

SCHEDULE 1

Regulation 3

DISABILITY WHICH PUTS A PERSON AT A DISADVANTAGE IN GETTING A JOB

PART I

1. When standing he cannot keep his balance unless he continually holds onto something.
2. Using any crutches, walking frame, walking stick, prosthesis or similar walking aid which he habitually uses, he cannot walk a continuous distance of 100 metres along level ground without stopping or without suffering severe pain.
3. He can use neither of his hands behind his back as in the process of putting on a jacket or of tucking a shirt into trousers.
4. He can extend neither of his arms in front of him so as to shake hands with another person without difficulty.
5. He can put neither of his hands up to his head without difficulty so as to put on a hat.
6. Due to lack of manual dexterity he cannot pick up with each hand a coin which is not more than 2P centimetres in diameter.
7. He is not able to use his hands or arms to pick up a full jug of 1 litre capacity and pour from it into a cup, without difficulty.
8. He can turn neither of his hands sideways through 180°.
9. He is registered as blind or registered as partially sighted in a register compiled by a local authority under section 29(4)(g) of the National Assistance Act 1948(1) (welfare services) or, in Scotland, has been certified as blind or as partially sighted and in consequence registered as blind or partially sighted in a register maintained by or on behalf of a regional or island council.
10. He cannot see to read 16 point print at a distance greater than 20 centimetres, if appropriate, wearing the glasses he normally uses.
11. He cannot hear a telephone ring when he is in the same room as the telephone, if appropriate, using a hearing aid he normally uses.
12. In a quiet room he has difficulty in hearing what someone talking in a loud voice at a distance of 2 metres says, if appropriate, using a hearing aid he normally uses.
13. People who know him well have difficulty in understanding what he says.
14. When a person he knows well speaks to him, he has difficulty in understanding what that person says.
15. At least once a year during waking hours he is in a coma or has a fit in which he loses consciousness.
16. He has a mental illness for which he receives regular treatment under the supervision of a medically qualified person.
17. Due to mental disability he is often confused or forgetful.
18. He cannot do the simplest addition and subtraction.
19. Due to mental disability he strikes people or damages property or is unable to form normal social relationships.

(1) 1948 c. 29.

20. He cannot normally sustain an 8 hour working day or a 5 day working week due to a medical condition or intermittent or continuous severe pain.

PART II

21. Subject to paragraph 24, there is payable to him—

- (a) the highest or middle rate of the care component of disability living allowance,
- (b) the higher rate of the mobility component of disability living allowance,
- (c) an attendance allowance under section 35 of the Social Security Act,
- (d) disablement benefit where the extent of the disablement is assessed at not less than 80 per cent. in accordance with section 57 of and Schedule 8 to the Social Security Act,
- (e) a war pension in respect of which the degree of disablement is certified at not less than 80 per cent.; and for the purposes of this sub-paragraph “war pension” means a war pension in accordance with section 25(4) of the Social Security Act 1989(2) ,
- (f) mobility supplement, or
- (g) a benefit corresponding to a benefit mentioned in sub-paragraphs (a)—(f), under any enactment having effect in Northern Ireland.

22. Subject to paragraph 24, for one or more of the 56 days immediately preceding the date when the initial claim for disability working allowance was made or treated as made, there was payable to him severe disablement allowance or a corresponding benefit under any enactment having effect in Northern Ireland.

23. Subject to paragraph 24, he has an invalid carriage or other vehicle provided by the Secretary of State under section 5(2)(a) of the National Health Service Act 1977(3) and Schedule 2 to that Act or under section 46 of the National Health Service (Scotland) Act 1978(4) or provided under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972(5) .

24. Paragraphs 21—23 are subject to the condition that no evidence is before the adjudication officer which gives him reasonable grounds for believing that in respect of an initial claim, none of the paragraphs in Part I or Part III of this Schedule apply to the claimant and in respect of a repeat claim, none of the paragraphs in Part I apply to the claimant.

PART III

25. As a result of an illness or accident he is undergoing a period of habilitation or rehabilitation.

SCHEDULE 2

Regulations 19(2) and 21(2)

SUMS TO BE DISREGARDED IN THE CALCULATION OF EARNINGS

- 1.** Any earnings derived from employment which are payable in a country outside the United Kingdom where there is a prohibition against the transfer to the United Kingdom of those earnings.
- 2.** Any earnings of a child or young person.

(2) 1989 c. 24.

(3) 1977 c. 49.

(4) 1978 c. 29.

(5) S.I. 1972/1265 (N.I. 14).

3. Where a payment of earnings is made in a currency other than sterling, any banking charge or commission payable in converting that payment to sterling.

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;
- (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 section 81 of the Education Act 1944⁽⁶⁾ (assistance by means of scholarship or otherwise), or by virtue of section 2(1) of the Education Act 1962⁽⁷⁾ (awards for courses of further education) or section 49 of the Education (Scotland) Act 1980⁽⁸⁾ (power to assist persons to take advantage of educational facilities).

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

11. In the case of a claimant participating in arrangements for training made under section 2 of the Employment and Training Act 1973⁽⁹⁾ or section 2 of the Enterprise and New Towns (Scotland) Act 1990⁽¹⁰⁾ or attending a course at an employment rehabilitation centre established under section 2 of the 1973 Act—

- (a) any travelling expenses reimbursed to the claimant;

⁽⁶⁾ 1944 c. 31; section 81 was amended by S.I. 1984/490.

⁽⁷⁾ 1962 c. 12; section 2(1) was substituted by section 19 of, and Schedule 5 to, the Education Act 1980 (c. 20).

⁽⁸⁾ 1980 c. 44.

⁽⁹⁾ 1973 c. 50; section 2 was amended by sections 9 and 11 of, Schedule 2, Part II, paragraph 9 and Schedule 3 to, the Employment and Training Act 1981 (c. 57).

⁽¹⁰⁾ 1990 c. 35.

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

- (b) any living away from home allowance under section 2(2)(d) of the 1973 Act or section 2(4)(c) of the 1990 Act;
- (c) any training premium,

but this paragraph, except insofar as it relates to a payment under sub-paragraph (a), (b) or (c), does not apply to any part of any allowance under section 2(2)(d) of the 1973 Act or section 2(4)(c) of the 1990 Act.

12.—(1) Except where sub-paragraph (2) applies and subject to sub-paragraph (3) and paragraphs 29 and 33, £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 33, 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, or is used for any personal community charge or collective community charge contribution for which any member of the family is liable.

(3) Sub-paragraphs (1) and (2) shall not apply to a 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 they shall be treated as though they were one such payment.

(5) For the purposes of sub-paragraph (2) the expression “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, namely—

- (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 Great Britain which is either—
 - (i) analogous to a war disablement pension; or
 - (ii) analogous to a war widow’s pension;
- (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 I of the Child Benefit Act 1975⁽¹¹⁾ .

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-paragraph (2), not income derived from capital disregarded under paragraphs 1, 2, 4, 6, 13 or 26 to 30 of Schedule 4.

(2) Income derived from capital disregarded under paragraphs 2, 4 or 26 to 30 of Schedule 4 but only to the extent of any mortgage repayments made in respect of the dwelling or premises in the period during which that income accrued.

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 Great Britain 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⁽¹²⁾ (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;
- (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 38 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.

⁽¹¹⁾ 1975 c. 61.

⁽¹²⁾ 1982 c. 39.

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

- (a) in accordance with regulations made by the Secretary of State under section 57A of the Adoption Act 1976⁽¹³⁾, or as the case may be, section 51 of the Adoption (Scotland) Act 1978⁽¹⁴⁾ (schemes for payments of allowances to adopters);
- (b) which is a payment made by a local authority in pursuance of paragraph 15(1) of Schedule 1 to the Children Act 1989⁽¹⁵⁾ (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 (capital in excess of £3,000), the whole payment;
- (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 local authority to the claimant with whom a person is accommodated and maintained by virtue of arrangements made under section 23(2)(a) of the Children Act 1989 or, as the case may be, section 21 of the Social Work (Scotland) Act 1968⁽¹⁶⁾ or by a voluntary organisation under section 59(1)(a) of the Children Act 1989 or by a care authority under regulation 9 of the Boarding Out and Fostering of Children (Scotland) Regulations 1985⁽¹⁷⁾ (provision of accommodation and maintenance for children by local authorities and voluntary organisations).

24. Any payment made by a health authority, local authority 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 local authority under section 17 or 24 of the Children Act 1989 or, as the case may be, section 12, 24 or 26 of the Social Work (Scotland) Act 1968 (provision of services for children and their families and advice and assistance to certain children).

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 V of the Act or maternity allowance under section 22 of the Social Security Act.

28. Any payment under paragraph 2 of Schedule 6 to the Act (pensioners' Christmas bonus).

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) (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.

30. 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.

31. Any statutory maternity pay under Part VI of the Social Security (Northern Ireland) Order 1986 or maternity allowance under section 22 of the Social Security (Northern Ireland) Act 1975.

⁽¹³⁾ 1976 c. 36; section 57A was inserted by paragraph 25 of Schedule 10 to the Children Act 1989 (c. 41).

⁽¹⁴⁾ 1978 c. 28.

⁽¹⁵⁾ 1989 c. 41.

⁽¹⁶⁾ 1968 c. 49.

⁽¹⁷⁾ S.I. 1985/1799.

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

33.—(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, or 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 two 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.

(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.

34. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.

35. Any payment made by the Secretary of State 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 that day.

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

36. Any payment made by the Secretary of State to compensate for the loss of housing benefit supplement under regulation 19 of the Supplementary Benefit (Requirements) Regulations 1983**(18)**

37. 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.

38. 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.

39. Any community charge benefit.

40. 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**(19)** or section 9A of the Abolition of Domestic Rates Etc. (Scotland) Act 1987**(20)** (reduction of liability for personal community charge).

41. Any special war widows 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**(21)** ;
- (b) the Royal Warrant dated 19th February 1990 amending the Schedule to the Army Pensions Warrant 1977**(22)** ;
- (c) the Queen’s Order dated 26th February 1990 made under section 2 of the Air Force (Constitution) Act 1917**(23)** ;
- (d) the Home Guard War Widows Special Payments Regulations 1990 made under section 151 of the Reserve Forces Act 1980**(24)** ;
- (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**(25)**;

and any analogous payment 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) of this paragraph.

42.—(1) Any payment or repayment made—

- (a) as respects England and Wales, under regulation 3, 5 or 8 of the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988**(26)** (travelling expenses and health service supplies);
- (b) as respects Scotland, under regulation 3, 5 or 8 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Regulations 1988**(27)** (travelling expenses and health service supplies).

(18) S.I. 1983/1399.

(19) 1988 c. 41.

(20) 1987 c. 47.

(21) 1865 c. 73. Copies of the Order are available from Ministry of Defence, NPC2, Rm 317, Archway Block South, Old Admiralty Building, Spring Gardens, London SW1A 2BE.

(22) Army Code No. 13045 published by HMSO.

(23) 1917 c. 51. Queen’s Regulations for the Royal Air Force are available from HMSO.

(24) 1980 c. 9. Copies of the Regulations are available from Ministry of Defence at the address given in footnote (d) above.

(25) Army Code No. 60589 published by HMSO.

(26) S.I. 1988/551.

(27) S.I. 1988/546.

(2) Any payment or repayment made by the Secretary of State for Health, the Secretary of State for Scotland or the Secretary of State for Wales which is analogous to a payment or repayment mentioned in sub-paragraph (1).

43. Any payment made under regulation 9 to 11 or 13 of the Welfare Food Regulations 1988(28) (payments made in place of milk tokens or the supply of vitamins).

44. Any payment made either by the Secretary of State for the Home Department or by the Secretary of State for Scotland under a scheme established to assist relatives and other persons to visit persons in custody.

45. Any payment made, whether by the Secretary of State or any other person, under the Disabled Persons Employment Act 1944(29) or in accordance with arrangements made under section 2 of the Employment and Training Act 1973(30) to assist disabled persons to obtain or retain employment despite their disability.

46. Any family credit.

SCHEDULE 4

Regulation 32(2)

CAPITAL TO BE DISREGARDED

1. The dwelling, together with any garage, garden and outbuildings, normally occupied by the claimant as his home including any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, in Scotland, any croft land on which the dwelling is situated; but, notwithstanding regulation 12 (calculation of income and capital of members of claimant's family and of a polygamous marriage), only one dwelling shall be disregarded under this paragraph.

2. Any premises acquired for occupation by the claimant which he intends to occupy as his home within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the claimant to obtain possession and commence occupation of the premises.

3. Any sum directly attributable to the proceeds of sale of any premises formerly occupied by the claimant as his home which is to be used for the purchase of other premises intended for such occupation within 26 weeks of the date of sale or such longer period as is reasonable in the circumstances to enable the claimant to complete the purchase.

4. Any premises occupied in whole or in part by a partner or relative (that is to say any close relative, grandparent, grandchild, uncle, aunt, nephew or niece) of any member of the family as his home, where that person is aged 60 or over or has been incapacitated for a continuous period of at least 13 weeks immediately preceding the date of the claim.

5. Any reversionary interest.

6.—(1) The assets of any business owned in whole or in part by the claimant and for the purposes of which he is engaged as a self-employed earner or, if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of any such asset.

(2) The assets of any business owned in whole or in part by the claimant where—

(a) he has ceased to be engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; and

(28) S.I. 1988/536, the relevant amending instrument is S.I. 1990/3.

(29) 1944 c. 10.

(30) 1973 c. 50; section 2 was substituted by section 25(1) of the Employment Act 1988 (c. 19).

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

- (b) he intends to become re-engaged as a self-employed earner in that business as soon as he recovers or is able to be re-engaged in that business,

for a period of 26 weeks from the date on which the claimant last ceased to be engaged in that business, or, if it is unreasonable to expect him to become re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so re-engaged.

7. Any sum attributable to the proceeds of sale of any asset of such a business which is re-invested or to be re-invested in the business within 13 weeks of the date of sale or such longer period as may be reasonable to allow for the re-investment.

8. Any arrears of, or any concessionary payment made to compensate for arrears due to non-payment of—

- (a) any payment specified in paragraphs 4, 6 or 7 of Schedule 3;
- (b) an income-related benefit or supplementary benefit under the Supplementary Benefits Act 1976(31), family income supplement under the Family Income Supplements Act 1970(32) or housing benefit under Part II of the Social Security and Housing Benefits Act 1982(33),

but only for a period of 52 weeks from the date of the receipt of the arrears or of the concessionary payment.

9. Any sum—

- (a) paid to the claimant in consequence of damage to, or loss of, the home or any personal possession and intended for its repair or replacement; or
- (b) acquired by the claimant (whether as a loan or otherwise) on the express condition that it is to be used for effecting essential repairs or improvements to the home,

which is to be used for the intended purpose, for a period of 26 weeks from the date on which it was so paid or acquired or such longer period as is reasonable in the circumstances to enable the claimant to effect the repairs, replacement or improvements.

10. Any sum—

- (a) deposited with a housing association as defined in section 1(1) of the Housing Associations Act 1985(34) or section 338(1) of the Housing (Scotland) Act 1987(35) as a condition of occupying the home;
- (b) which was so deposited and which is to be used for the purchase of another home, for the period of 26 weeks or such longer period as is reasonable in the circumstances to complete the purchase.

11. Any personal possessions except those which have been acquired by the claimant with the intention of reducing his capital in order to secure entitlement to disability working allowance or to increase the amount of that benefit.

12. The value of the right to receive any income under an annuity and the surrender value (if any) of such an annuity.

13. Where the funds of a trust are derived from a payment made in consequence of any personal injury to the claimant, the value of the trust fund and the value of the right to receive any payment under that trust.

(31) 1976 c. 71.

(32) 1970 c. 55.

(33) 1982 c. 24.

(34) 1985 c. 69.

(35) 1987 c. 26.

14. The value of the right to receive any income under a life interest or from a liferent.
 15. The value of the right to receive any income which is disregarded under paragraph 1 of Schedule 2 or 21 of Schedule 3.
 16. The surrender value of any policy of life insurance.
 17. Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.
 18. Any payment made by a local authority under section 17(b) or 24(7) of the Children Act 1989⁽³⁶⁾ or, as the case may be, section 12, 24 or 26 of the Social Work (Scotland) Act 1968⁽³⁷⁾ (provision of services for children and their families and advice and assistance for certain children).
 19. Any social fund payment under Part III of the Act.
 20. Any refund of tax which falls to be deducted under section 26 of the Finance Act 1982⁽³⁸⁾ (deductions of tax from certain loan interest) on a payment of relevant loan interest for the purpose of acquiring an interest in the home or carrying out repairs or improvements to the home.
 21. Any capital which by virtue of regulations 28 (capital treated as income) or 47 (treatment of student loans) is to be treated as income.
 22. Where a payment of capital is made in currency other than sterling, any banking charge or commission payable in converting that payment to sterling.
 - 23.—(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 two 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—

⁽³⁶⁾ 1989 c. 41.

⁽³⁷⁾ 1968 c. 49.

⁽³⁸⁾ 1982 c. 39.

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

- (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.

(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 capital resource which derives from any payment of income or capital made under or deriving from any of the Trusts.

24. The value of the right to receive an occupational or personal pension.

25. The value of the right to receive any rent.

26.—(1) Where a claimant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling.

(2) In this paragraph “dwelling” includes any garage, garden and outbuildings which were formerly occupied by the claimant as his home and any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, in Scotland, any croft land on which the dwelling is situated.

27. Any premises where the claimant is taking reasonable steps to dispose of those premises, for a period of 26 weeks from the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises.

28. Any premises which the claimant intends to occupy as his home, and in respect of which he is taking steps to obtain possession and has sought legal advice, or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which he first sought such advice or first commenced such proceedings whichever is the earlier, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.

29. Any premises which the claimant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the claimant first takes steps to effect those repairs or alterations, or such longer period as is reasonable in the circumstances to enable those repairs or alterations to be carried out and the claimant to commence occupation of the premises.

30. Any premises occupied in whole or in part by the former partner of a claimant as his home; but this provision shall not apply where the former partner is a person from whom the claimant is estranged or divorced.

31. Any payment in kind made by a charity or under the Macfarlane (Special Payments) Trust or the Macfarlane (Special Payments) (No. 2) Trust.

32. Any payment not exceeding £200 made under section 2 of the Employment and Training Act 1973⁽³⁹⁾ (functions of the Secretary of State) or section 2 of the Enterprise and New Towns (Scotland) Act 1990 as a training bonus to a person participating in arrangements for training made

⁽³⁹⁾ 1973 c. 50; section 2 was substituted by the Employment Act 1988 (c. 19), section 25.

under either of those sections but only for a period of 52 weeks from the date of the receipt of that payment.

33. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.

34. Any payment made by the Secretary of State 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 that day.

35. Any payment made by the Secretary of State to compensate for the loss of housing benefit supplement under regulation 19 of the Supplementary Benefit (Requirements) Regulations 1983.

36. 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.

37. 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 or section 9A of the Abolition of Domestic Rates Etc (Scotland) Act 1987 (reduction of liability for personal community charge) but only for a period of 52 weeks from the date of receipt of the payment.

38. Any grant made to the claimant in accordance with a scheme made under section 129 of the Housing Act 1988⁽⁴⁰⁾ or section 66 of the Housing (Scotland) Act 1988⁽⁴¹⁾ (schemes for payments to assist local housing authority and local authority tenants to obtain other accommodation) which is to be used—

- (a) to purchase premises intended for occupation as his home; or
- (b) to carry out repairs or alterations which are required to render premises fit for occupation as his home,

for a period of 26 weeks from the date on which he received such a grant or such longer period as is reasonable in the circumstances to enable the purchase, repairs or alterations to be completed and the claimant to commence occupation of those premises as his home.

39.—(1) Any payment or repayment made—

- (a) as respects England and Wales, under regulation 3, 5 or 8 of the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988 (travelling expenses and health service supplies);
- (b) as respects Scotland, under regulation 3, 5 or 8 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Regulations 1988 (travelling expenses and health service supplies);

but only for a period of 52 weeks from the date of receipt of the payment or repayment.

(2) Any payment or repayment made by the Secretary of State for Health, the Secretary of State for Scotland or the Secretary of State for Wales which is analogous to a payment or repayment mentioned in sub-paragraph (1); but only for a period of 52 weeks from the date of receipt of the payment or repayment.

40. Any payment made under regulations 9 to 11 or 13 of the Welfare Food Regulations 1988 (payments made in place of milk tokens or the supply of vitamins), but only for a period of 52 weeks from the date of receipt of the payment.

41. Any payment made either by the Secretary of State for the Home Department or by the Secretary of State for Scotland under a scheme established to assist relatives and other persons to visit persons in custody, but only for a period of 52 weeks from the date of receipt of the payment.

⁽⁴⁰⁾ 1988 c. 50.

⁽⁴¹⁾ 1988 c. 43.

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

42. Any arrears of special war widows payment which is disregarded under paragraph 42 of Schedule 3 (sums to be disregarded in the calculation of income other than earnings), but only for a period of 52 weeks from the date of receipt of the arrears.

43. Any payment made, whether by the Secretary of State or any other person, under the Disabled Persons Employment Act 1944⁽⁴²⁾ or in accordance with arrangements made under section 2 of the Employment and Training Act 1973⁽⁴³⁾ to assist disabled persons to obtain or retain employment despite their disability.

44. Any payment made by a local authority under section 3 of the Disabled Persons (Employment) Act 1958⁽⁴⁴⁾ to homeworkers assisted under the Blind Homeworkers' Scheme.

SCHEDULE 5

Regulation 51

DETERMINATION OF APPROPRIATE MAXIMUM DISABILITY WORKING ALLOWANCE

(1) <i>Claimant, child or young person</i>	(2) <i>Amount of allowance</i>	
1. Single claimant.	1.	£42.40
2. Claimant who is a member of a married or unmarried couple, or is a lone parent.	2.	£58.80
3. Child—	3.	
(a) age less than 11 years;	(a)	£10.40
(b) aged not less than 11 but less than 16 years.	(b)	£17.25
4. Young person—	4.	
(a) aged not less than 16 but less than 18 years;	(a)	£21.45
(b) aged not less than 18 but less than 19 years.	(b)	£29.90

⁽⁴²⁾ 1944 c. 10.

⁽⁴³⁾ 1973 c. 50; section 2 was substituted by section 25(1) of the Employment Act 1988 (c. 19).

⁽⁴⁴⁾ 1958 c. 33.