

SCHEDULE 2

Article 2

BENEFITS AND CREDITS

26. In this Schedule—

“the 1983 Order” means the Naval, Military and Air Forces etc. (Disablement and Death) Services Pensions Order 1983(1);

“the 1983 Scheme” means the Personal Injuries (Civilians) Scheme 1983(2);

“the 1992 Act” means the Social Security Contributions and Benefits Act 1992(3);

“attendance allowance” means—

- (a) an attendance allowance payable under section 64 of the 1992 Act;
- (b) an increase of an allowance payable in respect of constant attendance under a scheme under, or having effect under, paragraph 4 of Schedule 8 to the 1992 Act;
- (c) a payment made under article 14, 15 or 16 of the 1983 Scheme or any analogous payment;
- (d) any payment based on the need for attendance which is paid with a war disablement pension; or
- (e) any payment intended to compensate for the non-payment of a payment, allowance or pension mentioned in any of paragraphs (a) to (d) of this definition;

“constant attendance allowance” means an allowance payable under regulations made under paragraph 7(2)(b) of Schedule 8 to the 1992 Act;

“mobility supplement” means a supplement payable under article 26A of the 1983 Order or under article 25A of the 1983 Scheme (including payment intended to compensate for the non-payment of such a supplement);

“war disablement pension” means—

- (f) any retired pay, pension, or allowance granted in respect of disablement—
 - (i) under powers conferred by or under the Air Forces (Constitution) Act 1917(4), the Personal Injuries (Emergency Provisions) Act 1939(5), the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939(6), the Polish Resettlement Act 1947(7) or section 151 of the Reserve Forces Act 1980(8); or
 - (ii) under article 10 of the 1983 Order;
- (g) without prejudice to paragraph (a) of this definition, any retired pay or pension to which any of paragraphs (a) to (f) of section 64(1) of the Income Tax (Earning and Pensions) Act 2003(9) applies.

27. The benefits relevant for the purposes of paragraph (a) of the definition of the priority group in article 2 are—

- (a) council tax benefit(10);
- (b) housing benefit;

(1) S.I. 1983/883; relevant amending instruments are 1983/1116, 1983/1521, 1986/592, 1990/1308, 1991/766, 1992/710, 1993/598, 1995/766, 1996/1638, 1997/286 and 2001/409.

(2) S.I. 1983/686; relevant amending instruments are S.I. 1983/1164, 1983/1540, 1984/1289, 1986/628, 1990/1300, 1991/708, 1992/702, 1995/455, 1997/812 and 2001/420.

(3) 1992 c.4.

(4) 1917 c.51 (7 & 8 Geo. 5).

(5) 1939 c.82 (2 & 3 Geo. 6).

(6) 1939 c.83 (2 & 3 Geo. 6).

(7) 1947 c.19 (10 & 11 Geo. 6).

(8) 1980 c.9.

(9) 2003 c.1.

(10) Council tax benefit, housing benefit and income support are provided for in Part VII of the 1992 Act.

- (c) income support;
- (d) an income-based jobseeker's allowance**(11)**;
- (e) an attendance allowance;
- (f) a disability living allowance**(12)**;
- (g) a war disablement pension which includes—
 - (i) a mobility supplement; or
 - (ii) a constant attendance allowance;
- (h) a disablement pension**(13)** which includes a constant attendance allowance; and
- (i) state pension credit**(14)**.

28. The credits relevant for the purposes of paragraph (b) of the definition of priority group in article 2 are—

- (a) child tax credit**(15)**; and
- (b) working tax credit.

(11) Jobseeker's allowance is provided for in Part I of the Jobseeker's Act 1995 (c.18); see in particular section 1(4) for a definition of "income-based jobseeker's allowance".

(12) Disability living allowance is provided for in Part III of the Social Security Contributions and Benefits Act 1992 (c.4); see in particular section 71.

(13) Disablement pensions are provided for in Part V of the 1992 Act; see in particular section 103.

(14) State pension credit is provided for in the State Pension Credit Act 2002 (c.16).

(15) Child tax credit and working tax credit are provided for in Part I of the Tax Credits Act 2002 (c.21).