

Changes to legislation: The Council Tax Reduction (Scotland) Regulations 2021, Paragraph 14 is up to date with all changes known to be in force on or before 13 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 1

Applicable amount

PART 4

Disability premiums

Enhanced disability premium

14.—^{F1}(1) With regard to enhanced disability premium and subject to sub-paragraph (3) the condition referred to in paragraph 7 is that—

- (a) the Secretary of State has decided that the applicant has, or is to be treated as having, limited capability for work-related activity,
 - ^{F2}(aa) where the applicant's partner has an award of universal credit, or the applicant and their partner have a joint award of universal credit, the Secretary of State has decided that the applicant's partner has, or is to be treated as having, limited capability for work-related activity,]
 - (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 1992 Act or an abatement as a consequence of hospitalisation, be payable at the highest rate prescribed under section 72(3) of the 1992 Act in respect of—
 - (i) the applicant, or
 - (ii) the applicant's partner,
 - (c) the care component of child disability payment at the highest rate is payable in respect of the applicant or the applicant's partner,
 - (d) the daily living component of adult disability payment at the enhanced rate is payable or would be payable were it not for ^{F3}regulation 28(2) (effect of admission to hospital on ongoing entitlement to adult disability payment)], of the Disability Assistance for Working Age People (Scotland) Regulations 2022, in respect of the applicant ^{F4}or the applicant's partner],
 - (e) armed forces independence payment is payable in respect of the applicant or the applicant's partner, ^{F5}...
 - (f) the daily living component of personal independence payment at the enhanced rate is, or would, but for a suspension of benefit in accordance with Regulations made under section 86(1) of the 2012 Act or an abatement as a consequence of hospitalisation, be payable in respect of the applicant or the applicant's partner] ^{F6}, or
 - (g) attendance allowance is payable in respect of the applicant or the applicant's partner].
- (2) The condition is not satisfied if the person to whom sub-paragraph (1) refers is—
- (a) an applicant who—
 - (i) is not a member of a couple, and
 - (ii) is a patient and has been for a period of more than 52 weeks, or
 - (b) a member of a couple where each member is a patient and has been for a period of more than 52 weeks.
- (3) For the purposes of this paragraph—

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- F7(a)
- (b) “patient” means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005(1), and
- (c) “limited capability for work-related activity”—
- (i) ^{F8}in the case of an applicant who has an award of universal credit, in the case where the partner of an applicant has an award of universal credit, or in the case where the couple jointly has an award of universal credit,] has the meaning given to “limited capability for work and work-related activity” in regulation 40 of the 2013 Regulations,
- (ii) in all other cases, has the meaning given to it in section 2(5) of the 2007 Act.

Textual Amendments	
F1	Sch. 1 para. 14(1) substituted (20.6.2022) by The Council Tax Reduction (Scotland) Amendment (No. 3) Regulations 2022 (S.S.I. 2022/161), regs. 1, 3(4)(j)
F2	Sch. 1 para. 14(1)(aa) inserted (3.11.2022) by The Council Tax Reduction and Council Tax (Discounts) (Miscellaneous Amendment) (No. 2) (Scotland) Regulations 2022 (S.S.I. 2022/271), regs. 1(2), 3(2)(d)(i)
F3	Words in sch. 1 para. 14(1)(d) substituted (3.11.2022) by The Council Tax Reduction and Council Tax (Discounts) (Miscellaneous Amendment) (No. 2) (Scotland) Regulations 2022 (S.S.I. 2022/271), regs. 1(2), 3(2)(d)(ii)
F4	Words in sch. 1 para. 14(1)(d) substituted (1.4.2023) by The Council Tax Reduction and Council Tax (Discounts) (Miscellaneous Amendment) (Scotland) Regulations 2023 (S.S.I. 2023/38), regs. 1, 16(a)
F5	Words in sch. 1 para. 14(1)(e) omitted (1.4.2023) by virtue of The Council Tax Reduction and Council Tax (Discounts) (Miscellaneous Amendment) (Scotland) Regulations 2023 (S.S.I. 2023/38), regs. 1, 16(b)
F6	Sch. 1 para. 14(1)(g) and word inserted (1.4.2023) by The Council Tax Reduction and Council Tax (Discounts) (Miscellaneous Amendment) (Scotland) Regulations 2023 (S.S.I. 2023/38), regs. 1, 16(c)
F7	Sch. 1 para. 14(3)(a) omitted (31.3.2022) by virtue of The Council Tax Reduction (Scotland) Amendment Regulations 2022 (S.S.I. 2022/52), regs. 1(2), 18(e)(ii)
F8	Words in sch. 1 para. 14(3)(c)(i) substituted (3.11.2022) by The Council Tax Reduction and Council Tax (Discounts) (Miscellaneous Amendment) (No. 2) (Scotland) Regulations 2022 (S.S.I. 2022/271), regs. 1(2), 3(2)(d)(iii)
Commencement Information	
I1	Sch. 1 para. 14 in force at 1.4.2022, see reg. 1

(1) S.I. 2005/3360.

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Changes and effects yet to be applied to :

- Sch. 1 para. 14(1)(g) words inserted by [S.S.I. 2024/141 reg. 11\(5\)\(d\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 para. 12(1)(a)(iii) inserted by [S.S.I. 2024/141 reg. 11\(5\)\(b\)\(ii\)](#)
- reg. 77(12)(f)(xii) and word inserted by [S.S.I. 2024/141 reg. 11\(3\)\(b\)](#)
- reg. 90(6)(b)(vii) and word inserted by [S.S.I. 2024/141 reg. 11\(4\)\(a\)\(ii\)](#)