

## SCHEDULE 4

### Applicable amounts

## PART III

### Premiums

4. Except as provided in paragraph 5, the premiums specified in Part IV shall, for the purposes of regulations 20(d) and 21(e), be applicable to a claimant who satisfies the condition specified in paragraphs 8 to 17 in respect of that premium.

5. Subject to paragraph 6, where a claimant satisfies the conditions in respect of more than one premium in this Part, only one premium shall be applicable to him and, if they are different amounts, the higher or highest amount shall apply.

6.—(1) Subject to sub-paragraph (2), the following premiums, namely—

- (a) a severe disability premium to which paragraph 14 applies;
- (b) an enhanced disability premium to which paragraph 15 applies;
- (c) a disabled child premium to which paragraph 16 applies; and
- (d) a carer premium to which paragraph 17 applies,

may be applicable in addition to any other premium which may apply under this Schedule.

(2) An enhanced disability premium in respect of a person shall not be applicable in addition to—

- (a) a pensioner premium under paragraph 9 or 10; or
- (b) a higher pensioner premium under paragraph 11.

7.—(1) Subject to sub-paragraph (2), for the purposes of this Part, once a premium is applicable to a claimant under this Part, a person shall be treated as being in receipt of any benefit for—

- (a) in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979(1) applies, any period during which, apart from the provisions of those Regulations, he would be in receipt of that benefit; and
- (b) any period spent by a person in undertaking a course of training or instruction provided or arranged by the Department for Employment and Learning under sections 2 and 3 of the Disabled Persons (Employment) Act (Northern Ireland) 1945(2), or section 1 (1) of the 1950 Act(3) or for any period during which he is in receipt of a training allowance.

(2) For the purposes of the carer premium under paragraph 17, a person shall be treated as being in receipt of carer's allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act.

### **Bereavement premium**

8.—(1) Subject to sub-paragraphs (2) and (3), the condition is that the claimant—

- 
- (1) S.R. 1979 No. 242
  - (2) 1945 c. 6 (N.I.); sections 2 and 3 were amended by section 1 of the [Disabled Persons \(Employment\) Act \(Northern Ireland\) 1960 \(c. 4 \(N.I.\)\)](#) and Schedule 18 to the [Education and Libraries \(Northern Ireland\) Order 1986 \(S.I. 1986/594 \(N.I. 3\)\)](#)
  - (3) Section 1 was amended by Article 3 of the [Employment and Training \(Amendment\) \(Northern Ireland\) Order 1988 \(S.I. 1988/1087 \(N.I. 10\)\)](#) and Article 5 of the [Industrial Training \(Northern Ireland\) Order 1990 \(S.I. 1990/1200 \(N.I. 8\)\)](#)

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

- (a) had, as at 9th April 2001, attained the age of 55 but not the age of 60;
- (b) was in receipt of, but is no longer entitled to, a bereavement allowance under section 39B of the Act<sup>(4)</sup> in respect of the death of a spouse who died on or after 9th April 2001 or of a civil partner who died on or after 5th December 2005; and
- (c) is claiming housing benefit as a single claimant.

(2) A premium under sub-paragraph (1) shall not be applicable in respect of a claimant who claims housing benefit more than 8 weeks after the last day on which he was entitled to a bereavement allowance.

(3) Where a claimant to whom a premium under sub-paragraph (1) is applicable, ceases to be entitled to housing benefit or to be a single claimant, a premium under sub-paragraph (1) shall only again be applicable to that claimant where he claims housing benefit as a single claimant no more than 8 weeks after the date on which he ceased to be entitled to housing benefit or, as the case may be, to be a single claimant.

#### **Pensioner premium for persons under 75**

9. The condition is that the claimant—
- (a) is a single claimant or lone parent aged not less than 60 but less than 75; or
  - (b) has a partner and is, or his partner is, aged not less than 60 but less than 75.

#### **Pensioner premium for persons 75 and over**

10. The condition is that the claimant—
- (a) is a single claimant or lone parent aged not less than 75 but less than 80; or
  - (b) has a partner and is, or his partner is, aged not less than 75 but less than 80.

#### **Higher pensioner premium**

11.—(1) Where the claimant is a single claimant or a lone parent, the condition for the higher pensioner premium is that—

- (a) he is aged not less than 80; or
- (b) he is aged less than 80 but not less than 60; and—
  - (i) the additional condition specified in paragraph 13(1)(a) is satisfied, or
  - (ii) the claimant was in receipt of housing benefit and the disability premium was applicable to him in respect of a benefit week within 8 weeks of his 60th birthday and he has, subject to sub-paragraph (3), remained continuously in receipt of housing benefit since attaining that age.

- (2) Where the claimant has a partner, the condition is that—
- (a) he or his partner is aged not less than 80; or
  - (b) he or his partner is aged less than 80 but not less than 60 and either—
    - (i) the additional condition specified in paragraph 13(1)(a) is satisfied, or
    - (ii) the claimant was in receipt of housing benefit and the disability premium was applicable to him in respect of a benefit week within 8 weeks of his 60th birthday and he has, subject to sub-paragraph (3), remained continuously in receipt of housing benefit since attaining that age.

---

(4) Section 39B was inserted by Article 52(2) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11))

- (3) For the purposes of this paragraph and paragraph 13—
- (a) once the higher pensioner premium is applicable to a claimant, if he then ceases, for a period of 8 weeks or less, to be entitled to housing benefit, he shall, on becoming re-entitled to housing benefit, thereafter be treated as having been continuously entitled to that benefit;
  - (b) where sub-paragraphs (1)(b)(ii) and (2)(b)(ii) apply, if a claimant ceases to be entitled to housing benefit for a period not exceeding 8 weeks which includes his 60th birthday, he shall, on becoming re-entitled to housing benefit, thereafter be treated as having been continuously entitled to that benefit.
- (4) In the case of a claimant who is a welfare to work beneficiary, references in sub-paragraphs (1)(b)(ii), (2)(b)(ii) and (3)(b) to a period of 8 weeks shall be treated as references to a period of 104 weeks.
- (5) A person is a welfare to work beneficiary if he is a person—
- (a) to whom regulation 13A(1) of the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995<sup>(5)</sup> applies; and
  - (b) who again becomes incapable of work for the purposes of Part XIIA of the Act<sup>(6)</sup>.

### **Disability premium**

12. The condition for the disability premium is that—
- (a) where the claimant is a single claimant or a lone parent, he is aged less than 60 and the additional condition specified in paragraph 13 is satisfied; or
  - (b) where the claimant has a partner, either—
    - (i) the claimant is aged less than 60 and the additional condition specified in paragraph 13(1)(a) or (b) is satisfied by him, or
    - (ii) his partner is aged less than 60 and the additional condition specified in paragraph 13(1)(a) is satisfied by his partner.

### **Additional condition for the higher pensioner and disability premiums**

- 13.—(1) Subject to sub-paragraph (2) and paragraph 7, the additional condition referred to in paragraphs 11 and 12 is that either—
- (a) the claimant or, as the case may be, his partner—
    - (i) is in receipt of one or more of the following benefits: attendance allowance, disability living allowance, the disability element or the severe disability element of working tax credit as specified in regulation 20(1)(b) and (f) of the Working Tax Credit Regulations, mobility supplement, long-term incapacity benefit under Part II of the Act or severe disablement allowance under Part III of the Act but, in the case of long-term incapacity benefit or severe disablement allowance only where it is paid in respect of him;
    - (ii) was in receipt of long-term incapacity benefit under Part II of the Act when entitlement to that benefit ceased on account of the payment of a retirement pension under that Act and the claimant has since remained continuously entitled to housing benefit and, if the long-term incapacity benefit was payable to his partner, the partner is still a member of the family;

(5) [S.R. 1995 No. 41](#); regulation 13A was inserted by regulation 4(2) of [S.R. 1998 No. 324](#) and amended by regulation 2(2) of, and the Schedule to, [S.R. 2006 No. 150](#)

(6) Part XIIA was inserted by Articles 7 and 8(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 ([S.I. 1994/1898 \(N.I. 12\)](#))

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

- (iii) was in receipt of attendance allowance or disability living allowance but payment of benefit has been suspended in accordance with regulations made under section 113(2) of the Act or otherwise abated as a consequence of the claimant or his partner becoming a patient within the meaning of regulation 25(11)(e);
  - (iv) is provided by the Department of Health, Social Services and Public Safety with an invalid carriage or other vehicle under Article 30(1) of the Health and Personal Social Services Order or receives payments by way of grant from that Department under Article 30(3) of that Order, or
  - (v) has been certified as blind and in consequence he is registered as blind in a register maintained by or on behalf of a Health and Social Services Board; or
- (b) the claimant—
- (i) is, or is treated as, incapable of work in accordance with the provisions of, and regulations made under, Part XIAA of the Act, and
  - (ii) has been incapable, or has been treated as incapable, of work for a continuous period of not less than—
    - (aa) in the case of a claimant who is terminally ill within the meaning of section 30B(4) of the Act(7), 196 days;
    - (bb) in any other case, 364 days.

(2) For the purposes of sub-paragraph (1)(a)(v), a person who has ceased to be registered as blind on regaining his eyesight shall nevertheless be treated as blind and as satisfying the additional condition set out in that sub-paragraph for a period of 28 weeks following the date on which he ceased to be so registered.

(3) For the purposes of sub-paragraph (1)(b), once the higher pensioner premium or the disability premium is applicable to a claimant by virtue of his satisfying the additional condition specified in that provision, if he then ceases, for a period of 8 weeks or less, to be treated as incapable of work or to be incapable of work he shall, on again becoming so incapable of work, immediately thereafter be treated as satisfying the condition in sub-paragraph (1)(b).

(4) For the purpose of sub-paragraph (1)(a)(ii) and (iii), once the higher pensioner premium is applicable to the claimant by virtue of his satisfying the condition specified in that provision, if he then ceases, for a period of 8 weeks or less, to be entitled to housing benefit, he shall on again becoming so entitled to housing benefit, immediately thereafter be treated as satisfying the condition in sub-paragraph (1)(a)(ii) and (iii).

(5) For the purposes of sub-paragraph (1)(b), once the disability premium is applicable to a claimant by virtue of his satisfying the additional condition specified in that provision, he shall continue to be treated as satisfying that condition for any period spent by him in undertaking a course of training provided or arranged under sections 2 and 3 of the Disabled Persons (Employment) Act (Northern Ireland) 1945 or section 3 of the 1950 Act(8) or for any period during which he is in receipt of a training allowance.

(6) For the purposes of sub-paragraph (1)(b), where any 2 or more periods of incapacity are separated by a break of not more than 56 days, those periods shall be treated as one continuous period.

(7) For the purposes of this paragraph, a reference to a person who is or was in receipt of long-term incapacity benefit includes a person who is or was in receipt of short-term incapacity benefit at a rate equal to the long-term rate by virtue of section 30B(4)(a) of the Act (short-term incapacity benefit for a person who is terminally ill), or who would be or would have been in receipt of short-

---

(7) Section 30B was inserted by Article 4(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994

(8) Section 3 was amended by Part I of Schedule 4 to the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)) and paragraph 1 of Schedule 3 to the Industrial Training (Northern Ireland) Order 1984 (S.I. 1984/1159 (N.I. 9))

term incapacity benefit at such a rate but for the fact that the rate of short-term incapacity benefit already payable to him is or was equal to or greater than the long-term rate.

(8) In the case of a claimant who is a welfare to work beneficiary within the meaning of paragraph 11(5)—

(a) in sub-paragraph (3) the reference to a period of 8 weeks; and

(b) in sub-paragraph (6) the reference to a period of 56 days,

shall in each case be treated as a reference to a period of 104 weeks.

### **Severe disability premium**

14.—(1) The condition is that the claimant is a severely disabled person.

(2) For the purposes of sub-paragraph (1), a claimant shall be treated as being a severely disabled person if, and only if—

(a) in the case of a single claimant, a lone parent or a claimant who is treated as having no partner in consequence of sub-paragraph (3)—

(i) he is in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act;

(ii) subject to sub-paragraph (4), he has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing, and

(iii) no person is entitled to, and in receipt of, a carer's allowance under section 70 of the Act<sup>(9)</sup> in respect of caring for him;

(b) in the case of a claimant who has a partner—

(i) the claimant is in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act;

(ii) his partner is also in receipt of such an allowance or, if he is a member of a polygamous marriage, all the partners of that marriage are in receipt of such an allowance, and

(iii) subject to sub-paragraph (4), the claimant has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing,

and either a person is entitled to or in receipt of a carer's allowance in respect of caring for only one of a couple or, in the case of a polygamous marriage, for one or more but not all the partners of the marriage, or as the case may be, no person is entitled to and in receipt of such an allowance in respect of caring for either member of a couple or any partner of a polygamous marriage.

(3) Where a claimant has a partner who does not satisfy the condition in sub-paragraph (2)(b)(ii), and that partner is blind or is treated as blind within the meaning of paragraph 13(1)(a)(v) and (2), that partner shall be treated for the purposes of sub-paragraph (2) as if he were not a partner of the claimant.

(4) For the purposes of sub-paragraph (2)(a)(ii) and (b)(iii) no account shall be taken of—

(a) a person receiving attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act;

---

<sup>(9)</sup> Section 70 was amended by regulation 2(3) of [S.R. 1994 No. 370](#) and Article 3 of [S.R. 2002 No. 321](#)

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

- (b) a person who is blind or is treated as blind within the meaning of paragraph 13(1)(a)(v) and (2).
- (5) For the purposes of sub-paragraph (2)(b) a person shall be treated—
  - (a) as being in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act, if he would, but for his being a patient for a period exceeding 28 days, be so in receipt;
  - (b) as being entitled to and in receipt of a carer’s allowance if he would, but for the person for whom he was caring being a patient in hospital for a period exceeding 28 days, be so entitled and in receipt.
- (6) For the purposes of sub-paragraph (2)(a)(iii) and (b), no account shall be taken of an award of carer’s allowance to the extent that payment of such an award is backdated for a period before the date on which the award is made.
- (7) In sub-paragraph (2)(a)(iii) and (b), references to a person being in receipt of a carer’s allowance shall include references to a person who would have been in receipt of that allowance but for the application of a restriction under section 6 of the Fraud Act (loss of benefit provisions).

### **Enhanced disability premium**

15.—(1) Subject to sub-paragraph (2), the condition is that the care component of disability living allowance is, or would, but for a suspension of benefit in accordance with regulations under section 113(2) of the Act or but for an abatement as a consequence of hospitalisation, be payable at the highest rate prescribed under section 72(3) of the Act in respect of—

- (a) the claimant; or
- (b) a member of the claimant’s family,

who is aged less than 60.

- (2) An enhanced disability premium shall not be applicable in respect of—
  - (a) a claimant who—
    - (i) is not a member of a couple or a polygamous marriage, and
    - (ii) is a patient within the meaning of regulation 25(11)(e) and has been for a period of more than 52 weeks; or
  - (b) a member of a couple or a polygamous marriage where each member is a patient within the meaning of regulation 25(11)(e) and has been for a period of more than 52 weeks.

### **Disabled child premium**

16. The condition is that a child or young person for whom the claimant or a partner of his is responsible and who is a member of the claimant’s household—

- (a) is in receipt of disability living allowance or is no longer in receipt of such allowance because he is a patient, provided that the child or young person continues to be a member of the family;
- (b) is blind or treated as blind within the meaning of paragraph 13; or
- (c) is a child or young person in respect of whom section 141A of the Act<sup>(10)</sup> (entitlement after death of child) applies for the purposes of entitlement to child benefit but only for the period prescribed under section 141A(1) of the Act and in respect of whom a disabled

<sup>(10)</sup> Section 141A was inserted by section 55 of the Tax Credits Act 2002 (c. 21) and amended by paragraph 101 of Schedule 24 to the Civil Partnership Act 2004 (c. 33) and paragraph 38 of Schedule 1 to the Child Benefit Act 2005 (c. 6)

child premium was included in the claimant's applicable amount immediately before the death of that child.

### **Carer premium**

17.—(1) The condition is that the claimant or his partner is, or both of them are, entitled to a carer's allowance under section 70 of the Act.

(2) Where a carer premium is awarded but—

- (a) the person in respect of whose care the carer's allowance has been awarded dies; or
- (b) in any other case the person in respect of whom a carer premium has been awarded ceases to be entitled to a carer's allowance,

the condition for the award of the premium shall be treated as satisfied for a period of 8 weeks from the relevant date specified in sub-paragraph (3).

(3) The relevant date for the purposes of sub-paragraph (2) shall be—

- (a) where sub-paragraph (2)(a) applies, the Sunday following the death of the person in respect of whose care a carer's allowance has been awarded or the date of death if the death occurred on a Sunday;
- (b) in any other case, the date on which the person who has been entitled to a carer's allowance ceases to be entitled to that allowance.

(4) Where a person who has been entitled to a carer's allowance ceases to be entitled to that allowance and makes a claim for housing benefit, the condition for the award of the carer premium shall be treated as satisfied for a period of 8 weeks from the date on which—

- (a) the person in respect of whose care the carer's allowance has been awarded dies;
- (b) in any other case, the person who has been entitled to a carer's allowance ceased to be entitled to that allowance.

### **Persons in receipt of concessionary payments**

18. For the purpose of determining whether a premium is applicable to a person under paragraphs 13 to 17, any concessionary payment made to compensate that person for the non-payment of any benefit mentioned in those paragraphs shall be treated as if it were a payment of that benefit.

### **Person in receipt of benefit**

19. For the purposes of this Part, a person shall be regarded as being in receipt of any benefit if, and only if, it is paid in respect of him and shall be so regarded only for any period in respect of which that benefit is paid.