

## SCHEDULE 2

### APPLICABLE AMOUNTS

#### Modifications etc. (not altering text)

- C1** Sch. 2 applied (with modifications) (S.) (6.10.2003) by [The National Health Service \(Travelling Expenses and Remission of Charges\) \(Scotland\) \(No. 2\) Regulations 2003 \(S.S.I. 2003/460\)](#), reg. 1, **sch. Pt. II** Table B (with [reg. 13](#))
- C1** Sch. 2 applied (with modifications) (8.4.2013) by [S.I. 2003/2382](#) (as amended (E.) by The National Health Service (Charges for Drugs and Appliances), (Dental Charges) and (Travel Expenses and Remission of Charges) (Amendment) Regulations 2013 ([S.I. 2013/475](#)), regs. 1(2)(b), 24(2))

Regulations 17<sup>[F1]</sup>(1)(d) and 18(e)

## PART III

### premiums

4. Except as provided in paragraph 5, the weekly premiums specified in Part IV of this Schedule shall, for the purposes of regulations 17<sup>[F1]</sup>(1)(d) <sup>[F2]</sup>and 18(1)(e), be applicable to a claimant who satisfies the condition specified in <sup>[F3]</sup><sup>[F4]</sup>paragraphs 9<sup>[F4]</sup> <sup>[F5]</sup>paragraphs 8A<sup>[F5]</sup> to 14ZA in respect of that premium.

#### Textual Amendments

- F1** Word in Sch. 2 inserted (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **19**
- F2** Words in Sch. 2 para. 4 substituted (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **19(c)**
- F3** Words in Sch. 2 Pt. III para. 4 substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Child Benefit, Child Support and Social Security \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/1803\)](#), regs. 1(1)(b), **39(3)(a)**
- F4** Words in Sch. 2 para. 4 substituted (temp. until 10.4.2006) (9.4.2001) by [The Social Security Amendment \(Bereavement Benefits\) Regulations 2000 \(S.I. 2000/2239\)](#), regs. 1(1), **2(3)(a)** (with reg. 6)
- F5** Words in Sch. 2 para. 4 substituted (1.10.1990) by [The Income Support \(General\) Amendment No. 3 Regulations 1990 \(S.I. 1990/1776\)](#), regs. 1(1)(a), **8(a)** (with reg. 1(2))

#### Commencement Information

- I1** Sch. 2 para. 4 in force at 11.4.1988, see [reg. 1](#)

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.

#### Commencement Information

- I2** Sch. 2 para. 5 in force at 11.4.1988, see [reg. 1](#)

<sup>[F6]</sup>6.—(1) Subject to sub-paragraph (2), the following premiums, namely—

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- (a) a severe disability premium to which paragraph 13 applies;
  - (b) an enhanced disability premium to which paragraph 13A applies;
  - (c) [<sup>F7</sup>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; or
  - (b) a higher pensioner premium under paragraph 10.]

#### Textual Amendments

- F6** Sch. 2 para. 6 substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Social Security Amendment \(Enhanced Disability Premium\) Regulations 2000 \(S.I. 2000/2629\)](#), regs. 1(1)(c), 2(c)(i)
- F7** Sch. 2 para. 6(1)(c) omitted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by virtue of [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), [Sch. 1 para. 20\(a\)](#)

7.—<sup>F8</sup>(1) [<sup>F9</sup>Subject to sub-paragraph (2)] for the purposes of this Part of this Schedule, once a premium is applicable to claimant under this Part, a person shall be treated as being in receipt of any benefit—

- (a) in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979 <sup>F10</sup> applies, for any period during which, apart from the provisions of those Regulations, he would be in receipt of that benefit; and
- (b) for any period spent by a person in undertaking a course of training or instruction provided or approved by the [<sup>F11</sup>Secretary of State <sup>F12</sup>...] under section 2 of the Employment and Training Act 1973 <sup>F13</sup>;<sup>F14</sup> or by [<sup>F15</sup>Skills Development Scotland,] Scottish Enterprise or Highlands and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990,]<sup>F16</sup> or for any period during which he is in receipt of a training allowance].

<sup>F17</sup>(2) For the purposes of the carer premium under paragraph 14ZA, a person shall be treated as being in receipt of [<sup>F18</sup>carer's allowance] by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of attendance allowance [<sup>F19</sup>, <sup>F20</sup>... the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 37ZB(3) of the Social Security Act]<sup>F21</sup> or the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act]<sup>F22</sup> or armed forces independence payment].]

#### Textual Amendments

- F8** Sch. 2 para. 7 renumbered as Sch. 7 para. 7(1) (1.10.1990) by [The Income Support \(General\) Amendment No. 3 Regulations 1990 \(S.I. 1990/1776\)](#), regs. 1(1)(a), 8(c)(i) (with reg. 1(2))
- F9** Words in Sch. 2 para. 7(1) inserted (1.10.1990) by [The Income Support \(General\) Amendment No. 3 Regulations 1990 \(S.I. 1990/1776\)](#), regs. 1(1)(a), 8(c)(i) (with reg. 1(2))
- F10** S.I. 1979/597.
- F11** Words in Sch. 2 para. 7(1)(b) substituted (1.1.1996) by [The Transfer of Functions \(Education and Employment\) Order 1995 \(S.I. 1995/2986\)](#), arts. 1, 6(5)

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- F12** Words in Sch. 2 para. 7(1)(b) omitted (14.4.2008) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2008 (S.I. 2008/698), regs. 1(1), **2(12)**
- F13** 1973 c. 50 as 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).
- F14** Words in Sch. 2 para. 7(1)(b) added (1.4.1991) by The Enterprise (Scotland) Consequential Amendments Order 1991 (S.I. 1991/387), arts. 1, **9(d)**
- F15** Words in Sch. 2 para. 7(1)(b) inserted (6.4.2009) by The Social Security (Miscellaneous Amendments) Regulations 2009 (S.I. 2009/583), regs. 1(2), **2(3)(c)**
- F16** Words in Sch. 2 para. 7(b) inserted (9.10.1989) by The Income Support (General) Amendment No. 3 Regulations 1989 (S.I. 1989/1678), regs. 1(1)(a), **6(e)**
- F17** Sch. 2 para. 7(2) added (1.10.1990) by The Income Support (General) Amendment No. 3 Regulations 1990 (S.I. 1990/1776), regs. 1(1)(a), **8(c)(ii)** (with reg. 1(2))
- F18** Words in Sch. 2 Pt. III substituted (1.4.2003) by The Social Security Amendment (Carer’s Allowance) Regulations 2002 (S.I. 2002/2497), reg. 1(b), Sch. 2 paras. 1, **2**
- F19** Words in Sch. 2 para. 7(2) added (6.4.1992) by The Disability Living Allowance and Disability Working Allowance (Consequential Provisions) Regulations 1991 (S.I. 1991/2742), regs. 1(1), **11(4)(a) (with reg. 1(2))**
- F20** Word in Sch. 2 para. 7(2) omitted (8.4.2013) by virtue of The Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations 2013 (S.I. 2013/388), reg. 2, **Sch. para. 11(5)(a)(i)**
- F21** Words in Sch. 2 para. 7(2) inserted (8.4.2013) by The Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations 2013 (S.I. 2013/388), reg. 2, **Sch. para. 11(5)(a)(ii)**
- F22** Words in Sch. 2 para. 7(2) inserted (8.4.2013) by The Armed Forces and Reserve Forces Compensation Scheme (Consequential Provisions: Subordinate Legislation) Order 2013 (S.I. 2013/591), art. 2(2), **Sch. para. 4(5)(a)**

**Commencement Information**

- I3** Sch. 2 para. 7 in force at 11.4.1988, see reg. 1

**Lone Parent Premium**

**F23**g. ....

**Textual Amendments**

- F23** Sch. 2 Pt. III para. 8 omitted (with effect in accordance with reg. 1(2) of the amending S.I.) by virtue of The Child Benefit, Child Support and Social Security (Miscellaneous Amendments) Regulations 1996 (S.I. 1996/1803), regs. 1(1)(b), **39(3)(b)**

**Bereavement Premium**

**F24**8A. ....

**Textual Amendments**

- F24** Sch. 2 para. 8A revoked (1.10.2007) by The Social Security (Miscellaneous Amendments) (No. 5) Regulations 2007 (S.I. 2007/2618), reg. 1(1), **Sch.**

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### Pensioner premium for persons under 75

[<sup>F25</sup>9. The condition is that the claimant has a partner aged [<sup>F26</sup>not less than the qualifying age for state pension credit] but less than 75.]

#### Textual Amendments

**F25** Sch. 2 para. 9 substituted (6.10.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(b), **29(5)(a)**

**F26** Words in Sch. 2 para. 9 substituted (6.4.2010) by The Social Security (Equalisation of State Pension Age) Regulations 2009 (S.I. 2009/1488), regs. 1, **3(2)**

### Pensioner premium for persons 75 and over

[<sup>F27</sup>9A. The condition is that the claimant has a partner aged not less than 75 but less than 80.]

#### Textual Amendments

**F27** Sch. 2 para. 9A substituted (6.10.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(b), **29(5)(b)**

### Higher Pensioner Premium

10.—[<sup>F28</sup>(1) [<sup>F29</sup>Subject to sub-paragraph (6), the] condition is that—

- (a) the claimant's partner is aged not less than 80; or
- (b) the claimant's partner is aged less than 80 but [<sup>F30</sup>not less than the qualifying age for state pension credit] and either—
  - (i) the additional condition specified in [<sup>F31</sup>paragraph 12(1)(a), (c) or (d)] is satisfied; or
  - (ii) the claimant was entitled to, or was treated as being in receipt of, income support and—
    - (aa) the disability premium was or, as the case may be, would have been, applicable to him in respect of a benefit week within eight weeks of [<sup>F32</sup>the day his partner attained the qualifying age for state pension credit]; and
    - (bb) he has, subject to sub-paragraph (3), remained continuously entitled to income support since his partner attained [<sup>F33</sup>the qualifying age for state pension credit].]

(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 eight weeks or less, to be entitled to [<sup>F34</sup>or treated as entitled to] income support, he shall, on becoming re-entitled to income support, thereafter be treated as having been continuously entitled thereto;
- (b) in so far as [<sup>F35</sup>sub-paragraph (1)(b)(ii) is] concerned, if a claimant ceases to be entitled to [<sup>F34</sup>or treated as entitled to] income support for a period not exceeding eight weeks which includes [<sup>F36</sup>the day his partner attained the qualifying age for state pension credit], he shall, on becoming re-entitled to income support, thereafter be treated as having been continuously entitled thereto.

[<sup>F37</sup>(4) In the case of a claimant who is a welfare to work beneficiary, references in sub-paragraphs (1)(b)(ii)<sup>F38</sup>... and (3)(b) to a period of 8 weeks shall be treated as references to a period of [<sup>F39</sup>104 weeks].]

[<sup>F40</sup>(5) For the purposes of this paragraph, a claimant shall be treated as having been entitled to and in receipt of income support throughout any period which comprises only days on which he was participating in an employment zone programme and was not entitled to income support because, as a consequence of his participation in that programme, he was engaged in remunerative work or had income in excess of his applicable amount as prescribed in Part IV.]

[<sup>F41</sup>(6) The condition is not satisfied if the claimant's partner to whom sub-paragraph (1) refers is a long-term patient.]

### Textual Amendments

- F28** Sch. 2 para. 10(1) substituted for Sch. 2 para. 10(1) (6.10.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(b), **29(5)(c)(i)**
- F29** Words in Sch. 2 para. 10(1) substituted (coming into force in accordance with reg. 1(7) of the amending S.I.) by The Social Security (Miscellaneous Amendments) Regulations 2007 (S.I. 2007/719), regs. 1(6), **2(7)(b)(i)**
- F30** Words in Sch. 2 para. 10(1)(b) substituted (6.4.2010) by The Social Security (Equalisation of State Pension Age) Regulations 2009 (S.I. 2009/1488), regs. 1, **3(3)(a)**
- F31** Words in Sch. 2 Pt. III para. 10(1)(b)(i) substituted (6.10.2003) by The Income Support (General) Amendment Regulations 2003 (S.I. 2003/2379), regs. 1, **2(2)**
- F32** Words in Sch. 2 para. 10(1)(b)(ii)(aa) substituted (6.4.2010) by The Social Security (Equalisation of State Pension Age) Regulations 2009 (S.I. 2009/1488), regs. 1, **3(3)(b)**
- F33** Words in Sch. 2 para. 10(1)(b)(ii)(bb) substituted (6.4.2010) by The Social Security (Equalisation of State Pension Age) Regulations 2009 (S.I. 2009/1488), regs. 1, **3(3)(c)**
- F34** Words in Sch. 2 para. 10(3)(a)(b) inserted (3.4.2000) by The Social Security Amendment (Employment Zones) Regulations 2000 (S.I. 2000/724), regs. 1(1), **4(3)(b)(ii)**
- F35** Words in Sch. 2 para. 10(3)(b) substituted and words inserted (6.10.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(b), **29(5)(c)(ii)**
- F36** Words in Sch. 2 para. 10(3)(b) substituted (6.4.2010) by The Social Security (Equalisation of State Pension Age) Regulations 2009 (S.I. 2009/1488), regs. 1, **3(3)(b)**
- F37** Sch. 2 para. 10(4) added (5.10.1998) by The Social Security (Welfare to Work) Regulations 1998 (S.I. 1998/2231), regs. 1, **13(3)(a)**
- F38** Words in Sch. 2 para. 10(4) omitted (coming into force in accordance with reg. 1(7) of the amending S.I.) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2007 (S.I. 2007/719), regs. 1(2), **2(7)(b)(ii)**
- F39** Words in Sch. 2 para. 10(4) substituted (9.10.2006) by The Social Security (Miscellaneous Amendments) (No. 4) Regulations 2006 (S.I. 2006/2378), regs. 1(7), **5(7)(a)**
- F40** Sch. 2 para. 10(5) added (3.4.2000) by The Social Security Amendment (Employment Zones) Regulations 2000 (S.I. 2000/724), regs. 1(1), **4(3)(b)(iii)**
- F41** Sch. 2 para. 10(6) inserted (coming into force in accordance with reg. 1(7) of the amending S.I.) by The Social Security (Miscellaneous Amendments) Regulations 2007 (S.I. 2007/719), regs. 1(6), **2(7)(b)(iii)**

### Commencement Information

- I4** Sch. 2 para. 10 in force at 11.4.1988, see reg. 1

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## Disability Premium

- 11.—<sup>F42</sup>(1) <sup>F43</sup>Subject to sub-paragraph (2), the] condition is that—
- (a) where the claimant is a single claimant or a lone parent,<sup>F44</sup>... the additional condition specified in paragraph 12 is satisfied; or
  - (b) where the claimant has a partner, either—
    - <sup>F45</sup>(i) the claimant satisfies the additional condition specified in <sup>F46</sup>paragraph 12(1)(a), (b), (c) or (d)]; or]
    - (ii) his partner <sup>F47</sup>has not attained the qualifying age for state pension credit] and the additional condition specified in <sup>F48</sup>paragraph 12(1)(a), (c) or (d)] is satisfied by his partner.
- <sup>F49</sup>(2) The condition is not satisfied if—
- (a) the claimant is a single claimant or a lone parent and (in either case) is a long-term patient;
  - (b) the claimant is a member of a couple or polygamous marriage and each member of the couple or polygamous marriage is a long-term patient; or
  - (c) the claimant is a member of a couple or a polygamous marriage and a member of that couple or polygamous marriage is—
    - (i) a long-term patient; and
    - (ii) the only member of the couple or polygamous marriage to whom sub-paragraph (1) (b) refers.]

### Textual Amendments

- F42** Sch. 2 para. 11(1): Sch. 2 para. 11 renumbered as Sch. 2 para. 11(1) (coming into force in accordance with reg. 1(7) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) Regulations 2007 \(S.I. 2007/719\)](#), regs. 1(6), **2(7)(c)(i)**
- F43** Words in Sch. 2 para. 11(1) substituted (coming into force in accordance with reg. 1(7) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) Regulations 2007 \(S.I. 2007/719\)](#), regs. 1(6), **2(7)(c)(ii)**
- F44** Words in Sch. 2 para. 11(a) omitted (6.10.2003) by virtue of [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(b), **29(5)(d)(i)**
- F45** Sch. 2 para. 11(b)(i) substituted (6.10.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(b), **29(5)(d)(ii)**
- F46** Words in Sch. 2 Pt. III para. 11(b)(i) substituted (6.10.2003) by [The Income Support \(General\) Amendment Regulations 2003 \(S.I. 2003/2379\)](#), regs. 1, **2(3)(a)**
- F47** Words in Sch. 2 para. 11(1)(b)(ii) substituted (6.4.2010) by [The Social Security \(Equalisation of State Pension Age\) Regulations 2009 \(S.I. 2009/1488\)](#), regs. 1, **3(4)**
- F48** Words in Sch. 2 Pt. III para. 11(b)(ii) substituted (6.10.2003) by [The Income Support \(General\) Amendment Regulations 2003 \(S.I. 2003/2379\)](#), regs. 1, **2(3)(b)**
- F49** Sch. 2 para. 11(2) inserted (coming into force in accordance with reg. 1(7) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) Regulations 2007 \(S.I. 2007/719\)](#), regs. 1(6), **2(7)(c)(iii)**

### Commencement Information

- I5** Sch. 2 para. 11 in force at 11.4.1988, see reg. 1

## **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, [<sup>F50</sup>disability living allowance, [<sup>F51</sup>armed forces independence payment,][<sup>F52</sup>personal independence payment,][<sup>F53</sup>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]], mobility supplement, [<sup>F54</sup>long-term incapacity benefit] under [<sup>F55</sup>Part II of the Contributions and Benefits Act or severe disablement allowance under Part III of that Act][<sup>F56</sup>but, in the case of [<sup>F54</sup>long-term incapacity benefit] or severe disablement allowance only where it is paid in respect of him]; or

(ii) 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 <sup>F57</sup> (other services) or, in Scotland, under section 46 of the National Health Service (Scotland) Act 1978 <sup>F58</sup> (provision of vehicles) 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

[<sup>F59</sup>(iii) is certified as severely sight impaired or blind by a consultant ophthalmologist; or]

[<sup>F60</sup>(b) the claimant—

(i) is entitled to statutory sick pay or [<sup>F61</sup>is, or is treated as, incapable of work,] in accordance with the provisions of Part XIIA of the Contributions and Benefits Act and the regulations made thereunder (incapacity for work), and

(ii) has been so entitled or so incapable[<sup>F62</sup>, or has been treated as so incapable,] for a continuous period of not less than—

(aa) 196 days in the case of a claimant who is terminally ill within the meaning of section 30B(4) of the Contributions and Benefits Act; or

(bb) [<sup>F63</sup>subject to [<sup>F64</sup>paragraph 2A] of Schedule 7,] 364 days in any other case; and for these purposes any two or more periods of entitlement or incapacity separated by a break of not more than 56 days shall be treated as one continuous period; or; and]

[<sup>F65</sup>(c) the claimant's partner was in receipt of long-term incapacity benefit under Part II of the Contributions and Benefits Act when entitlement to that benefit ceased on account of the payment of a retirement pension under that Act [<sup>F66</sup>or a state pension under Part 1 of the Pensions Act 2014] and—

(i) the claimant has since remained continuously entitled to income support;

(ii) the higher pensioner premium or disability premium has been applicable to the claimant; and

(iii) the partner is still alive;

(d) except where paragraph [<sup>F67</sup>2A <sup>F68</sup>...] of Schedule 7 (patients) applies, the claimant or, as the case may be, his partner was in receipt of attendance allowance [<sup>F69</sup>, disability living allowance or personal independence payment]—

(i) but payment of that benefit has been suspended under the [<sup>F70</sup>Social Security (Attendance Allowance) Regulations 1991 [<sup>F71</sup>, the Social Security (Disability Living Allowance) Regulations 1991 or regulations made under section 86(1)



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(hospital in-patients) of the 2012 Act]] or otherwise abated as a consequence of the claimant or his partner becoming a patient within the meaning of regulation 21(3); and

- (ii) a higher pensioner premium or disability premium has been applicable to the claimant.]

[<sup>F72</sup>(1A) In the case of a claimant who is a welfare to work beneficiary, the reference in sub-paragraph (1)(b) to a period of 56 days shall be treated as a reference to a period of [<sup>F73</sup>104 weeks].]

[<sup>F74</sup>(2) For the purposes of sub-paragraph (1)(a)(iii), a person who has ceased to be certified as severely sight impaired or blind on regaining his eyesight shall nevertheless be treated as severely sight impaired or blind, as the case may be, 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 certified.]

<sup>F75</sup>(3) .....

(4) For the purpose of [<sup>F76</sup>sub-paragraph (1)(c) and (d)], 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 eight weeks or less, to be entitled to income support, he shall on again becoming so entitled to income support, immediately thereafter be treated as satisfying the condition in [<sup>F76</sup>sub-paragraph (1)(c) and (d)].

[<sup>F77</sup>(5) For the purposes of sub-paragraph (1)(b), once the disability premium is applicable to a claimant 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 [<sup>F78</sup>or for any period during which he is in receipt of a training allowance].]

[<sup>F79</sup>(6) For the purposes of [<sup>F80</sup>sub-paragraph (1)(a)(i) and (c)], a reference to a person in receipt of long-term incapacity benefit includes a person 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 Contributions and Benefits 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.]

<sup>F81</sup>(7) .....

**Textual Amendments**

- F50** Words in Sch. 2 para. 12(1)(a)(i) substituted (6.4.1992) by [The Disability Living Allowance and Disability Working Allowance \(Consequential Provisions\) Regulations 1991 \(S.I. 1991/2742\)](#), regs. 1(1), **11(4)(b) (with reg. 1(2))**
- F51** Words in Sch. 2 para. 12(1)(a)(i) inserted (8.4.2013) by [The Armed Forces and Reserve Forces Compensation Scheme \(Consequential Provisions: Subordinate Legislation\) Order 2013 \(S.I. 2013/591\)](#), art. 2(2), **Sch. para. 4(5)(b)**
- F52** Words in Sch. 2 para. 12(1)(a)(i) inserted (8.4.2013) by [The Personal Independence Payment \(Supplementary Provisions and Consequential Amendments\) Regulations 2013 \(S.I. 2013/388\)](#), reg. 2, **Sch. para. 11(5)(b)(i)**
- F53** Words in Sch. 2 para. 12(1)(a)(i) substituted (for specified purposes and with effect in accordance with reg. 1(5)(a) of the amending S.I.) by [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), **Sch. 1 para. 20(b)**
- F54** Words in Sch. 2 para. 12(1)(a)(i) substituted (13.4.1995) by [The Disability Working Allowance and Income Support \(General\) Amendment Regulations 1995 \(S.I. 1995/482\)](#), regs. 1(1), **16(2)** (with regs. 1(4), 20(4))



- F55** Words in Sch. 2 para. 12(1)(a)(i) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Income-related Benefits Schemes (Miscellaneous Amendments) (No.5) Regulations 1994 (S.I. 1994/2139), regs. 1(1)(a), **30(2)**
- F56** Words in Sch. 2 para. 12(1)(a)(i) inserted (11.4.1988) by The Income Support (General) Amendment Regulations 1988 (S.I. 1988/663), regs. 1(1), **29(c)(i)**
- F57** 1977 c. 49; section 5(2) amended and subsection (2A) added by section 1 of the Public Health Laboratory Service Act 1979 (c. 23) and subsection (2B) added by section 9 of the Health and Social Security Act 1984 (c. 48).
- F58** 1978 c. 29.
- F59** Sch. 2 para. 12(1)(a)(iii) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Universal Credit and Miscellaneous Amendments (No.2) Regulations 2014 (S.I. 2014/2888), regs. 1(1), **3(2)(a)(i)(aa)**
- F60** Sch. 2 para. 12(1)(b) substituted (13.4.1995) by The Disability Working Allowance and Income Support (General) Amendment Regulations 1995 (S.I. 1995/482), regs. 1(1), **17(a)** (with reg. 1(4))
- F61** Words in Sch. 2 para. 12(1)(b)(i) substituted (with effect in accordance with reg. 1(4) of the amending S.I.) by The Income-related Benefits Schemes and Social Security (Claims and Payments) (Miscellaneous Amendments) Regulations 1995 (S.I. 1995/2303), regs. 1(1)(a), **6(8)(a)** (with reg. 8)
- F62** Words in Sch. 2 para. 12(1)(b)(ii) inserted (with effect in accordance with reg. 1(4) of the amending S.I.) by The Income-related Benefits Schemes and Social Security (Claims and Payments) (Miscellaneous Amendments) Regulations 1995 (S.I. 1995/2303), regs. 1(1)(a), **6(8)(b)** (with reg. 8)
- F63** Words in Sch. 2 Pt. III para. 12(1)(b)(ii)(bb) inserted (for specified purposes and with effect in accordance with reg. 1(c) of the amending S.I.) by The Social Security (Hospital In-Patients) Regulations 2005 (S.I. 2005/3360), **reg. 4(3)(a)**
- F64** Words in Sch. 2 para. 12(1)(b)(ii)(bb) substituted (coming into force in accordance with reg. 1(7) of the amending S.I.) by The Social Security (Miscellaneous Amendments) Regulations 2007 (S.I. 2007/719), regs. 1(6), **2(7)(d)(i)**
- F65** Sch. 2 para. 12(1)(c), (d) substituted for Sch. 2 para. 12(1)(c) (6.10.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(b), **29(5)(e)**
- F66** Words in Sch. 2 para. 12(1)(c) inserted (coming into force in accordance with art. 1(2)(b) of the amending S.I.) by The Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2015 (S.I. 2015/1985), arts. 1(2)(b), **8(3)**
- F67** Words in Sch. 2 Pt. III para. 12(1)(d) substituted (for specified purposes and with effect in accordance with reg. 1(c) of the amending S.I.) by The Social Security (Hospital In-Patients) Regulations 2005 (S.I. 2005/3360), **reg. 4(3)(b)**
- F68** Words in Sch. 2 para. 12(1)(d) omitted (coming into force in accordance with reg. 1(7) of the amending S.I.) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2007 (S.I. 2007/719), regs. 1(6), **2(7)(d)(ii)**
- F69** Words in Sch. 2 para. 12(1)(d) substituted (8.4.2013) by The Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations 2013 (S.I. 2013/388), reg. 2, **Sch. para. 11(5)(b)(ii)(aa)**
- F70** Words in Sch. 2 para. 12(1)(d)(i) substituted (12.5.2004) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2004 (S.I. 2004/1141), regs. 1(1), **6**
- F71** Words in Sch. 2 para. 12(1)(d)(i) substituted (8.4.2013) by The Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations 2013 (S.I. 2013/388), reg. 2, **Sch. para. 11(5)(b)(ii)(bb)**
- F72** Sch. 2 para. 12(1A) inserted (5.10.1998) by The Social Security (Welfare to Work) Regulations 1998 (S.I. 1998/2231), regs. 1, **13(3)(b)**
- F73** Words in Sch. 2 para. 12(1A) substituted (9.10.2006) by The Social Security (Miscellaneous Amendments) (No. 4) Regulations 2006 (S.I. 2006/2378), regs. 1(7), **5(7)(a)**
- F74** Sch. 2 para. 12(2) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Universal Credit and Miscellaneous Amendments (No.2) Regulations 2014 (S.I. 2014/2888), regs. 1(1), **3(2)(a)(i)(bb)**

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*Changes to legislation: There are currently no known outstanding effects for the The Income Support (General) Regulations 1987, PART III. (See end of Document for details)*

- F75** Sch. 2 para. 12(3) omitted (13.4.1995) by virtue of The Disability Working Allowance and Income Support (General) Amendment Regulations 1995 (S.I. 1995/482), regs. 1(1), **17(b)** (with reg. 1(4))
- F76** Words in Sch. 2 Pt. III para. 12(4) substituted (6.10.2003) by The Income Support (General) Amendment Regulations 2003 (S.I. 2003/2379), regs. 1, **2(4)(a)**
- F77** Sch. 2 para. 12(5) added (12.12.1988) by The Income Support (General) Amendment No. 5 Regulations 1988 (S.I. 1988/2022), regs. 1(1)(a), **17(b)**
- F78** Words in Sch. 2 para. 12(5) inserted (9.10.1989) by The Income Support (General) Amendment No. 3 Regulations 1989 (S.I. 1989/1678), regs. 1(1)(a), **6(e)**
- F79** Sch. 2 para. 12(6) added (13.4.1995) by The Disability Working Allowance and Income Support (General) Amendment Regulations 1995 (S.I. 1995/482), regs. 1(1), **16(3)** (with reg. 1(4))
- F80** Words in Sch. 2 Pt. III para. 12(6) substituted (6.10.2003) by The Income Support (General) Amendment Regulations 2003 (S.I. 2003/2379), regs. 1, **2(4)(b)**
- F81** Sch. 2 para. 12(7) omitted (25.10.2004) by virtue of The Social Security (Back to Work Bonus and Lone Parent Run-on) (Amendment and Revocation) Regulations 2003 (S.I. 2003/1589), regs. 1(1), **2(d)**

#### **Modifications etc. (not altering text)**

- C2** Sch. 2 para. 12(1) modified (13.4.1995) by The Disability Working Allowance and Income Support (General) Amendment Regulations 1995 (S.I. 1995/482), regs. 1(1), **19(4)** (with reg. 1(4))
- C3** Sch. 2 para. 12(1)(b) amended (1.11.2010) by S.I. 2010/1907, reg. 23A(2)(4) (as inserted by The Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) (Amendment) Regulations 2010 (S.I. 2010/2430), regs. 1(2), **14**)
- C4** Sch. 2 para. 12(1A) amended (1.11.2010) by S.I. 2010/1907, reg. 23A(3)(4) (as inserted by The Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) (Amendment) Regulations 2010 (S.I. 2010/2430), regs. 1(2), **14**)
- C5** Sch. 2 para. 12(5) amended (1.11.2010) by S.I. 2010/1907, reg. 23A(3)(4) (as inserted by The Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) (Amendment) Regulations 2010 (S.I. 2010/2430), regs. 1(2), **14**)

#### **Commencement Information**

- I6** Sch. 2 para. 12 in force at 11.4.1988, see reg. 1

### **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<sup>[F82]</sup>, a lone parent or a claimant who is treated as having no partner in consequence of sub-paragraph (2A)]—
- (i) he is in receipt of attendance allowance<sup>[F83, F84]</sup>... the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 37ZB(3) of the Social Security Act<sup>[F85]</sup> or the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act<sup>[F86]</sup> or armed forces independence payment], and
- (ii) subject to sub-paragraph (3), he has no non-dependants aged 18 or over <sup>[F87]</sup> normally residing with him or with whom he is normally residing,] and
- <sup>[F88]</sup>(iii) no person is entitled to, and in receipt of, <sup>[F18]</sup>a carer's allowance] under section 70 of the Contributions and Benefits Act <sup>[F89]</sup> or has an award of universal credit which includes the carer element] in respect of caring for him;]
- (b) <sup>[F90]</sup>in the case of a claimant who] has a partner—

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Changes to legislation: There are currently no known outstanding effects for the The Income Support (General) Regulations 1987, PART III. (See end of Document for details)

- (i) he is in receipt of attendance allowance<sup>F91, F92</sup>... the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 37ZB(3) of the Social Security Act<sup>F93</sup>or the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act<sup>F94</sup>or armed forces independence payment]; 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 thereof; and
- (iii) subject to sub-paragraph (3), he has no non-dependants aged 18 or over <sup>F95</sup>normally residing with him or with whom he is normally residing,]

and, either <sup>F96</sup>a person is entitled to, and in receipt of, <sup>F18</sup>a carer’s allowance<sup>F97</sup>or has an award of universal credit which includes the carer element] in respect of caring for only one of the couple or, in the case of a polygamous marriage, for one or more but not all the partners of the marriage or, as the case may be, no person is entitled to, and in receipt of, such an allowance<sup>F98</sup>or has such an award of universal credit] in respect of caring for either member of the couple or any partner of the polygamous marriage.

<sup>F99</sup>(2A) Where a claimant has a partner who does not satisfy the condition in sub-paragraph (2) (b)(ii), and that partner is <sup>F100</sup>severely sight impaired or blind or treated as severely sight impaired or blind] within the meaning of paragraph 12(1)(a)(iii) and (2), that partner shall be treated for the purposes of sub-paragraph (2) as if he were not a partner of the claimant.]

(3) For the purposes of sub-paragraph (2)(a)(ii) and (2)(b)(iii) no account shall be taken of—

- (a) a person receiving attendance allowance<sup>F101, F102</sup>... the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 37ZB(3) of the Social Security Act<sup>F103</sup>or the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act<sup>F104</sup>or armed forces independence payment]; or

<sup>F105</sup>(b) .....

- (c) subject to sub-paragraph (4), a person who joins the claimant's household for the first time in order to care for the claimant or his partner and immediately before so joining the claimant or his partner was treated as a severely disabled person; <sup>F106</sup>or
- (d) a person who is <sup>F107</sup>severely sight impaired or blind or treated as severely sight impaired or blind] within the meaning of paragraph 12(1)(a)(iii) and (2).]

<sup>F108</sup>(3A) For the purposes of sub-paragraph (2)(b) a person shall be treated<sup>F109</sup> ...—

- (a) <sup>F110</sup>as being in receipt of] attendance allowance<sup>F111</sup>, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 37ZB(3) of the Social Security Act] if he would, but for his being a patient for a period exceeding 28 days, be so in receipt;]
- <sup>F112</sup>(b) as being entitled to and in receipt of <sup>F18</sup>a carer’s allowance<sup>F113</sup>or having an award of universal credit which includes the carer element] if he would, but for the person for whom he was caring being a patient in hospital for a period exceeding 28 days, be so entitled and in receipt <sup>F114</sup>of carer’s allowance or have such an award of universal credit].]
- <sup>F115</sup>(c) as being in receipt of the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act if he would, but for a suspension of benefit in accordance with regulations under section 86(1) (hospital in-patients) of the 2012 Act, be so in receipt.]

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**Changes to legislation:** There are currently no known outstanding effects for the The Income Support (General) Regulations 1987, PART III. (See end of Document for details)

[<sup>F116</sup>(3ZA) For the purposes of sub-paragraph (2)(a)(iii) and (2)(b), no account shall be taken of an award of [<sup>F118</sup>carer's allowance][<sup>F117</sup>or universal credit which includes the carer element] to the extent that payment of such an award is back-dated for a period before [<sup>F118</sup>the date on which the award is first paid].]

(4) Sub-paragraph (3)(c) shall apply only for the first 12 weeks following the date on which the person to whom that provision applies first joins the claimant's household.

[<sup>F119</sup>(5) In sub-paragraph (2)(a)(iii) and (b), references to a person being in receipt of [<sup>F118</sup>a carer's allowance][<sup>F120</sup>or as having an award of universal credit which includes the carer element] shall include references to a person who would have been in receipt of that allowance [<sup>F121</sup>or had such an award] but for the application of a restriction under section [<sup>F122</sup>6B or] 7 of the Social Security Fraud Act 2001 (loss of benefit provisions).]

[<sup>F123</sup>(6) For the purposes of this paragraph, a person has an award of universal credit which includes the carer element if the person has an award of universal credit which includes an amount which is the carer element under regulation 29 of the Universal Credit Regulations 2013.]

#### Textual Amendments

- F18** Words in Sch. 2 Pt. III substituted (1.4.2003) by The Social Security Amendment (Carer's Allowance) Regulations 2002 (S.I. 2002/2497), reg. 1(b), Sch. 2 paras. 1, **2**
- F82** Words in Sch. 2 para. 13(2)(a) substituted (25.5.1993) by The Income-related Benefits Schemes (Miscellaneous Amendments) (No. 2) Regulations 1993 (S.I. 1993/1150), regs. 1(1), **3(2)**
- F83** Words in Sch. 2 para. 13(2)(a)(i) inserted (6.4.1992) by The Disability Living Allowance and Disability Working Allowance (Consequential Provisions) Regulations 1991 (S.I. 1991/2742), regs. 1(1), **11(4)(e)** (with reg. 1(2))
- F84** Word in Sch. 2 para. 13(2)(a)(i) omitted (8.4.2013) by virtue of The Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations 2013 (S.I. 2013/388), reg. 2, **Sch. para. 11(5)(c)(i)(aa)**
- F85** Words in Sch. 2 para. 13(2)(a)(i) inserted (8.4.2013) by The Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations 2013 (S.I. 2013/388), reg. 2, **Sch. para. 11(5)(c)(i)(bb)**
- F86** Words in Sch. 2 para. 13(2)(a)(i) inserted (8.4.2013) by The Armed Forces and Reserve Forces Compensation Scheme (Consequential Provisions: Subordinate Legislation) Order 2013 (S.I. 2013/591), art. 2(2), **Sch. para. 4(5)(c)(i)**
- F87** Words in Sch. 2 para. 13(2)(a)(ii) substituted (2.12.1994) by The Income-related Benefits Schemes (Miscellaneous Amendments) (No. 6) Regulations 1994 (S.I. 1994/3061), regs. 1, **2(3)**
- F88** Sch. 2 para. 13(2)(a)(iii) substituted (3.4.2000) by The Social Security (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/681), regs. 1(1)(c), **4(2)(a)(i)**
- F89** Words in Sch. 2 para. 13(2)(a)(iii) inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by The Universal Credit and Miscellaneous Amendments Regulations 2015 (S.I. 2015/1754), regs. 1(1), **14(2)**
- F90** Words in Sch. 2 para. 13(2)(b) substituted (3.4.2000) by The Social Security (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/681), regs. 1(1)(c), **4(2)(a)(ii)(aa)**
- F91** Words in Sch. 2 para. 13(2)(b)(i) inserted (6.4.1992) by The Disability Living Allowance and Disability Working Allowance (Consequential Provisions) Regulations 1991 (S.I. 1991/2742), regs. 1(1), **11(4)(e)** (with reg. 1(2))
- F92** Word in Sch. 2 para. 13(2)(b)(i) omitted (8.4.2013) by virtue of The Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations 2013 (S.I. 2013/388), reg. 2, **Sch. para. 11(5)(c)(ii)(aa)**

- F93** Words in Sch. 2 para. 13(2)(b)(i) inserted (8.4.2013) by The Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations 2013 (S.I. 2013/388), reg. 2, **Sch. para. 11(5)(c)(ii)(bb)**
- F94** Words in Sch. 2 para. 13(2)(b)(i) inserted (8.4.2013) by The Armed Forces and Reserve Forces Compensation Scheme (Consequential Provisions: Subordinate Legislation) Order 2013 (S.I. 2013/591), art. 2(2), **Sch. para. 4(5)(c)(ii)**
- F95** Words in Sch. 2 para. 13(2)(b)(iii) substituted (2.12.1994) by The Income-related Benefits Schemes (Miscellaneous Amendments) (No. 6) Regulations 1994 (S.I. 1994/3061), regs. 1, **2(3)**
- F96** Words in Sch. 2 para. 13(2)(b) substituted (3.4.2000) by The Social Security (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/681), regs. 1(1)(c), **4(2)(a)(ii)(bb)**
- F97** Words in Sch. 2 para. 13(2)(b) inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by The Universal Credit and Miscellaneous Amendments Regulations 2015 (S.I. 2015/1754), regs. 1(1), **14(3)(a)**
- F98** Words in Sch. 2 para. 13(2)(b) inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by The Universal Credit and Miscellaneous Amendments Regulations 2015 (S.I. 2015/1754), regs. 1(1), **14(3)(b)**
- F99** Sch. 2 para. 13(2A) inserted (25.5.1993) by The Income-related Benefits Schemes (Miscellaneous Amendments) (No. 2) Regulations 1993 (S.I. 1993/1150), regs. 1(1), **3(3)**
- F100** Words in Sch. 2 para. 13(2A) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Universal Credit and Miscellaneous Amendments (No.2) Regulations 2014 (S.I. 2014/2888), regs. 1(1), **3(2)(a)(ii)(aa)**
- F101** Words in Sch. 2 para. 13(3)(a) inserted (6.4.1992) by The Disability Living Allowance and Disability Working Allowance (Consequential Provisions) Regulations 1991 (S.I. 1991/2742), regs. 1(1), **11(4)(e)** (with reg. 1(2))
- F102** Word in Sch. 2 para. 13(3)(a) omitted (8.4.2013) by virtue of The Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations 2013 (S.I. 2013/388), reg. 2, **Sch. para. 11(5)(c)(iii)(aa)**
- F103** Words in Sch. 2 para. 13(3)(a) inserted (8.4.2013) by The Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations 2013 (S.I. 2013/388), reg. 2, **Sch. para. 11(5)(c)(iii)(bb)**
- F104** Words in Sch. 2 para. 13(3)(a) inserted (8.4.2013) by The Armed Forces and Reserve Forces Compensation Scheme (Consequential Provisions: Subordinate Legislation) Order 2013 (S.I. 2013/591), art. 2(2), **Sch. para. 4(5)(c)(iii)**
- F105** Sch. 2 para. 13(3)(b) omitted (with effect in accordance with reg. 1(2) of the amending S.I.) by virtue of The Income-related Benefits Schemes (Miscellaneous Amendments) (No. 4) Regulations 1993 (S.I. 1993/2119), regs. 1(1)(a), **18(3)**
- F106** Sch. 2 para. 13(3)(d) and word added (25.5.1993) by The Income-related Benefits Schemes (Miscellaneous Amendments) (No. 2) Regulations 1993 (S.I. 1993/1150), regs. 1(1), **3(4)**
- F107** Words in Sch. 2 para. 13(3)(d) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Universal Credit and Miscellaneous Amendments (No.2) Regulations 2014 (S.I. 2014/2888), regs. 1(1), **3(2)(a)(ii)(bb)**
- F108** Sch. 2 para. 13(3A) inserted (11.4.1988) by The Income Support (General) Amendment Regulations 1988 (S.I. 1988/663), regs. 1(1), **29(d)**
- F109** Words in Sch. 2 para. 13(3A) omitted (3.4.2000) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/681), regs. 1(1)(c), **4(2)(a)(iii)(aa)**
- F110** Words in Sch. 2 para. 13(3A)(a) inserted (3.4.2000) by The Social Security (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/681), regs. 1(1)(c), **4(2)(a)(iii)(bb)**
- F111** Words in Sch. 2 para. 13(3A)(a) inserted (6.4.1992) by The Disability Living Allowance and Disability Working Allowance (Consequential Provisions) Regulations 1991 (S.I. 1991/2742), regs. 1(1), **11(4)(e)** (with reg. 1(2))
- F112** Sch. 2 para. 13(3A)(b) substituted (3.4.2000) by The Social Security (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/681), regs. 1(1)(c), **4(2)(a)(iii)(cc)**



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**Changes to legislation:** There are currently no known outstanding effects for the The Income Support (General) Regulations 1987, PART III. (See end of Document for details)

- F113** Words in Sch. 2 para. 13(3A)(b) inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by The Universal Credit and Miscellaneous Amendments Regulations 2015 (S.I. 2015/1754), regs. 1(1), **14(4)(a)**
- F114** Words in Sch. 2 para. 13(3A)(b) inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by The Universal Credit and Miscellaneous Amendments Regulations 2015 (S.I. 2015/1754), regs. 1(1), **14(4)(b)**
- F115** Sch. 2 para. 13(3A)(c) inserted (8.4.2013) by The Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations 2013 (S.I. 2013/388), reg. 2, **Sch. para. 11(5)(c)(iv)**
- F116** Sch. 2 para. 13(3ZA) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Income-related Benefits Schemes (Miscellaneous Amendments) (No.5) Regulations 1994 (S.I. 1994/2139), regs. 1(1)(a), **30(4)**
- F117** Words in Sch. 2 para. 13(3ZA) inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by The Universal Credit and Miscellaneous Amendments Regulations 2015 (S.I. 2015/1754), regs. 1(1), **14(5)**
- F118** Words in Sch. 2 para. 13(3ZA) substituted (coming into force in accordance with reg. 1(7) of the amending S.I.) by The Social Security (Miscellaneous Amendments) Regulations 2007 (S.I. 2007/719), regs. 1(2), **2(7)(e)**
- F119** Sch. 2 para. 13(5) added (1.4.2002) by The Social Security (Loss of Benefit) (Consequential Amendments) Regulations 2002 (S.I. 2002/490), regs. 1(1), **2(1)(a)**
- F120** Words in Sch. 2 para. 13(5) inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by The Universal Credit and Miscellaneous Amendments Regulations 2015 (S.I. 2015/1754), regs. 1(1), **14(6)(a)**
- F121** Words in Sch. 2 para. 13(5) inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by The Universal Credit and Miscellaneous Amendments Regulations 2015 (S.I. 2015/1754), regs. 1(1), **14(6)(b)**
- F122** Words in Sch. 2 para. 13(5) inserted (1.4.2010) by The Social Security (Loss of Benefit) Amendment Regulations 2010 (S.I. 2010/1160), regs. 1, **10(3)**
- F123** Sch. 2 para. 13(6) inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by The Universal Credit and Miscellaneous Amendments Regulations 2015 (S.I. 2015/1754), regs. 1(1), **14(7)**

#### Modifications etc. (not altering text)

- C6** Sch. 2 para. 13(2)(a)(ii) modified (11.11.1991) by The Income Support (General) Amendment No. 6 Regulations 1991 (S.I. 1991/2334), regs. 1(1), **4(2)** (with regs. 1(2), 4(1), 5, 6)
- C7** Sch. 2 para. 13(2)(b)(iii) modified (11.11.1991) by The Income Support (General) Amendment No. 6 Regulations 1991 (S.I. 1991/2334), regs. 1(1), **4(2)** (with regs. 1(2), 4(1), 5, 6)

#### Commencement Information

- I7** Sch. 2 para. 13 in force at 11.4.1988, see reg. 1

#### [<sup>F124</sup>Enhanced disability premium

**13A.**—[<sup>F125</sup>[<sup>F126</sup>(1) Subject to sub-paragraph (2), the condition is that—

- (a) the claimant; or
- (b) the claimant's partner, if any, who has not attained the qualifying age for state pension credit,

is a person to whom sub-paragraph (1ZA) applies.]

[<sup>F126</sup>(1ZA) This sub-paragraph applies to the person mentioned in sub-paragraph (1) where—

- (a) armed forces independence payment is payable to that person;

- (b) 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 hospitalization, be payable to that person at the highest rate prescribed under section 72(3) of that Act; or
- (c) the daily living component of personal independence payment is, or would, but for regulations made under section 86(1) (hospital in-patients) of the 2012 Act, be payable to that person at the enhanced rate in accordance with section 78(2) of that Act.]]

[  
<sup>F127</sup>(1A) Where the condition in sub-paragraph (1) ceases to be satisfied because of the death of a child or young person, the condition is that the claimant [<sup>F128</sup>or partner] is entitled to child benefit in respect of that person under section 145A of the Contributions and Benefits Act (entitlement after death of child or qualifying young person).]

[<sup>F129</sup>(2) The condition is not satisfied if the person to whom sub-paragraph (1) refers is—

- (a) a child or young person—
  - (i) whose capital if calculated in accordance with Part 5 of these Regulations in like manner as for the claimant, except as provided in regulation 44(1), would exceed £3,000; or
  - (ii) who is a long-term patient;
- (b) a single claimant or a lone parent and (in either case) is a long-term patient;
- (c) a member of a couple or polygamous marriage and each member of the couple or polygamous marriage is a long-term patient; or
- (d) a member of a couple or polygamous marriage who—
  - (i) is a long-term patient; and
  - (ii) is the only member of the couple or polygamous marriage to whom sub-paragraph (1) refers.]]

#### Textual Amendments

- F124** Sch. 2 para. 13A inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Social Security Amendment \(Enhanced Disability Premium\) Regulations 2000 \(S.I. 2000/2629\)](#), regs. 1(1)(c), **2(c)(ii)**
- F125** Sch. 2 para. 13A(1)(1ZA) substituted for Sch. 2 para. 13A(1) (8.4.2013) by [The Personal Independence Payment \(Supplementary Provisions and Consequential Amendments\) Regulations 2013 \(S.I. 2013/388\)](#), reg. 2, **Sch. para. 11(5)(c)(v)**
- F126** Sch. 2 para. 13A(1)(1ZA) substituted (8.4.2013) by [The Armed Forces and Reserve Forces Compensation Scheme \(Consequential Provisions: Subordinate Legislation\) Order 2013 \(S.I. 2013/591\)](#), art. 2(2), **Sch. para. 4(5)(d)**
- F127** Sch. 2 para. 13A(1A) inserted (for specified purposes and with effect in accordance with reg. 1(3) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/674\)](#), **reg. 3(5)(a)**
- F128** Words in Sch. 2 para. 13A(1A) inserted (31.10.2011) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2011 \(S.I. 2011/2425\)](#), regs. 1(2), **7(7)**
- F129** Sch. 2 para. 13A(2) substituted (coming into force in accordance with reg. 1(7) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) Regulations 2007 \(S.I. 2007/719\)](#), regs. 1(6), **2(7)(f)**

#### Modifications etc. (not altering text)

- C8** Sch. 2 para. 13A(2)(a): sum confirmed (coming into force in accordance with art. 1(2)(f) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2015 \(S.I. 2015/457\)](#), arts. 1(2)(f), **14(1)(2)(b)**



*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: There are currently no known outstanding effects for the The Income Support (General) Regulations 1987, PART III. (See end of Document for details)*

## Disabled Child Premium

<sup>F130</sup>14.—(1) Subject to sub-paragraph (2), the condition is that where the 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 is—

- (a) in receipt of disability living allowance or is no longer in receipt of that allowance because he is a patient provided that the child or young person continues to be a member of the family; <sup>F131</sup>...
- (b) [<sup>F132</sup>severely sight impaired or blind or treated as severely sight impaired or blind] within the meaning of paragraph 12(1)(a)(iii) and (2)[<sup>F133</sup>; or
- (c) a child or young person in respect of whom section 145A of the Contributions and Benefits Act (entitlement after death of child or qualifying young person) applies for the purposes of entitlement to child benefit but only for the period prescribed under that section, and in respect of whom a disabled child premium was included in the claimant's applicable amount immediately before the death of that child or young person, or ceased to be included in the claimant's applicable amount because of that child or young person's death][<sup>F134</sup>; or
- (d) a young person who is in receipt of personal independence payment or who would, but for regulations made under section 86(1) (hospital in-patients) of the 2012 Act, be so in receipt provided that the young person continues to be a member of the family][<sup>F135</sup>; or
- (e) in receipt of armed forces independence payment.]

(2) The condition [<sup>F136</sup>in sub-paragraph (1)(a) [<sup>F137</sup>, (b), (d) or (e)]] is not satisfied in respect of a child or young person—

- (a) whose capital, if calculated in accordance with Part 5 of these Regulations in like manner as for the claimant, except as provided in regulation 44(1), would exceed £3,000; or
- (b) who is a long-term patient.]

### Textual Amendments

**F130** Sch. 2 para. 14 substituted (coming into force in accordance with reg. 1(7) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) Regulations 2007 \(S.I. 2007/719\)](#), regs. 1(6), **2(7)(g)**

**F131** Word in Sch. 2 para. 14(1) omitted (for specified purposes and with effect in accordance with reg. 1(3) of the amending S.I.) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/674\)](#), **reg. 3(5)(b)(i)**

**F132** Words in Sch. 2 para. 14(1)(b) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Universal Credit and Miscellaneous Amendments \(No.2\) Regulations 2014 \(S.I. 2014/2888\)](#), regs. 1(1), **3(2)(a)(iii)**

**F133** Sch. 2 para. 14(1)(c) and word inserted (for specified purposes and with effect in accordance with reg. 1(3) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/674\)](#), **reg. 3(5)(b)(ii)**

**F134** Sch. 2 para. 14(1)(d) and word inserted (8.4.2013) by [The Personal Independence Payment \(Supplementary Provisions and Consequential Amendments\) Regulations 2013 \(S.I. 2013/388\)](#), reg. 2, **Sch. para. 11(5)(d)**

**F135** Sch. 2 para. 14(1)(e) and word inserted (8.4.2013) by [The Armed Forces and Reserve Forces Compensation Scheme \(Consequential Provisions: Subordinate Legislation\) Order 2013 \(S.I. 2013/591\)](#), art. 2(2), **Sch. para. 4(5)(e)**

**F136** Words in Sch. 2 para. 14(2) inserted (for specified purposes and with effect in accordance with reg. 1(3) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/674\)](#), **reg. 3(5)(b)(iii)**

**F137** Words in Sch. 2 para. 14(2) substituted (28.4.2014) by The Social Security (Miscellaneous Amendments) Regulations 2014 (S.I. 2014/591), regs. 1, **2(5)**

**Modifications etc. (not altering text)**

**C9** Sch. 2 para. 14(2)(a): sum confirmed (coming into force in accordance with art. 1(2)(f) of the amending S.I.) by The Social Security Benefits Up-rating Order 2015 (S.I. 2015/457), arts. 1(2)(f), **14(1)(2)(b)**

**[<sup>F138</sup>Carer premium**

**14ZA.—**(1) [<sup>F139</sup>Subject to sub-paragraphs (3) and (4),] the condition is that the claimant or his partner is, or both of them are, [<sup>F140</sup>entitled to [<sup>F18</sup>a carer’s allowance] under section 70 of the Contributions and Benefits Act].

<sup>F141</sup>(2) . . . . .

[<sup>F142</sup>(3) Where a carer premium is awarded but—

- (a) the person in respect of whose care the [<sup>F18</sup>carer’s allowance] has been awarded dies; or
- (b) in any other case the person in respect of whom a carer premium has been awarded ceases to be entitled <sup>F143</sup>...to [<sup>F18</sup>a carer’s allowance],

the condition for the award of the premium shall be treated as satisfied for a period of eight weeks from the relevant date specified in sub-paragraph (3A) below.

(3A) The relevant date for the purposes of sub-paragraph (3) above shall be—

- (a) [<sup>F144</sup>where sub-paragraph (3)(a) applies,] the Sunday following the death of the person in respect of whose care [<sup>F18</sup>a carer’s allowance] has been awarded or the date of death if the death occurred on a Sunday;

<sup>F145</sup>(b) . . . . .

- (c) in any other case, the date on which the person who has been entitled to [<sup>F18</sup>a carer’s allowance] ceases to be entitled to that allowance.]

(4) Where a person who has been entitled to [<sup>F18</sup>a carer’s allowance] ceases to be entitled to that allowance and makes a claim for income support, the condition for the award of the carer premium shall be treated as satisfied for a period of eight weeks from the date on which—

[<sup>F146</sup>(a) the person in respect of whose care the [<sup>F18</sup>carer’s allowance] has been awarded dies;

<sup>F147</sup>(b) . . . . .

- (c) [<sup>F148</sup>in any other case, the person who has been entitled to a carer’s allowance ceased to be entitled to that allowance.]]

**Textual Amendments**

**F18** Words in Sch. 2 Pt. III substituted (1.4.2003) by The Social Security Amendment (Carer’s Allowance) Regulations 2002 (S.I. 2002/2497), reg. 1(b), Sch. 2 paras. 1, **2**

**F138** Sch. 2 para. 14ZA inserted (1.10.1990) by The Income Support (General) Amendment No. 3 Regulations 1990 (S.I. 1990/1776), regs. 1(1)(a), **8(d)** (with reg. 1(2))

**F139** Words in Sch. 2 para. 14ZA(1) inserted (7.10.1991) by The Income Support (General) Amendment No. 4 Regulations 1991 (S.I. 1991/1559), regs. 1(1)(c), **15(d)(i)** (with reg. 1(2))

**F140** Words in Sch. 2 para. 14ZA(1) substituted (3.4.2000) by The Social Security (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/681), regs. 1(1)(c), **4(2)(b)(i)**

**F141** Sch. 2 para. 14ZA(2) omitted (1.10.2003) by virtue of The Social Security (Miscellaneous Amendments) (No.2) Regulations 2003 (S.I. 2003/2279), regs. 1(a), **2(3)(a)**

**Status:** Point in time view as at 06/04/2016.

**Changes to legislation:** There are currently no known outstanding effects for the The Income Support (General) Regulations 1987, PART III. (See end of Document for details)

- F142** Sch. 2 para. 14ZA(3)(3A) substituted for Sch. 2 para. 14ZA(3) (28.10.2002) by The Social Security Amendment (Carer Premium) Regulations 2002 (S.I. 2002/2020), regs. 1, **2(a)**
- F143** Words in Sch. 2 para. 14ZA(3)(b) omitted (1.10.2003) by virtue of The Social Security (Miscellaneous Amendments) (No.2) Regulations 2003 (S.I. 2003/2279), regs. 1(a), **2(3)(b)**
- F144** Words in Sch. 2 para. 14ZA(3A)(a) inserted (1.10.2003) by The Social Security (Miscellaneous Amendments) (No.2) Regulations 2003 (S.I. 2003/2279), regs. 1(a), **2(3)(c)(i)**
- F145** Sch. 2 para. 14ZA(3A)(b) omitted (1.10.2003) by virtue of The Social Security (Miscellaneous Amendments) (No.2) Regulations 2003 (S.I. 2003/2279), regs. 1(a), **2(3)(c)(ii)**
- F146** Sch. 2 para. 14ZA(4)(a)-(c) substituted for Sch. 2 para. 14ZA(4)(a)(b) (28.10.2002) by The Social Security Amendment (Carer Premium) Regulations 2002 (S.I. 2002/2020), regs. 1, **2(b)**
- F147** Sch. 2 para. 14ZA(4)(b) omitted (1.10.2003) by virtue of The Social Security (Miscellaneous Amendments) (No.2) Regulations 2003 (S.I. 2003/2279), regs. 1(a), **2(3)(d)(i)**
- F148** Sch. 2 para. 14ZA(4)(c) substituted (1.10.2003) by The Social Security (Miscellaneous Amendments) (No.2) Regulations 2003 (S.I. 2003/2279), regs. 1(a), **2(3)(d)(ii)**

#### **[<sup>F149</sup>Persons in receipt of concessionary payments**

**14A.** For the purpose of determining whether a premium is applicable to a person [<sup>F150</sup>under paragraphs 12 to 14ZA], 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.]

#### **Textual Amendments**

- F149** Sch. 2 para. 14A inserted (12.9.1988) by The Income Support (General) Amendment No. 4 Regulations 1988 (S.I. 1988/1445), regs. 1(1)(b), **19(d)**
- F150** Words in Sch. 2 para. 14A substituted (5.8.1991) by The Income Support (General) Amendment No. 4 Regulations 1991 (S.I. 1991/1559), regs. 1(1)(a), **15(e)** (with reg. 1(2))

#### **[<sup>F151</sup>Person in receipt of benefit**

**14B.** 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.]

#### **Textual Amendments**

- F151** Sch. 2 para. 14B inserted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by The Income Support (General) Amendment Regulations 1990 (S.I. 1990/547), regs. 1(1)(b), **17**

**Status:**

Point in time view as at 06/04/2016.

**Changes to legislation:**

There are currently no known outstanding effects for the The Income Support (General) Regulations 1987, PART III.