

SCHEDULE 2

APPLICABLE AMOUNTS

Regulations 17^[F1](1)(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^[F1](1)(d) ^[F2]and 18(1)(e), be applicable to a claimant who satisfies the condition specified in ^[F3]^[F4]paragraphs 9^[F4] ^[F5]paragraphs 8A^[F5] to 14ZA in respect of that premium.

Textual Amendments

- F1** Word in Sch. 2 inserted (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), reg. 1(1)(b), **19**
- F2** Words in Sch. 2 para. 4 substituted (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), reg. 1(1)(b), **19(c)**
- F3** Words in Sch. 2 Pt. III para. 4 substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Child Benefit, Child Support and Social Security \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/1803\)](#), reg. 1(1)(b), **39(3)(a)**
- F4** Words in Sch. 2 para. 4 substituted (temp. until 10.4.2006) (9.4.2001) by [The Social Security Amendment \(Bereavement Benefits\) Regulations 2000 \(S.I. 2000/2239\)](#), reg. 1(1), **2(3)(a)** (with reg. 6)
- F5** Words in Sch. 2 para. 4 substituted (1.10.1990) by [The Income Support \(General\) Amendment No. 3 Regulations 1990 \(S.I. 1990/1776\)](#), reg. 1(1)(a), **8(a)** (with reg. 1(2))

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](#)

^[F6]6.—(1) Subject to sub-paragraph (2), the following premiums, namely—

- (a) a severe disability premium to which paragraph 13 applies;
- (b) an enhanced disability premium to which paragraph 13A applies;
- (c) a disabled child premium to which paragraph 14 applies; and
- (d) a carer premium to which paragraph 14ZA applies,

may be applicable in addition to any other premium which may apply under this Schedule.

(2) An enhanced disability premium in respect of a person shall not be applicable in addition to—

- (a) a pensioner premium under paragraph 9 or 9A; or
- (b) a higher pensioner premium under paragraph 10.]

Status: Point in time view as at 09/04/2001.

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)

Textual Amendments

- F6** Sch. 2 para. 6 substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Social Security Amendment \(Enhanced Disability Premium\) Regulations 2000 \(S.I. 2000/2629\)](#), regs. 1(1)(c), 2(c)(i)

7.—^{F7}[1] ^{F8}[Subject to sub-paragraph (2)] 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 ^{F9} 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 ^{F10}[Secretary of State for Education and Employment] under section 2 of the Employment and Training Act 1973 ^{F11}^{F12}or by Scottish Enterprise or Highlands and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990,^{F13}or for any period during which he is in receipt of a training allowance].

^{F14}(2) For the purposes of the carer premium under paragraph 14ZA, a person shall be treated as being in receipt of invalid care allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of attendance allowance ^{F15}, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 37ZB(3) of the Social Security Act.].]

Textual Amendments

- F7** Sch. 2 para. 7 renumbered as Sch. 7 para. 7(1) (1.10.1990) by [The Income Support \(General\) Amendment No. 3 Regulations 1990 \(S.I. 1990/1776\)](#), regs. 1(1)(a), **8(c)(i)** (with reg. 1(2))
- F8** Words in Sch. 2 para. 7(1) inserted (1.10.1990) by [The Income Support \(General\) Amendment No. 3 Regulations 1990 \(S.I. 1990/1776\)](#), regs. 1(1)(a), **8(c)(i)** (with reg. 1(2))
- F9** S.I. 1979/597.
- F10** Words in Sch. 2 para. 7(1)(b) substituted (1.1.1996) by [The Transfer of Functions \(Education and Employment\) Order 1995 \(S.I. 1995/2986\)](#), arts. 1, **6(5)**
- F11** 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 \(c. 57\)](#).
- F12** Words in Sch. 2 para. 7(1)(b) added (1.4.1991) by [The Enterprise \(Scotland\) Consequential Amendments Order 1991 \(S.I. 1991/387\)](#), arts. 1, **9(d)**
- F13** Words in Sch. 2 para. 7(b) inserted (9.10.1989) by [The Income Support \(General\) Amendment No. 3 Regulations 1989 \(S.I. 1989/1678\)](#), regs. 1(1)(a), **6(e)**
- F14** Sch. 2 para. 7(2) added (1.10.1990) by [The Income Support \(General\) Amendment No. 3 Regulations 1990 \(S.I. 1990/1776\)](#), regs. 1(1)(a), **8(c)(ii)** (with reg. 1(2))
- F15** Words in Sch. 2 para. 7(2) added (6.4.1992) by [The Disability Living Allowance and Disability Working Allowance \(Consequential Provisions\) Regulations 1991 \(S.I. 1991/2742\)](#), regs. 1(1), **11(4)(a) (with reg. 1(2))**

Commencement Information

- I3** Sch. 2 para. 7 in force at 11.4.1988, see [reg. 1](#)

Lone Parent Premium

^{F16}8.

Textual Amendments

F16 Sch. 2 Pt. III para. 8 omitted (with effect in accordance with reg. 1(2) of the amending S.I.) by virtue of [The Child Benefit, Child Support and Social Security \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/1803\)](#), regs. 1(1)(b), **39(3)(b)**

[^{F17}Bereavement Premium

8A.—(1) Subject to sub-paragraphs (2) and (3), the condition is that the claimant—

- (a) had, as at 9th April 2001, attained the age of 55 but not the age of 60;
- (b) was in receipt of, but is no longer entitled to, a bereavement allowance under section 39B of the Contributions and Benefits Act in respect of the death of a spouse who died on or after 9th April 2001; and
- (c) is claiming income support as a single claimant.

(2) A premium under sub-paragraph (1) shall not be applicable in respect of a claimant who claims income support more than 8 weeks after the last day on which he was entitled to a bereavement allowance.

(3) Where a claimant to whom a premium under sub-paragraph (1) is applicable, ceases to be entitled to income support or to be a single claimant, a premium under sub-paragraph (1) shall only again be applicable to that claimant where he claims income support as a single claimant no more than 8 weeks after the date on which he ceased to be entitled to income support or to an income-based jobseeker's allowance or, as the case may be, to be a single claimant.]

Textual Amendments

F17 Sch. 2 para. 8A inserted (temp. until 10.4.2006) (9.4.2001) by [The Social Security Amendment \(Bereavement Benefits\) Regulations 2000 \(S.I. 2000/2239\)](#), regs. 1(1), **2(3)(b)** (with reg. 6)

[^{F18}Pensioner premium for persons under 75

9. The condition is that the claimant—

- (a) is a single claimant or lone parent aged not less than 60 but less than 75; or
- (b) has a partner and is, or his partner is, aged not less than 60 but less than 75.

Textual Amendments

F18 Sch. 2 paras. 9-9A substituted for Sch. 2 para. 9 (with effect in accordance with reg. 1(1)(c) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1989 \(S.I. 1989/534\)](#), regs. 1(1), **5(a)**

Commencement Information

I4 Sch. 2 para. 9 in force at 11.4.1988, see [reg. 1](#)

Status: Point in time view as at 09/04/2001.

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)

Pensioner premium for persons 75 and over

9A. The condition is that the claimant—

- (a) is a single claimant or lone parent aged not less than 75 but less than 80; or
- (b) has a partner and is, or his partner is, aged not less than 75 but less than 80.]

Textual Amendments

F18 Sch. 2 paras. 9-9A substituted for Sch. 2 para. 9 (with effect in accordance with reg. 1(1)(c) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1989 \(S.I. 1989/534\)](#), regs. 1(1), 5(a)

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) [^{F19}or (c)] is satisfied; or
 - (ii) he was entitled to [^{F20}, or was treated as being in receipt of, income support and the disability premium was or, as the case may be, would have been,] 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) [^{F19}or (c)] is satisfied^{F21}...; or
 - (ii) he was entitled to [^{F22}, or was treated as being in receipt of, income support and the disability premium was or, as the case may be, would have been,] 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 [^{F23}or treated as 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 [^{F23}or treated as 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.

[^{F24}(4) In the case of a claimant who is a welfare to work beneficiary, references in sub-paragraphs (1)(b)(ii), (2)(b)(ii) and (3)(b) to a period of 8 weeks shall be treated as references to a period of 52 weeks.]

[^{F25}(5) For the purposes of this paragraph, a claimant shall be treated as having been entitled to and in receipt of income support throughout any period which comprises only days on which he was

participating in an employment zone programme and was not entitled to income support because, as a consequence of his participation in that programme, he was engaged in remunerative work or had income in excess of his applicable amount as prescribed in Part IV.]

Textual Amendments

- F19** 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)**
- F20** Words in Sch. 2 para. 10(1)(b)(ii) substituted (3.4.2000) by [The Social Security Amendment \(Employment Zones\) Regulations 2000 \(S.I. 2000/724\)](#), regs. 1(1), **4(3)(b)(i)**
- F21** Words in Sch. 2 para. 10(2)(b)(i) omitted (6.4.1992) by virtue of [The Income Support \(General\) Amendment Regulations 1992 \(S.I. 1992/468\)](#), regs. 1(1), **6** (with reg. 1(2))
- F22** Words in Sch. 2 para. 10(2)(b)(ii) substituted (3.4.2000) by [The Social Security Amendment \(Employment Zones\) Regulations 2000 \(S.I. 2000/724\)](#), regs. 1(1), **4(3)(b)(i)**
- F23** Words in Sch. 2 para. 10(3)(a)(b) inserted (3.4.2000) by [The Social Security Amendment \(Employment Zones\) Regulations 2000 \(S.I. 2000/724\)](#), regs. 1(1), **4(3)(b)(ii)**
- F24** Sch. 2 para. 10(4) added (5.10.1998) by [The Social Security \(Welfare to Work\) Regulations 1998 \(S.I. 1998/2231\)](#), regs. 1, **13(3)(a)**
- F25** Sch. 2 para. 10(5) added (3.4.2000) by [The Social Security Amendment \(Employment Zones\) Regulations 2000 \(S.I. 2000/724\)](#), regs. 1(1), **4(3)(b)(iii)**

Commencement Information

- I5** 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 ^[F26]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) ^[F27]or (c) is satisfied by his partner.

Textual Amendments

- F26** 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)**
- F27** 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

- I6** 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—

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- (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, [^{F28}disability living allowance, [^{F29}disabled person's tax credit]], mobility supplement, [^{F30}long-term incapacity benefit] under [^{F31}Part II of the Contributions and Benefits Act or severe disablement allowance under Part III of that Act][^{F32}but, in the case of [^{F30}long-term incapacity benefit] 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 ^{F33} (other services) or, in Scotland, under section 46 of the National Health Service (Scotland) Act 1978 ^{F34} (provision of vehicles) or receives payments by way of grant from the Secretary of 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 ^{F35} (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

[^{F36}(b) the claimant—

- (i) is entitled to statutory sick pay or [^{F37}is, or is treated as, incapable of work,] in accordance with the provisions of Part XIIA of the Contributions and Benefits Act and the regulations made thereunder (incapacity for work), and
- (ii) has been so entitled or so incapable[^{F38}, or has been treated as so incapable,] for a continuous period of not less than—

(aa) 196 days in the case of a claimant who is terminally ill within the meaning of section 30B(4) of the Contributions and Benefits Act; or

(bb) 364 days in any other case;

and for these purposes any two or more periods of entitlement or incapacity separated by a break of not more than 56 days shall be treated as one continuous period; or; and]

(c) the claimant or, as the case may be, his partner was in receipt of either—

[^{F39}(i) [^{F40}long-term incapacity benefit] under [^{F41}Part II of the Contributions and Benefits Act] when entitlement to that benefit ceased on account of the payment of a retirement pension under [^{F41}that Act] and the claimant has since remained continuously entitled to income support and, if the [^{F40}long-term incapacity benefit] 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 [^{F42}or disability living allowance but payment of benefit has been suspended in accordance with regulations made under [^{F43}section 113(2) of the Contributions and Benefits Act 1992 or otherwise abated as a consequence of the claimant or his partner becoming a patient within the meaning of regulation 21(3) (special cases)],]

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

[^{F44}(1A) In the case of a claimant who is a welfare to work beneficiary, the reference in subparagraph (1)(b) to a period of 56 days shall be treated as a reference to a period of 52 weeks.]

(2) For the purposes of subparagraph (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.

^{F45}(3)

(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).

^{F46}(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 Employment and Training Act 1973 ^{F47}or for any period during which he is in receipt of a training allowance].]

^{F48}(6) For the purposes of sub-paragraph (1)(a)(i) and (c)(i), a reference to a person in receipt of long-term incapacity benefit includes a person 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 Contributions and Benefits 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.]

^{F49}(7) A person—

- (a) to whom regulation 6(2) (persons not treated as engaged in remunerative work) applies; and
- (b) whose applicable amount immediately before he was engaged in the work referred to in regulation 6(2)(a), included a premium applicable under paragraph 11(a),

shall, for the period specified in regulation 6(3), be treated as having continued to satisfy the additional condition specified in this paragraph for the payment of that premium.]

Textual Amendments

- F28** Words in Sch. 2 para. 12(1)(a)(i) substituted (6.4.1992) by [The Disability Living Allowance and Disability Working Allowance \(Consequential Provisions\) Regulations 1991 \(S.I. 1991/2742\)](#), regs. 1(1), **11(4)(b) (with reg. 1(2))**
- F29** Words in Sch. 2 para. 12(1)(a)(i) substituted (5.10.1999) by [The Social Security and Child Support \(Tax Credits\) Consequential Amendments Regulations 1999 \(S.I. 1999/2566\)](#), regs. 1(2), 2(2), **Sch. 2 Pt. II**
- F30** Words in Sch. 2 para. 12(1)(a)(i) substituted (13.4.1995) by [The Disability Working Allowance and Income Support \(General\) Amendment Regulations 1995 \(S.I. 1995/482\)](#), regs. 1(1), **16(2)** (with regs. 1(4), 20(4))
- F31** Words in Sch. 2 para. 12(1)(a)(i) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No.5\) Regulations 1994 \(S.I. 1994/2139\)](#), regs. 1(1)(a), **30(2)**
- F32** 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)**
- F33** 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 \(c. 48\)](#).
- F34** 1978 c. 29.
- F35** 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 \(c. 50\)](#)

Status: Point in time view as at 09/04/2001.

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)

- 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.
- F36** Sch. 2 para. 12(1)(b) substituted (13.4.1995) by The Disability Working Allowance and Income Support (General) Amendment Regulations 1995 (S.I. 1995/482), regs. 1(1), **17(a)** (with reg. 1(4))
- F37** Words in Sch. 2 para. 12(1)(b)(i) substituted (with effect in accordance with reg. 1(4) of the amending S.I.) by The Income-related Benefits Schemes and Social Security (Claims and Payments) (Miscellaneous Amendments) Regulations 1995 (S.I. 1995/2303), regs. 1(1)(a), **6(8)(a)** (with reg. 8)
- F38** Words in Sch. 2 para. 12(1)(b)(ii) inserted (with effect in accordance with reg. 1(4) of the amending S.I.) by The Income-related Benefits Schemes and Social Security (Claims and Payments) (Miscellaneous Amendments) Regulations 1995 (S.I. 1995/2303), regs. 1(1)(a), **6(8)(b)** (with reg. 8)
- F39** Sch. 2 para. 12(1)(c)(i) substituted (6.4.1992) by The Disability Living Allowance and Disability Working Allowance (Consequential Provisions) Regulations 1991 (S.I. 1991/2742), regs. 1(1), **11(4)(c)** (with reg. 1(2))
- F40** Words in Sch. 2 para. 12(1)(c)(i) substituted (13.4.1995) by The Disability Working Allowance and Income Support (General) Amendment Regulations 1995 (S.I. 1995/482), regs. 1(1), **16(2)** (with regs. 1(4), 20(4))
- F41** Words in Sch. 2 para. 12(1)(c)(i) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Income-related Benefits Schemes (Miscellaneous Amendments) (No.5) Regulations 1994 (S.I. 1994/2139), regs. 1(1)(a), **30(3)**
- F42** Words in Sch. 2 para. 12(1)(c)(ii) substituted (6.4.1992) by The Disability Living Allowance and Disability Working Allowance (Consequential Provisions) Regulations 1991 (S.I. 1991/2742), regs. 1(1), **11(4)(d)** (with reg. 1(2))
- F43** Words in Sch. 2 para. 12(1)(c)(ii) substituted (10.4.1995) by The Income-related Benefits Schemes (Miscellaneous Amendments) Regulations 1995 (S.I. 1995/516), regs. 1(1)(a), **24** (with reg. 1(2))
- F44** Sch. 2 para. 12(1A) inserted (5.10.1998) by The Social Security (Welfare to Work) Regulations 1998 (S.I. 1998/2231), regs. 1, **13(3)(b)**
- F45** Sch. 2 para. 12(3) omitted (13.4.1995) by virtue of The Disability Working Allowance and Income Support (General) Amendment Regulations 1995 (S.I. 1995/482), regs. 1(1), **17(b)** (with reg. 1(4))
- F46** Sch. 2 para. 12(5) added (12.12.1988) by The Income Support (General) Amendment No. 5 Regulations 1988 (S.I. 1988/2022), regs. 1(1)(a), **17(b)**
- F47** Words in Sch. 2 para. 12(5) inserted (9.10.1989) by The Income Support (General) Amendment No. 3 Regulations 1989 (S.I. 1989/1678), regs. 1(1)(a), **6(e)**
- F48** Sch. 2 para. 12(6) added (13.4.1995) by The Disability Working Allowance and Income Support (General) Amendment Regulations 1995 (S.I. 1995/482), regs. 1(1), **16(3)** (with reg. 1(4))
- F49** Sch. 2 para. 12(7) added (4.10.1999) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 1999 (S.I. 1999/2556), regs. 1, **2(8)**

Modifications etc. (not altering text)

- C1** Sch. 2 para. 12(1) modified (13.4.1995) by The Disability Working Allowance and Income Support (General) Amendment Regulations 1995 (S.I. 1995/482), regs. 1(1), **19(4)** (with reg. 1(4))

Commencement Information

- I7** 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^{F50}, a lone parent or a claimant who is treated as having no partner in consequence of sub-paragraph (2A)]—

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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)

- (i) he is in receipt of attendance allowance^[F51], or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 37ZB(3) of the Social Security Act], and
 - (ii) subject to sub-paragraph (3), he has no non-dependants aged 18 or over ^[F52]normally residing with him or with whom he is normally residing,] and
 - ^[F53](iii) no person is entitled to, and in receipt of, an invalid care allowance under section 70 of the Contributions and Benefits Act in respect of caring for him;]
- (b) ^[F54]in the case of a claimant who] has a partner—
- (i) he is in receipt of attendance allowance^[F55], or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 37ZB(3) of the Social Security Act]; 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 ^[F56]normally residing with him or with whom he is normally residing,]

and, either ^[F57]a person is entitled to, and 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 may be, no person is entitled to, and in receipt of, such an allowance] in respect of caring for either member of the couple or any partner of the polygamous marriage.

^[F58](2A) Where a claimant has a partner who does not satisfy the condition in sub-paragraph (2)(b)(ii), and that partner is blind or is treated as blind within the meaning of paragraph 12(1)(a)(iii) and (2), that partner shall be treated for the purposes of sub-paragraph (2) as if he were not a partner of the claimant.]

- (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^[F59], or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 37ZB(3) of the Social Security Act]; or
 - ^{F60}(b)
 - (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; ^[F61]or
 - (d) a person who is blind or is treated as blind within the meaning of paragraph 12(1)(a)(iii) and (2).]

^[F62](3A) For the purposes of sub-paragraph (2)(b) a person shall be treated^{F63} ...—

- (a) ^[F64]as being in receipt of] attendance allowance^[F65], or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 37ZB(3) of the Social Security Act] if he would, but for his being a patient for a period exceeding 28 days, be so in receipt;]
- ^[F66](b) as being entitled to and in receipt of an 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 entitled and in receipt.]

^[F67](3ZA) For the purposes of sub-paragraph (2)(a)(iii) and (2)(b), no account shall be taken of an award of invalid care allowance to the extent that payment of such an award is back-dated for a period before the date on which the award is made.]

Status: Point in time view as at 09/04/2001.

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)

(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

- F50** Words in Sch. 2 para. 13(2)(a) substituted (25.5.1993) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 2\) Regulations 1993 \(S.I. 1993/1150\)](#), regs. 1(1), **3(2)**
- F51** Words in Sch. 2 para. 13(2)(a)(i) inserted (6.4.1992) by [The Disability Living Allowance and Disability Working Allowance \(Consequential Provisions\) Regulations 1991 \(S.I. 1991/2742\)](#), regs. 1(1), **11(4)(e)** (with reg. 1(2))
- F52** Words in Sch. 2 para. 13(2)(a)(ii) substituted (2.12.1994) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 6\) Regulations 1994 \(S.I. 1994/3061\)](#), regs. 1, **2(3)**
- F53** Sch. 2 para. 13(2)(a)(iii) substituted (3.4.2000) by [The Social Security \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/681\)](#), regs. 1(1)(c), **4(2)(a)(i)**
- F54** Words in Sch. 2 para. 13(2)(b) substituted (3.4.2000) by [The Social Security \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/681\)](#), regs. 1(1)(c), **4(2)(a)(ii)(aa)**
- F55** Words in Sch. 2 para. 13(2)(b)(i) inserted (6.4.1992) by [The Disability Living Allowance and Disability Working Allowance \(Consequential Provisions\) Regulations 1991 \(S.I. 1991/2742\)](#), regs. 1(1), **11(4)(e)** (with reg. 1(2))
- F56** Words in Sch. 2 para. 13(2)(b)(iii) substituted (2.12.1994) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 6\) Regulations 1994 \(S.I. 1994/3061\)](#), regs. 1, **2(3)**
- F57** Words in Sch. 2 para. 13(2)(b) substituted (3.4.2000) by [The Social Security \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/681\)](#), regs. 1(1)(c), **4(2)(a)(ii)(bb)**
- F58** Sch. 2 para. 13(2A) inserted (25.5.1993) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 2\) Regulations 1993 \(S.I. 1993/1150\)](#), regs. 1(1), **3(3)**
- F59** Words in Sch. 2 para. 13(3)(a) inserted (6.4.1992) by [The Disability Living Allowance and Disability Working Allowance \(Consequential Provisions\) Regulations 1991 \(S.I. 1991/2742\)](#), regs. 1(1), **11(4)(e)** (with reg. 1(2))
- F60** Sch. 2 para. 13(3)(b) omitted (with effect in accordance with reg. 1(2) of the amending S.I.) by virtue of [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 4\) Regulations 1993 \(S.I. 1993/2119\)](#), regs. 1(1)(a), **18(3)**
- F61** Sch. 2 para. 13(3)(d) and word added (25.5.1993) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 2\) Regulations 1993 \(S.I. 1993/1150\)](#), regs. 1(1), **3(4)**
- F62** 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)**
- F63** Words in Sch. 2 para. 13(3A) omitted (3.4.2000) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/681\)](#), regs. 1(1)(c), **4(2)(a)(iii)(aa)**
- F64** Words in Sch. 2 para. 13(3A)(a) inserted (3.4.2000) by [The Social Security \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/681\)](#), regs. 1(1)(c), **4(2)(a)(iii)(bb)**
- F65** Words in Sch. 2 para. 13(3A)(a) inserted (6.4.1992) by [The Disability Living Allowance and Disability Working Allowance \(Consequential Provisions\) Regulations 1991 \(S.I. 1991/2742\)](#), regs. 1(1), **11(4)(e)** (with reg. 1(2))
- F66** Sch. 2 para. 13(3A)(b) substituted (3.4.2000) by [The Social Security \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/681\)](#), regs. 1(1)(c), **4(2)(a)(iii)(cc)**
- F67** Sch. 2 para. 13(3ZA) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No.5\) Regulations 1994 \(S.I. 1994/2139\)](#), regs. 1(1)(a), **30(4)**

Modifications etc. (not altering text)

- C2** Sch. 2 para. 13(2)(a)(ii) modified (11.11.1991) by [The Income Support \(General\) Amendment No. 6 Regulations 1991 \(S.I. 1991/2334\)](#), regs. 1(1), **4(2)** (with regs. 1(2), 4(1), 5, 6)

- C3** Sch. 2 para. 13(2)(b)(iii) modified (11.11.1991) by [The Income Support \(General\) Amendment No. 6 Regulations 1991 \(S.I. 1991/2334\)](#), regs. 1(1), **4(2)** (with regs. 1(2), 4(1), 5, 6)

Commencement Information

- I8** Sch. 2 para. 13 in force at 11.4.1988, see [reg. 1](#)

[^{F68}Enhanced disability premium

13A.—(1) Subject to sub-paragraph (2), the condition is that the care component of disability living allowance is, or would, but for a suspension of benefit in accordance with regulations under section 113(2) of the Contributions and Benefits Act or but for an abatement as a consequence of hospitalisation, be payable at the highest rate prescribed under section 72(3) of the Contributions and Benefits Act in respect of—

- (a) the claimant; or
- (b) a member of the claimant's family,

who is aged less than 60.

(2) An enhanced disability premium shall not be applicable in respect of—

- (a) a child or young person whose capital, if calculated in accordance with Part V of these Regulations in like manner as for the claimant, except as provided in regulation 44(1), would exceed £3,000;
- (b) a claimant who—
 - (i) is not a member of a couple or a polygamous marriage; and
 - (ii) is a patient within the meaning of regulation 21(3) and has been for a period of more than six weeks; or
- (c) a member of a couple or a polygamous marriage where each member is a patient within the meaning of regulation 21(3) and has been for a period of more than six weeks.]

Textual Amendments

- F68** Sch. 2 para. 13A inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Social Security Amendment \(Enhanced Disability Premium\) Regulations 2000 \(S.I. 2000/2629\)](#), regs. 1(1)(c), **2(c)(ii)**

Modifications etc. (not altering text)

- C4** Sch. 2 para. 13A(2)(a) modified (with effect in accordance with art. 1(2)(g) of the amending S.I.) by [The Social Security Benefits Up-rating \(No. 2\) Order 2000 2001 \(S.I. 2001/207\)](#), arts. 1(2)(g), **16(2)**

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, [^{F69}except as provided in regulation 44(1) (modifications in respect of children and young persons)], would not exceed £3,000; and
- (b) is in receipt of [^{F70}disability living allowance] 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

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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)

(c) is blind or treated as blind within the meaning of paragraph 12(1)(a)(iii) and (2).

Textual Amendments

F69 Words in Sch. 2 para. 14(a) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 4\) Regulations 1993](#) (S.I. 1993/2119), regs. 1(1)(a), **18(4)**

F70 Words in Sch. 2 para. 14(b) substituted (6.4.1992) by [The Disability Living Allowance and Disability Working Allowance \(Consequential Provisions\) Regulations 1991](#) (S.I. 1991/2742), regs. 1(1), **11(4)(f)** (with reg. 1(2))

Modifications etc. (not altering text)

C5 [Sch. 2 para. 14\(a\)](#) sum confirmed (with effect in accordance with art. 1(2)(g) of the amending S.I.) by [The Social Security Benefits Up-rating \(No. 2\) Order 2000](#) 2001 (S.I. 2001/207), arts. 1(2)(g), **16(2)**

Commencement Information

I9 [Sch. 2 para. 14](#) in force at 11.4.1988, see [reg. 1](#)

[^{F71}Carer premium

14ZA.—(1) [^{F72}Subject to sub-paragraphs (3) and (4),] the condition is that the claimant or his partner is, or both of them are, [^{F73}entitled to an invalid care allowance under section 70 of the Contributions and Benefits Act].

(2) If a claimant or his partner, or both of them, would be in receipt of invalid care allowance but for the provisions of the Social Security (Overlapping Benefits) Regulations 1979, where—

- (a) the claim for that allowance was made on or after 1st October 1990, and
- (b) the person or persons in respect of whose care the allowance has been claimed remains or remain in receipt of attendance allowance^{F74}, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 37ZB(3) of the Social Security Act],

he or his partner, or both of them, as the case may be, shall be treated for the purposes of sub-paragraph (1) as being [^{F75}entitled to an] invalid care allowance.]

[^{F76}(3) Where a carer premium is awarded but the person in respect of whom it has been awarded ceases to be entitled to an invalid care allowance, the condition for the award of the premium shall be treated as satisfied for a period of eight weeks from the date on which—

- (a) where sub-paragraph (2) applies, the person in respect of whose care the invalid care allowance has been claimed ceased to be in receipt of the allowances referred to in paragraph (b) of that sub-paragraph;
- (b) in any other case, that person ceased to be entitled to an invalid care allowance.]

[^{F76}(4) Where a person who has been entitled to an invalid care allowance ceases to be entitled to that allowance and makes a claim for income support, the condition for the award of the carer premium shall be treated as satisfied for a period of eight weeks from the date on which—

- (a) where sub-paragraph (2) applies, the person in respect of whose care the invalid care allowance has been claimed ceased to be in receipt of the allowances referred to in paragraph (b) of that sub-paragraph;
- (b) in any other case, that person was last entitled to an invalid care allowance.]

Textual Amendments

- F71** Sch. 2 para. 14ZA inserted (1.10.1990) by [The Income Support \(General\) Amendment No. 3 Regulations 1990 \(S.I. 1990/1776\)](#), regs. 1(1)(a), **8(d)** (with reg. 1(2))
- F72** Words in Sch. 2 para. 14ZA(1) inserted (7.10.1991) by [The Income Support \(General\) Amendment No. 4 Regulations 1991 \(S.I. 1991/1559\)](#), regs. 1(1)(c), **15(d)(i)** (with reg. 1(2))
- F73** Words in Sch. 2 para. 14ZA(1) substituted (3.4.2000) by [The Social Security \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/681\)](#), regs. 1(1)(c), **4(2)(b)(i)**
- F74** Words in Sch. 2 para. 14ZA(2)(b) inserted (6.4.1992) by [The Disability Living Allowance and Disability Working Allowance \(Consequential Provisions\) Regulations 1991 \(S.I. 1991/2742\)](#), regs. 1(1), **11(4)(g)** (with reg. 1(2))
- F75** Words in Sch. 2 para. 14ZA(2) substituted (3.4.2000) by [The Social Security \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/681\)](#), regs. 1(1)(c), **4(2)(b)(ii)**
- F76** Sch. 2 para. 14ZA(3)(4) substituted (3.4.2000) by [The Social Security \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/681\)](#), regs. 1(1)(c), **4(2)(b)(iii)**

[^{F77}Persons in receipt of concessionary payments

14A. For the purpose of determining whether a premium is applicable to a person [^{F78}under paragraphs 12 to 14ZA], any concessionary payment made to compensate that person for the non-payment of any benefit mentioned in those paragraphs shall be treated as if it were a payment of that benefit.]

Textual Amendments

- F77** Sch. 2 para. 14A inserted (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **19(d)**
- F78** Words in Sch. 2 para. 14A substituted (5.8.1991) by [The Income Support \(General\) Amendment No. 4 Regulations 1991 \(S.I. 1991/1559\)](#), regs. 1(1)(a), **15(e)** (with reg. 1(2))

[^{F79}Person in receipt of benefit

14B. For the purposes of this Part of this Schedule, a person shall be regarded as being in receipt of any benefit if, and only if, it is paid in respect of him and shall be so regarded only for any period in respect of which that benefit is paid.]

Textual Amendments

- F79** Sch. 2 para. 14B inserted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1990 \(S.I. 1990/547\)](#), regs. 1(1)(b), **17**

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