

SCHEDULE 1

APPLICABLE AMOUNTS

Regulations 14(d) and 15(e)

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 14(d) and 15(e) be applicable to a relevant person who satisfies the condition specified in paragraphs 7 to 15 in respect of that premium.

5. Subject to paragraph 6, where a relevant person satisfies the condition 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 13 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 14 and 15 respectively apply may be applicable in addition to any other premium which may apply under this Schedule.

Lone parent premium

7. The condition is that the relevant person is a lone parent.

Pensioner premium for persons under 75

8. 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

9. 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

10.—(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
- (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.

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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 15 and 16, the additional condition referred to in paragraphs 10 and 11 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, disability working allowance, mobility supplement, long-term incapacity benefit under Part II of the 1992 Act or severe disablement allowance under Part III 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 long-term incapacity benefit 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 1975(1), 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(2) (other services) or, in Scotland, under section 46 of the National Health Service (Scotland) Act 1978(3) (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, in Scotland, 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(4) (welfare services) or, in Scotland, has

(1) S.I. 1975/555; relevant amending instruments are S.I. 1977/1693, 1987/1683 and 1995/829.

(2) 1977 c. 49; section 5(2) was amended and subsection (2A) inserted by the Public Health Laboratory Service Act 1979 (c. 23) section 1, and subsection (2B) was inserted by section 9 of the Health and Social Security Act 1984 (c. 48).

(3) 1978 c. 29.

(4) 1948 c. 29; section 29 was amended by the National Assistance (Amendment) Act 1959 (c. 30), section 1; the Mental Health (Scotland) Act 1960 (c. 61), sections 113 and 114 and Schedule 4, as retained in force by section 126 of the Mental Health (Scotland) Act 1984 (c. 36); the Local Government Act 1972 (c. 70), sections 195 and 272 and Schedules 23 and 30, paragraph 2; the Employment and Training Act 1973 (c. 50), section 14 and Schedule 3; the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), section 30 and Schedule 10; and the National Health Service and Community Care Act 1990 (c. 19), section 44(7).

been certified as blind and in consequence is registered in a register maintained by or on behalf of a regional or islands council; 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 XIIA of the 1992 Act⁽⁵⁾ (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⁽⁶⁾, 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 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 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 2 of the Employment and Training Act 1973⁽⁷⁾ or section 2 of the Enterprise and New Towns (Scotland) Act 1990⁽⁸⁾ or for any period during which he is in receipt of a training allowance.

(5) For the purposes of sub-paragraph (1)(b), where 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 16 and 17, the condition is that the relevant person is a severely disabled person.

(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)—

(5) Part XIIA is inserted by sections 5 and 6(1) of the Social Security (Incapacity for Work) Act 1994 (c. 18).

(6) Section 30B is inserted by section 1(1) of the Social Security (Incapacity for Work) Act 1994.

(7) 1973 c. 50; section 2 was substituted by the Employment Act 1988 (c. 19), section 25, and repealed in part by the Employment Act 1989 (c. 38), section 29 and Schedule 7.

(8) 1990 c. 35; section 2 was amended by the Trade Union Reform and Employment Rights Act 1993 (c. 19), section 51 and Schedule 10.

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- (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 1992 Act, and
- (iii) 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) an invalid care allowance under section 70 of the 1992 Act 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 disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act, 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 (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 an invalid care 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 condition 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 shall 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) invalid care 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 disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) 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 invalid care 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.

Disabled child premium

14.—(1) Subject to paragraphs 16 and 17, 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 IX of Part II (capital) in like manner as for the relevant person except as provided in regulation 32(5) (modifications in respect of children and young persons), would not exceed £5,000; 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.

(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 the Social Security (Hospital In-Patients) Regulations 1975⁽⁹⁾.

Carer premium

15.—(1) The condition is that the relevant person or his partner is, or both of them are, in receipt of invalid care allowance under section 70 of the 1992 Act.

(2) If a relevant person 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⁽¹⁰⁾, where—

- (a) the claim for that allowance was made on or after 1st May 1991, 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 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 invalid care 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, invalid care allowance, the condition mentioned in sub-paragraph (1) shall be treated as satisfied for a period of eight 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, invalid care allowance.

Persons in receipt of concessionary payments

16. For the purposes of determining whether a premium is applicable to a person under paragraphs 12 to 15, 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

17. 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.

⁽⁹⁾ S.I. 1975/555; relevant amending instruments are S.I. 1977/1693, 1987/1683 and 1995/829.

⁽¹⁰⁾ S.I. 1979/597, amended by S.I. 1980/1927, 1982/1173, 1983/186, 1984/1303, 1988/1446, 1991/547, 1991/1617, 1992/589, 1992/3194, 1993/965 and 1995/829.