

SCHEDULE 1

Applicable amounts

PART 3

Premiums

Additional Condition for the Higher Pensioner and Disability Premiums

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 community charge benefit or, as the case may be, 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) ^{F1}..., 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 [^{F2}regulation 18(1)(e) (treatment of child care charges)]; or
 - (iv) is provided by the Secretary of State with an invalid carriage or other vehicle under section 5(2) of the National Health Service Act 1977 ^{M1} (other services) or, in Scotland, under section 46 of the National Health Service (Scotland) Act 1978 ^{M2} (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 ^{M3} (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 ^{M4}; 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—

Status: Point in time view as at 25/07/2006. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the The Council Tax Benefit Regulations 2006, Paragraph 13. (See end of Document for details)

(aa) in the case of a claimant who is terminally ill within the meaning of section 30B(4) of the Act ^{M5}, 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 the higher pensioner premium or the disability premium is applicable to a claimant by virtue of his satisfying the additional condition specified in that provision, if he then ceases, for a period of 8 weeks or less, to be treated as incapable of work or to be incapable of work he shall, on again becoming so incapable of work, immediately thereafter be treated as satisfying the condition in sub-paragraph (1)(b).

(4) For the purpose of sub-paragraph (1)(a)(ii) and (iii), once the higher pensioner premium is applicable to the claimant by virtue of his satisfying the condition specified in that provision, if he then ceases, for a period of 8 weeks or less, to be entitled to council tax benefit, he shall on again becoming so entitled to council tax benefit, immediately thereafter be treated as satisfying the condition in sub-paragraph (1)(a)(ii) and (iii).

(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 ^{M6} or section 2 of the Enterprise and New Towns (Scotland) Act 1990 ^{M7} 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 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 within the meaning of paragraph 11(5)—

(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 52 weeks.

Textual Amendments

- F1** 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)

- F2** 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)

Marginal Citations

- M1** 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).
- M2** 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)**.
- M3** 1948 c. 29;
- M4** 1994 c. 39. Section 2 was amended by the Environment Act 1995 (c. 25), **Schedule 22**, paragraph 232(1).
- M5** Section 30B was inserted by the Social Security (Incapacity for Work) Act 1994(c. 18), section 2.
- M6** 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).
- M7** 1990 c. 35.

Status:

Point in time view as at 25/07/2006. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the The Council Tax Benefit Regulations 2006, Paragraph 13.