

SCHEDULE 1

Applicable amount

PART 3

Carer Premium

5.—(1) Subject to sub-paragraphs (2) to (8), the amount specified for the purposes of regulation 35(d) (the carer premium), is £37.70.

(2) The applicable amount is to include the carer premium specified in sub-paragraph (1) where an applicant or the applicant's partner has regular and substantial caring responsibilities for a severely disabled person, but subject to sub-paragraphs (3) and (4).

(3) In the case of a couple, the carer premium is payable in respect of each partner if they both qualify for it, but only if they are not caring for the same severely disabled person.

(4) Where two or more persons have regular and substantial caring responsibilities for the same severely disabled person, the carer premium is only payable in respect of one of them and that is—

- (a) the one whose award of universal credit includes the carer element described in regulation 29 of the 2013 Regulations⁽¹⁾,
- (b) the one in receipt of a carer's allowance in respect of the severely disabled person, or
- (c) the one who would be in receipt of a carer's allowance in respect of the severely disabled person were it not for the application of the Social Security (Overlapping Benefits) Regulations 1979⁽²⁾.

(5) Where a carer premium is awarded to a person whose award of universal credit includes the carer element described in regulation 29 of the 2013 Regulations, the condition for the award of the premium is to be treated as satisfied for as long as that carer element continues to be paid (for example, following the death of the severely disabled person).

(6) Where a carer premium is awarded to a person other than a person described in sub-paragraph (5), but—

- (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 is to be treated as satisfied for a period of 8 weeks from the relevant date specified in sub-paragraph (7).

(7) The relevant date for the purposes of sub-paragraph (6) is—

- (a) where sub-paragraph (6)(a) applies, and the person is at that time entitled to a carer's allowance, 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, and
- (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.

(8) Where a person who has had regular and substantial caring responsibilities for a severely disabled person ceases to have such caring responsibilities and makes an application for council tax reduction, the condition for the award of the carer premium is to be treated as satisfied for a period of 8 weeks from the date on which—

(1) Regulation 29 was amended by [S.I. 2015/1754](#) and [S.I. 2017/204](#).

(2) [S.I. 1979/597](#).

Status: This is the original version (as it was originally made).

- (a) the person in respect of whom the person had such caring responsibilities dies, where that brought the caring responsibilities to an end, and
- (b) in any other case, the person ceased to have such caring responsibilities.

6.—(1) For the purposes of regulation 35(d) and Part 3 of this schedule, a person has regular and substantial caring responsibilities for a severely disabled person if—

- (a) they are in receipt of a carer’s allowance,
- (b) they would be in receipt of a carer’s allowance were it not for the application of the Social Security (Overlapping Benefits) Regulations 1979, or
- (c) they have an award of universal credit which includes the carer element described in regulation 29 of the 2013 Regulations.

(2) A person does not have regular and substantial caring responsibilities for a severely disabled person if—

- (a) the person derives earned income from those caring responsibilities, or
- (b) the severely disabled person has died (but in this case see paragraph 5(5) and (6)).

(3) Once a carer premium is to be included in the applicable amount of an applicant under this Part, a person is to be treated as being in receipt of any benefit for any period they spend undertaking a course of training or instruction provided or approved by Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990⁽³⁾ or the Secretary of State under section 2 of the 1973 Act⁽⁴⁾ for any period during which the person is in receipt of a training allowance.

(4) In the application of sub-paragraph (1)(b), a person is not to continue to be treated as being in receipt of a carer’s allowance after the date at which the person in respect of whose care the allowance has been claimed ceases to be in receipt of attendance allowance, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act, the care component of child disability payment at the highest or middle rate, armed forces independence payment, or the daily living component of personal independence payment.

(3) Section 2 was amended by section 47 of, and schedule 10 of, the Trade Union Reform and Employment Rights Act 1993 (c.19), paragraph 20 of schedule 26 of the Equality Act 2010 (c.15) and S.I. 1999/1820.

(4) Section 2 was substituted by section 25 of the Employment Act 1988 (c.19) and amended by paragraph 29 of schedule 7 of the Employment Act 1989 (c.38) and section 47(1) of the Trade Union Reform and Employment Rights Act 1993 (c.19).