

# Capital disregards

## Contents

[What are capital disregards?](#)

[Capital disregarded indefinitely](#)

[Capital disregarded for an extended period](#)

[Capital disregarded for up to 12 months](#)

[Capital disregarded for up to 6 months](#)

## What are capital disregards?

All capital is taken into account as capital unless it can be treated as unearned income or disregarded.

Capital disregards are amounts that the claimant has, but that is not taken into account when considering entitlement or calculating any assumed yield income.

Any capital, income or earnings of any dependant children will be fully disregarded for the purpose of Universal Credit. A claimant has to provide all necessary evidence to show that any capital they have can be disregarded. If there is no evidence to show capital can be disregarded, it is included when working out the amount of capital an assessment unit has.

If a reclaim to Universal Credit is made, checks should be done to see whether any capital disregards for benefit arrears should be removed.

Capital can be disregarded:

- indefinitely
- for an extended period
- for a period of up to 12 months
- for a period of up to 6 months
- for more than 6 months if it is reasonable

Establish from the claimant, where the amount of capital/savings they have declared above £6000 has come from. A decision is made to decide if the capital/savings can be disregarded for the purpose of calculating a Universal Credit award. It may be necessary to request additional information from the claimant to make this decision.

## Capital disregarded indefinitely

<b>Business assets of an operational business</b>	<p>These include standard items such as:</p> <ul style="list-style-type: none"><li>• machinery</li><li>• vehicles</li><li>• fixtures</li><li>• business cash held in the bank (including money held following the sale of assets)</li></ul> <p>Items such as customer lists and contacts, current and future contracts and goodwill may also be included.</p> <p>Any assets that are used wholly or mainly for the purposes of a claimant's trade, profession or vocation are disregarded indefinitely whilst the business is still operating.</p> <p><b>Illustrative example:</b></p>
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	<p>Felix owns an amusement arcade in Bournemouth. He stopped working in the arcade 31 October and claimed Universal Credit 3 November. The assets of the business are a lease on the building, gaming machines and tools used to repair the machines. Felix states the value of these assets is £45,000. He is not going to sell the assets because he needs them when he opens the arcade again the following April. The DM decides that the assets of the business can be disregarded.</p>
<p><b>Personal injury compensation payments</b></p>	<p>If a person has been awarded a sum of money as a result of a personal injury to themselves, the amount is disregarded as capital if the sum is either:</p> <ul style="list-style-type: none"> <li>• held in trust</li> <li>• administered by the court</li> </ul> <p>Payments made from the Criminal Injuries Compensation Fund will also be disregarded.</p> <p><b>Illustrative example</b></p> <p>Terry's wife was killed in a road traffic accident and he was awarded £36,000 which covered loss of earnings. As the award was not due to Terry suffering any injury to himself, this amount would be taken in account when calculating his capital.</p> <p><b>Illustrative example</b></p> <p>Nora received £100,000 as the result of an assault on their partner which resulted in their death. The award is held in trust and was for the psychological injury to Nora arising from them witnessing the attack. As the amount was awarded for the injury to Nora, the amount is disregarded in calculating their capital.</p>
<p><b>Premises occupied as the home</b></p>	<p>Premises occupied by a person as their home are disregarded indefinitely. Usually, only one set of premises can be disregarded. In some limited circumstances, more than one property can make up the premises occupied as their home.</p> <p>Premises bought but not lived in as their home by the claimant or any member of the claimant's family cannot be disregarded as premises occupied as their home. However, in limited circumstances, can be disregarded for other reasons, see below.</p> <p>Premises usually occupied as the claimant's home are disregarded if both of the following apply:</p> <ul style="list-style-type: none"> <li>• they are not occupied for a time</li> <li>• the intention is to return to live in the premises as the home</li> </ul> <p>For example, if a person goes into residential care on a temporary basis and intends to return to the house they</p>

	<p>usually occupy as their home, the house is disregarded.</p> <p>Croft land and small-holdings can be treated as part of the premises occupied as the home if they cannot be sold separately.</p>
<b>Life insurance policies</b>	<p>The value of a life insurance policy still in force is disregarded indefinitely.</p> <p>Investments which include some life insurance are disregarded indefinitely if the agreement states how payment on death is worked out.</p> <p>It does not matter whether the amount paid on death is more than, equal to, or less than the amount the person would get if the investment is surrendered the day before the date of death.</p>
<b>Money deposited with a housing association</b>	<p>Money deposited with a housing association is disregarded indefinitely if the money has to be deposited as a condition of living in the home. A housing association is a non-profit making voluntary body formed with the aim of providing good quality low cost housing.</p>
<b>Occupational and personal pensions</b>	<p>Any occupational or personal pension fund which the claimant has.</p> <p><b>Important Note</b> – the disregard only applies to the value of pension fund that the claimant and/or his employer has paid into, this protects investments for retirement. It does not apply to money drawn out of the pension fund. Any income payments from a pension fund or annuity payments will be taken into account as unearned income and any lump sum draw-downs from a pension fund will be taken into account as capital in the UC assessment</p> <p>If the person has reached the qualifying age for State Pension Credit and not purchased an annuity with their occupational or personal pension, a notional income will be taken into account when calculating their Universal Credit.</p>
<b>Payment made to holders of the Victoria Cross or George Cross</b>	<p>Any payment made to people because they hold the Victoria Cross or George Cross is disregarded indefinitely</p>
<b>Premises lived in by a close relative</b>	<p>Premises that are occupied as a home by a close relative are disregarded indefinitely if, it is their only home and the close relative has:</p> <ul style="list-style-type: none"> <li>• Limited Capability for Work</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>• Has reached the qualifying age for State Pension Credit</li> </ul> <p>A close relative means:</p>

	<ul style="list-style-type: none"> <li>• parent;</li> <li>• parent-in-law;</li> <li>• son;</li> <li>• son-in-law;</li> <li>• daughter;</li> <li>• daughter-in-law;</li> <li>• step-parent;</li> <li>• step-son;</li> <li>• step-daughter;</li> <li>• brother;</li> <li>• sister; or</li> </ul> <p>where any of the above is a member of a couple, the other member of the couple</p>
<p><b>Premises occupied by former partner</b></p>	<p>Premises that are occupied by a former partner as their home are disregarded indefinitely if, it is their only home and:</p> <ul style="list-style-type: none"> <li>• the person and their former partner are not estranged but are living apart by force of circumstances, for example, where the person is in long-term care</li> <li>• the person's former partner is a lone parent, and occupies the premises as their home</li> </ul>
<p><b>Special compensation schemes</b></p>	<p>Any payment of capital from one of a specified type of compensation scheme will be disregarded indefinitely from the calculation of capital.</p> <p>The compensation schemes are those established or approved by the Secretary of State or from a trust established with funds provided by the Secretary of State and providing compensation in respect of:</p> <ul style="list-style-type: none"> <li>• a person having been diagnosed with variant Creutzfeldt-Jakob disease</li> <li>• a person being infected from contaminated blood products</li> <li>• the 7 July 2005 London bombings</li> <li>• persons who have been interned or suffered forced labour, injury, property loss or loss of a child during the Second World War</li> <li>• supporting persons with a disability to live independently in their accommodation</li> <li>• <a href="#">The We Love Manchester Emergency Fund</a></li> <li>• <a href="#">The London Emergencies Trust</a></li> </ul> <p>Where a claim for Universal Credit is made by a partner, parent son or daughter of a person having been diagnosed with variant Creutzfeldt-Jacob disease or infected from contaminated blood products.</p> <p>A payment of capital received from any of the following is disregarded as capital if it would be disregarded in relation to an award of State Pension Credit:</p> <ul style="list-style-type: none"> <li>• the scheme or trust in respect of the diagnosed or</li> </ul>

	<p>infected person ;</p> <ul style="list-style-type: none"> <li>• the diagnosed or infected person; or</li> <li>• the estate of the diagnosed or infected person</li> </ul>
<b>The We Love Manchester Emergency Fund</b>	<p>The We Love Manchester Emergency Fund was set up following the attack in Manchester on 22nd of May 2017.</p> <p>All payments made from the fund can be fully disregarded from the 19th June 2017.</p> <p>The disregard applies to all payments from the We Love Manchester Fund regardless of whom they are paid to.</p> <p>Any payments made before 19 June 2017 should be ignored as the Treasury has given us authority to carry on paying benefits without taking the payments into account on an ex-statutory basis.</p>
<b>The London Emergencies Trust</b>	<p>The London Emergency Trust (LET) is providing relief for those directly affected by terrorism in London.</p> <p>Payments made by the LET for the terrorist attacks on 22 March 2017 (Westminster Bridge) or 3 June 2017 (London Bridge) can be disregarded in full from 19th June 2017.</p> <p>The disregard applies to payments from the LET regardless of whom they are paid to.</p> <p>Any payments made before 19 June 2017 should be ignored as the Treasury has given us authority to carry on paying benefits without taking the payments into account on an ex-statutory basis.</p>
<b>Funeral plan contract</b>	<p>The value of a funeral plan contract is disregarded indefinitely. 'Funeral plan contract' means a contract where a person makes payments to secure the provision of a funeral and where the sole purpose of the plan is to provide for a funeral.</p>

### **Capital disregarded for an extended period**

<p>Arrears of benefit and tax credits/ compensation for non-payment of £5,000 or more due to official error or error of law</p>	<p>Arrears of benefit, tax credits or compensation for non-payment of £5,000 or more paid due to official error or error of law can be disregarded for the length of the Universal Credit award. The disregard applies to claimants who receive a payment of arrears or compensation:</p> <ul style="list-style-type: none"> <li>• whilst in receipt of Universal Credit or</li> <li>• whilst in receipt of a Legacy benefit and migrate</li> </ul>
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	<p>to Universal Credit with a gap of less than a month between awards of benefit</p> <p>This longer disregard will only be available on a transitional basis and will only apply to payments of arrears or compensation which relate to a period before Legacy benefits are abolished. Once migration to Universal Credit is complete and Legacy benefits are abolished, a standard 12 month disregard will apply to all new benefit arrears and compensation payments whether or not they are due to official error or errors of law.</p>
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### Capital disregarded for up to 12 months

<p><b>Local authority payments</b></p>	<p>Any payment made by or on behalf of a local authority within the last 12 months for any of the following is disregarded for 12 months from the day it was paid when calculating the person's capital:</p> <ul style="list-style-type: none"> <li>• children, young persons and others under certain legislation, (children/young people in need and Local Authority looked after children/young people) or:</li> <li>• welfare needs related to disability or old age (other than living expenses)</li> </ul>
<p><b>Arrears of benefit / compensation for late payment</b></p>	<p>Any payment received within the previous 12 months by way of arrears of or compensation for late payment of certain benefits is disregarded. Those benefits are:</p> <ul style="list-style-type: none"> <li>• Universal Credit</li> <li>• an abolished benefit, namely: <ul style="list-style-type: none"> <li>• JSA(IB)</li> <li>• ESA(IR)</li> <li>• IS</li> <li>• HB</li> <li>• CTB</li> <li>• CTC</li> <li>• WTC</li> </ul> </li> <li>• a Social Security benefit which is not treated as unearned income in UC</li> </ul> <p><b>Illustrative example</b></p> <p>Will received arrears of Personal Independence Payment (PIP) of £2,400 on 1/10/13. They claimed Universal Credit from 24/02/14. The £2,400 arrears of PIP are disregarded when calculating their capital up to 30/9/14. PIP is not treated as unearned income in UC as it provided for additional costs associated with disability.</p>

<b>Personal injury payment</b>	<p>A Payment received as consequence of a personal injury can be disregarded for 12 months from the day it was paid if any of the following apply:</p> <ul style="list-style-type: none"> <li>• it is not held in trust, or</li> <li>• it has not been used to purchase an annuity, or</li> <li>• it has not been otherwise disposed of</li> </ul>
<b>Social Fund</b>	<p>A payment made from the social fund is disregarded for 12 months from the day it was paid.</p>
<b>Bereavement Support Payment</b>	<p>Payments are disregarded for the purpose of Universal Credit, other means-tested and contributory benefits, and for the Benefit Cap.</p> <p>The initial higher payment (plus any arrears if applicable) will be disregarded as capital for 52 weeks from date of payment. The following monthly payments will be disregarded as income within the month they are paid.</p> <p>Any Bereavement Support Payment money left after 12 months will count as part of the claimant's capital and may affect their Universal Credit payment.</p>

### Capital disregarded for up to 6 months

**Note** - The disregards described below that specify a period of 6 months which may be extended where it is reasonable in the circumstances of the case.

<b>Premises intended to be occupied</b>	<p>Premises that a person intends to occupy as their home shall be disregarded when calculating their capital where the person:</p> <ul style="list-style-type: none"> <li>• has gained the premises within the last 6 months but has not yet taken up occupation</li> <li>• is taking steps to obtain possession and they began those steps within the past 6 months</li> <li>• is carrying out essential repairs or alterations in order to make the premises fit for occupation and these started in the last 6 months</li> </ul> <p>A person is considered to have started steps to obtain possession of premises on the date that legal advice is first sought or proceedings are started, whichever is the earlier.</p>
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	<p>It may be decided to disregard the premises for a longer period if:</p> <ul style="list-style-type: none"> <li>• legal proceeding are still being taken</li> <li>• a person have got possession and there is a good reason why they have not started to live in the premises</li> <li>• repairs will take longer than 6 months</li> </ul> <p>It may be decided not to disregard the premises for a longer period if:</p> <ul style="list-style-type: none"> <li>• a person asked for legal advice and not followed it or</li> <li>• obtained possession and there is no good reason why they have not moved into the premises</li> </ul> <p>These are examples, not a complete list.</p>
<p><b>Premises no longer occupied</b></p>	<p>If a person no longer occupies premises as their home following separation from their former partner, those premises can be disregarded from the calculation of capital where they have stopped living in those premises within the past 6 months.</p>
<p><b>Premises a person is trying to dispose of</b></p>	<p>Where a person is trying to dispose of premises, they can be disregarded from the calculation of capital where they are taking reasonable steps to dispose of the premises and those steps started within the last 6 months.</p> <p>It may be reasonable to disregard the premises for a longer period where for example the person has done all they can to sell the premises and the asking price is no more than the premises are worth.</p>
<p><b>Business assets</b></p>	<p>Where a person stops involvement in a business within the last 6 months:</p> <ul style="list-style-type: none"> <li>• and is taking reasonable steps to dispose of those assets, or</li> <li>• because of incapacity but has a reasonable expectation of being reengaged in that business on their recovery</li> </ul> <p>Those business assets can be disregarded from the calculation of that person's capital.</p> <p>It may be reasonable to disregard for a longer period if the person is still ill or disabled and can do the work when they are fit and able.</p> <p>It may not be reasonable if there is evidence, such as medical evidence, which says the person will not be able to do the work when they are fit and able.</p> <p>In the event of their sale, assets may result in an income or capital receipt.</p>



<p><b>Amount to be used to purchase premises</b></p>	<p>Where a person has received an amount within the past 6 months which is to be used to purchase premises that the person intends to occupy as their home, that amount can be disregarded from the calculation of the claimants' capital where it:</p> <ul style="list-style-type: none"> <li>• comes from the proceeds of the sale of premises formerly occupied as the person's home;</li> <li>• has been deposited with a housing association as a condition of the person occupying premises as their home; or</li> <li>• is a grant made to the person for the sole purpose of purchasing a home</li> </ul> <p>it is reasonable to disregard the amount for a longer period if, for example:</p> <ul style="list-style-type: none"> <li>• people have tried but not found premises which are suitable for their or a member of their family's needs (in particular, if one of them is disabled and needs a certain type of accommodation)</li> <li>• the person has found premises and the <ul style="list-style-type: none"> <li>• sale has not been completed</li> </ul> </li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>• seller later decides not to sell</li> </ul>
<p><b>Amount from an insurance policy</b></p>	<p>An amount received from an insurance policy within the past 6 months can be disregarded where it is in connection with the loss or damage to the:</p> <ul style="list-style-type: none"> <li>• premises occupied by a person as their home</li> <li>• personal possessions of that person</li> </ul> <p>it is reasonable to disregard the money for a longer period if for example the:</p> <ul style="list-style-type: none"> <li>• repairs will take more than 6 months</li> <li>• replacement of personal possessions will take more than 6 months</li> </ul>
<p><b>Amount for repairs or alterations</b></p>	<p>Where, in the past 6 months, a person has received a sum of money by way of a loan, grant or otherwise which is to be used for making essential repairs or alterations to premises occupied or intended to be occupied as the person's home, that amount can be disregarded from the calculation of the claimant's capital but only where it is used for that purpose.</p> <p>It is reasonable to disregard the grant, loan or otherwise for a longer period if the repairs and alterations will take more than 6 months.</p>