

SCHEDULE 1

APPLICABLE AMOUNTS

PART III

PREMIUMS

4. Except as provided in paragraph 5, the premiums specified in Part IV of this Schedule shall, for the purposes of regulations 8(d) and 9(e), be applicable to a claimant who satisfies the condition specified in paragraphs 8 to 16 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 of this Schedule, only one premium shall be applicable to him and, if they are different amounts, the higher or highest amount shall apply.

6.—(1) The severe disability premium to which paragraph 14 applies may be applicable in addition to any other premium which may apply under this Schedule.

(2) The disabled child premium and the carer premium to which paragraphs 15 and 16 respectively apply may be applicable in addition to any other premium which may apply under this Schedule.

7.—(1) Subject to sub-paragraph (2), for the purposes of this Part of this Schedule, 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 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 approved under section 2 of the Employment and Training Act 1973(2) or section 2 of the Enterprise and New Town (Scotland) Act 1990(3) for any period during which he is in receipt of a training allowance.

(2) For the purposes of the carer premium under paragraph 16, a person shall be treated as being in receipt of invalid care 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 Contributions and Benefits Act 1992.

Lone Parent Premium

8. The condition is that the claimant is a lone parent.

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.

(1) S.I.1979/597.

(2) 1973 c. 50; section 2 was substituted by section 25 of the Employment Act 1988 (c. 19).

(3) 1990 c. 35.

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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 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 council tax 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 council tax 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 council tax 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 council tax benefit since attaining that age.

(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 council tax benefit, he shall, on becoming reentitled to council tax 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 council tax benefit for a period not exceeding 8 weeks which includes his 60th birthday, he shall, on becoming re-entitled to council tax benefit, thereafter be treated as having been continuously entitled to that benefit;
- (c) where the claimant or his partner—
 - (i) was entitled to housing benefit at any time in the period of 8 weeks before becoming entitled or re-entitled to council tax benefit, and
 - (ii) satisfied the conditions in respect of higher pensioner premium under paragraphs 10 and 12 of Schedule 2 to the Housing Benefit (General) Regulations 1987,

for the purpose of establishing entitlement or re-entitlement for council tax benefit, he or his partner shall be treated as satisfying the equivalent conditions for higher pensioner premium under this paragraph and paragraph 13.

Disability Premium

12. The condition is that—

- (a) where the claimant is a single claimant or lone parent, he is aged less than 60 and the additional condition specified in paragraph 13 is satisfied; or

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- (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, disability working allowance, mobility supplement, an invalidity pension under section 33 of the Contributions and Benefits Act 1992 or severe disablement allowance under section 68 of that Act but, in the case of invalidity pension or severe disablement allowance, only where it is paid in respect of him, or
 - (ii) was in receipt of invalidity pension under section 33 of the Contributions and Benefits Act 1992 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 community charge benefit or, as the case may be, council tax benefit and, if the invalidity pension was payable to his partner, the partner is still a member of the family, or
 - (iii) except where paragraph (1)(a), (b), (c)(ii) or (d)(ii) of regulation 10 (patients) applies, was in receipt of attendance allowance, or disability living allowance but payment of the benefit has been suspended in accordance with regulations made under section 113(2) of the Contributions and Benefits Act 1992, or
 - (iv) is provided by the Secretary of State with an invalid carriage or other vehicle under section 5(2) of the National Health Service Act 1977⁽⁴⁾ (other services) or, in Scotland, under section 46 of the National Health Service (Scotland) Act 1978⁽⁵⁾ (provision of services) or receives payments by way of grant from the Secretary of State under paragraph 2 of Schedule 2 to that 1977 Act (additional provisions as to vehicles) or under that section 46, or
 - (v) is blind and in consequence registered in a register compiled by a local authority under section 29 of the National Assistance Act 1948⁽⁶⁾ (welfare services) or has been certified as blind and in consequence he is registered in a register maintained by or on behalf of a regional or islands council; or
- (b) the circumstances of the claimant fall, and have fallen, in respect of a continuous period of not less than 28 weeks, within sub-paragraph (b) or, if he was in Northern Ireland for the whole or part of that period, within one or more comparable Northern Irish provisions.

(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

(4) 1977 c. 49; section 5(2) was amended and sub-section (2A) added by the Public Health Laboratory Services Act 1979 (c. 23) section 1 and sub-section (2B) added by section 9 of the Health and Social Security Act 1984 (c. 48).

(5) 1978 c. 29.

(6) 1948 c. 29; section 29 was amended by the National Assistance (Amendment) Act 1959 (c. 30) section 1(2); the Mental Health (Scotland) Act 1960 (c. 61) sections 113 and 114 and Schedule 4; the Local Government Act 1972 (c. 70) Schedule 23 paragraph 2; the Employment and Training Act 1973 (c. 50) Schedule 3 paragraph 3; the National Health Service Act 1977 (c. 49) Schedule 15 paragraph 6 and the Health and Social Services and Social Security Adjudications Act 1983 (c. 41) Schedule 10 Part 1.

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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 for the purposes of the provisions specified in that provision 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 purposes of sub-paragraph (1)(a)(ii) and (iii), once the higher pensioner premium is applicable to the claimant by virtue of his satisfying the additional condition specified in those provisions, if he then ceases, for a period of 8 weeks or less, to be entitled to council tax benefit, he shall on again becoming so entitled to council tax benefit, immediately thereafter be treated as satisfying the additional 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 under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990(7) or for any period during which he is in receipt of a training allowance.

(6) For the purposes of sub-paragraph (1)(b), the circumstances of a claimant fall within this sub-paragraph if—

- (a) he provides evidence of incapacity in accordance with regulation 2 of the Social Security (Medical Evidence) Regulations 1976(8) (evidence of incapacity for work) in support of a claim for sickness benefit, invalidity pension or severe disablement allowance within the meaning of sections 31, 33 or 68 of the Contributions and Benefits Act 1992, provided that an adjudication officer has not determined he is not incapable of work, or
- (b) he is in receipt of statutory sick pay within the meaning of Part XI of the Contributions and Benefits Act 1992.

(7) 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 under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990.

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 or lone parent—
 - (i) he is in receipt of attendance allowance, or the care component of disability living allowance by at the highest or middle rate prescribed in accordance with section 72(3) of the Contributions and Benefits Act 1992, and
 - (ii) subject to sub-paragraph (3), he has no non-dependants aged 18 or over residing with him, and
 - (iii) an invalid care allowance under section 70 of the Contributions and Benefits Act 1992 is not in payment to anyone in respect of caring for him;

(7) 1990 c. 35.

(8) S.I. 1976/615; relevant amending instruments are S.I. 1982/699 and 1987/409.

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- (b) in the case of a claimant who has a partner—
 - (i) the claimant is in receipt of attendance allowance, or disability living allowance by virtue of entitlement to the care component at the highest or middle rate prescribed in accordance with section 72(3) of the Contributions and Benefits Act 1992, and
 - (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 (3), the claimant has no non-dependants aged 18 or over residing with him,

and either an invalid care allowance is in payment to someone 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 else such an allowance is not in payment to anyone in respect of caring for either member of a couple or any partner of a polygamous marriage.

- (3) For the purposes of sub-paragraph (2)(a)(ii) and (2)(b)(iii) no account shall be taken of either—
 - (a) a person receiving attendance allowance, or disability living allowance by virtue of entitlement to the care component at the highest or middle rate prescribed in accordance with section 72(3) of the Contributions and Benefits Act 1992, or
 - (b) a boarder.

Disabled Child Premium

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

- (a) has no capital or capital which, if calculated in accordance with Chapter VI of Part IV in like manner as for the claimant would not exceed £3,000; and
- (b) 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; or
- (c) is blind or treated as blind within the meaning of paragraph 13.

Carer Premium

16.—(1) The condition is that the claimant or his partner is, or both of them are, in receipt of invalid care allowance under section 70 of the Contributions and Benefits Act 1992.

(2) If a claimant or his partner, or both of them, would be in receipt of invalid care allowance but for the provisions of the Social Security (Overlapping Benefits) Regulations 1979, where—

- (a) the claim for that allowance was made on or after the 1st October 1990, and
- (b) the person or persons in respect of whose care the allowance has been claimed remains or remain 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 Contributions and Benefits Act 1992,

he or his partner, or both of them, as the case may be, shall be treated for the purposes of subparagraph (1) as being in receipt of invalid care allowance.

(3) Where a carer premium is awarded but the person in respect of whom it is awarded either ceases to be in receipt of invalid care allowance or ceases to be treated as being in receipt of invalid care allowance, the condition for the award of the premium shall be treated as satisfied for a period

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of 8 weeks from the date on which that person ceased to be in receipt of, or ceased to be treated as being in receipt of, invalid care allowance.

(4) Where a person who has been receiving, or who has been treated as receiving invalid care allowance, ceases to be in receipt of, or treated as being in receipt of that allowance and makes a claim for council tax benefit, the condition for the award of the carer premium shall be treated as satisfied for a period of 8 weeks from the date the person was last in receipt of, or was last treated as being in receipt of, invalid care allowance.

Persons in receipt of concessionary payments

17. For the purpose of determining whether a premium is applicable to a person under paragraphs 13 to 16, any concessionary payment made to compensate that person for the nonpayment of any benefit mentioned in those paragraphs shall be treated as if it were a payment of that benefit.

Person in receipt of benefit for another

18. For the purposes of this Part of this Schedule, 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.