
STATUTORY INSTRUMENTS

2003 No. 325

**The Housing Benefit and Council Tax Benefit
(State Pension Credit) Regulations 2003**

PART 3

Council Tax Benefit

Applicable amounts

15.—(1) For regulations 8 (applicable amounts), 9 (polygamous marriages) and 10 (patients), substitute—

“Applicable amounts

8.—(1) Subject to Schedule A1 (treatment of claims for council tax benefit by refugees), the applicable amount of a person who has attained or whose partner has attained the qualifying age for state pension credit shall be the aggregate of such of the following amounts as apply in his case—

- (a) an amount in respect of his personal allowance, determined in accordance with paragraph 1 of Schedule 1A;
- (b) an amount in respect of any child or young person who is a member of his family, determined in accordance with paragraph 2 of that Schedule;
- (c) if he is a member of a family of which at least one member is a child or young person, an amount determined in accordance with paragraph 3(1) of Part II of that Schedule (family premium);
- (d) if he is a member of a family of which one member is a child under the age of one year, an additional amount determined in accordance with paragraph 3(2) of Part II of that Schedule;
- (e) the amount of any premiums which may be applicable to him, determined in accordance with Parts III and IV of that Schedule (premiums).

(2) Paragraph (3) applies in the case of—

- (a) a claimant who; or
- (b) a claimant who has a partner one or both of whom; or
- (c) a claimant who is a member of a polygamous marriage one or more of whose members,

is or are a patient, and has or have been a patient for a period exceeding 13 weeks but not exceeding 52 weeks, or, in exceptional circumstances, is unlikely to substantially exceed 52 weeks (“long term patient”).

(3) In the case of a claimant to whom this paragraph applies and who—

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- (a) has no partner [^{F1}and is not a lone parent], the applicable amount determined in accordance with paragraph (1) shall be reduced by an amount equal to 38 per cent. of the weekly rate of the basic pension for the time being specified in section 44(4) of the Contributions and Benefits Act 1992;
- [^{F2}(aa) is a lone parent, the applicable amount shall be an amount equal to the standard reduction, increased by such of the amounts specified in sub-paragraphs (b) to (e) of paragraph (1) as apply in his case;]
- (b) has a partner and either the claimant or his partner is a long term patient, the applicable amount determined in accordance with paragraph (1) shall be reduced by an amount equal to 20 per cent. of the weekly rate of the basic pension for the time being specified in section 44(4) of the Contributions and Benefits Act 1992 (“the standard reduction”);
- (c) has a partner and both the claimant and his partner are long term patients, the applicable amount determined in accordance with paragraph (1) shall be reduced by an amount equal to twice the sum of the standard reduction;
- (d) is a member of a polygamous marriage and one or more members of the marriage are long term patients, the applicable amount determined in accordance with paragraph (1) shall be reduced by an amount equal to the standard reduction multiplied by the number of members who are long term patients.
- (4) Any calculation made for the purposes of sub-paragraphs (2) and (3) shall be rounded to the nearest 5 pence, 2.5 pence being rounded to the next 5 pence above.
- (5) In this regulation and in Schedule 1A, “patient” means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of the Social Security (Hospital In-Patients) Regulations 1975(1).
- (6) In Schedule 1A, “additional spouse” means a spouse of either party to the marriage who is additional to the other party to the marriage.
- (7) For the purposes of calculating the period of 13 weeks referred to in paragraph (2), where a person has been maintained free of charge while undergoing medical or other treatment as an in-patient in a hospital or similar institution within the meaning of that paragraph for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he shall be treated as having been so maintained for a period equal in duration to the total of those distinct periods.”
- (2) After Schedule 1, insert—

“SCHEDULE 1A

Regulation 8

APPLICABLE AMOUNTS FOR THOSE WHO HAVE ATTAINED OR WHOSE PARTNER HAS ATTAINED THE QUALIFYING AGE FOR STATE PENSION CREDIT

PART I

Personal Allowances

1. The amount specified in column (2) below in respect of each person or couple specified in column (1) shall be the amount specified for the purposes of regulation 8—

(1) S.I. 1975/555.

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<i>(1) Person, couple or polygamous marriage</i>	<i>(2) Amount</i>
Single claimant—	(a) £102.10;
(a) aged under 65;	(b) £116.90.
(b) aged 65 or over.	
Couple—	(a) £155.80;
(a) both members aged under 65;	(b) £175.00.
(b) one member or both members aged 65 or over.	
If the claimant is a member of a polygamous marriage and none of the members of the marriage have attained the age of 65—	(a) £155.80;
(a) for the claimant and the other party to the marriage;	(b) £53.70.
(b) for each additional spouse who is a member of the same household as the claimant.	
If the claimant is a member of a polygamous marriage and one or more members of the marriage are aged 65 or over—	(a) £175.00;
(a) for the claimant and the other party to the marriage;	(b) £58.10.
(b) for each additional spouse who is a member of the same household as the claimant.	

2.—(1) The amounts specified in column (2) below in respect of each person specified in column (1) shall, for the relevant period specified in column (1), be the amounts specified for the purposes of regulation 8(1)(b)—

<i>(1) Child or young person</i>	<i>(2) Amount</i>
Person in respect of the period—	£38.50;
(a) beginning on that person’s date of birth and ending on the day preceding the first Monday in September following that person’s sixteenth birthday;	
(b) beginning on the first Monday in September following that person’s sixteenth birthday and ending on the day preceding that person’s nineteenth birthday.	£38.50.

2.—(2) In column (1) of the Table above, “the first Monday in September” means the Monday which first occurs in the month of September in any year.

PART II

Family Premium

3.—(1) The amount for the purposes of regulation 8(1)(c) and (d) in respect of a family of which at least one member is a child or young person shall be £15.75.

(2) The amount specified in sub-paragraph (1) shall be increased by £10.45 where at least one child is under the age of one year and for the purposes of this sub-paragraph where that child's first birthday does not fall on a Monday he shall be treated as under the age of one year until the first Monday after his first birthday.

PART III

Premiums

4. The premiums specified in Part IV shall, for the purposes of regulation 8(1)(e), be applicable to a claimant who satisfies the condition specified in this Part in respect of that premium.

5.—(1) Subject to sub-paragraph (2), for the purposes of this Part of this Schedule, once a premium is applicable to a claimant under this Part, a person shall be treated as being in receipt of any benefit for—

- (a) in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979(2) applies, any period during which, apart from the provisions of those Regulations, he would be in receipt of that benefit; and
- (b) any period spent by a person in undertaking a course of training or instruction provided or approved by the Secretary of State under section 2 of the Employment and Training Act 1973(3), or by Scottish Enterprise or Highlands and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990(4) or for any period during which he is in receipt of a training allowance.

(2) For the purposes of the carer premium under paragraph 9, a person shall be treated as being in receipt of a carer's allowance under section 70 of the Contributions and Benefits Act 1992 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, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Contributions and Benefits Act 1992.

Severe disability premium

6.—(1) The condition is that the claimant is a severely disabled person.

(2) For the purposes of sub-paragraph (1), a claimant shall be treated as being a severely disabled person if, and only if—

- (a) in the case of a single claimant or a claimant who is treated as having no partner in consequence of sub-paragraph (3)—

(2) S.I. 1979/597.

(3) 1973 c. 50.

(4) 1990 c. 35.

- (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 Contributions and Benefits Act 1992; and
- (ii) subject to sub-paragraph (6), he has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing, and
- (iii) no person is entitled to, and in receipt of, a carer's allowance in respect of caring for him;

(b) in the case of a claimant who has a partner—

- (i) the claimant 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 Contributions and Benefits Act 1992; and
- (ii) his partner is also in receipt of such an allowance or, if the claimant is a member of a polygamous marriage [^{f3}, each other member of that marriage is] in receipt of such an allowance; and
- (iii) subject to sub-paragraph (6), the claimant has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing,

and either a person is entitled to and in receipt of a carer's allowance in respect of caring for only one of the couple or, if he is a member of a polygamous marriage, for one or more but not all the members 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 a couple or any of the members of the marriage.

(3) 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 sub-paragraph (4), that partner shall be treated for the purposes of sub-paragraph (2) as if he were not a partner of the claimant.

(4) For the purposes of sub-paragraph (3), a person is blind if he is registered in a register compiled by a local authority under section 29 of the National Assistance Act 1948(5) (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered in a register maintained by or on behalf of a regional or islands council.

(5) For the purposes of sub-paragraph (4), 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.

(6) For the purposes of sub-paragraph (2)(a)(ii) and (2)(b)(iii), no account shall be taken of—

- (a) a person receiving attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Contributions and Benefits Act 1992; or
- (b) a person who is blind or is treated as blind within the meaning of sub-paragraphs (4) and (5).

(7) For the purposes of sub-paragraph (2)(b), a person shall be treated—

- (a) 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 Contributions and Benefits Act 1992, if he would, but for his being a patient for a period exceeding 28 days, be so in receipt;

(5) 1948 c. 29.

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- (b) as being entitled to and in receipt of 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.
- (8) For the purposes of sub-paragraph (2)(a)(iii) and (2)(b)—
 - (a) no account shall be taken of an award of a 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; and
 - (b) references to a person being in receipt of 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⁽⁶⁾ (loss of benefit).

Enhanced disability premium

7. 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 1992 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 1992 in respect of a child or young person who is a member of the claimant's family.

Disabled child premium

8. 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) is in receipt of disability living allowance or is no longer in receipt of such allowance because he is a patient, provided that the child or young person continues to be a member of the family; or
- (b) is blind within the meaning of paragraph 6(4) or is treated as blind in accordance with paragraph 6(5) [^{F4}; or
- (c) is a child or a young person in respect of whom section 145A of the Contributions and Benefits Act 1992 applies for the purposes of entitlement to child benefit, but only for the period prescribed under that section, and in respect of whom a disabled child premium was included in the claimant's applicable amount immediately before the death of that child.].

Carer premium

9.—(1) The condition is that the claimant or his partner is, or both of them are, entitled to a carer's allowance.

- (2) Where a carer premium has been awarded but—
 - (a) the person in respect of whose care the carer's allowance has been awarded dies; or
 - (b) the person in respect of whom the premium was awarded ceases to be entitled, or ceases to be treated as entitled, to a carer's allowance,

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

- (3) The relevant date for the purposes of sub-paragraph (2) is—

(6) 2001 c. 11.

- (a) the Sunday following the death of the person in respect of whose care the carer's allowance has been awarded (or beginning with the date of death if the date occurred on a Sunday);
- (b) where head (a) above does not apply, the date on which that person who was entitled to a carer's allowance ceases to be entitled to it.

(4) For the purposes of this paragraph, a person shall be treated as being entitled to and in receipt of a carer's allowance for any period not covered by an award but in respect of which a payment is made in lieu of an award.

Persons in receipt of concessionary payments

10. For the purpose of determining whether a premium is applicable to a person under paragraphs 6 to 9, 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.

Person in receipt of benefit

11. 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.

PART IV

Amounts of premiums specified in Part III

<i>Premium</i>	<i>Amount</i>
12. —	(a) £42.95;
(1) Severe disability premium—	
(a) where the claimant satisfies the condition in paragraph 6(2)(a);	
(b) where the claimant satisfies the condition in paragraph 6(2)(b)—	(b) (i) £42.95;
(i) in a case where there is someone in receipt of a carer's allowance or if he or any partner satisfies that condition only by virtue of paragraph 6(7);	
(ii) in a case where there is no-one in receipt of such an allowance.	(ii) £85.90.
Enhanced disability premium.	£16.60 in respect of each child or young person in respect of whom the conditions specified in paragraph 7 are satisfied.
Disabled child premium.	£41.30 in respect of each child or young person in respect of whom the condition specified in paragraph 8 is satisfied.
Carer premium.	£25.10 in respect of each person who satisfies the condition specified in paragraph 9.”.

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- F1** Words in [reg. 15\(1\)](#) inserted (5.10.2003) by [The Housing Benefit and Council Tax Benefit \(State Pension Credit and Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/2275\)](#), regs. 1(1)(a), **2(8)(a)(i)**
- F2** Words in [reg. 15\(1\)](#) inserted (5.10.2003) by [The Housing Benefit and Council Tax Benefit \(State Pension Credit and Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/2275\)](#), regs. 1(1)(a), **2(8)(a)(ii)**
- F3** Words in [reg. 15\(2\)](#) substituted (5.10.2003) by [The Housing Benefit and Council Tax Benefit \(State Pension Credit and Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/2275\)](#), regs. 1(1)(a), **2(8)(b)(i)**
- F4** Words in [reg. 15\(2\)](#) inserted (5.10.2003) by [The Housing Benefit and Council Tax Benefit \(State Pension Credit and Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/2275\)](#), regs. 1(1)(a), **2(8)(b)(ii)**

Commencement Information

- I1** [Reg. 15](#) in force at 6.10.2003, see [reg. 1\(1\)\(b\)](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- [reg. 2-27](#) revoked by [S.I. 2006/217 Sch. 1](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- [Sch. 2 First Sch. words inserted by S.I. 2003/2634 reg. 4\(3\)\(a\)](#)
- [Sch. 2 First Sch. words inserted by S.I. 2003/2634 reg. 4\(3\)\(b\)\(iv\)](#)
- [Sch. 2 First Sch. words omitted by S.I. 2003/2634 reg. 4\(3\)\(b\)\(i\)](#)
- [Sch. 2 First Sch. words omitted by S.I. 2003/2634 reg. 4\(3\)\(b\)\(iii\)](#)
- [Sch. 2 First Sch. words substituted by S.I. 2003/2634 reg. 4\(3\)\(b\)\(ii\)](#)
- [Sch. 2 First Sch. words substituted by S.I. 2003/2634 reg. 4\(3\)\(b\)\(iii\)](#)
- [Sch. 2 Second Sch. words substituted by S.I. 2003/2634 reg. 4\(4\)](#)