

## SCHEDULE 6

Regulation 93

### Savings provisions

1.—(1) Where, on 12th April 1995, a person was entitled to disability premium by virtue of paragraph 13(1)(b) of Schedule 1 to the 1992 Regulations the person is to be treated as entitled to disability premium by virtue of paragraph 10(1)(b) of Schedule 1 to these Regulations for so long as the person is incapable of work in accordance with the provisions of, and regulations made under, Part 12A of the 1992 Act (incapacity for work).

(2) Where, on 12th April 1995, a person was entitled to disability premium by virtue of paragraph 13(1)(b) of Schedule 1 to the 1992 Regulations and in the period from 13th April 1995 to 1st October 1995 entitlement to that disability premium ceased, if—

(a) for the period when that disability premium did not apply the person was incapable of work or was treated as incapable of work in accordance with the provisions of, and regulations made under, Part 12A of the 1992 Act; and

(b) any break in the period of incapacity did not exceed a period of 56 continuous days, for so long as the person is incapable of work or is treated as incapable of work, the disability premium under 10(1)(b) of Schedule 1 to these Regulations is applicable in the person's case.

(3) Paragraphs (1) and (2) do not apply to a person who ceases to be incapable of work or ceases to be treated as incapable of work in accordance with the provisions of, and regulations made under Part 12A of the 1992 Act (incapacity for work) for a period of more than 56 continuous days.

(4) Where, in any period immediately preceding 13th April 1995, the circumstances mentioned in paragraph 13(6) of Schedule 1 to the 1992 Regulations, as in force on 12th April 1995, applied to a person to whom the disability premium was not applicable, that person is to be treated for the purposes of regulations 20(3)(e) (persons not entitled to council tax reduction: students) and 28(11)(g) (treatment of childcare charges) and paragraph 10(1)(b) (additional condition for the disability premium) of Schedule 1 as if the person had been incapable of work in accordance with the provisions of, and regulations made under, Part 12A of the 1992 Act (incapacity for work) throughout that period.

2.—(1) Where the higher pensioner premium was applicable to a person on 12th April 1995, or at any time during the 56 days immediately preceding that date, by virtue of paragraph 13(1)(a)(ii) of Schedule 1 to the 1992 Regulations<sup>(1)</sup>, as in force on that date, paragraph 10 of Schedule 1 to these Regulations, in so far as it applies to the person, applies subject to the modifications in sub-paragraph (2).

(2) The modifications are—

(a) in paragraph 10(1)(a)(i), for the words “long-term incapacity benefit” where they first appear, substitute “an invalidity pension” and for the words “in the case of long-term incapacity benefit”, substitute “in the case of invalidity pension”;

(b) in paragraph 10(1)(a)(ii) for the words “long-term incapacity benefit” substitute “invalidity pension”;

(c) for paragraph 10(1)(b), substitute—

“(b) the circumstances of the applicant fall, and have fallen, in respect of a continuous period of not less than 28 weeks, within sub-paragraph (5) or, if the person was in Northern Ireland for the whole or part of that period, within one or more comparable Northern Irish provisions.”;

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(1) See S.I. 1996/207 and 1516, 1997/2863, 1998/563, 1999/2677, 2000/724, 2001/1029 and 2003/511.

**Status:** This is the original version (as it was originally made).

- (d) in paragraph 10(3), for the words “or to be incapable of work”, substitute “for the purposes of the provisions specified in that provision”;
- (e) for sub-paragraphs (6) and (7), substitute—
  - “(6) For the purposes of sub-paragraph (1)(b) the circumstances of an applicant fall within this sub-paragraph if—
    - (a) the applicant provides evidence of incapacity in accordance with regulation 2 of the Social Security (Medical Evidence) Regulations 1976<sup>(2)</sup> (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 1992 Act, provided that an adjudication officer has not determined the applicant is not incapable of work, or
    - (b) the applicant is in receipt of statutory sick pay within the meaning of Part 11 of the 1992 Act.”.

### **Interpretation**

**3.** In this Schedule “the 1992 Regulations” means the Council Tax Benefit (General) Regulations 1992<sup>(3)</sup>.

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<sup>(2)</sup> S.I. 1976/615 as relevantly amended by S.I. 2012/137.  
<sup>(3)</sup> S.I. 1992/1814.