

## SCHEDULE 1

Regulation 12

## Applicable amounts

**PART 1**

## Personal Allowances

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

- C1** Sch. 1 Pt. 1 modified (1.4.2007) by [The Social Security Benefits Up-rating Order 2007 \(S.I. 2007/688\)](#), arts. 1(2)(a), 21(4), **Sch. 10**
- C2** Sch. 1 Pt. 1 modified (1.4.2008) by [The Social Security Benefits Up-rating Order 2008 \(S.I. 2008/632\)](#), arts. 1(2)(a), 21(4), **Sch. 10**
- C3** Sch. 1 Pt. 1 modified (with effect in accordance with art. 1(3)(a) 6 of the amending S.I.) by [The Social Security Benefits Up-rating Order 2009 \(S.I. 2009/497\)](#), arts. 1(2)(a), 21(4), **Sch. 9**
- C4** Sch. 1 Pt. 1 modified (1.4.2010) by [The Social Security Benefits Up-rating Order 2010 \(S.I. 2010/793\)](#), arts. 1(2)(a), 21(4), **Sch. 9**
- C5** Sch. 1 Pt. 1 sums amended and confirmed (1.4.2011 coming into force in accordance with art. 1(2)(k)) by [The Social Security Benefits Up-rating Order 2011 \(S.I. 2011/821\)](#), arts. 1(2)(k), 22(4), **Sch. 9**

1. The amounts specified in column (2) below in respect of each person or couple specified in column (1) shall be the amounts specified for the purposes of regulations 12(a) and 13(a) and (b)—

<i>Column (1)</i>	<i>Column (2)</i>
[ <sup>F1</sup> (1) A single claimant who—]	(1)
[ <sup>F1</sup> (a) [ <sup>F1</sup> (a) is entitled to main phase employment and support allowance;]	[ <sup>F1</sup> (a) [ <sup>F1</sup> (a) £60.50]
[ <sup>F1</sup> (b) [ <sup>F1</sup> (b) is aged not less than 25;]	[ <sup>F1</sup> (b) [ <sup>F1</sup> (b) £60.50;]
[ <sup>F1</sup> (c) [ <sup>F1</sup> (c) is aged not less than 18 but less than 25.]	[ <sup>F1</sup> (c) [ <sup>F1</sup> (c) £47.95.]

**Textual Amendments**

- F1** Sch. 1 Pt. 1, para. 1(1) substituted (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/1082\)](#), regs. 1, **59(a)**

[<sup>F2</sup>1A. For the purposes of paragraph 1 a claimant is entitled to main phase employment and support allowance if—

- (a) paragraph 21 is satisfied in relation to the claimant; or
- (b) the claimant is entitled to a converted employment and support allowance.]

*Status: Point in time view as at 04/04/2011.*

*Changes to legislation: There are currently no known outstanding effects for the The Council Tax Benefit Regulations 2006, SCHEDULE 1. (See end of Document for details)*

### Textual Amendments

**F2** Sch. 1 para. 1A substituted (1.10.2010) by [The Employment and Support Allowance \(Transitional Provisions, Housing Benefit and Council Tax Benefit\) \(Existing Awards\) \(No. 2\) Regulations 2010 \(S.I. 2010/1907\)](#), reg. 1(2), **Sch. 5 para. 70(5)(a)** (with reg. 3)

2.—(1) The amount specified in column (2) below in respect of each person specified in column (1) shall, for the relevant period specified in column (1), be the amounts specified for the purposes of regulations 12(b) and 13(c)—

<i>Column (1)</i> <i>Child or young person</i>	<i>Column (2)</i> <i>Amount</i>
Persons in respect of the period—	
(a) (a) beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday;	(a) (a) £43.88;
(b) (b) beginning on the first Monday in September following that person's sixteenth birthday and ending on the day preceding that person's [ <sup>F3</sup> twentieth] birthday.	(b) (b) £43.88.

(2) In column (1) of the table in paragraph (1), “the first Monday in September” means the Monday which first occurs in the month of September in any year.

### Textual Amendments

**F3** Word in Sch. 1 para. 2(1) substituted (10.4.2006) by [Social Security \(Young Persons\) Amendment Regulations 2006 \(S.I. 2006/718\)](#), regs. 1(2)(b), **5(4)**

## PART 2

### Family Premium

3.—(1) Subject to sub-paragraph (2), the amount for the purposes of regulations 12(c) and 13(d) in respect of a family of which at least one member is a child or young person shall be—

- (a) where the claimant is a lone parent to whom sub-paragraph (3) applies, £22.20;
- (b) in any other case, [<sup>F4</sup>£17.40].

[<sup>F5</sup>(2) The amounts specified in sub-paragraph (1)(a) and (b) shall be increased by £10.50 where the claimant or the claimant's partner is in receipt of child tax credit and the family element includes the amount in regulation 7(3)(a) of the Child Tax Credit Regulations 2002.]

(3) The amount in sub-paragraph (1)(a) shall be applicable to a lone parent—

- (a) who was entitled to council tax benefit on 5th April 1998 and whose applicable amount on that date included the amount applicable under sub-paragraph (a) of this paragraph as in force on that date; or
  - (b) on becoming entitled to council tax benefit where that lone parent—
    - (i) had been treated as entitled to that benefit in accordance with sub-paragraph (4) as at the day before the date of claim for that benefit; and
    - (ii) was entitled to housing benefit as at the date of claim for council tax benefit or would have been entitled to housing benefit as at that date had that day not fallen during a rent free period as defined in regulation 81 of the Housing Benefit Regulations,
- and in respect of whom, all of the conditions specified in sub-paragraph (4) have continued to apply.

(4) The conditions specified for the purposes of sub-paragraph (3) are that, in respect of the period commencing on 6th April 1998—

- (a) the claimant has not ceased to be entitled, or has not ceased to be treated as entitled, to council tax benefit;
- (b) the claimant has not ceased to be a lone parent;
- (c) where the claimant was entitled to income support or to an income-based jobseeker's allowance on 5th April 1998, he has [<sup>F6</sup>continuously, since that date, been entitled to income support, an income-based jobseeker's allowance or income-related employment and support allowance or a combination of those benefits];
- (d) where the claimant was not entitled to income support or to an income-based jobseeker's allowance on 5th April 1998, he has not become entitled to [<sup>F7</sup>income support, an income-based jobseeker's allowance or an income-related employment and support allowance]; and
- (e) a premium under paragraph <sup>F8</sup>...12 [<sup>F9</sup>or a component under paragraph 23 or 24] has not become applicable to the claimant.

(5) For the purposes of sub-paragraphs (3)(b)(i) and (4)(a), a claimant shall be treated as entitled to council tax benefit during any period where he was not, or had ceased to be, so entitled and—

- (a) throughout that period, he had been awarded housing benefit and his applicable amount included the amount applicable under paragraph 3(1)(a) of Schedule 3 to the Housing Benefit Regulations (lone parent rate of family premium); or
- (b) he would have been awarded housing benefit during that period had that period not been a rent free period as defined in regulation 81 of the Housing Benefit Regulations and his applicable amount throughout that period would have included the amount applicable under paragraph 3(1)(a) of Schedule 3 to those Regulations.

#### Textual Amendments

- F4** Sch. 1 para. 3(1)(b) substituted (1.4.2010) by [The Social Security Benefits Up-rating Order 2010 \(S.I. 2010/793\)](#), arts. 1(2)(a), **21(5)(b)**
- F5** Sch. 1 para. 3(2) substituted (1.4.2011 for specified purposes, 4.4.2011 in so far as not already in force) by [The Housing Benefit and Council Tax Benefit \(Miscellaneous Amendments\) Regulations 2010 \(S.I. 2010/2449\)](#), regs. 1(3), **4(5)(a)**
- F6** Words in Sch. 1 para. 3(4)(c) substituted (1.4.2009) by [The Social Security \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/583\)](#), regs. 1(3), **8(10)(b)(i)**
- F7** Words in Sch. 1 para. 3(4)(d) substituted (1.4.2009) by [The Social Security \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/583\)](#), regs. 1(3), **8(10)(b)(ii)**
- F8** Words in Sch. 1 para. 3(4)(e) omitted (19.5.2008) by virtue of [Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 2008 \(S.I. 2008/1042\)](#), regs. 1(2), **5(10)(a)**

*Status: Point in time view as at 04/04/2011.*

*Changes to legislation: There are currently no known outstanding effects for the The Council Tax Benefit Regulations 2006, SCHEDULE 1. (See end of Document for details)*

**F9** Words in Sch. 1 para. 3(4)(e) inserted (1.4.2009) by [The Social Security \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/583\)](#), regs. 1(3), **8(10)(b)(iii)**

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

**C6** Sch. 1 para. 3(1)(a) sum confirmed (1.4.2007) by [The Social Security Benefits Up-rating Order 2007 \(S.I. 2007/688\)](#), arts. 1(2)(a), **21(5)(a)**

**C7** Sch. 1 para. 3(1)(a) sum confirmed (1.4.2008) by [The Social Security Benefits Up-rating Order 2008 \(S.I. 2008/632\)](#), arts. 1(2)(a), **21(5)(a)**

**C8** Sch. 1 para. 3(1)(a) sum confirmed (with effect in accordance with art. 1(3)(a) 6 of the amending S.I.) by [The Social Security Benefits Up-rating Order 2009 \(S.I. 2009/497\)](#), arts. 1(2)(a), **21(5)(a)**

**C9** Sch. 1 para. 3(1)(a) sum confirmed (1.4.2010) by [The Social Security Benefits Up-rating Order 2010 \(S.I. 2010/793\)](#), arts. 1(2)(a), **21(5)(a)**

**C10** Sch. 1 para. 3(1)(a) sum confirmed (1.4.2011 coming into force in accordance with art. 1(2)(k)) by [The Social Security Benefits Up-rating Order 2011 \(S.I. 2011/821\)](#), arts. 1(2)(k), **22(5)(a)**

**C11** Sch. 1 para. 3(1)(b) sum confirmed (1.4.2011 coming into force in accordance with art. 1(2)(k)) by [The Social Security Benefits Up-rating Order 2011 \(S.I. 2011/821\)](#), arts. 1(2)(k), **22(5)(b)**

## PART 3

### Premiums

4. Except as provided in paragraph 5, the premiums specified in Part 4 of this Schedule shall, for the purposes of regulations 12(d) and 13(e), be applicable to a claimant who satisfies the condition specified in paragraphs 8 to 17 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.

[<sup>F10</sup>6. -The following premiums, namely—

- (a) a severe disability premium to which paragraph 14 applies;
- (b) an enhanced disability premium to which paragraph 15 applies;
- (c) a disabled child premium to which paragraph 16 applies; and
- (d) a carer premium to which paragraph 17 applies,

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

**Textual Amendments**

**F10** Sch. 1 para. 6 substituted (19.5.2008) by [Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 2008 \(S.I. 2008/1042\)](#), regs. 1(2), **5(10)(b)**

7.—(1) Subject to sub-paragraph (2), 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<sup>M1</sup> 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 [<sup>F11</sup>by the Secretary of State] under section 2 of the 1973 Act or [<sup>F12</sup>by Skills

Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise under] section 2 of the Enterprise and New <sup>F13</sup>Towns] (Scotland) Act 1990 <sup>M2</sup> for any period during which he is in receipt of a training allowance.

(2) For the purposes of the carer premium under paragraph 17, a person shall be treated as being in receipt of 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, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act.

**Textual Amendments**

- F11** Words in Sch. 1 para. 7(1)(b) inserted (6.4.2009) by [The Social Security \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/583\)](#), regs. 1(2), **8(10)(c)(i)**
- F12** Words in Sch. 1 para. 7(1)(b) inserted (6.4.2009) by [The Social Security \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/583\)](#), regs. 1(2), **8(10)(c)(ii)**
- F13** Word in Sch. 1 para. 7(1)(b) substituted (6.4.2009) by [The Social Security \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/583\)](#), regs. 1(2), **8(10)(c)(iii)**

**Marginal Citations**

- M1** [S.I. 1979/597](#); amending instruments are [S.I. 1991/547](#), [1991/1617](#), [1992/589](#), [1993/965](#), [1996/1803](#), [2000/799](#), [2003/136](#) and [2004/565](#).
- M2** [1990 c. 35](#).

**Bereavement premium**

<sup>F14</sup>8. ....

**Textual Amendments**

- F14** Sch. 1 para. 8 revoked (1.10.2007) by [The Social Security \(Miscellaneous Amendments\) \(No. 5\) Regulations 2007 \(S.I. 2007/2618\)](#), reg. 1(1), **Sch.**

**Pensioner Premium for persons under 75**

<sup>F15</sup>9. ....

**Textual Amendments**

- F15** Sch. 1 para. 9 omitted (19.5.2008) by virtue of [Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 2008 \(S.I. 2008/1042\)](#), regs. 1(2), **5(10)(c)**

**Pensioner Premium for persons 75 and over**

<sup>F16</sup>10. ....

**Textual Amendments**

- F16** Sch. 1 para. 10 omitted (19.5.2008) by virtue of [Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 2008 \(S.I. 2008/1042\)](#), regs. 1(2), **5(10)(c)**

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## Higher Pensioner Premium

<sup>F17</sup>11. ....

### Textual Amendments

**F17** Sch. 1 para. 11 omitted (19.5.2008) by virtue of [Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 2008 \(S.I. 2008/1042\)](#), regs. 1(2), **5(10)(c)**

## Disability Premium

12. The condition is that—

- (a) where the claimant is a single claimant or a lone parent, he [<sup>F18</sup>has not attained the qualifying age for state pension credit] and the additional condition specified in paragraph 13 is satisfied; or
- (b) where the claimant has a partner, either—
  - (i) the claimant [<sup>F18</sup>has not attained the qualifying age for state pension credit] and the additional condition specified in paragraph 13 (1)(a) or (b) is satisfied by him; or
  - (ii) his partner [<sup>F18</sup>has not attained the qualifying age for state pension credit] and the additional condition specified in paragraph 13(1)(a) is satisfied by his partner.

### Textual Amendments

**F18** Words in Sch. 1 para. 12 substituted (6.4.2010) by [The Social Security \(Equalisation of State Pension Age\) Regulations 2009 \(S.I. 2009/1488\)](#), regs. 1, **34(2)**

## Additional Condition for the [<sup>F19</sup>Disability Premium]

13.—(1) Subject to sub-paragraph (2) and paragraph 7, the additional condition referred to in paragraphs 11 and 12 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, disability living allowance, 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 Regulations, mobility supplement, long-term incapacity benefit under Part 2 of the Act or severe disablement allowance under Part 3 of the 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 2 of the Act when entitlement to that benefit ceased on account of the payment of a retirement pension under that Act and the claimant has since remained continuously entitled to <sup>F20</sup>... council tax benefit and, if the long-term incapacity benefit was payable to his partner, the partner is still a member of the family; or
  - (iii) <sup>F21</sup>..., 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 Act or otherwise abated as a consequence of the claimant or his partner becoming a patient within the meaning of [<sup>F22</sup>regulation 18(11)(e) (treatment of child care charges)]; or

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(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 <sup>M3</sup> (other services) or, in Scotland, under section 46 of the National Health Service (Scotland) Act 1978 <sup>M4</sup> (provision of services by Scottish Ministers) or receives payments by way of grant from the Secretary of State under paragraph 2 of Schedule 2 to the Act of 1977 (additional provisions as to vehicles) or, in Scotland, by Scottish Ministers under section 46 of the Act of 1978; 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 <sup>M5</sup> (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 council constituted under section 2 of the Local Government (Scotland) Act 1994 <sup>M6</sup>; or

(b) the claimant—

(i) is, or is treated as, incapable of work in accordance with the provisions of, and regulations made under, Part 12A of the Act (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 claimant who is terminally ill within the meaning of section 30B(4) of the Act <sup>M7</sup>, 196 days;

(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 <sup>F23</sup>... 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 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).

<sup>F24</sup>(4) .....

(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 1973 Act <sup>M8</sup> or section 2 of the Enterprise and New Towns (Scotland) Act 1990 <sup>M9</sup> or for any period during which he is in receipt of a training allowance.

(6) For the purposes of sub-paragraph (1)(b), where any 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.

(7) 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 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.

(8) 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

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of training provided under section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990.

(9) In the case of a claimant who is a welfare to work beneficiary [<sup>F25</sup>(a person to whom regulation 13A(1) of the Social Security (Incapacity for Work) (General) Regulations 1995 applies, and who again becomes incapable of work for the purposes of Part 12A of the Act)]—

(a) the reference to a period of 8 weeks in sub-paragraph (3); and

(b) the reference to a period of 56 days in sub-paragraph (6),

shall in each case be treated as a reference to a period of [<sup>F26</sup>104 weeks].

[<sup>F27</sup>(10) The claimant is not entitled to the disability premium if the claimant has, or is treated as having, limited capability for work <sup>F28</sup>....]

### Textual Amendments

- F19** Words in heading to Sch. 1 para. 13 substituted (19.5.2008) by [Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 2008 \(S.I. 2008/1042\)](#), regs. 1(2), **5(10)(d)**
- F20** Words in Sch. 1 para. 13(1)(a)(ii) omitted (17.11.2008) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No.6\) Regulations 2008 \(S.I. 2008/2767\)](#), regs. 1(2), **8(8)**
- F21** Words in Sch. 1 para. 13(1)(a)(iii) omitted by SI 2005/2502 reg. 3(11)(a)(i) (as substituted) (6.3.2006) by virtue of [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 27(27)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F22** Words in Sch. 1 para. 13(1)(a)(iii) substituted by SI 2005/2502 reg. 3(11)(a)(ii) (as substituted) (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 27(27)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F23** Words in Sch. 1 para. 13(3) omitted (19.5.2008) by virtue of [Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 2008 \(S.I. 2008/1042\)](#), regs. 1(2), **5(10)(e)**
- F24** Sch. 1 para. 13(4) omitted (19.5.2008) by virtue of [Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 2008 \(S.I. 2008/1042\)](#), regs. 1(2), **5(10)(f)**
- F25** Words in Sch. 1 para. 13(9) substituted (19.5.2008) by [Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 2008 \(S.I. 2008/1042\)](#), regs. 1(2), **5(10)(g)**
- F26** Words in Sch. 1 para. 13(9) substituted (9.10.2006) by [Social Security \(Miscellaneous Amendments\) \(No.4\) Regulations 2006 \(S.I. 2006/2378\)](#), regs. 1(7), **17(4)**
- F27** Sch. 1 para. 13(10) added (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/1082\)](#), regs. 1, **59(b)** (as amended) (27.10.2008) by virtue of [The Employment and Support Allowance \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/2428\)](#) **reg. 39(a)**
- F28** Words in Sch. 1 para. 13(10) omitted by SI 2008/1082 reg. 59(b) (as amended) (27.10.2008) by virtue of [The Employment and Support Allowance \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/2428\)](#), regs. 1(2), **39(a)**

### Marginal Citations

- M3** 1977 c. 49; section 5(2) was amended 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 \(c. 48\)](#).
- M4** 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(1)** and 114 of and Schedule 4 to the [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), **section 95(2)** and Schedule 9 Part 1; the [Local Government Act 1972 \(c. 70\)](#), sections 195(6), 272(1), **Schedule 23 paragraph 2** and Schedule 30; the [Employment and Training Act 1973 \(c. 50\)](#), **section 14(1)** and Schedule 3 paragraph 3; the [National Health Service Act 1977 \(c. 49\)](#), **section 129** and Schedule 15 paragraph 6; the [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41\)](#), **section 30** and Schedule 10 Part I; the [Children Act 1989 \(c. 41\)](#)



section 108(5) and Schedule 13 paragraph 11(2); and the [National Health Service and Community Care Act 1990 \(c. 19\)](#), [section 44\(7\)](#).

**M5** 1948 c. 29;

**M6** 1994 c. 39. Section 2 was amended by the [Environment Act 1995 \(c. 25\)](#), [Schedule 22](#), paragraph 232(1).

**M7** Section 30B was inserted by the Social Security (Incapacity for Work) Act 1994(c. 18), section 2.

**M8** 1973 c. 50; section 2 was amended by the [Employment Act 1988 \(c. 19\)](#), [section 25\(1\)](#); the [Employment Act 1989 \(c. 38\)](#), Part I, [Schedule 7](#); and the [Trade Union Reform and Employment Rights Act 1993 \(c. 19\)](#),section 47(1).

**M9** 1990 c. 35.

### Severe Disability Premium

**14.**—(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, a lone parent or a claimant who is treated as having no partner in consequence of sub-paragraph (3)—
  - (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 Act; and
  - (ii) 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) no person is entitled to, and in receipt of, a carer's allowance under section 70 of the Act 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, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 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 claimant has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing,

and either a person is [<sup>F29</sup>entitled to and in receipt of] a carer's 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 as the case may be, no person is entitled to and in receipt of such an allowance in respect of caring for either member of a couple or any partner of a polygamous marriage.

(3) Where a claimant 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 13(1)(a)(v) and (2), that partner shall be treated for the purposes of sub-paragraph (2)(b)(ii) as if he were not a partner of the claimant.

(4) 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, or disability living allowance by virtue of the care component at the highest or middle rate prescribed in accordance with section 72(3) of the Act; or
- (b) a person who is blind or is treated as blind within the meaning of paragraph 13(1)(a)(v) and (2).

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- (5) For the purposes of sub-paragraph (2)(b) a person shall be treated—
- (a) as being 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 Act, if he would, but for his being a patient for a period exceeding 28 days, be so in receipt;
  - (b) as being entitled to and in receipt of a carer's allowance 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.

(6) For the purposes of sub-paragraph (2)(a)(iii) and (2)(b), no account shall be taken of an award of carer's allowance to the extent that payment of such an award is back-dated for a period before <sup>F30</sup>the date on which the award is first paid].

(7) In sub-paragraph (2)(a)(iii) and (b), references to a person being in receipt of a carer's allowance shall include references to a person who would have been in receipt of that allowance but for the application of a restriction under section <sup>F31</sup>6B or] 7 of the Social Security Fraud Act 2001 <sup>M10</sup>(loss of benefit provisions).

#### Textual Amendments

- F29** Words in Sch. 1 para. 14(2) substituted (6.4.2009) by [The Social Security \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/583\)](#), regs. 1(2), **8(10)(d)**
- F30** Words in Sch. 1 para. 14(6) substituted (2.4.2007) by [Social Security \(Miscellaneous Amendments\) Regulations 2007 \(S.I. 2007/719\)](#), regs. 1(2), **8(5)**
- F31** Words in Sch. 1 para. 14(7) inserted (1.4.2010) by [The Social Security \(Loss of Benefit\) Amendment Regulations 2010 \(S.I. 2010/1160\)](#), regs. 1, **6(3)**

#### Marginal Citations

- M10** [2001 c. 11](#); section 7 was amended by the State Pension Credit Act 2002, section 14 and Schedule 2 and by the Tax Credits Act 2002, section 60 and Schedule 6.

### Enhanced disability premium

- 15.—<sup>F32</sup>(1) Subject to sub-paragraph (2), the condition is that—
- (a) the Secretary of State has decided that the claimant has, or is to be treated as having, limited capability for work-related activity; or
  - (b) the care component of disability living allowance is, or would, but for a suspension of benefit in accordance with regulations made under section 113(2) of the Act or but for an abatement as a consequence of hospitalisation be payable at the highest rate prescribed under section 72(3) of the Act in respect of—
    - (i) the claimant; or
    - (ii) a member of the claimant's family,
 who <sup>F33</sup>has not attained the qualifying age for state pension credit].]

<sup>F34</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 is entitled to child benefit in respect of that person under section 145A of the Act (entitlement after death of child or qualifying young person).]

(2) <sup>F35</sup>An enhanced disability premium shall not be applicable in respect of]<sup>F35</sup>The condition is not satisfied if the person to whom sub-paragraph (1) refers is] —

- (a) a claimant who—
  - (i) is not a member of a couple or a polygamous marriage; and

- (ii) is a patient within the meaning of [<sup>F36</sup>regulation 18(11)(e)] (patients) and has been for a period of more than 52 weeks; or
- (b) a member of a couple or a polygamous marriage where each member is a patient within the meaning of [<sup>F37</sup>regulation 18(11)(e)] and has been for a period of more than 52 weeks.

#### Textual Amendments

- F32** Sch. 1 para. 15(1) substituted by S.I. 2008/1082, reg. 59(c) (27.10.2008) (as amended) by [The Employment and Support Allowance \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/2428\)](#), reg. 39(b),
- F33** Words in Sch. 1 para. 15(1) substituted (6.4.2010) by [The Social Security \(Equalisation of State Pension Age\) Regulations 2009 \(S.I. 2009/1488\)](#), regs. 1, **34(3)**
- F34** Sch. 1 para. 15(1A) inserted (1.4.2011 for specified purposes, 4.4.2011 in so far as not already in force) by [The Social Security \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/674\)](#), regs. 1(2), **14(2)(a)**
- F35** Words in Sch. 1 para. 15(2) substituted (E.W.S.) (1.4.2011 for specified purposes, 4.4.2011 in so far as not already in force) by [The Social Security \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/674\)](#), regs. 1(2), **14(2)(b)**
- F36** Words in Sch. 1 para. 15(2)(a)(ii) substituted by SI 2005/2502 reg. 3(11)(b)(i) (as substituted) (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 27(27)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F37** Words in Sch. 1 para. 15(2)(b) substituted by SI 2005/2502 reg. 3(11)(b)(ii) (as substituted) (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 27(27)** (with regs. 2, 3, Sch. 3, Sch. 4)

#### Disabled Child Premium

**16.** 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) 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
- (b) is blind or treated as blind within the meaning of paragraph 13; or
- [<sup>F38</sup>(c) is a child or young person in respect of whom section 145A of the 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.]

#### Textual Amendments

- F38** Sch. 1 para. 16(c) substituted (1.4.2011 for specified purposes, 4.4.2011 in so far as not already in force) by [The Social Security \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/674\)](#), regs. 1(2), **14(3)**

#### Carer Premium

**17.—(1)** The condition is that the claimant or his partner is, or both of them are, entitled to a carer's allowance under section 70 of the Act.

- (2) Where a carer premium is awarded but—

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- (a) the person in respect of whose care the 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 to 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 (3).

(3) The relevant date for the purposes of sub-paragraph (2) shall be—

- (a) where sub-paragraph (2)(a) applies, the Sunday following the death of the person in respect of whose care a carer's allowance has been awarded or the date of death if the death occurred on a Sunday;
- (b) in any other case, the date on which the person who has been entitled to a carer's allowance ceases to be entitled to that allowance.

(4) Where a person who has been entitled to a carer's allowance ceases to be entitled to that allowance and makes a claim for council tax benefit, 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—

- (a) the person in respect of whose care the carer's allowance has been awarded dies;
- (b) in any other case, the person who has been entitled to a carer's allowance ceased to be entitled to that allowance.

#### **Persons in receipt of concessionary payments**

**18.** For the purpose of determining whether a premium is applicable to a person under paragraphs 13 to 17, 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 for another**

**19.** 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.

## **PART 4**

### **Amounts of premiums specified in Part 3**

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

- C12** Sch. 1 Pt. 4 modified (1.4.2007) by [The Social Security Benefits Up-rating Order 2007 \(S.I. 2007/688\)](#), arts. 1(2)(a), 21(6), **Sch. 11**
- C13** Sch. 1 Pt. 4 modified (1.4.2008) by [The Social Security Benefits Up-rating Order 2008 \(S.I. 2008/632\)](#), arts. 1(2)(a), 21(6), **Sch. 11**
- C14** Sch. 1 Pt. 4 modified (with effect in accordance with art. 1(3)(a) 6 of the amending S.I.) by [The Social Security Benefits Up-rating Order 2009 \(S.I. 2009/497\)](#), arts. 1(2)(a), 21(6), **Sch. 10**
- C15** Sch. 1 Pt. 4 modified (1.4.2010) by [The Social Security Benefits Up-rating Order 2010 \(S.I. 2010/793\)](#), arts. 1(2)(a), 21(6), **Sch. 10**
- C16** Sch. 1 Pt. 4 sums amended and confirmed (1.4.2011 coming into force in accordance with art. 1(2)(k)) by [The Social Security Benefits Up-rating Order 2011 \(S.I. 2011/821\)](#), arts. 1(2)(k), 22(6), **Sch. 10**

**Premium**

**Amount**

**20. —**

<p>F39</p> <p>...</p> <p>F40</p> <p>...</p> <p>F41</p> <p>...</p> <p>F42</p> <p>...</p>	<p>F39</p> <p>...</p> <p>F40</p> <p>...</p> <p>F41</p> <p>...</p> <p>F42</p> <p>...</p>
<p>(5) Disability Premium—</p> <p>(a) where the claimant satisfies the condition in paragraph 12(a)<sup>F43</sup> ...;</p> <p>(b) where the claimant satisfies the condition in paragraph 12(b).</p> <p>(6) Severe Disability Premium—</p> <p>(a) where the claimant satisfies the condition in paragraph 14(2)(a);</p> <p>(b) where the claimant satisfies the condition in paragraph 14(2)(b)—</p> <p>(i) in a case where there is someone in receipt of carer's allowance or if he or any partner satisfies that condition only by virtue of paragraph 14(5);</p> <p>(ii) in a case where there is no one in receipt of such an allowance.</p> <p>(7) Disabled Child Premium.</p> <p>(8) Carer Premium.</p> <p>(9) Enhanced Disability Premium<sup>F44</sup>....</p>	<p>(5)</p> <p>(a) £23.95;</p> <p>(b) £34.20.</p> <p>(6)</p> <p>(a) £45.50;</p> <p>(b)</p> <p>(i) £45.50;</p> <p>(b)</p> <p>(ii) £91.00.</p> <p>(7) £43.89 in respect of each child or young person in respect of whom the condition specified in paragraph 16 of Part 3 of this Schedule is satisfied.</p> <p>(8) £25.80 in respect of each person who satisfies the condition specified in paragraph 17.</p> <p>(9)</p> <p>(a) £17.71 in respect of each child or young person in respect of whom the</p>

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- conditions specified in paragraph 15 are satisfied;
- (b) £11.70 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 15 are satisfied;
- (c) £16.90 where the claimant is a member of a couple or a polygamous marriage and the conditions specified in paragraph 15 are satisfied in respect of a member of that couple or polygamous marriage.

#### Textual Amendments

- F39** Sch. 1 para. 20(1) revoked (1.10.2007) by [The Social Security \(Miscellaneous Amendments\) \(No. 5\) Regulations 2007 \(S.I. 2007/2618\)](#), reg. 1(1), **Sch.**
- F40** Sch. 1 para. 20(2) omitted (19.5.2008) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 2008 \(S.I. 2008/1042\)](#), regs. 1(2), **5(10)(h)(i)**
- F41** Sch. 1 para. 20(3) omitted (19.5.2008) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 2008 \(S.I. 2008/1042\)](#), regs. 1(2), **5(10)(h)(i)**
- F42** Sch. 1 para. 20(4) omitted (19.5.2008) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 2008 \(S.I. 2008/1042\)](#), regs. 1(2), **5(10)(h)(i)**
- F43** Words in Sch. 1 para. 20(5)(a) omitted (19.5.2008) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 2008 \(S.I. 2008/1042\)](#), regs. 1(2), **5(10)(h)(ii)**
- F44** Words in Sch. 1 para. 20(9) omitted (1.11.2010) by virtue of [The Housing Benefit and Council Tax Benefit \(Miscellaneous Amendments\) Regulations 2010 \(S.I. 2010/2449\)](#), regs. 1(2), **4(5)(b)**

## <sup>F45</sup>PART 5

### The components

#### Textual Amendments

- F45** Sch. 1 Pts. 5, 6 added by [SI 2008/1082 reg. 59\(d\) \(as substituted\) \(27.10.2008\)](#) by [The Employment and Support Allowance \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/2428\)](#), regs. 1(2), **39(c)**

**21.** Subject to paragraph 22 the claimant is entitled to one, but not both, of the components in paragraph 23 or 24 if—

- (a) the claimant or the claimant's partner has made a claim for employment and support allowance;

- (b) the Secretary of State has decided that the claimant or the claimant's partner has, or is to be treated as having, limited capability for work or limited capability for work-related activity; and
- (c) either—
  - (i) the assessment phase as defined in section 24(2) of the Welfare Reform Act has ended; or
  - (ii) regulation 7 of the Employment and Support Allowance Regulations (circumstances where the condition that the assessment phase has ended before entitlement to the support component or the work related activity component arises does not apply) applies.

[<sup>F46</sup>**21A.** Subject to paragraph 22, the claimant is entitled to one, but not both, of the components in paragraphs 23 and 24 if the claimant or his partner is entitled to a converted employment and support allowance.]

#### Textual Amendments

**F46** Sch. 1 para. 21A inserted (1.10.2010) by [The Employment and Support Allowance \(Transitional Provisions, Housing Benefit and Council Tax Benefit\) \(Existing Awards\) \(No. 2\) Regulations 2010 \(S.I. 2010/1907\)](#), reg. 1(2), [Sch. 5 para. 70\(5\)\(b\)](#) (with reg. 3)

**22.**—(1) The claimant has no entitlement under paragraph 23 or 24 if the claimant is entitled to the disability premium under paragraphs 12 and 13.

(2) Where the claimant and the claimant's partner each satisfies paragraph 23 or 24, the component to be included in the claimant's applicable amount is that which relates to the claimant.

#### The work-related activity component

**23.** The claimant is entitled to the work-related activity component if the Secretary of State has decided that the claimant or the claimant's partner has, or is to be treated as having, limited capability for work.

#### The support component

**24.** The claimant is entitled to the support component if the Secretary of State has decided that the claimant or the claimant's partner has, or is to be treated as having, limited capability for work-related activity.

## PART 6

### Amount of components

**25.** The amount of the work-related activity component is [<sup>F47</sup>£26.75.]

#### Textual Amendments

**F47** [Sch. 1 para. 25](#) substituted (1.4.2011 coming into force in accordance with art. 1(2)(k)) by [The Social Security Benefits Up-rating Order 2011 \(S.I. 2011/821\)](#), arts. 1(2)(k), [22\(7\)\(a\)](#)

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26. The amount of the support component is [<sup>F48</sup>£32.35.]

#### Textual Amendments

**F48** Sch. 1 para. 26 substituted (1.4.2011 coming into force in accordance with art. 1(2)(k)) by [The Social Security Benefits Up-rating Order 2011 \(S.I. 2011/821\)](#), arts. 1(2)(k), **22(7)(b)**

## [<sup>F49</sup>PART 7

### Transitional Addition

#### Textual Amendments

**F49** Sch. 1 Pts. 7, 8 added (1.10.2010) by [The Employment and Support Allowance \(Transitional Provisions, Housing Benefit and Council Tax Benefit\) \(Existing Awards\) \(No. 2\) Regulations 2010 \(S.I. 2010/1907\)](#), reg. 1(2), **Sch. 5 para. 70(5)(c)** (with reg. 3)

27.—(1) The claimant is entitled to the transitional addition calculated in accordance with paragraph 30 where the claimant or the claimant's partner (“the relevant person”)—

- (a) is entitled to a converted employment and support allowance; or
- (b) is appealing a conversion decision as described in regulation 5(2)(b) of the Employment and Support Allowance (Existing Awards) Regulations and—
  - (i) is treated as having limited capability for work by virtue of regulation 30 of the Employment and Support Allowance Regulations as modified by the Employment and Support Allowance (Existing Awards) Regulations; and
  - (ii) is not in receipt of an income-related employment and support allowance,

unless the amount of the transitional addition calculated in accordance with paragraph 30 would be nil.

(2) The claimant's entitlement to a transitional addition by virtue of this paragraph ends on any of the following—

- (a) the reduction of the transitional addition to nil in accordance with paragraph 31;
- (b) the termination of the claimant's award of council tax benefit;
- (c) the relevant person ceasing to meet the requirements of sub-paragraph (1)(a) or (b), as the case may be;
- (d) the claimant or the claimant's partner becoming entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support;
- (e) 5th April 2020.

28.—(1) This paragraph applies where—

- (a) the claimant's entitlement to a transitional addition, ends by virtue of the termination of the claimant's award of council tax benefit, under—
  - (i) paragraph 27(2)(b);
  - (ii) sub-paragraph (3)(b) of this paragraph; or
  - (iii) paragraph 29(3)(b);



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- (b) within 104 weeks of that termination but before 5th April 2020 the claimant again becomes entitled to council tax benefit;
- (c) in the benefit week in which the claimant again becomes entitled to council tax benefit the relevant person is entitled to an employment and support allowance which is not income-related;
- (d) if the period between the events mentioned in paragraphs (a) and (b) is more than 12 weeks, the intervening period is one to which regulation 145(2) (linking period where claimant is a work or training beneficiary) of the Employment and Support Allowance Regulations applies in respect of the relevant person; and
- (e) at the date on which the claimant again becomes entitled to council tax benefit, neither the claimant nor the claimant's partner is entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support.

(2) Where this paragraph applies, the claimant is entitled, with effect from the day on which the claimant again becomes entitled to council tax benefit, to a transitional addition of the amount of the transitional addition that would have applied had the claimant's entitlement to a transitional addition not ended (but taking account of the effect which any intervening change of circumstances would have had by virtue of paragraph 31), unless the amount of the transitional addition would be nil.

(3) The claimant's entitlement to a transitional addition by virtue of this paragraph ends on any of the following—

- (a) the reduction of the transitional addition to nil in accordance with paragraph 31;
- (b) the termination of the claimant's award of council tax benefit;
- (c) the relevant person no longer being entitled to the employment and support allowance referred to in sub-paragraph (1)(c);
- (d) the claimant or the claimant's partner becoming entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support;
- (e) 5th April 2020.

**29.**—(1) This paragraph applies where—

- (a) the claimant's entitlement to a transitional addition ends, by virtue of the relevant person ceasing to be entitled to an employment and support allowance, under—
  - (i) paragraph 27(2)(c);
  - (ii) paragraph 28(3)(c); or
  - (iii) sub-paragraph (3)(c) of this paragraph;
- (b) before 5th April 2020 the relevant person again becomes entitled to an employment and support allowance which is not income-related;
- (c) either—
  - (i) at the date on which the relevant person again becomes entitled to an employment support allowance which is not income-related regulation 145(1) of the Employment and Support Allowance Regulation applies to the relevant person; or
  - (ii) the period between the events mentioned in paragraphs (a) and (b) is one to which regulation 145(2) of the Employment and Support Allowance Regulations applies in respect of the relevant person; and
- (d) at the date on which the relevant person again becomes entitled to an employment support allowance which is not income-related, neither the claimant nor the claimant's partner is entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support.

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(2) Where this paragraph applies, the claimant is entitled, with effect from the day that the relevant person's entitlement to employment and support allowance takes effect for council tax benefit purposes, to a transitional addition of the amount of the transitional addition that would have applied had the claimant's entitlement to a transitional addition not ended (but taking account of the effect which any intervening change of circumstances would have had by virtue of paragraph 31), unless the amount of the transitional addition would be nil.

(3) The claimant's entitlement to a transitional addition by virtue of this paragraph ends on any of the following—

- (a) the reduction of the transitional addition to nil in accordance with paragraph 31;
- (b) the termination of the claimant's award of council tax benefit;
- (c) the relevant person no longer being entitled to the employment and support allowance referred to in sub-paragraph (1)(b);
- (d) the claimant or the claimant's partner becoming entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support;
- (e) 5th April 2020.]

## [<sup>F49</sup>PART 8

### Amount of transitional addition

**30.**—(1) Subject to paragraph 31, the amount of the transitional addition is the amount by which Amount A exceeds Amount B.

(2) Where a conversion decision as described in regulation 5(2)(a) of the Employment and Support Allowance (Existing Awards) Regulations is made in respect of the relevant person—

- (a) Amount A is the basic amount that would have applied on the day that decision took effect had that decision not been made; and
- (b) Amount B is the basic amount that applied on that day as a result of that decision.

(3) Where the relevant person is appealing a conversion decision as described in regulation 5(2)(b) of the Employment and Support Allowance (Existing Awards) Regulations and is treated as having limited capability for work by virtue of regulation 30 of the Employment and Support Allowance Regulations as modified by the Employment and Support Allowance (Existing Awards) Regulations—

- (a) Amount A is the basic amount that would have applied on the day the relevant person was first treated as having limited capability for work if the relevant person had not been so treated; and
- (b) Amount B is the basic amount that applied on that day as a result of the relevant person being so treated.

(4) In this paragraph and paragraph 31, “basic amount” means the aggregate of such amounts as may apply in the claimant's case in accordance with regulation 12(a) to (e) or regulation 13(a) to (f).

**31.**—(1) Subject to sub-paragraph (2), where there is a change of circumstances which leads to an increase in the claimant's basic amount, the transitional addition that applies immediately before the change of circumstances shall be reduced by the amount by which Amount C exceeds Amount D.

(2) If Amount C exceeds Amount D by more than the amount of the transitional addition that applies immediately before the change of circumstances, that transitional addition shall be reduced to nil.

(3) Amount C is the basic amount that applies as a result of the increase.

(4) Amount D is the basic amount that applied immediately before the increase.]

**Status:**

Point in time view as at 04/04/2011.

**Changes to legislation:**

There are currently no known outstanding effects for the The Council Tax Benefit Regulations 2006, SCHEDULE 1.