
STATUTORY INSTRUMENTS

1991 No. 2887

The Disability Working Allowance (General) Regulations 1991

PART V

INCOME AND CAPITAL

CHAPTER V

OTHER INCOME

Calculation of income other than earnings

27.—(1) For the purposes of regulation 18 (normal weekly income other than earnings), the income of a claimant which does not consist of earnings to be taken into account shall, subject to paragraphs (2) to (5), be his gross income and any capital treated as income under regulation 28 (capital treated as income).

(2) There shall be disregarded from the calculation of a claimant's gross income under paragraph (1) any sum, where applicable, specified in Schedule 3.

(3) Where the payment of any benefit under the benefit Acts⁽¹⁾ is subject to any deduction by way of recovery the amount to be taken into account under paragraph (1) shall be the gross amount payable.

(4) Any payment to which regulation 21(2) applies (payments not earnings) shall be taken into account as income for the purposes of paragraph (1).

(5) Where a loan is made to a person pursuant to arrangements made under section 1 of the Education (Student Loans) Act 1990⁽²⁾, or article 3 of the Education (Student Loans) (Northern Ireland) Order 1990⁽³⁾ and that person ceases to be a student before the end of the academic year in respect of which the loan is payable, or, as the case may be, before the end of his course, a sum equal to the weekly amount apportionable under paragraph (2) of regulation 47 shall be taken into account under paragraph (1) for each week, in the period over which the loan fell to be apportioned, following the date on which that person ceases to be a student; but in determining the weekly amount apportionable under paragraph (2) of regulation 47 (treatment of student loans) so much of that paragraph as provides for a disregard shall not have effect.

⁽¹⁾ The benefit Acts are specified in section 84(1) of the Social Security Act 1986 (c. 50).

⁽²⁾ 1990 c. 6.

⁽³⁾ S.I. 1990/1506 (N.I.).