

SCHEDULE 2

APPLICABLE AMOUNTS

Regulations 16(d) and 17(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 16(d) and 17(e), be applicable to a claimant who satisfies the condition specified in paragraphs 8 to 14 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 13 applies may be applicable in addition to either the higher pensioner premium to which paragraph 10 applies or the disability premium to which paragraph 11 applies.

(2) The disabled child premium to which paragraph 14 applies may be applicable in addition to any other premium which may apply under this Schedule.

7. 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 by the Manpower Services Commission under section 2 of the Employment and Training Act 1973(2).

Lone Parent Premium

8. The condition is that the claimant is a member of a family but has no partner.

Pensioner Premium

9. The condition is that the claimant—

- (a) is a single claimant or lone parent aged not less than 60 but less than 80; or
- (b) has a partner and is, or his partner is, aged not less than 60 but less than 80.

Higher Pensioner Premium

10.—(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 12(1)(a) is satisfied, or

(1) S.I.1979/597.

(2) 1973 c. 50; section 2 was amended by sections 9 and 11 and Schedule 2 Part II paragraph 9 and Schedule 3 of the Employment and Training Act 1981 (c. 57).

Status: This is the original version (as it was originally made).

- (ii) the claimant was in receipt of housing 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 housing 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 12(1)(a) is satisfied, or
 - (ii) the claimant was in receipt of housing 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 housing benefit since attaining that age.
- (3) For the purposes of this paragraph and paragraph 12—
 - (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 housing benefit, he shall, on becoming re-entitled to housing 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 housing benefit for a period not exceeding 8 weeks which includes his 60th birthday, he shall, on becoming re-entitled to housing benefit, thereafter be treated as having been continuously entitled to that benefit.

Disability Premium

- 11.** The condition is that—
- (a) where the claimant is a single claimant or a lone parent, he is aged less than 60 and the additional condition specified in paragraph 12 is satisfied; or
 - (b) where the claimant has a partner, either—
 - (i) the claimant 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 paragraph 7, the additional condition referred to in paragraphs 10 and 11 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, mobility allowance, mobility supplement, an invalidity pension under section 15 of the Social Security Act(3) or severe disablement allowance under section 36 of that Act(4), or
 - (ii) was in receipt of either mobility allowance or invalidity pension under section 15 of the Social Security Act when entitlement to that benefit ceased solely on account of

(3) Section 15 was amended by the Social Security Pensions Act 1975 (c. 60), Schedule 4 paragraph 40, the Social Security Act 1979 (c. 18) Schedule 1, paragraph 1 and Schedule 3 paragraph 7 and the Social Security and Housing Benefits Act 1982 (c. 24) Schedule 4, Part I, paragraph 10 and the Social Security Act 1986 (c. 50) section 86 and Schedule 10, Part V, paragraph 83.

(4) Section 36 was substituted by the Health and Social Security Act 1984 (c. 48), section 11; and subsection (4A) of that section inserted by the Social Security Act 1985 (c. 53) Schedule 4, paragraph 3.

the maximum age for its payment being reached and the claimant has since remained continuously entitled to housing benefit and, if the mobility allowance or 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 18 (patients) applies, was in receipt of attendance allowance which is no longer in payment solely on account of the claimant or, as the case may be, his partner having been or having been treated as undergoing treatment for a period of more than 4 weeks by virtue of regulation 5 of the Social Security (Attendance Allowance) (No 2) Regulations 1975(5), 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(6) (other services) or, in Scotland, under section 46 of the National Health Service (Scotland) Act 1978(7) (provision of services) or receives payments by way of grant from the Secretary of State under paragraph 2 of Schedule 2 to that 1977 (additional provisions as to vehicles) Act 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(8) (welfare services) or, in Scotland, 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 claimant is and has, in respect of a period of not less than 28 weeks, been treated as having been incapable of work for the purposes of one or more of the provisions of the Social Security Act or Part I of the Social Security and Housing Benefits Act 1982(9) or, if he was in Northern Ireland for the whole or part of that period, was treated as having been incapable of work for the purposes of one or more of the 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 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 purpose of sub-paragraph (1)(a)(ii) and (iii), once the higher pensioner premium is applicable to the claimant by virtue of his satisfying the condition specified in that provision, if he then ceases, for a period of 8 weeks or less, to be entitled to housing benefit, he shall on again becoming so entitled to housing benefit, immediately thereafter be treated as satisfying the condition in sub-paragraph (1)(a)(ii) and (iii).

(5) S.I. 1975/598; the relevant amending instrument S.I. 1983/1015.

(6) 1977 c. 49; section 5(2) was amended and subsection (2A) added by the Public Health Laboratory Services Act 1979 (c. 23) section 1, and subsection (2B) added by section 9 of the Health and Social Security Act 1984 (c. 48).

(7) 1978 c. 29.

(8) 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 Services 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 I.

(9) 1982 c. 24.

Severe Disability Premium

13.—(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; and
 - (ii) subject to sub-paragraph (3), he has no non-dependants aged 18 or over residing with him; and
 - (iii) no-one is in receipt of an invalid care allowance under section 37 of the Social Security Act(10) in respect of caring for him;
- (b) in the case of a claimant who has a partner—
 - (i) the claimant is in receipt of attendance allowance; 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 there is someone in receipt of an invalid care allowance 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 there is no-one in receipt of such an allowance 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
 - (b) a boarder.

Disabled Child Premium

14. The condition is that a child or young person for whom the claimant or a 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 Part VI in like manner as for the claimant except where otherwise provided, would not exceed £3,000; and
- (b) is in receipt of attendance allowance or mobility allowance or both 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.

(10) Section 137 was amended by the Social Security (Miscellaneous Provisions) Act 1977 (c. 5), section 22(2) and the Social Security Act 1986 (c. 50) sections 37 and 86 and Schedule 11.