

## SCHEDULE 3

### SUMS TO BE DISREGARDED IN THE CALCULATION OF INCOME OTHER THAN EARNINGS

#### PART I

##### SUMS TO BE DISREGARDED

1. Any amount paid by way of tax on income which is taken into account under regulation 15 (calculation of income other than earnings).

2. Any payment in respect of any expenses incurred by a resident 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.

3. Any payment which would be disregarded under paragraph 3, 4A or 5 of Schedule 9 to the Income Support Regulations<sup>(1)</sup> (employed earner expenses, statutory sick pay in Northern Ireland and housing benefit).

4. The mobility component of any disability living allowance.

5. Any payment which would be disregarded under paragraph 8 of Schedule 9 to the Income Support Regulations.

6. If the resident is a temporary resident—
- (a) any attendance allowance; or
  - (b) the care component of any disability living allowance.

7. Any concessionary payment made to compensate for the non-payment of—
- (a) any payment specified in paragraph 4 or 6; or
  - (b) any income support.

8. 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).

9. Any amount which would be disregarded under paragraph 13 or 14 of Schedule 9 to the Income Support Regulations<sup>(2)</sup> (participants in training schemes and job start allowance).

10.—(1) Except where sub-paragraph (2) applies, and subject to paragraphs 29 and 31, the amount specified in paragraph 15(1) of Schedule 9 to the Income Support Regulations<sup>(3)</sup> (charitable or voluntary payments) of any charitable payment or of any voluntary payment made or due to be made at regular intervals other than any payment which is to be disregarded under paragraph 24.

(2) Subject to paragraph 29, any charitable payment or voluntary 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 the standard rate was fixed for the accommodation provided.

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(1) Paragraph 4A was inserted by regulation 35(a) of S.I. 1988/663.

(2) Paragraph 13 was substituted by regulation 35(b) of S.I. 1988/663, and amended by articles 2 and 9(g) of and the Schedule to S.I. 1991/387.

(3) Substituted by regulation 22(a) of S.I. 1990/547. The amount specified is currently £10.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**11.** Any amount which would be disregarded under paragraph 16 of Schedule 9 to the Income Support Regulations(4) (specified pensions), but as if the reference in paragraph 16 of Schedule 9 to the Income Support Regulations to paragraphs 36 and 37 of Schedule 9 to the Income Support Regulations were a reference to paragraph 31 of this Schedule.

**12.** Any payment which would be disregarded under paragraphs 17 to 20 of Schedule 9 to the Income Support Regulations(5) (annuities, payments by third parties towards living costs, contractual payments in respect of occupation of a dwelling and payments by lodgers).

**13.** Any income in kind.

**14.—(1)** Any income derived from capital to which the resident is or is treated under regulation 27 (capital jointly held) as beneficially entitled but, subject to sub-paragraph (2), not income derived from capital disregarded under paragraph 1, 2, 5, 10 or 16 of Schedule 4.

(2) Any income derived from capital disregarded under paragraph 2 or 16 of Schedule 4 but only to the extent of any mortgage repayments and payments of council tax or water charges which the resident is liable to make in respect of the dwelling or premises in the period during which that income accrued.

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

**16.** 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).

**17.** Any payment made to a resident in respect of a child or young person who is a member of his family—

- (a) in accordance with regulations made pursuant to section 57A of the Adoption Act 1976(6) (permitted allowances);
- (b) in accordance with a scheme approved by the Secretary of State under section 57(4) of the Adoption Act 1976 (approved schemes) or section 51 of the Adoption (Scotland) Act 1978(7) (schemes for payment of allowances to adopters);
- (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(8) (local authority contribution to a child's maintenance where a child is living with a person as a result of a residence order);
- (d) which is a payment by a local authority towards the cost of the accommodation and maintenance of a child following a custodianship order under section 33 of the Children Act 1975(9); or
- (e) which is a payment made by a local authority in pursuance of section 50 of the Children Act 1975(10) (payments towards maintenance of children).

**18.** Any payment which would be disregarded under paragraph 26 or 28 of Schedule 9 to the Income Support Regulations(11) (provision of accommodation and maintenance for children in care,

(4) Amended by regulation 22(b) of S.I. 1990/547 and regulation 20(b) of S.I. 1991/1559.

(5) Paragraph 18 was amended by regulation 22(a) of S.I. 1988/2022; paragraph 19 was amended by paragraph 9(a) of Schedule 1 to S.I. 1988/1445 and article 13(13) of S.I. 1991/2910; and paragraph 20 was substituted by regulation 22(c) of S.I. 1990/547.

(6) 1976 c. 36; section 57A was introduced by paragraph 25 of Schedule 10 to the Children Act 1989 (c. 41). The relevant instruments are S.I. 1991/2030 and S.I. 1991/2130.

(7) 1978 c. 28.

(8) 1989 c. 41.

(9) 1975 c. 72; the power to make payments pursuant to orders under section 33 was transitionally preserved for this purpose by article 2(c) of and paragraph 1 of the Schedule to S.I. 1991/1990.

(10) As amended by section 64 of the Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22).

(11) Amended by regulation 25(b) of S.I. 1988/1445 and (as respects England and Wales) by paragraph 9(b) of the Schedule to S.I. 1992/468.

and local authorities' duty to promote the welfare of children and powers to grant financial assistance to persons in or formerly in their care).

**19.** 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 as the home, or for repairs and improvements to the dwelling, 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.

**20.** Any payment which would be disregarded under paragraph 31 of Schedule 9 to the Income Support Regulations(12) (social fund payments).

**21.** Any payment of income which under regulation 22 (income treated as capital) is to be treated as capital.

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

**23.** Any payment which would be disregarded under paragraph 38 of Schedule 9 to the Income Support Regulations(13) (resettlement benefit).

**24.** Any payment which would be disregarded under paragraph 39 of Schedule 9 to the Income Support Regulations(14) (the Fund, the Macfarlane Trusts and the Independent Living Fund).

**25.** Any amount which would be disregarded under paragraphs 40 to 51 of Schedule 9 to the Income Support Regulations(15) (housing benefit compensation, supplementary benefit compensation, housing benefit supplement compensation, juror and witness payments, community charge rebate, community charge benefit, reduction of liability for personal community charge, special war widows payments, travelling expenses and health service supplies, welfare food payments, prison visiting scheme payments, and disabled persons' employment payments).

**26.** Any payment of income support made towards housing costs determined in accordance with Schedule 3 to the Income Support Regulations (housing costs).

**27.** Any housing costs of any temporary resident, including any fuel charges, which are included in the rent of a dwelling to which he intends to return, to the extent that the local authority consider it reasonable in the circumstances to do so.

**28.** Any council tax benefit.

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(12) As substituted by regulation 8(2) of S.I. 1992/468.

(13) Paragraph 38 of Schedule 9 to the Income Support Regulations was inserted by regulation 35(f) of S.I. 1988/663.

(14) Paragraph 39 was inserted by regulation 35(f) of S.I. 1988/663, substituted by regulation 5(7)(b) of S.I. 1991/1175, and amended by regulation 6(7)(b) of S.I. 1992/1101.

(15) Paragraph 40 of Schedule 9 to the Income Support Regulations was inserted by regulation 25(d) of S.I. 1988/1445; paragraphs 41 to 44 were added by regulation 22(b) of S.I. 1988/2022; paragraphs 45 to 47 were added by regulation 22(e) of S.I. 1990/547; paragraphs 48 to 50 were added by regulation 10(b) of S.I. 1990/1776; and paragraph 51 was added by regulation 8(3) of S.I. 1992/468.