

STATUTORY INSTRUMENTS

2000 No. 2629

SOCIAL SECURITY

The Social Security Amendment (Enhanced Disability Premium) Regulations 2000

Made - - - - *22nd September*
Laid before Parliament *29th September 2000*
Coming into force in accordance with regulation 1

The Secretary of State for Social Security, in exercise of the powers conferred upon him by sections 123(1)(a), (d) and (e), 135(1), 137(1) and 175(1) and (3) of the Social Security Contributions and Benefits Act 1992^{F1} and sections 4(5), 35(1) and 36(2) of the Jobseekers Act 1995^{F2}, and of all other powers enabling him in that behalf, after consultation in respect of provisions in these Regulations relating to housing benefit and council tax benefit with organisations appearing to him to be representative of the authorities concerned^{F3} and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it^{F4}, hereby makes the following Regulations:

- F1** 1992 c. 4; section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word "prescribed".
- F2** 1995 c. 18; section 35(1) is an interpretation provision and is cited because of the meaning ascribed to the word "regulations".
- F3** See section 176(1)(b) of the [Social Security Administration Act 1992 \(c. 5\)](#).
- F4** See section 173(1)(b) of the Social Security Administration Act 1992.

Citation and commencement

1.—^{F5}(1) These Regulations may be cited as the Social Security Amendment (Enhanced Disability Premium) Regulations 2000 and shall come into force—

- (a) for the purposes of this regulation ^{F6}... on 1st April 2001;
- ^{F7}(b)
- (c) for all other purposes [^{F8}but subject to paragraphs (2) and (3) below], on 9th April 2001.

^{F9}(2) Regulation 2 of these Regulations shall, in relation to any particular claimant for income support, have effect from the first day of the first benefit week to commence for that claimant on or

after 9th April 2001 and in this paragraph, the expressions “benefit week” and “claimant” shall have the same meaning as in regulation 2(1) of the Income Support (General) Regulations 1987.

(3) Regulation 5 of these Regulations shall, in relation to any particular claimant for a jobseeker’s allowance, have effect from the first day of the first benefit week to commence for that claimant on or after 9th April 2001 and in this paragraph, the expression “benefit week” shall have the same meaning as in regulation 1(3) of the Jobseeker’s Allowance Regulations 1996.]

- F5** Reg. 1 renumbered as reg. 1(1) (coming into force in accordance with reg. 1(1)(a)(2) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2001 \(S.I. 2001/859\)](#), reg. 1(1)(a)(2), **5**
- F6** Words in reg. 1(1)(a) revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)
- F7** Reg. 1(1)(b) revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)
- F8** Words in reg. 1(1)(c) inserted (coming into force in accordance with reg. 1(1)(a)(2) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2001 \(S.I. 2001/859\)](#), reg. 1(1)(a)(2), **5(a)**
- F9** Reg. 1(2)(3) added (coming into force in accordance with reg. 1(1)(a)(2) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2001 \(S.I. 2001/859\)](#), reg. 1(1)(a)(2), **5(b)**

Amendment of the Income Support (General) Regulations 1987

2. In the Income Support (General) Regulations 1987 ^{F10}—

- (a) in regulation 44 ^{F11} (modifications in respect of children and young persons), for the words “personal allowance and disabled child premium, if any,” in each place in which they occur there shall be substituted the words “personal allowance, any disabled child premium and any enhanced disability premium”;
- (b) in regulation 57(1)(b) ^{F12} (period over which payments other than periodical payments are to be taken into account), after head (ii) there shall be inserted the following head—
“*(ia)* any enhanced disability premium in respect of such a child or young person;”;
and
- (c) in Schedule 2 (applicable amounts)—
(i) for paragraph 6 ^{F13} there shall be substituted the following paragraph—

“**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 13A applies;
- (c) a disabled child premium to which paragraph 14 applies; and
- (d) a carer premium to which paragraph 14ZA 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 under paragraph 9 or 9A ^{F14}; or

- (b) a higher pensioner premium under paragraph 10^{F15}.”;
- (ii) after paragraph 13 there shall be inserted the following paragraph—

“ Enhanced disability premium

13A.—(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 113(2) of the Contributions and Benefits Act or but for an abatement as a consequence of hospitalisation, be payable at the highest rate prescribed under section 72(3) of the Contributions and Benefits Act in respect of—

- (a) the claimant; or
- (b) a member of the claimant’s family,

who is aged less than 60.

(2) An enhanced disability premium shall not be applicable in respect of—

- (a) a child or young person whose capital, if calculated in accordance with Part V of these Regulations in like manner as for the claimant, except as provided in regulation 44(1), would exceed £3,000;
- (b) a claimant who—
- (i) is not a member of a couple or a polygamous marriage; and
- (ii) is a patient within the meaning of regulation 21(3) and has been for a period of more than six weeks; or
- (c) a member of a couple or a polygamous marriage where each member is a patient within the meaning of regulation 21(3) and has been for a period of more than six weeks.”;

and

- (iii) after paragraph 15(7), there shall be added to the table the following sub-paragraph—

“(8)Enhanced disability premium where the conditions in paragraph 13A are satisfied.	(8) (a)£5.95 in respect of each child or young person in respect of whom the conditions specified in paragraph 13A are satisfied;
	(b)£5.95 in respect of each person who is neither—
	(i)a child or young person; nor
	(ii)a member of a couple or a polygamous marriage, in respect of whom the conditions specified in paragraph 13A are satisfied;
	(c)£8.60 where the claimant is a member of a couple or a polygamous marriage and the conditions specified in paragraph 13A are satisfied in respect of a member of that couple or polygamous marriage.”.

- F10** [S.I. 1987/1967](#).
- F11** Regulation 44 is amended by [S.I. 1988/663](#), 1993/2119 and 1999/3178.
- F12** Regulation 57(1)(b) is amended by [S.I. 1990/1776](#) and 1996/1803.
- F13** Paragraph 6 is amended by [S.I. 1989/1678](#) and 1990/1776.
- F14** Paragraphs 9 and 9A were substituted by [S.I. 1989/534](#).
- F15** Paragraph 10 is amended by [S.I. 1988/663](#), 1992/468 and 1998/2231.

Amendment of the Housing Benefit (General) Regulations 1987

^{F16}**3.**

- F16** Reg. 3, 4 revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

Amendment of the Council Tax Benefit (General) Regulations 1992

^{F16}**4.**

- F16** Reg. 3, 4 revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

Amendment of the Jobseeker's Allowance Regulations 1996

5. In the Jobseeker's Allowance Regulations 1996 ^{F17}—

- (a) in regulation 106 (modifications in respect of children and young persons), for the words "personal allowance and disabled child premium, if any," in each place in which they occur there shall be substituted the words "personal allowance, any disabled child premium and any enhanced disability premium";
- (b) in regulation 121(1)(b) ^{F18} (period over which payments other than periodical payments are to be taken into account), after head (ii) there shall be inserted the following head—
 "(ia) any enhanced disability premium in respect of such a child or young person;";
 and
- (c) in Schedule 1 (applicable amounts)—
 (i) for paragraph 7 there shall be substituted the following paragraph—

"**7.**—(1) Subject to sub-paragraph (2), the following premiums, namely—

- (a) a severe disability premium to which paragraph 15 applies;
- (b) an enhanced disability premium to which paragraph 15A applies;
- (c) a disabled child premium to which paragraph 16 applies; and
- (d) a carer premium in which paragraph 17 applies,

may be applicable in addition to any other premium which may apply under this Part of this Schedule.

(2) An enhanced disability premium in respect of a person shall not be applicable in addition to—

- (a) a pensioner premium under paragraph 10 or 11; or

- (b) a higher pensioner premium under paragraph 12^{F19}.”;
- (ii) after paragraph 15 there shall be inserted the following paragraph—

“ Enhanced disability premium

15A.—(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 113(2) of the Benefits Act or but for an abatement as a consequence of hospitalisation, be payable at the highest rate prescribed under section 72(3) of the Benefits Act in respect of—

- (a) the claimant; or
- (b) a member of the claimant’s family,

who is aged less than 60.

(2) An enhanced disability premium shall not be applicable in respect of—

- (a) a child or young person whose capital, if calculated in accordance with Part VIII of these Regulations in like manner as for the claimant, except as provided in regulation 106(1), would exceed £3,000;
- (b) a claimant who—
 - (i) is not a member of a couple or a polygamous marriage; and
 - (ii) is a patient within the meaning of regulation 85(4) and has been for a period of more than six weeks; or
- (c) a member of a couple or a polygamous marriage where each member is a patient within the meaning of regulation 85(4) and has been for a period of more than six weeks.”;

and

- (iii) after paragraph 20(8), there shall be added to the table the following sub-paragraph—

“(9)Enhanced disability premium where the conditions in paragraph 15A are satisfied.

(9) (a)£5.95 in respect of each child or young person in respect of whom the conditions specified in paragraph 15A are satisfied;

(b)£5.95 in respect of each person who is neither—

(i)a child or young person; nor

(ii)a member of a couple or a polygamous marriage, in respect of whom the conditions specified in paragraph 15A are satisfied;

(c)£8.60 where the claimant is a member of a couple or a polygamous marriage and the conditions specified in paragraph 15A are satisfied in respect of a member of that couple or polygamous marriage.”;

-
- (iv) for paragraph 20C^{F20} there shall be substituted the following paragraph—

“20C.—(1) Subject to sub-paragraph (2), the following premiums, namely—

- (a) a severe disability premium to which paragraph 20I applies;

(b) an enhanced disability premium to which paragraph 20IA applies; and

(c) a carer premium to which paragraph 20J applies, may be applicable in addition to any other premium which may apply under this Part of this Schedule.

(2) An enhanced disability premium in respect of a person shall not be applicable in addition to—

(a) a pensioner premium under paragraph 20E; or

(b) a higher pensioner premium under paragraph 20F.”;

(v) after paragraph 20I there shall be inserted the following paragraph—

“ Enhanced disability premium

20IA.—(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 113(2) of the Benefits Act or but for an abatement as a consequence of hospitalisation, be payable at the highest rate prescribed under section 72(3) of the Benefits Act in respect of a member of a joint-claim couple who is aged less than 60.

(2) An enhanced disability premium shall not be applicable in respect of a joint-claim couple where each member of that couple or each member of a polygamous marriage of which one member of that couple is a member, is a patient within the meaning of regulation 85(4) and has been for a period of more than six weeks.”;

and

(vi) after paragraph 20M(5), there shall be added to the table the following sub-paragraph—

“(6)Enhanced disability premium where the conditions in paragraph 20IA are satisfied.	(6)£8.60 where the conditions specified in paragraph 20IA are satisfied in respect of a member of a joint-claim couple.”.
---	---

F17 [S.I. 1996/207](#).

F18 Regulation 121(1) is amended by [S.I. 1996/1803](#).

F19 Paragraph 12 is amended by [S.I. 1996/2231](#) and 2538.

F20 Paragraphs 20(c) 20I, 20M are inserted by [S.I. 2000/1978](#).

Signed by authority of the Secretary of State for Social Security.

P. Hollis
Parliamentary Under-Secretary of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 2 of these Regulations amends the Income Support (General) Regulations 1987 (S.I. 1987/1967). A new premium (an “enhanced disability premium”) is added to Schedule 2 (applicable amounts). Regulation 2 also makes minor consequential amendments to those Regulations.

Regulation 3 amends the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971) by adding an enhanced disability premium to Schedule 2 (applicable amounts) and making minor consequential amendments. Regulations 4 and 5 amend respectively the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814) and the Jobseeker’s Allowance Regulations 1996 (S.I. 1996/207) similarly.

These Regulations do not impose a charge on businesses.

Changes to legislation:

There are currently no known outstanding effects for the The Social Security Amendment (Enhanced Disability Premium) Regulations 2000.