government and Housing Act 1989 (c. 42)
(17) 1987 c. 47; section 9A was inserted by section 143 of the Local Government and Housing Act 1989
(18) 1865 c. 73. Copies of the order are available from Ministry of Defence, NPC2, Room 317, Archway Block South, Old Admiralty Building, Spring Gardens, London, SW1A 2BE
(19) Army Code No. 13045 published by HMSO
(20) 1917 c. 51. Queen's Regulations for the Royal Air Force are available from HMSO
(21) 1980 c. 9. Copies of the regulations are available from Ministry of Defence, NPC2, Room 317, Archway Block South, Old Admiralty Buildings, Spring Gardens, London, SW1A 2BE
(22) Army Code No. 60589 published by HMSO

43.—(1) Any payment or repayment made under regulation 3 (entitlement to full remission and payment), regulation 5 (persons entitled to remission in part or payment in part) or regulation 8 (repayment) of the Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 1989⁽²³⁾.

(2) Any payment or repayment made by the Department which is analogous to a payment or repayment mentioned in sub-paragraph (1).

44. Any payment made under regulation 8 (failure to receive milk tokens), regulation 9 (inability to purchase dried milk at a reduced price), regulation 10 (inability to obtain free vitamins) or regulation 12 (absence of beneficiary for less than a week) of the Welfare Foods Regulations (Northern Ireland) 1988⁽²⁴⁾.

45. Any payment made under a scheme established by the Northern Ireland Office to assist relatives and other persons to visit persons in custody.

46. Any payment made by the Department of Economic Development under the Disabled Persons (Employment) Act (Northern Ireland) 1945 or in accordance with provision or arrangements under section 1 of the Employment and Training Act (Northern Ireland) 1950 to assist disabled persons to obtain or retain employment despite their disability.

47. Any family credit.

⁽²³⁾ S.R. 1989 No. 348; relevant amending regulations are S.R. 1990 No. 313 and S.R. 1991 No. 224

⁽²⁴⁾ S.R. 1988 No. 137; relevant amending regulations are S.R. 1991 No. 81