

SCHEDULE 2

APPLICABLE AMOUNTS

Regulations 17(d) and 18(e)

PART III

premiums

4. Except as provided in paragraph 5, the weekly premiums specified in Part IV of this Schedule shall, for the purposes of regulations 17(d) and 18(e), be applicable to a claimant who satisfies the condition specified in paragraphs 8 to 14 in respect of that premium.

Commencement Information

I1 Sch. 2 para. 4 in force at 11.4.1988, see reg. 1

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.

Commencement Information

I2 Sch. 2 para. 5 in force at 11.4.1988, see reg. 1

6.—(1) The severe disability premium to which paragraph 13 applies may be applicable in addition to either the higher pensioner premium to which paragraph 10 applies or the disability premium to which paragraph 11 applies.

(2) The disabled child premium to which paragraph 14 applies may be applicable in addition to any other premium which may apply under this Schedule.

Commencement Information

I3 Sch. 2 para. 6 in force at 11.4.1988, see reg. 1

7. For the purposes of this Part of this Schedule, once a premium is applicable to claimant under this Part, a person shall be treated as being in receipt of any benefit—

- (a) in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979 ^{F1} applies, for any period during which, apart from the provisions of those Regulations, he would be in receipt of that benefit; and
- (b) for any period spent by a person in undertaking a course of training or instruction provided or approved by the Manpower Services Commission under section 2 of the Employment and Training Act 1973 ^{F2}.

Textual Amendments

F1 [S.I. 1979/597](#).

F2 [1973 c. 50](#) as amended by sections 9 and 11 and Schedule 2 Part II paragraph 9 and Schedule 3 of the [Employment and Training Act 1981 \(c. 57\)](#).

Status: Point in time view as at 11/04/1988.

Changes to legislation: There are currently no known outstanding effects for the The Income Support (General) Regulations 1987, PART III. (See end of Document for details)

Commencement Information

I4 Sch. 2 para. 7 in force at 11.4.1988, see reg. 1

Lone Parent Premium

8. The condition is that the claimant is a member of a family but has no partner.

Commencement Information

I5 Sch. 2 para. 8 in force at 11.4.1988, see reg. 1

Pensioner Premium

9. The condition is that the claimant—
(a) is a single claimant or lone parent aged not less than 60 but less than 80; or
(b) has a partner and is, or his partner is, aged not less than 60 but less than 80.

Commencement Information

I6 Sch. 2 para. 9 in force at 11.4.1988, see reg. 1

Higher Pensioner Premium

10.—(1) Where the claimant is a single claimant or a lone parent, the condition is that—
(a) he is aged not less than 80; or
(b) he is aged less than 80 but not less than 60, and
(i) the additional condition specified in paragraph 12(1)(a) [^{F3}or (c)] is satisfied; or
(ii) he was entitled to income support and the disability premium was applicable to him in respect of a benefit week within eight weeks of his 60th birthday and he has, subject to sub-paragraph (3), remained continuously entitled to income support since attaining that age.
(2) Where the claimant has a partner, the condition is that—
(a) he or his partner is aged not less than 80; or
(b) he or his partner is aged less than 80 but not less than 60 and either—
(i) the additional condition specified in paragraph 12(1)(a) [^{F3}or (c)] is satisfied by whichever of them is aged not less than 60; or
(ii) he was entitled to income support and the disability premium was applicable to him in respect of a benefit week within eight weeks of his 60th birthday and he has, subject to sub-paragraph (3), remained continuously entitled to income support since attaining that age.
(3) For the purposes of this paragraph and paragraph 12—
(a) once the higher pensioner premium is applicable to a claimant, if he then ceases, for a period of eight weeks or less, to be entitled to income support, he shall, on becoming re-entitled to income support, thereafter be treated as having been continuously entitled thereto;

- (b) in so far as sub-paragraphs (1)(b)(ii) and (2)(b)(ii) are concerned, if a claimant ceases to be entitled to income support for a period not exceeding eight weeks which includes his 60th birthday, he shall, on becoming re-entitled to income support, thereafter be treated as having been continuously entitled thereto.

Textual Amendments

- F3** Words in Sch. 2 para. 10 inserted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **29(a)**

Commencement Information

- I7** Sch. 2 para. 10 in force at 11.4.1988, see reg. 1

Disability Premium

11. The condition is that—

- (a) where the claimant is a single claimant or a lone parent, he is aged less than 60 and the additional condition specified in paragraph 12 is satisfied; or
- (b) where the claimant has a partner, either—
- (i) the claimant is aged less than 60 and the additional condition specified in paragraph [F4]12(1)(a), (b) or (c) is satisfied by him; or
- (ii) his partner is aged less than 60 and the additional condition specified in paragraph 12(1)(a) [F5] or (c) is satisfied by his partner.

Textual Amendments

- F4** Words in Sch. 2 para. 11(b)(i) substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **29(b)(i)**
- F5** Words in Sch. 2 para. 11(b)(ii) inserted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **29(b)(ii)**

Commencement Information

- I8** Sch. 2 para. 11 in force at 11.4.1988, see reg. 1

Additional condition for the Higher Pensioner and Disability Premiums

12.—(1) Subject to sub-paragraph (2) and paragraph 7 the additional condition referred to in paragraphs 10 and 11 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, mobility allowance, mobility supplement, invalidity pension under section 15 of the Social Security Act ^{F6}, or severe disablement allowance under section 36 of that Act ^{F7} [F8] but, in the case of invalidity pension or severe disablement allowance only where it is paid in respect of him]; or
- (ii) 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 ^{F9} (other services) or, in Scotland, under section 46 of the National Health Service (Scotland) Act 1978 ^{F10} (provision of vehicles) or receives payments by way of grant from the Secretary of

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State under paragraph 2 of Schedule 2 to that 1977 Act (additional provisions as to vehicles) or, in Scotland, under that section 46; or

- (iii) is registered as blind in a register compiled by a local authority under section 29 of the National Assistance Act 1948 ^{F11} (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered as blind in a register maintained by or on behalf of a regional or islands council; or
- (b) the claimant is and has, in respect of [^{F12}a continuous period] of not less than 28 weeks, been treated as having been incapable of work for the purposes of one or more of the provisions of the Social Security Act or Part I of the Social Security and Housing Benefits Act 1982 ^{F13} or, if he was in Northern Ireland for the whole or part of that period, was treated as having been incapable of work for the purposes of one or more of the comparable Northern Irish provisions; or
- (c) the claimant or, as the case may be, his partner was in receipt of either—
 - (i) mobility allowance or invalidity pension under section 15 of the Social Security Act when entitlement to that benefit ceased solely on account of the maximum age for its payment being reached and the claimant has since remained continuously entitled to income support and, if the mobility allowance or invalidity pension was payable to his partner, the partner is still alive; or
 - (ii) except where paragraph 1(a), (b), (c)(ii) or (d)(ii) of Schedule 7 (patients) applies, attendance allowance which is no longer in payment solely on account of the claimant or, as the case may be, his partner having undergone or having been treated as undergoing treatment for a period of more than four weeks by virtue of regulation 5 of the Social Security (Attendance Allowance) (No. 2) Regulations 1975 ^{F14}

and, in either case, the higher pensioner premium or disability premium has been applicable to the claimant or his partner.

(2) For the purposes of sub-paragraph (1)(a)(iii), 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 disability premium is applicable to a claimant by virtue of his satisfying the condition specified in that provision, if he then ceases, for a period of eight weeks or less, to be treated as incapable of work for the purposes of the provisions specified in that provision 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)(c), 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 eight weeks or less, to be entitled to income support, he shall on again becoming so entitled to income support, immediately thereafter be treated as satisfying the condition in sub-paragraph (1)(c).

Textual Amendments

- F6** Section 15 was amended by the [Social Security Pensions Act 1975 \(c. 60\)](#), [Schedule 4 paragraph 40](#), the [Social Security Act 1979 \(c. 18\)](#) section 21, Schedule 1, paragraph 1 and Schedule 3 paragraph 7, the [Social Security and Housing Benefits Act 1982 \(c. 24\)](#), [Schedule 4](#), Part I, [paragraph 10](#) and the [Social Security Act 1986 \(c. 50\)](#), [Schedule 10](#), Part V, [paragraph 83](#).
- F7** Section 36 was substituted by the [Health and Social Security Act 1984 \(c. 48\)](#), [section 11](#); and subsection (4A) of that section inserted by the [Social Security Act 1985 \(c. 53\)](#), [Schedule 4](#), [paragraph 3](#).

- F8** Words in Sch. 2 para. 12(1)(a)(i) inserted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **29(c)(i)**
- F9** 1977 c. 49; section 5(2) amended and subsection (2A) added by section 1 of the [Public Health Laboratory Service Act 1979 \(c. 23\)](#) and subsection (2B) added by section 9 of the [Health and Social Security Act 1984 \(c. 48\)](#).
- F10** 1978 c. 29.
- F11** 1948 c. 29; section 29 was amended by section 1(2) of the [National Assistance \(Amendment\) Act 1959 \(c. 30\)](#); the [Mental Health \(Scotland\) Act 1960 \(c. 61\)](#) sections 113 and 114 and Schedule 4; the [Local Government Act 1972 \(c. 70\)](#) Schedule 23 paragraph 2; the [Employment and Training Act 1973 \(c. 50\)](#) Schedule 3 paragraph 3; the [National Health Service Act 1977 \(c. 49\)](#) Schedule 15 paragraph 6; and the [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41\)](#) Schedule 10 Part I.
- F12** Words in Sch. 2 para. 12(1)(b) substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **29(c)(ii)**
- F13** 1982 c. 24.
- F14** [S.I. 1975/548](#); the relevant amending instrument is [S.I.1983/1015](#).

Commencement Information

- I9** Sch. 2 para. 12 in force at 11.4.1988, see reg. 1

Severe Disability Premium

13.—(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 or a lone parent—
- (i) he is in receipt of attendance allowance, and
 - (ii) subject to sub-paragraph (3), he has no non-dependants aged 18 or over residing with him, and
 - (iii) no-one is in receipt of an invalid care allowance under section 37 of the Social Security Act ^{F15} in respect of caring for him;
- (b) if he has a partner—
- (i) he is in receipt of attendance allowance; 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 thereof; and
 - (iii) subject to sub-paragraph (3), he has no non-dependants aged 18 or over residing with him,

and, either there is someone in receipt of an invalid care allowance in respect of caring for only one of the 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 maybe, there is no one in receipt of such an allowance in respect of caring for either member of the couple or any partner of the polygamous marriage.

- (3) 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
 - (b) a person to whom regulation 3(3) (non-dependants) applies; or
 - (c) subject to sub-paragraph (4), a person who joins the claimant's household for the first time in order to care for the claimant or his partner and immediately before so joining the claimant or his partner was treated as a severely disabled person.

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- [^{F16}(3A) For the purposes of sub-paragraph (2)(b) a person shall be treated as being in receipt of—
- (a) attendance allowance if he would, but for his being a patient for a period exceeding 28 days, be so in receipt;
 - (b) invalid care 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 in receipt.]
- (4) Sub-paragraph (3)(c) shall apply only for the first 12 weeks following the date on which the person to whom that provision applies first joins the claimant's household.

Textual Amendments

- F15** Section 37 was amended by the [Social Security \(Miscellaneous Provisions\) Act 1977 \(c. 5\), section 22\(2\)](#).
F16 Sch. 2 para. 13(3A) inserted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\), regs. 1\(1\), 29\(d\)](#)
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Commencement Information

- I10** Sch. 2 para. 13 in force at 11.4.1988, see reg. 1

Disabled Child Premium

14. 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) has no capital or capital which, if calculated in accordance with Part V in like manner as for the claimant, except where otherwise provided, would not exceed £3,000; and
- (b) is in receipt of attendance allowance or mobility allowance or both or is no longer in receipt of that allowance because he is a patient provided that the child or young person continues to be a member of the family; or
- (c) is blind or treated as blind within the meaning of paragraph 12(1)(a)(iii) and (2).

Commencement Information

- I11** Sch. 2 para. 14 in force at 11.4.1988, see reg. 1

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