

## SCHEDULE 1

### PART I

#### calculation of resources

1. A claimant's resources shall be calculated in terms of income and capital and shall be calculated as follows—

- (a) income shall be calculated on a weekly basis according to the method of calculating or estimating income under section 22(8) of the Social Security Act 1986 as prescribed by the provisions of Part V of, and Schedules 8 and 9 to, the Income Support (General) Regulations 1987<sup>(1)</sup> subject to the modifications referred to in paragraph 2;
- (b) capital shall be calculated according to the method of calculating or estimating capital under section 22(7), (8) and (9) of the Social Security Act 1986 as prescribed by the provisions of Chapter VI in Part V of, and Schedule 10 to, the Income Support (General) Regulations 1987 subject to the modifications referred to in paragraph 2.

2. The provisions of the Income Support (General) Regulations 1987 shall be applied as follows—

- (a) as respects the provisions specified in column 1 of Table A in this Schedule, in accordance with the modifications specified in the corresponding entries in column 2;
- (b) as if—
  - (i) references to income support were to the remission of any relevant charges and the payment of any relevant travelling expenses,
  - (ii) references to an adjudication officer were to the Secretary of State, and
  - (iii) references in any of those provisions to any other of those provisions were to that other provision as modified in accordance with this paragraph;
- (c) according to the provisions of regulation 2 of those Regulations (interpretation) but as if there were inserted after the definition of “relative” the following definition—

““relevant date” means—

  - (a) in the case of a claim made under regulation 7(1) of the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988, the date of claim;
  - (b) in the case of a claim made under regulation 8(2) of those Regulations, the date when the claimant paid the relevant charge or travelling expenses;”.

#### TABLE A

##### MODIFICATIONS OF PROVISIONS OF THE INCOME SUPPORT (GENERAL) REGULATIONS 1987 FOR THE PURPOSES OF PART I OF THIS SCHEDULE

<i>(1)</i> <i>Regulation or Schedule</i>	<i>(2)</i> <i>Modification</i>
regulation 23	As if in paragraph (1) for “section 22(5) of the Act” there were substituted “regulation 6(3) of the National Health Service (Travelling

<sup>(1)</sup> S.I.1987/1967; the relevant amending instrument is S.I. 1988/.

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<i>(1)</i> <i>Regulation or Schedule</i>	<i>(2)</i> <i>Modification</i>
regulation 24	<p>Expenses and Remission of Charges) Regulations 1988”.</p> <p>As if for the whole of regulation 24 (treatment of charitable or voluntary payments) there were substituted—</p> <p>“24. Any charitable or voluntary payment, other than one which is, or is due to be, made at regular intervals, or which is made under the Macfarlane Trust, shall be treated as capital.”</p>
regulation 25	<p>As if for the whole of regulation 25 (liable relative payments) there were substituted—</p> <p>“25.—(1) Where a claimant’s income consists of any payments made by a person, whether under a court order or not, for the maintenance of himself or any member of his family, and those payments are made or due to be made at regular intervals, his normal weekly income shall be determined—</p> <ul style="list-style-type: none"> <li>(a) if before the relevant date those payments are made at regular intervals and in regular amounts, by reference to the normal weekly amount;</li> <li>(b) if they are not so made, by reference to the average of such payments received in the 13 weeks immediately preceding the week which includes the relevant date.</li> </ul> <p>(2) Any maintenance payment other than one to which paragraph (1) of this regulation applies shall be treated as capital.”</p>
regulation 28	<p>As if in paragraph (1) the words from “For the purposes” to “income support)” were omitted; in paragraph (1)(a) for “the weekly amount of his income” there were substituted “the normal weekly amount of his income at the relevant date”; and for “and 41 to 43” there were substituted “, 41 and 42”.</p>
regulation 29	<p>As if this regulation were omitted.</p>

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<i>(1)</i> <i>Regulation or Schedule</i>	<i>(2)</i> <i>Modification</i>
regulation 30	As if in paragraph (1) the words “Except where paragraph (2) applies” were omitted; and paragraph (2) were omitted.
regulation 31	As if this regulation were omitted.
regulation 32	As if in paragraph (1) for the words from “regulation 29” to “paragraphs (2) to (5),” there were substituted “regulation 28 (calculation of income)”; and paragraphs (2) to (6) were omitted.
regulation 33	As if this regulation were omitted.
regulation 35	As if in paragraph 1(d) the words after “employment” were omitted.
regulation 36	As if in paragraph (1) for “regulation 29 (calculation of earnings of employed earners)” there were substituted “regulation 28 (calculation of income)”.
regulation 37	As if in paragraph (2) the words after “such a charge” were omitted.
regulation 40	As if in paragraph (1) for “regulation 29 (calculation of income other than earnings)” there were substituted “regulation 28 (calculation of income)”.
regulation 41	As if in paragraph (1) for the words from “on the first day” to “subsequent review” there were substituted “at the relevant date”; and paragraph (3) were omitted.
regulation 42	As if in paragraph (4) the words from “and in the case” to “(trade disputes) applies” were omitted.
regulation 43	As if this regulation were omitted.
regulation 44	As if in paragraph (1) for the words from “on the first day” to “subsequent review” there were substituted “at the relevant date”; and paragraphs (2), (3) and (8) were omitted.
regulation 45	As if this regulation were omitted.
regulation 46	As if in paragraph (1) the words from “For the purposes” to “income support” were omitted.
regulation 48	As if in paragraph (2) the words from “Except” to “applies” were omitted; and paragraph (6) were omitted.
regulation 49	As if in sub-paragraph (b)(i) for the words from “first day” to “subsequent review” there were substituted “relevant date”.

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<i>(1)</i> <i>Regulation or Schedule</i>	<i>(2)</i> <i>Modification</i>
regulation 53	As if in paragraph (3) the reference to regulation 60 were a reference to regulation 25.
regulations 54 to 60	As if these regulations were omitted.
Schedule 8	<p>As if paragraph 6 were omitted. As if there were inserted after paragraph 8 the following paragraph—</p> <p style="padding-left: 40px;"><b>“8A.</b> In a case in which none of paragraphs 4 to 8 applies to the claimant and he is one of a married or unmarried couple and a member of that couple is engaged in employment, £10; but if this paragraph applies to a claimant it shall not apply to his partner except where, and to the extent that, the earnings of the claimant which are to be disregarded under this paragraph are less than £10.”.</p> <p>As if in paragraph 9 for “8” there were substituted “8A”.</p> <p>As if paragraphs 10 and 13 were omitted.</p>
Schedule 9	<p>As if paragraph 12 were omitted.</p> <p>As if in paragraphs 15, 21 and 28 the exceptions relating to persons to whom section 23 of the Act (trade disputes) applies were omitted.</p> <p>As if paragraphs 30 and 37 were omitted.</p>