

Status: Point in time view as at 21/03/2022. This version of this provision has been superseded.
Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Jobseeker's Allowance Regulations 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 1

APPLICABLE AMOUNTS

PART III

PREMIUMS

Severe Disability Premium

15.—(1) In the case of a single claimant, a lone parent or a claimant who is treated as having no partner in consequence of sub-paragraph (3), the condition is that—

- (a) he is in receipt of attendance allowance [^{F1}, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act [^{F2}, armed forces independence payment][^{F3},] the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act][^{F4}, or the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022]; and
- (b) subject to sub-paragraph (4), there are no non-dependants aged 18 or over normally residing with him or with whom he is normally residing; and
- [^{F5}(c) no person is entitled to, and in receipt of, [^{F6}a][^{F6}carer's allowance] under section 70 of the Benefits Act [^{F7}or has an award of universal credit which includes the carer element] in respect of caring for him;]

(2) Where the claimant has a partner, the condition is that—

- (a) the claimant is in receipt of attendance allowance [^{F8}, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act [^{F9}, armed forces independence payment][^{F10},] the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act][^{F11}, or the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022] (the "qualifying benefit"); and
- (b) the partner is also in receipt of a qualifying benefit, or if he is a member of a polygamous marriage, all the partners of that marriage are in receipt of a qualifying benefit; and
- (c) subject to sub-paragraph (4), there is no non-dependant aged 18 or over normally residing with him or with whom he is normally residing; and
- (d) either—
 - (i) [^{F12}no person is entitled to, and in receipt of, [^{F6}a][^{F6}carer's allowance] under section 70 of the Benefits Act [^{F13}or has an award of universal credit which includes

Status: Point in time view as at 21/03/2022. This version of this provision has been superseded.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Jobseeker's Allowance Regulations 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

the carer element] in respect of] caring for either member of the couple or all the members of the polygamous marriage; or

- (ii) a person is engaged in caring for one member (but not both members) of the couple, or one or more but not all members of the polygamous marriage, and in consequence is ^{F14}entitled to ^{F6a}carer's allowance] under section 70 of the Benefits Act ^{F13}or has an award of universal credit which includes the carer element].

(3) Where the claimant has a partner who does not satisfy the condition in sub-paragraph (2)(b), and that partner is ^{F15}severely sight impaired or blind or treated as severely sight impaired or blind] within the meaning of paragraph 14(1)(h) and (2), that partner shall be treated for the purposes of sub-paragraph (2) as if he were not a partner of the claimant.

(4) The following persons shall not be regarded as a non-dependant for the purposes of sub-paragraphs (1)(b) and (2)(c)—

- (a) a person in receipt of attendance allowance ^{F16}, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act ^{F17}, armed forces independence payment^{F18},] the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act^{F19}, or the daily living component of adult disability payment at the standard or enhanced rate prescribed in accordance with regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022];
- (b) subject to sub-paragraph (6), 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 satisfied the condition in sub-paragraph (1) or, as the case may be, (2);
- (c) a person who is ^{F20}severely sight impaired or blind or treated as severely sight impaired or blind] within the meaning of paragraph 14(1)(h) and (2).

(5) For the purposes of sub-paragraph (2), a person shall be treated ^{F21}...—

- (a) ^{F22}as being in receipt of] attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act if he would, but for his being a patient for a period exceeding 28 days, be so in receipt;
- ^{F23}(aa) as being in receipt of the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78 of the 2012 Act if he would, but for regulations made under section 86(1) (hospital in-patients) of the 2012 Act, be so in receipt;]
- ^{F24}(ab) as being in receipt of the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022 if they would, but for regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of those Regulations be so in receipt;]
- ^{F25}(b) as being entitled to and in receipt of ^{F6a}carer's allowance^{F26}or having an award of universal credit which includes the carer element] 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 ^{F27}of carer's allowance or have such an award of universal credit].]

(6) Sub-paragraph (4)(b) 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.

(7) For the purposes of sub-paragraph (1)(c) and (2)(d), no account shall be taken of an award of ^{F6}carer's allowance^{F28}or universal credit which includes the carer element] to the extent that

Status: Point in time view as at 21/03/2022. This version of this provision has been superseded.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Jobseeker's Allowance Regulations 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

payment of such an award is back-dated for a period before [^{F29}the date on which the award is first paid].

(8) A person shall be treated as satisfying this condition if he would have satisfied the condition specified for a severe disability premium in income support in paragraph 13 of Schedule 2 to the Income Support Regulations by virtue only of regulations 4 to 6 of the Income Support (General) Amendment (No.6) Regulations 1991 ^{F30}(savings provisions in relation to severe disability premium) and for the purposes of determining whether in the particular case regulation 4 of those Regulations had ceased to apply in accordance with regulation 5(2)(a) of those Regulations, a person who is entitled to an income-based jobseeker's allowance shall be treated as entitled to income support.

[^{F31}(9) In sub-paragraphs (1)(c) and (2)(d), references to a person being in receipt of [^{F6}a][^{F6}carer's allowance][^{F32}or as having an award of universal credit which includes the carer element] shall include references to a person who would have been in receipt of that allowance [^{F33}or had such an award] but for the application of a restriction under section [^{F34}6B or] 7 of the Social Security Fraud Act 2001 (loss of benefit provisions).]

[^{F35}(10) For the purposes of this paragraph, a person has an award of universal credit which includes the carer element if the person has an award of universal credit which includes an amount which is the carer element under regulation 29 of the Universal Credit Regulations 2013.]

Textual Amendments

- F1** Words in Sch. 1 para. 15(1)(a) substituted (8.4.2013) by [The Personal Independence Payment \(Supplementary Provisions and Consequential Amendments\) Regulations 2013 \(S.I. 2013/388\)](#), reg. 2, **Sch. para. 16(7)(c)(i)**
- F2** Words in Sch. 1 para. 15(1)(a) inserted (8.4.2013) by [The Armed Forces and Reserve Forces Compensation Scheme \(Consequential Provisions: Subordinate Legislation\) Order 2013 \(S.I. 2013/591\)](#), art. 2(2), **Sch. para. 10(7)(c)(i)**
- F3** Sch. 1 para. 15(1)(a): comma substituted for word (21.3.2022) by [The Social Security \(Disability Assistance for Working Age People\) \(Consequential Amendments\) Order 2022 \(S.I. 2022/177\)](#), arts. 1(2), **5(7)(g)(i)**
- F4** Words in Sch. 1 para. 15(1)(a) inserted (21.3.2022) by [The Social Security \(Disability Assistance for Working Age People\) \(Consequential Amendments\) Order 2022 \(S.I. 2022/177\)](#), arts. 1(2), **5(7)(g)(ii)**
- F5** Sch. 1 para. 15(1)(c) substituted (3.4.2000) by [The Social Security \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/681\)](#), regs. 1(1)(c), **4(3)(a)(i)**
- F6** Words in Sch. 1 Pts. 3-4B substituted (1.4.2003) by [The Social Security \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/511\)](#), regs. 1, **3(4)(5)**
- F7** Words in Sch. 1 para. 15(1)(c) inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by [The Universal Credit and Miscellaneous Amendments Regulations 2015 \(S.I. 2015/1754\)](#), regs. 1(1), **15(2)(a)**
- F8** Words in Sch. 1 para. 15(2)(a) substituted (8.4.2013) by [The Personal Independence Payment \(Supplementary Provisions and Consequential Amendments\) Regulations 2013 \(S.I. 2013/388\)](#), reg. 2, **Sch. para. 16(7)(c)(ii)**
- F9** Words in Sch. 1 para. 15(2)(a) inserted (8.4.2013) by [The Armed Forces and Reserve Forces Compensation Scheme \(Consequential Provisions: Subordinate Legislation\) Order 2013 \(S.I. 2013/591\)](#), art. 2(2), **Sch. para. 10(7)(c)(ii)**
- F10** Sch. 1 para. 15(2)(a): comma substituted for word (21.3.2022) by [The Social Security \(Disability Assistance for Working Age People\) \(Consequential Amendments\) Order 2022 \(S.I. 2022/177\)](#), arts. 1(2), **5(7)(h)(i)**
- F11** Words in Sch. 1 para. 15(2)(a) inserted (21.3.2022) by [The Social Security \(Disability Assistance for Working Age People\) \(Consequential Amendments\) Order 2022 \(S.I. 2022/177\)](#), arts. 1(2), **5(7)(h)(ii)**

Status: Point in time view as at 21/03/2022. This version of this provision has been superseded.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Jobseeker's Allowance Regulations 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- F12** Words in Sch. 1 para. 15(2)(d)(i) substituted (3.4.2000) by The Social Security (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/681), regs. 1(1)(c), **4(3)(a)(ii)(aa)**
- F13** Words in Sch. 1 para. 15(2)(d) inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by The Universal Credit and Miscellaneous Amendments Regulations 2015 (S.I. 2015/1754), regs. 1(1), **15(2)(b)**
- F14** Words in Sch. 1 para. 15(2)(d)(ii) substituted (3.4.2000) by The Social Security (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/681), regs. 1(1)(c), **4(3)(a)(ii)(bb)**
- F15** Words in Sch. 1 para. 15(3) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Universal Credit and Miscellaneous Amendments (No.2) Regulations 2014 (S.I. 2014/2888), regs. 1(1), **3(3)(a)(ii)(aa)**
- F16** Words in Sch. 1 para. 15(4)(a) substituted (8.4.2013) by The Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations 2013 (S.I. 2013/388), reg. 2, **Sch. para. 16(7)(c)(iii)**
- F17** Words in Sch. 1 para. 15(4)(a) inserted (8.4.2013) by The Armed Forces and Reserve Forces Compensation Scheme (Consequential Provisions: Subordinate Legislation) Order 2013 (S.I. 2013/591), art. 2(2), **Sch. para. 10(7)(c)(iii)**
- F18** Sch. 1 para. 15(4)(a): comma substituted for word (21.3.2022) by The Social Security (Disability Assistance for Working Age People) (Consequential Amendments) Order 2022 (S.I. 2022/177), arts. 1(2), **5(7)(i)**
- F19** Words in Sch. 1 para. 15(4)(a) inserted (21.3.2022) by The Social Security (Disability Assistance for Working Age People) (Consequential Amendments) Order 2022 (S.I. 2022/177), arts. 1(2), **5(7)(i)(ii)**
- F20** Words in Sch. 1 para. 15(4)(c) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Universal Credit and Miscellaneous Amendments (No.2) Regulations 2014 (S.I. 2014/2888), regs. 1(1), **3(3)(a)(ii)(bb)**
- F21** Words in Sch. 1 para. 15(5) omitted (3.4.2000) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/681), regs. 1(1)(c), **4(3)(a)(iii)(aa)**
- F22** Words in Sch. 1 para. 15(5)(a) inserted (3.4.2000) by The Social Security (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/681), regs. 1(1)(c), **4(3)(a)(iii)(bb)**
- F23** Sch. 1 para. 15(5)(aa) inserted (8.4.2013) by The Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations 2013 (S.I. 2013/388), reg. 2, **Sch. para. 16(7)(c)(iv)**
- F24** Sch. 1 para. 15(5)(ab) inserted (21.3.2022) by The Social Security (Disability Assistance for Working Age People) (Consequential Amendments) Order 2022 (S.I. 2022/177), arts. 1(2), **5(7)(j)**
- F25** Sch. 1 para. 15(5)(b) substituted (3.4.2000) by The Social Security (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/681), regs. 1(1)(c), **4(3)(a)(iii)(cc)**
- F26** Words in Sch. 1 para. 15(5)(b) inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by The Universal Credit and Miscellaneous Amendments Regulations 2015 (S.I. 2015/1754), regs. 1(1), **15(2)(c)(i)**
- F27** Words in Sch. 1 para. 15(5)(b) inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by The Universal Credit and Miscellaneous Amendments Regulations 2015 (S.I. 2015/1754), regs. 1(1), **15(2)(c)(ii)**
- F28** Words in Sch. 1 para. 15(7) inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by The Universal Credit and Miscellaneous Amendments Regulations 2015 (S.I. 2015/1754), regs. 1(1), **15(2)(d)**
- F29** Words in Sch. 1 para. 15(7) substituted (2.4.2007) by The Social Security (Miscellaneous Amendments) Regulations 2007 (S.I. 2007/719), regs. 1(2), **3(8)(d)**
- F30** S.I. 1991/2334.
- F31** Sch. 1 para. 15(9) added (1.4.2002) by The Social Security (Loss of Benefit) (Consequential Amendments) Regulations 2002 (S.I. 2002/490), regs. 1(1), **2(2)(a)**
- F32** Words in Sch. 1 para. 15(9) inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by The Universal Credit and Miscellaneous Amendments Regulations 2015 (S.I. 2015/1754), regs. 1(1), **15(2)(e)(i)**

Status: Point in time view as at 21/03/2022. This version of this provision has been superseded.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Jobseeker's Allowance Regulations 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- F33** Words in Sch. 1 para. 15(9) inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by The Universal Credit and Miscellaneous Amendments Regulations 2015 (S.I. 2015/1754), regs. 1(1), **15(2)(e)(ii)**
- F34** Words in Sch. 1 para. 15(9) inserted (1.4.2010) by The Social Security (Loss of Benefit) Amendment Regulations 2010 (S.I. 2010/1160), regs. 1, **11(3)(a)**
- F35** Sch. 1 para. 15(10) inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by The Universal Credit and Miscellaneous Amendments Regulations 2015 (S.I. 2015/1754), regs. 1(1), **15(2)(f)**

Status:

Point in time view as at 21/03/2022. This version of this provision has been superseded.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Jobseeker's Allowance Regulations 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations.