
SCOTTISH STATUTORY INSTRUMENTS

2003 No. 176

**The Council Tax (Discounts) (Scotland)
Consolidation and Amendment Order 2003**

The severely mentally impaired

4.—(1) The conditions prescribed for the purposes of paragraph 2(1)(c) of Schedule 1 to the Act are that the person in question—

- (a) is entitled to one or more of the qualifying benefits listed in paragraph (2);
- (b) meets the requirements in paragraph (3); or
- (c) is a qualifying person for the purposes of paragraph (4).

(2) The qualifying benefits are—

- (a) short-term incapacity benefit under section 30A of the Social Security Contributions and Benefits Act 1992⁽¹⁾;
- (b) an attendance allowance under section 64 of that Act;
- (c) a severe disablement allowance under section 68⁽²⁾ of that Act;
- (d) the care component of a disability living allowance under section 71 of that Act, payable at the highest rate under section 72(4)(a) or at the middle rate under section 72(4)(b) of that Act;
- (e) an increase in the rate of disablement pension under section 104 of that Act (increase where constant attendance needed);
- (f) a disabled person's tax credit under section 129 of that Act for which the qualifying benefit is one falling within subsection (2)(a)(i) or (ii) of that section, or is a corresponding Northern Ireland benefit;
- (g) an unemployability supplement under Part I of Schedule 7 to that Act;
- (h) a constant attendance allowance under—
 - (i) article 14 of the Personal Injuries (Civilians) Scheme 1983⁽³⁾; or
 - (ii) article 14 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983⁽⁴⁾ (including that provision as applied, whether with or without modifications, by any other instrument);
- (i) an unemployability allowance under—
 - (i) article 18(1) of the Personal Injuries (Civilians) Scheme 1983⁽⁵⁾; or

(1) 1992 c. 4.

(2) Section 68 was repealed by Schedule 13 to the Welfare Reform and Pensions Act 1999 (c. 30) with saving provisions for transitional cases.

(3) S.I. 1983/686, article 14 was substituted by S.I. 2001/420, Schedule 1, paragraph 3.

(4) S.I. 1983/883, article 14 was substituted by S.I. 2001/409, Schedule 1, paragraph 3.

(5) Article 18 was relevantly amended by S.I. 1984/1289, 1985/1313, 1992/702 and 2001/420.

- (ii) article 18(1) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983(6) (including that provision as applied, whether with or without modifications, by any other instrument);
 - (j) income support where the applicable amount includes a disability premium in respect of which the additional condition in paragraph 12(1)(b) of Schedule 2 to the Income Support (General) Regulations 1987(7) is satisfied; and
 - (k) long-term incapacity benefit under section 40 or 41 of the Social Security Contributions and Benefits Act 1992(8).
- (3) The requirements in this paragraph are–
- (a) that the person in question has reached pensionable age as defined for the purposes of Parts I to VI of the Social Security Contributions and Benefits Act 1992; and
 - (b) that, had the person in question not reached pensionable age, such person would have been entitled to one of the benefits listed in paragraph (2) above.
- (4) A qualifying person is
- (a) a person whose partner is in receipt of jobseeker’s allowance in a case where, by virtue of that person’s incapacity for work, the applicable amount for the purposes of regulation 83 or 84 of the Jobseeker’s Allowance Regulations 1996(9) includes a premium which falls to be determined under paragraph 14(1)(d) or (g) of Schedule 1 to those Regulations; or
 - (b) a member of a joint-claim couple who are in receipt of joint-claim jobseeker’s allowance in a case where, by virtue of the incapacity for work of a member of that couple, the applicable amount under regulation 86A or 86B of the Jobseeker’s Allowance Regulations 1996 includes a premium which falls to be determined under paragraph 20H(1)(d) or (h) of Schedule 1 to those Regulations(10).

(6) Article 18 was relevantly amended by S.I. 1984/1154, 1985/1201, 1992/710 and 2001/409.

(7) S.I. 1987/1967; relevant amending instruments are S.I. 1988/2022, 1995/482, 2303 and 1998/2231.

(8) 1992 c. 4; sections 40 and 41 were substituted by the Social Security (Incapacity for Work) Act 1994 (c. 18), Schedule 1, paragraphs 8 and 9, and section 41 was amended by the Pensions Act 1995 (c. 26), Schedule 4, paragraph 21(4).

(9) S.I. 1996/207.

(10) Paragraph 20H(1) was inserted by paragraph 53 of Schedule 2 to the Jobseekers Allowance (Joint Claims) Regulations 2000 (S.I. 2000/1978).