

SCHEDULE I

PART I

Circumstances in which persons are treated as being or not being severely disabled

Severe disablement

1.—(1) For the purposes of regulation 6(4) (additional amounts for persons severely disabled), the claimant is to be treated as being severely disabled if, and only if—

- (a) in the case of a claimant who has no partner—
 - (i) he is 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 1992 Act; and
 - (ii) no person who has attained the age of 18 is normally residing with the claimant, nor is the claimant normally residing with such a person, other than a person to whom paragraph 2 applies; and
 - (iii) no person is entitled to and in receipt of an allowance under section 70 of the 1992 Act (^{F1}carer's allowance) in respect of caring for him;
- (b) in the case of a claimant who has a partner—
 - (i) both partners are 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 1992 Act; and
 - (ii) no person who has attained the age of 18 is normally residing with the partners, nor are the partners normally residing with such a person, other than a person to whom paragraph 2 applies;
and either a person is entitled to, and in receipt of, an allowance under section 70 of the 1992 Act in respect of caring for one only of the partners or, as the case may be, no person is entitled to, and in receipt of, such an allowance in respect of caring for either partner;
- (c) in the case of a claimant who has a partner and to whom head (b) does not apply—
 - (i) either the claimant or his partner is 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 1992 Act; and
 - (ii) the other partner is registered as blind in a register compiled by a local authority under section 29 of the National Assistance Act 1948 ^{M1} (welfare services) or, in Scotland, has been certified as blind and in consequence is registered as blind in a register maintained by or on behalf of a regional or islands council; and
 - (iii) no person who has attained the age of 18 is normally residing with the partners, nor are the partners normally residing with such a person, other than a person to whom paragraph 2 applies; and
 - (iv) no person is entitled to and in receipt of an allowance under section 70 of the 1992 Act in respect of caring for the person to whom head (c) (i) above applies.

(2) A person shall be treated—

Status: Point in time view as at 02/10/2006. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the The State Pension Credit Regulations 2002, Paragraph 1. (See end of Document for details)

- (a) for the purposes of sub-paragraph (1) as being in receipt of attendance allowance or, as the case may be, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act, for any period—
 - (i) before an award is made but in respect of which the allowance is awarded; or
 - (ii) not covered by an award but in respect of which a payment is made in lieu of an award;
 - (b) for the purposes of sub-paragraph (1)(b) as being in receipt of attendance allowance or the care component of disability living allowance at the highest or middle rate prescribed in accordance section [F272(3)] of the 1992 Act if he would, but for his being a patient for a period exceeding 28 days, be so in receipt;
 - (c) for the purposes of sub-paragraph (1), as not being in receipt of an allowance under section 70 of the 1992 Act for any period before the date on which the award is made.
- (3) For the purposes of sub-paragraph (1)(c)(ii), a person who has ceased to be registered as blind on regaining his eyesight shall nevertheless be treated as blind and as satisfying the requirements set out in that sub-paragraph for a period of 28 weeks following the date on which he ceased to be so registered.

Textual Amendments

- F1** Words in Sch. I para. 1(1)(a)(iii) substituted (6.10.2003) by [The State Pension Credit \(Transitional and Miscellaneous Provisions\) Amendment Regulations 2003 \(S.I. 2003/2274\)](#), regs. 1, **2(8)(a)**
- F2** Word in Sch. I para. 1(2)(b) substituted (6.10.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) \(No. 2\) Regulations 2002 \(S.I. 2002/3197\)](#), reg. 1(1)(b), **Sch. para. 8(a)(i)**

Marginal Citations

- M1** 1948 c. 29.

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