

## SCHEDULE 1

### APPLICABLE AMOUNTS

Regulations 15(d) and 16(e)

## PART III

### PREMIUMS

4. Except as provided in paragraph 5, the premiums specified in Part IV shall for the purposes of regulations 15(d) and 16(e) be applicable to a relevant person who satisfies the condition specified in paragraphs 7 to 16 in respect of that premium.

5. Subject to paragraph 6, where a relevant person satisfies the condition in this Part in respect of more than one premium, 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 13 applies;
- (b) an enhanced disability premium to which paragraph 14 applies;
- (c) a disabled child premium to which paragraph 15 applies; and
- (d) a carer premium to which paragraph 16 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 to which paragraph 7 or 8 applies; or
- (b) a higher pensioner premium to which paragraph 9 applies.

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

7. The condition is that the relevant person –

- (a) is a single person 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**

8. The condition is that the relevant person –

- (a) is a single person 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**

9.—(1) Where the relevant person is a single person 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 the additional condition specified in paragraph 12(1)(a) is satisfied.

(2) Where the relevant person has a partner, the condition is that –

- (a) he or his partner is aged not less than 80; or

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- (b) he or his partner is aged less than 80 but not less than 60 and the additional condition specified in paragraph 12(1)(a) is satisfied.

### **Bereavement Premium**

- 10. The condition is that the relevant person –
  - (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(1) of the 1992 Act in respect of the death of a spouse who died on or after 9th April 2001; and
  - (c) is a single person or a lone parent.

### **Disability premium**

- 11. The condition is that –
  - (a) where the relevant person is a single person or a lone parent, he is aged less than 60 and the additional condition specified in paragraph 12 is satisfied; or
  - (b) where the relevant person has a partner, either
    - (i) the relevant person is aged less than 60 and the additional condition specified in paragraph 12 (1)(a) or (b) is satisfied by him, or
    - (ii) his partner is aged less than 60 and the additional condition specified in paragraph 12(1)(a) is satisfied by his partner.

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

12.—(1) Subject to sub-paragraph (2) and paragraphs 17 and 18, the additional condition referred to in paragraphs 9 and 10 is that either –

- (a) the relevant person, 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 (Entitlement and Maximum Rate) Regulations 2002(2), mobility supplement, long-term incapacity benefit under Part III of the 1992 Act or severe disablement allowance under Part II of that Act but in the case of long-term incapacity benefit or severe disablement allowance only where it is paid in respect of him, or
  - (ii) was in receipt of long-term incapacity benefit under Part II of the 1992 Act when entitlement to that benefit ceased on account of the payment of a retirement pension under that Act and, if the invalidity pension was payable to his partner, the partner is still a member of the family, or
  - (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 1992 Act, or otherwise abated as a consequence of the relevant person or his partner being a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(2) of the Social Security (Hospital In-Patients) Regulations (Northern Ireland) 1975(3), or

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

(2) S.I. 2002/2005

(3) S.R. 1975 No. 109; regulation 2(2) was substituted by regulation 2 of S.R. 1992 No. 453

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- (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 (Northern Ireland) Order 1972<sup>(4)</sup> or receives payments by way of grant from the Department of Health, Social Services and Public Safety under Article 30(3) of that Order, or
  - (v) has been certified as blind and in consequence is registered as blind in a register maintained by or on behalf of a Health and Social Services Board; or
- (b) the relevant person –
- (i) is, or is treated as, incapable of work in accordance with the provisions of, and regulations made under, Part XIIIA of the 1992 Act<sup>(5)</sup> (incapacity for work), 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 relevant person who is terminally ill within the meaning of Section 30B(4) of the 1992 Act<sup>(6)</sup>, 196 days; and
    - (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 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 person 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 for 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 purposes of sub-paragraph (1)(b), once the disability premium is applicable to a person 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 3 of the Employment and Training Act (Northern Ireland) 1950<sup>(7)</sup> or for any period during which he is in receipt of a training allowance.
- (5) For the purposes of sub-paragraph (1)(b), where any two 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.
- (6) 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 1992 Act (short-term incapacity benefit for a person who is terminally ill), or who would be or would have been in receipt of short-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.

### Severe disability premium

13.—(1) Subject to paragraphs 17 and 18, the condition is that the relevant person is a severely disabled person.

<sup>(4)</sup> [S.I. 1972/1265 \(N.I. 14\)](#)

<sup>(5)</sup> Part XIIIA was inserted by Articles 7 and 8(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 ([S.I. 1994/1898 \(N.I. 12\)](#))

<sup>(6)</sup> Section 30B was inserted by Article 4(1) of [S.R. 1994/1898 \(N.I. 12\)](#)

<sup>(7)</sup> [S.I. 1950 c. 29 \(N.I.\)](#); section 3 was amended by Article 35 and Schedule 4 to the Industrial Training (Northern Ireland) Order 1984 ([S.I. 1984/1159 \(N.I. 9\)](#))

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

(a) in the case of a single person, a lone parent or a relevant person 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 a disability living allowance at the highest or middle rate prescribed in accordance with section 72 of the 1992 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) a carer's allowance is not in payment to anyone in respect of caring for him;

(b) in the case of a relevant person who has a partner –

(i) the relevant person is in receipt of attendance allowance or the care component of a disability living allowance at the highest or middle rate prescribed in accordance with section 72 of the 1992 Act,

(ii) and his partner is also in receipt of such 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 relevant person has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing, and either a carer's allowance is payable 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) Where a relevant person has a partner who does not satisfy the conditions in sub-paragraph (2)(b)(ii), and that partner is blind or is treated as blind within the meaning of paragraph 12(1)(a)(v) and (2), that partner will be treated for the purposes of sub-paragraph (2) as if he were not a partner of the relevant person.

(4) For the purposes of sub-paragraph (2)(b) a person shall be treated as being in receipt of –

(a) 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 1992 Act, if he would, but for his being a patient for a period exceeding 28 days, be so in receipt;

(b) a carer's allowance if he would, but for the person for whom he was caring being a patient for a period exceeding 28 days, be so in receipt.

(5) For the purposes of sub-paragraphs (2)(a)(ii) and (2)(b)(iii) no account shall be taken of either –

(a) a person receiving attendance allowance or the care component of a disability living allowance at the highest or middle rate prescribed in accordance with section 72 of the 1992 Act, or

(b) a person who is blind or is treated as blind within the meaning of paragraph 12(1)(a)(v) and (2).

(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 back-dated for a period before the date on which the award is made.

### **Enhanced disability premium**

14.—(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 111(3) of the 1992 Act or but for an abatement as a consequence of hospitalisation, be payable at the highest rate prescribed under section 72(3) of the 1992 Act in respect of –

- (a) the relevant person; or
- (b) a member of the relevant person's family, who is aged less than 60.

(2) An enhanced disability premium shall not be applicable in respect of a child or young person whose capital, if calculated in accordance with Chapter VI of Part IV of these Regulations in like manner as for the relevant person, except as provided in regulation 33(5), would exceed £6,000.

### **Disabled child premium**

15.—(1) Subject to paragraphs 17 and 18, the condition is that a child or young person for whom the relevant person or a partner of his is responsible and who is a member of the relevant person's household –

- (a) has no capital or capital which, if determined in accordance with Chapter VI of Part IV (capital) in like manner as for the relevant person except as provided in regulation 33(5) (modifications in respect of child and young person), would not exceed £6,000; 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 12(1)(a)(v) or (2).

(2) In paragraph (1), "patient" means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(2) of the Social Security (Hospital In-Patients) Regulations (Northern Ireland) 1975<sup>(8)</sup>.

### **Carer premium**

16.—(1) Subject to paragraphs 17 and 18, the condition is that the relevant person or his partner is, or both of them are, in receipt of carer's allowance.

(2) If a relevant person or his partner, or both of them, would be in receipt of carer's allowance but for the provisions of the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979<sup>(9)</sup>, where –

- (a) the claim for that allowance was made after 31st October 1992, 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 a disability living allowance at the highest or middle rate prescribed in accordance with section 72 of the 1992 Act,

he or his partner, or both of them, as the case may be, shall be treated for the purposes of sub-paragraph (1) as being in receipt of carer's allowance.

(3) Where the relevant person or his partner ceases to be in receipt of, or ceases to be treated as being in receipt of, carer's allowance, the condition mentioned in sub-paragraph (1) shall be treated as satisfied for a period of 8 weeks from the date on which he or his partner, as the case may be, was last in receipt of, or was last treated as being in receipt of, carer's allowance.

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<sup>(8)</sup> S.R. 1975 No. 109; regulation 2(2) was substituted by regulation 2 of S.R. 1992 No. 453

<sup>(9)</sup> S.R. 1979 No. 242; the relevant amending regulations are S.R. 1980 No. 451, S.R. 1983 No. 36 and S.R. 1984 No. 317

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

17. For the purposes of determining whether a premium is applicable to a person under paragraphs 12 to 16, 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.

### **Persons in receipt of benefit**

18. 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.