

**THE SOCIAL SECURITY (INCOME AND CAPITAL)
(MISCELLANEOUS AMENDMENTS) REGULATIONS 2020**

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INTRODUCTION

1. This memo gives guidance on changes introduced by the Social Security (Income and Capital) (Miscellaneous Amendments) Regulations 2020 (SI 2020 No. 618). The Regulations come into force on 15.7.20.

DISREGARD OF CERTAIN PAYMENTS AS INCOME AND CAPITAL FOR IS, JSA(IB), SPC AND ESA(IR)

2. “Grenfell Tower Payments” from the Grenfell Tower Residents’ Discretionary Fund (GTRDF), the Royal Borough of Kensington and Chelsea or a registered charity are disregarded indefinitely as income and capital for the purposes of all means tested benefits¹.

1 IS (Gen) Regs, reg 2, 42, 48, 51, Sch 9(21 & 39), Sch 10(22 & 29); JSA Regs, reg 1, 105, 110, 113, Sch 7(22 & 41), Sch 8(27 & 31); SPC Regs, reg 1, Sch 2(14), Sch 5(15); ESA Regs, reg 2, 107, 112, 115, Sch 6(19), Sch 8(22 & 41), Sch 9(27 & 31

3. Payments from the National Emergencies Trust are disregarded indefinitely as income and capital for the purposes of all means tested benefits¹.



NOTE: The “National Emergencies Trust” means the registered charity of that name (number 1182809) established on 28.3.19 to co-ordinate the distribution of funds raised in response to domestic national disasters and emergencies.

1 IS (Gen) Regs, reg 2, 42, 48, 51, Sch 9(21 & 39), Sch 10(22 & 29); JSA Regs, reg 1, 105, 110, 113, Sch 7(22 & 41), Sch 8(27 & 31); SPC Regs, reg 1, Sch 2(14), Sch 5(15); ESA Regs, reg 2, 107, 112, 115, Sch 6(19), Sch 8(22 & 41), Sch 9(27 & 31)

DISREGARD OF CERTAIN PAYMENTS AS CAPITAL FOR IS, JSA(IB), SPC AND ESA(IR)

4. Payments from the Child Migrants Trust are disregarded indefinitely as capital for all means-tested benefits¹.

NOTE: The UK Government has set up a payment scheme for former British child migrants who were separated from their families and sent overseas as part of the UK government’s historic participation in child migration programmes. Each former child migrant will receive a one-off payment of £20,000 paid by the Child Migrants Trust, a registered charity (No. 1171479).

1 IS (Gen) Regs, reg 2, 42, 48, 51, Sch 9(21 & 39), Sch 10(22 & 29); JSA Regs, reg 1, 105, 110, 113, Sch 7(22 & 41), Sch 8(27 & 31); SPC Regs, reg 1, Sch 2(14), Sch 5(15); ESA Regs, reg 2, 107, 112, 115, Sch 6(19), Sch 8(22 & 41), Sch 9(27 & 31)

TREATMENT OF THREE NEW STUDENT LOANS FOR POSTGRADUATE STUDENTS

5. The definition of “postgraduate loan” is expanded to include loans to student undertaking a postgraduate doctoral degree course. In line with the treatment of existing postgraduate loans, a person’s student income for the purposes of calculating entitlement to IS, JSA(IB) or ESA(IR) is to be based upon 30% of the maximum amount of the loan (subject to any applicable disregard) the student could reasonably expect to obtain for the course¹.

NOTE 1: In 2016 the Department for Education (DfE) introduced a new postgraduate master’s degree loan for students normally resident in England. Unlike undergraduate funding, this loan is not divided between general maintenance costs and tuition fees, but is a single sum intended as a contribution towards both.

NOTE 2: These regulations future proof regulations so that as new loans are introduced they will be taken into account in the same way as existing loans.

1 IS (Gen) Regs, reg 61, 62, 66A; JSA Regs, reg 130, 131, 136, 137A; ESA Regs, reg 131, 132, 137, 141



Example

Simon started a postgraduate doctoral degree course on 1.8.19. He has been awarded a loan of £25,700. The DM decides that Simon has student income of £7,710 (30% of £25,700) attributed over the period of the course.

NEW STYLE ESA SPECIAL PAYMENTS

6. Special payments are being made to provide redress to people affected by initial errors in the way claims for new style ESA were handled by DWP. These extra-statutory payments are intended to restore a claimant's award to as near as possible the amount that should have been payable, were it not for incorrect advice. Where the payment would otherwise affect an individual's award of a means-tested benefit it will be disregarded.

1 SPC Regs, reg sch 5(20, 20A)

Example

Lena has received £743.50. This is disregarded for purposes of her means-tested benefit award.

ANNOTATIONS

Please annotate the number of this memo (DMG Memo 15/20) against the following DMG paragraphs

28450 (heading), 29446 (heading), 30285, 51353 (heading), 51934 (heading), 52447 (heading), 84671 (heading)

CONTACTS

If you have any queries about this memo, please write to Decision Making and Appeals (DMA) Leeds, 3E zone E, Quarry House, Leeds. Existing arrangements for such referrals should be followed, as set out in – Memo [4/19](#) Requesting case guidance from DMA Leeds for all benefits.

DMA Leeds: July 2020

The content of the examples in this document (including use of imagery) is for illustrative purposes only