

## SCHEDULE 2

### APPLICABLE AMOUNTS

#### Modifications etc. (not altering text)

- C1** Sch. 2 applied (with modifications) (S.) (6.10.2003) by [The National Health Service \(Travelling Expenses and Remission of Charges\) \(Scotland\) \(No. 2\) Regulations 2003 \(S.S.I. 2003/460\)](#), reg. 1, **sch. Pt. II** Table B (with reg. 13)

Regulations 17<sup>[F1]</sup>(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<sup>[F1]</sup>(1)(d) <sup>[F2]</sup>and 18(1)(e), be applicable to a claimant who satisfies the condition specified in <sup>[F3]</sup><sup>[F4]</sup>paragraphs 9<sup>[F4]</sup> <sup>[F5]</sup>paragraphs 8A<sup>[F5]</sup> 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 \(S.I. 1988/1445\)](#), regs. 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 \(S.I. 1988/1445\)](#), regs. 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 \(S.I. 1996/1803\)](#), regs. 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 \(S.I. 2000/2239\)](#), regs. 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 \(S.I. 1990/1776\)](#), regs. 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](#)

<sup>[F6]</sup>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;

**Status:** Point in time view as at 06/04/2004.

**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) [<sup>F7</sup>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.]

#### 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)
- F7** Sch. 2 para. 6(1)(c) omitted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by virtue of [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), [Sch. 1 para. 20\(a\)](#)

7.—[<sup>F8</sup>(1)] [<sup>F9</sup>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 <sup>F10</sup> 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 [<sup>F11</sup>Secretary of State for Education and Employment] under section 2 of the Employment and Training Act 1973 <sup>F12</sup>[<sup>F13</sup>or by Scottish Enterprise or Highlands and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990,][<sup>F14</sup>or for any period during which he is in receipt of a training allowance].

[<sup>F15</sup>(2) For the purposes of the carer premium under paragraph 14ZA, a person shall be treated as being in receipt of [<sup>F16</sup>carer's 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 [<sup>F17</sup>, 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

- F8** 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))
- F9** 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))
- F10** S.I. 1979/597.
- F11** 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)
- F12** 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 \(c. 57\)](#).
- F13** 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)
- F14** 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)

- F15** 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))
- F16** Words in Sch. 2 Pt. III substituted (1.4.2003) by [The Social Security Amendment \(Carer's Allowance\) Regulations 2002 \(S.I. 2002/2497\)](#), reg. 1(b), Sch. 2 paras. 1, 2
- F17** 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**

<sup>F18</sup>8. ....

**Textual Amendments**

- F18** 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)**

**[<sup>F19</sup>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**

- F19** 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)

**Pensioner premium for persons under 75**

**[<sup>F20</sup>9.** The condition is that the claimant has a partner aged not less than 60 but less than 75.]

**Status:** Point in time view as at 06/04/2004.

**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

**F20** Sch. 2 para. 9 substituted (6.10.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(b), **29(5)(a)**

### Pensioner premium for persons 75 and over

[<sup>F21</sup>9A. The condition is that the claimant has a partner aged not less than 75 but less than 80.]

#### Textual Amendments

**F21** Sch. 2 para. 9A substituted (6.10.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(b), **29(5)(b)**

### Higher Pensioner Premium

**10.**—[<sup>F22</sup>(1) The condition is that—

- (a) the claimant's partner is aged not less than 80; or
- (b) the claimant's partner is aged less than 80 but not less than 60 and either—
  - (i) the additional condition specified in [<sup>F23</sup>paragraph 12(1)(a), (c) or (d)] is satisfied; or
  - (ii) the claimant was entitled to, or was treated as being in receipt of, income support and—
    - (aa) 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 partner's 60th birthday; and
    - (bb) he has, subject to sub-paragraph (3), remained continuously entitled to income support since his partner attained the age of 60.]

(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 [<sup>F24</sup>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 [<sup>F25</sup>sub-paragraph (1)(b)(ii) is] concerned, if a claimant ceases to be entitled to [<sup>F24</sup>or treated as entitled to] income support for a period not exceeding eight weeks which includes his [<sup>F25</sup>partner's] 60th birthday, he shall, on becoming re-entitled to income support, thereafter be treated as having been continuously entitled thereto.

[<sup>F26</sup>(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.]

[<sup>F27</sup>(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

- F22** Sch. 2 para. 10(1) substituted for Sch. 2 para. 10(1) (6.10.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(b), **29(5)(c)(i)**
- F23** Words in Sch. 2 Pt. III para. 10(1)(b)(i) substituted (6.10.2003) by The Income Support (General) Amendment Regulations 2003 (S.I. 2003/2379), regs. 1, **2(2)**
- F24** 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)**
- F25** Words in Sch. 2 para. 10(3)(b) substituted and words inserted (6.10.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(b), **29(5)(c)(ii)**
- F26** 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)**
- F27** 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

- I4** 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,<sup>F28</sup>... the additional condition specified in paragraph 12 is satisfied; or
- (b) where the claimant has a partner, either—
- [<sup>F29</sup>(i) the claimant satisfies the additional condition specified in [<sup>F30</sup>paragraph 12(1)(a), (b), (c) or (d)]; or]
- (ii) his partner is aged less than 60 and the additional condition specified in [<sup>F31</sup>paragraph 12(1)(a), (c) or (d)] is satisfied by his partner.

### Textual Amendments

- F28** Words in Sch. 2 para. 11(a) omitted (6.10.2003) by virtue of The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(b), **29(5)(d)(i)**
- F29** Sch. 2 para. 11(b)(i) substituted (6.10.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(b), **29(5)(d)(ii)**
- F30** Words in Sch. 2 Pt. III para. 11(b)(i) substituted (6.10.2003) by The Income Support (General) Amendment Regulations 2003 (S.I. 2003/2379), regs. 1, **2(3)(a)**
- F31** Words in Sch. 2 Pt. III para. 11(b)(ii) substituted (6.10.2003) by The Income Support (General) Amendment Regulations 2003 (S.I. 2003/2379), regs. 1, **2(3)(b)**

### Commencement Information

- I5** 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—

**Status:** Point in time view as at 06/04/2004.

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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, [<sup>F32</sup>disability living allowance, [<sup>F33</sup>the disability element or the severe disability element of working tax credit as specified in regulation 20(1)(b) and (f) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002]], mobility supplement, [<sup>F34</sup>long-term incapacity benefit] under [<sup>F35</sup>Part II of the Contributions and Benefits Act or severe disablement allowance under Part III of that Act][<sup>F36</sup>but, in the case of [<sup>F34</sup>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 <sup>F37</sup> (other services) or, in Scotland, under section 46 of the National Health Service (Scotland) Act 1978 <sup>F38</sup> (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 <sup>F39</sup> (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
- [<sup>F40</sup>(b) the claimant—
- (i) is entitled to statutory sick pay or [<sup>F41</sup>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[<sup>F42</sup>, 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]
- [<sup>F43</sup>(c) the claimant's partner was in receipt of long-term incapacity benefit under Part II of the Contributions and Benefits Act when entitlement to that benefit ceased on account of the payment of a retirement pension under that Act and—
- (i) the claimant has since remained continuously entitled to income support;
  - (ii) the higher pensioner premium or disability premium has been applicable to the claimant; and
  - (iii) the partner is still alive;
- (d) except where paragraph (1)(a), (b), (c)(ii) or (d)(ii) of Schedule 7 (patients) applies, the claimant or, as the case may be, his partner was in receipt of attendance allowance or disability living allowance—
- (i) but payment of that benefit has been suspended under the Social Security (Hospital In-Patients) Regulations 1975 or otherwise abated as a consequence of the claimant or his partner becoming a patient within the meaning of regulation 21(3); and
  - (ii) a higher pensioner premium or disability premium has been applicable to the claimant.]

[<sup>F44</sup>(1A) In the case of a claimant who is a welfare to work beneficiary, the reference in sub-paragraph (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 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.

[<sup>F45</sup>(3) .....

(4) For the purpose of [<sup>F46</sup>sub-paragraph (1)(c) and (d)], 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 [<sup>F46</sup>sub-paragraph (1)(c) and (d)].

[<sup>F47</sup>(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 [<sup>F48</sup>or for any period during which he is in receipt of a training allowance].]

[<sup>F49</sup>(6) For the purposes of [<sup>F50</sup>sub-paragraph (1)(a)(i) and (c)], 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.]

[<sup>F51</sup>(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

- F32** 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))**
- F33** Words in Sch. 2 para. 12(1)(a)(i) substituted (for specified purposes and with effect in accordance with reg. 1(5)(a) of the amending S.I.) by [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), **Sch. 1 para. 20(b)**
- F34** 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))
- F35** 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)**
- F36** 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)**

*Status: Point in time view as at 06/04/2004.*

*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)*

- F37** 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).
- F38** 1978 c. 29.
- F39** 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.
- F40** 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))
- F41** 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)
- F42** 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)
- F43** Sch. 2 para. 12(1)(c), (d) substituted for Sch. 2 para. 12(1)(c) (6.10.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(b), **29(5)(e)**
- 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** Words in Sch. 2 Pt. III para. 12(4) substituted (6.10.2003) by The Income Support (General) Amendment Regulations 2003 (S.I. 2003/2379), regs. 1, **2(4)(a)**
- F47** 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)**
- F48** 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)**
- F49** 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))
- F50** Words in Sch. 2 Pt. III para. 12(6) substituted (6.10.2003) by The Income Support (General) Amendment Regulations 2003 (S.I. 2003/2379), regs. 1, **2(4)(b)**
- F51** 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

- I6** 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<sup>F52</sup>, a lone parent or a claimant who is treated as having no partner in consequence of sub-paragraph (2A)]—



Status: Point in time view as at 06/04/2004.

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<sup>F53</sup>, 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 <sup>F54</sup>normally residing with him or with whom he is normally residing,] and
  - <sup>F55</sup>(iii) no person is entitled to, and in receipt of, <sup>F16</sup>a carer's allowance] under section 70 of the Contributions and Benefits Act in respect of caring for him;]
- (b) <sup>F56</sup>in the case of a claimant who] has a partner—
- (i) he is in receipt of attendance allowance<sup>F57</sup>, 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 <sup>F58</sup>normally residing with him or with whom he is normally residing,]

and, either <sup>F59</sup>a person is entitled to, and in receipt of, <sup>F16</sup>a carer's 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.

<sup>F60</sup>(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<sup>F61</sup>, 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
  - <sup>F62</sup>(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; <sup>F63</sup>or
  - (d) a person who is blind or is treated as blind within the meaning of paragraph 12(1)(a)(iii) and (2).]

<sup>F64</sup>(3A) For the purposes of sub-paragraph (2)(b) a person shall be treated<sup>F65</sup>...—

- (a) <sup>F66</sup>as being in receipt of] attendance allowance<sup>F67</sup>, 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;]
- <sup>F68</sup>(b) as being entitled to and in receipt of <sup>F16</sup>a carer's 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.]

<sup>F69</sup>(3ZA) For the purposes of sub-paragraph (2)(a)(iii) and (2)(b), no account shall be taken of an award of <sup>F16</sup>carer's 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 06/04/2004.*

*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.

[<sup>F70</sup>(5) In sub-paragraph (2)(a)(iii) and (b), references to a person being in receipt of [<sup>F16</sup>a carer's allowance] shall include references to a person who would have been in receipt of that allowance but for the application of a restriction under section 7 of the Social Security Fraud Act 2001 (loss of benefit provisions).]

#### Textual Amendments

- F16** Words in Sch. 2 Pt. III substituted (1.4.2003) by [The Social Security Amendment \(Carer's Allowance\) Regulations 2002 \(S.I. 2002/2497\)](#), reg. 1(b), Sch. 2 paras. 1, **2**
- F52** 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)**
- F53** 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))
- F54** 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)**
- F55** 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)**
- F56** 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)**
- F57** 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))
- F58** 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)**
- F59** 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)**
- F60** 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)**
- F61** 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))
- F62** 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)**
- F63** 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)**
- F64** 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)**
- F65** 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)**
- F66** 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)**
- F67** 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))
- F68** 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)**

**F69** 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)**

**F70** Sch. 2 para. 13(5) added (1.4.2002) by The Social Security (Loss of Benefit) (Consequential Amendments) Regulations 2002 (S.I. 2002/490), regs. 1(1), **2(1)(a)**

#### 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

**I7** Sch. 2 para. 13 in force at 11.4.1988, see [reg. 1](#)

### [<sup>F71</sup>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

[<sup>F72</sup>(b) [<sup>F73</sup>a member of the claimant's family][<sup>F73</sup>the claimant's partner (if any)] who is aged less than 60.]

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

(a) [<sup>F74</sup>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 [<sup>F75</sup>52] 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 [<sup>F75</sup>52] weeks.]

#### Textual Amendments

**F71** 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)**

**F72** Sch. 2 para. 13A(1)(b) substituted (6.10.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(b), **29(5)(f)**

**F73** Words in Sch. 2 para. 13A(1)(b) substituted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), **Sch. 1 para. 20(c)(i)**

**F74** Sch. 2 para. 13A(2)(a) omitted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by virtue of The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), **Sch. 1 para. 20(c)(ii)**

**Status:** Point in time view as at 06/04/2004.

**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)

**F75** Word in Sch. 2 para. 13A(2) substituted (coming into force in accordance with reg. 1(c) of the amending S.I.) by The Social Security (Hospital In-Patients and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/1195), regs. 1(c), **3(3)**

**Modifications etc. (not altering text)**

**C4** Sch. 2 para. 13A(2)(a) sum confirmed (7.4.2003 for specified purposes and with effect in accordance with art. 1(2)(g)) by The Social Security Benefits Up-rating Order 2003 (S.I. 2003/526), arts. 1(2)(g), **17(2)(b)**

**Disabled Child Premium**

**14.** [<sup>F76</sup>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, [<sup>F77</sup>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 [<sup>F78</sup>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
- (c) is blind or treated as blind within the meaning of paragraph 12(1)(a)(iii) and (2).]

**Textual Amendments**

**F76** Sch. 2 para. 14 omitted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by virtue of The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), **Sch. 1 para. 20(a)**

**F77** 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)**

**F78** 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 (7.4.2003 for specified purposes and with effect in accordance with art. 1(2)(g)) by The Social Security Benefits Up-rating Order 2003 (S.I. 2003/526), arts. 1(2)(g), **17(2)(b)**

**Commencement Information**

**I8** Sch. 2 para. 14 in force at 11.4.1988, see reg. 1

**[<sup>F79</sup>Carer premium**

**14ZA.**—(1) [<sup>F80</sup>Subject to sub-paragraphs (3) and (4),] the condition is that the claimant or his partner is, or both of them are, [<sup>F81</sup>entitled to [<sup>F16</sup>a carer's allowance] under section 70 of the Contributions and Benefits Act].

<sup>F82</sup>(2)] . . . . .

[<sup>F83</sup>(3) Where a carer premium is awarded but—

- (a) the person in respect of whose care the [<sup>F16</sup>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 <sup>F84</sup>...to [<sup>F16</sup>a carer's allowance],

the condition for the award of the premium shall be treated as satisfied for a period of eight weeks from the relevant date specified in sub-paragraph (3A) below.

(3A) The relevant date for the purposes of sub-paragraph (3) above shall be—

- (a) [<sup>F85</sup>where sub-paragraph (3)(a) applies,] the Sunday following the death of the person in respect of whose care [<sup>F16</sup>a carer's allowance] has been awarded or the date of death if the death occurred on a Sunday;

<sup>F86</sup>(b) .....

- (c) in any other case, the date on which the person who has been entitled to [<sup>F16</sup>a carer's allowance] ceases to be entitled to that allowance.]

(4) Where a person who has been entitled to [<sup>F16</sup>a carer's 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—

- <sup>F87</sup>(a) the person in respect of whose care the [<sup>F16</sup>carer's allowance] has been awarded dies;

<sup>F88</sup>(b) .....

- (c) [<sup>F89</sup>in any other case, the person who has been entitled to a carer's allowance ceased to be entitled to that allowance.]]

#### Textual Amendments

- F16** Words in Sch. 2 Pt. III substituted (1.4.2003) by The Social Security Amendment (Carer's Allowance) Regulations 2002 (S.I. 2002/2497), reg. 1(b), Sch. 2 paras. 1, 2
- F79** 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))
- F80** 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))
- F81** 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)
- F82** Sch. 2 para. 14ZA(2) omitted (1.10.2003) by virtue of The Social Security (Miscellaneous Amendments) (No.2) Regulations 2003 (S.I. 2003/2279), regs. 1(a), 2(3)(a)
- F83** Sch. 2 para. 14ZA(3)(3A) substituted for Sch. 2 para. 14ZA(3) (28.10.2002) by The Social Security Amendment (Carer Premium) Regulations 2002 (S.I. 2002/2020), regs. 1, 2(a)
- F84** Words in Sch. 2 para. 14ZA(3)(b) omitted (1.10.2003) by virtue of The Social Security (Miscellaneous Amendments) (No.2) Regulations 2003 (S.I. 2003/2279), regs. 1(a), 2(3)(b)
- F85** Words in Sch. 2 para. 14ZA(3A)(a) inserted (1.10.2003) by The Social Security (Miscellaneous Amendments) (No.2) Regulations 2003 (S.I. 2003/2279), regs. 1(a), 2(3)(c)(i)
- F86** Sch. 2 para. 14ZA(3A)(b) omitted (1.10.2003) by virtue of The Social Security (Miscellaneous Amendments) (No.2) Regulations 2003 (S.I. 2003/2279), regs. 1(a), 2(3)(c)(ii)
- F87** Sch. 2 para. 14ZA(4)(a)-(c) substituted for Sch. 2 para. 14ZA(4)(a)(b) (28.10.2002) by The Social Security Amendment (Carer Premium) Regulations 2002 (S.I. 2002/2020), regs. 1, 2(b)
- F88** Sch. 2 para. 14ZA(4)(b) omitted (1.10.2003) by virtue of The Social Security (Miscellaneous Amendments) (No.2) Regulations 2003 (S.I. 2003/2279), regs. 1(a), 2(3)(d)(i)
- F89** Sch. 2 para. 14ZA(4)(c) substituted (1.10.2003) by The Social Security (Miscellaneous Amendments) (No.2) Regulations 2003 (S.I. 2003/2279), regs. 1(a), 2(3)(d)(ii)

**Status:** Point in time view as at 06/04/2004.

**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)

### [<sup>F90</sup>Persons in receipt of concessionary payments

**14A.** For the purpose of determining whether a premium is applicable to a person [<sup>F91</sup>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

**F90** 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)**

**F91** 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))

### [<sup>F92</sup>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

**F92** 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**

**Status:**

Point in time view as at 06/04/2004.

**Changes to legislation:**

There are currently no known outstanding effects for the The Income Support (General) Regulations 1987, PART III.