

SCHEDULE 3

Regulation 22

Applicable amounts

PART 1

Personal allowances

Modifications etc. (not altering text)

- C1** Sch. 3 Pt. 1 modified (1.4.2007 for specified purposes, 2.4.2007 in so far as not already in force) by [The Social Security Benefits Up-rating Order 2007 \(S.I. 2007/688\)](#), arts. 1(2)(j), 19(6), [Sch. 6](#)
- C2** Sch. 3 Pt. 1 modified (1.4.2008 for specified purposes, 7.4.2008 in so far as not already in force) by [The Social Security Benefits Up-rating Order 2008 \(S.I. 2008/632\)](#), arts. 1(2)(j), 19(7), [Sch. 6](#)
- C3** Sch. 3 Pt. 1 modified (for specified purposes and with effect in accordance with art. 1(3)(a) 6 of the amending S.I., in force in so far as not already in force and with effect in accordance with art. 1(3)(a) 6 of the amending S.I.) by [The Social Security Benefits Up-rating Order 2009 \(S.I. 2009/497\)](#), arts. 1(2)(i), 19(7), [Sch. 5](#)
- C4** Sch. 3 Pt. 1 modified (1.4.2010 for specified purposes, 5.4.2010 in so far as not already in force) by [The Social Security Benefits Up-rating Order 2010 \(S.I. 2010/793\)](#), arts. 1(2)(j), 19(6), [Sch. 5](#)
- C5** Sch. 3 Pt. 1 sums amended and confirmed (coming into force in accordance with art. 1(2)(j) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2011 \(S.I. 2011/821\)](#), arts. 1(2)(j), 20(6), [Sch. 5](#)
- C6** Sch. 3 Pt. 1 sums amended and confirmed (1.4.2012 for specified purposes, 2.4.2012) by [The Social Security Benefits Up-rating Order 2012 \(S.I. 2012/780\)](#), arts. 1(2)(j), 20(6), [Sch. 5](#)
- C7** Sch. 3 Pt. 1 sums amended and confirmed (1.4.2013) by [The Social Security Benefits Up-rating Order 2013 \(S.I. 2013/574\)](#), arts. 1(2)(a), 19(1)(6), [Sch. 5](#)

1. The amounts specified in column (2) below in respect of each person or couple specified in column (1) shall be the amounts specified for the purposes of regulations 22(a) and 23(a) and (b)—

<i>Column (1)</i> <i>Person or couple</i>	<i>Column (2)</i> <i>Amount</i>
[^{F1} (1) A single claimant who—]	(1)
[^{F1} (a) [^{F1} (a) is entitled to main phase employment and support allowance;]	[^{F1} (a) [^{F1} (a) £60.50;]
[^{F1} (b) [^{F1} (b) is aged not less than 25;]	[^{F1} (b) [^{F1} (b) £60.50;]
[^{F1} (c) [^{F1} (c) is aged less than 25.]	[^{F1} (c) [^{F1} (c) £47.95.]
[^{F1} (2) Lone parent who—]	(2)
[^{F1} (a) [^{F1} (a) is entitled to main phase employment and support allowance;]	[^{F1} (a) [^{F1} (a) £60.50;]
[^{F1} (b) [^{F1} (b) is aged not less than 18; or]	[^{F1} (b) [^{F1} (b) £60.50;]

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<p>[^{F1}(c) [^{F1}(c) is aged less than 18.]</p> <p>[^{F1}(3) Couple where—]</p>	<p>[^{F1}(c) [^{F1}(c) £47.95.]</p> <p>(3)</p>
<p>[^{F1}(a) [^{F1}(a) the claimant is entitled to main phase employment and support allowance;]</p>	<p>[^{F1}(a) [^{F1}(a) £94.95;]</p>
<p>[^{F1}(b) [^{F1}(b) at least one member is aged not less than 18;]</p>	<p>[^{F1}(b) [^{F1}(b) £94.95;]</p>
<p>[^{F1}(c) [^{F1}(c) both members are aged less than 18.]</p>	<p>[^{F1}(c) [^{F1}(c) £72.35.]</p>

Textual Amendments

F1 Sch. 3 para 1(1)-(3) substituted (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/1082\)](#), regs. 1, **23(a)**

[^{F2}1A. For the purposes of paragraph 1 a claimant is entitled to main phase employment and support allowance if—

- (a) each of the conditions in paragraph 21 is satisfied in relation to the claimant personally; or
- (b) the claimant personally is entitled to a converted employment and support allowance^[F3], or would be entitled but for the application of section 1A of the Welfare Reform Act (duration of contributory allowance)].]

Textual Amendments

F2 Sch. 3 para. 1A substituted (1.10.2010) by [The Employment and Support Allowance \(Transitional Provisions, Housing Benefit and Council Tax Benefit\) \(Existing Awards\) \(No. 2\) Regulations 2010 \(S.I. 2010/1907\)](#), reg. 1(2), **Sch. 5 para. 69(5)(a)** (with reg. 3)

F3 Words in Sch. 3 para. 1A(b) inserted (E.W.S.) (1.5.2012) by [The Employment and Support Allowance \(Duration of Contributory Allowance\) \(Consequential Amendments\) Regulations 2012 \(S.I. 2012/913\)](#), regs. 1(2), **7(1)(2)(a)**

2.—(1) The amount 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 regulations 22(b) and 23(c)—

Column (1)

Child or young person

Persons in respect of the period—

- (a) (a) beginning on that person's date of birth and ending on the day preceding the first Monday in

Column (2)

Amount

- (a) (a) £43.88;

September following that person's sixteenth birthday;

- (b) (b) beginning on the first Monday in September following that person's sixteenth birthday and ending on the day preceding that person's [^{F4}twentieth] birthday.
- (b) (b) £43.88.

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

Textual Amendments

F4 Word in Sch. 3 para. 2(1) substituted (10.4.2006) by [The Social Security \(Young Persons\) Amendment Regulations 2006 \(S.I. 2006/718\)](#), regs. 1(2)(b), 4(4)

PART 2

Family premium

3.—(1) ^{F5}...The amount for the purposes of regulations 22(c) and 23(d) in respect of a family of which at least one member is a child or young person shall be—

- (a) where the claimant is a lone parent to whom sub-paragraph (3) applies, £22.20;
- (b) in any other case, [^{F6}£17.40.]

^{F7}(2)

(3) The amount in sub-paragraph (1)(a) shall be applicable to a lone parent—

- (a) who was entitled to housing benefit on 5th April 1998 and whose applicable amount on that date included the amount applicable under [^{F8}sub-paragraph (1)(a)] as in force on that date; or
- (b) who was not entitled to housing benefit on 5th April 1998 because that date fell during a rent free period as defined in regulation 81(1) (rent free periods) and his applicable amount on that date would have included the amount applicable under [^{F8}sub-paragraph (1)(a)] as in force on that date; or
- (c) on becoming entitled to housing benefit where that lone parent—
 - (i) had been treated as entitled to that benefit in accordance with sub-paragraph (5)(a) as at the day before the date of claim for that benefit; and
 - (ii) was entitled to council tax benefit as at the date of claim for housing benefit,

and in respect of whom, all of the conditions specified in sub-paragraph (4) have continued to apply.

(4) The conditions specified for the purposes of sub-paragraph (3) are that, in respect of the period commencing on 6th April 1998—

- (a) the claimant has not ceased to be entitled, or has not ceased to be treated as entitled, to housing benefit;
- (b) the claimant has not ceased to be a lone parent;

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- (c) where the claimant was entitled to income support or to an income-based jobseeker's allowance on 5th April 1998, he has [^{F9}continuously, since that date, been entitled to income support, an income-based jobseeker's allowance or an income-related employment and support allowance or a combination of those benefits];
- (d) where the claimant was not entitled to income support or to an income-based jobseeker's allowance on 5th April 1998, he has not become entitled to [^{F10}income support, an income-based jobseeker's allowance or an income-related employment and support allowance]; and
- (e) a premium under paragraph ^{F11}... 12 [^{F12}or a component under paragraph 23 or 24] has not become applicable to the claimant.
- (5) For the purposes of sub-paragraphs (3)(c)(i) and (4)(a), a claimant shall be treated as entitled to housing benefit—
- (a) during any period where he was not, or had ceased to be, so entitled and throughout that period, he had been awarded council tax benefit and his applicable amount included the amount applicable under paragraph 3(1)(a) of Schedule 1 to the Council Tax Benefit Regulations 2006 (lone parent rate of family premium); or
- (b) during any rent free period as defined for the purposes of regulation 81(1).

Textual Amendments

- F5** Words in Sch. 3 para. 3(1) omitted (31.10.2011) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2011 \(S.I. 2011/2425\)](#), regs. 1(2), [19\(7\)\(a\)\(i\)](#)
- F6** Sch. 3 para. 3(1)(b) substituted (1.4.2010 for specified purposes, 5.4.2010 in so far as not already in force) by [The Social Security Benefits Up-rating Order 2010 \(S.I. 2010/793\)](#), arts. 1(2)(j), [19\(7\)\(b\)](#)
- F7** Sch. 3 para. 3(2) omitted (31.10.2011) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2011 \(S.I. 2011/2425\)](#), regs. 1(2), [19\(7\)\(a\)\(ii\)](#)
- F8** Words in Sch. 3 para. 3(3)(a)(b) substituted (19.5.2008) by [The Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 2008 \(S.I. 2008/1042\)](#), regs. 1(2), [3\(10\)\(a\)](#)
- F9** Words in Sch. 3 para. 3(4)(c) substituted (1.4.2009 for specified purposes, 6.4.2009 in so far as not already in force) by [The Social Security \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/583\)](#), regs. 1(5), [6\(10\)\(b\)\(i\)](#)
- F10** Words in Sch. 3 para. 3(4)(d) substituted (1.4.2009 for specified purposes, 6.4.2009 in so far as not already in force) by [The Social Security \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/583\)](#), regs. 1(5), [6\(10\)\(b\)\(ii\)](#)
- F11** Words in Sch. 3 para. 3(4)(e) omitted (19.5.2008) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 2008 \(S.I. 2008/1042\)](#), regs. 1(2), [3\(10\)\(b\)](#)
- F12** Words in Sch. 3 para. 3(4)(e) inserted (1.4.2009 for specified purposes, 6.4.2009 in so far as not already in force) by [The Social Security \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/583\)](#), regs. 1(5), [6\(10\)\(b\)\(iii\)](#)

Modifications etc. (not altering text)

- C8** Sch. 3 para. 3(1)(a) sum confirmed (1.4.2007 for specified purposes, 2.4.2007 in so far as not already in force) by [The Social Security Benefits Up-rating Order 2007 \(S.I. 2007/688\)](#), arts. 1(2)(j), [19\(7\)\(a\)](#)
- C9** Sch. 3 para. 3(1)(a) sum confirmed (1.4.2008 for specified purposes, 7.4.2008 in so far as not already in force) by [The Social Security Benefits Up-rating Order 2008 \(S.I. 2008/632\)](#), arts. 1(2)(j), [19\(8\)\(a\)](#)
- C10** Sch. 3 para. 3(1)(a) sum confirmed (for specified purposes and with effect in accordance with art. 1(3)(a) 6 of the amending S.I., in force in so far as not already in force and with effect in accordance with art. 1(3)(a) 6 of the amending S.I.) by [The Social Security Benefits Up-rating Order 2009 \(S.I. 2009/497\)](#), arts. 1(2)(i), [19\(8\)\(a\)](#)

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- C11** Sch. 3 para. 3(1)(a) sum confirmed (1.4.2010 for specified purposes, 5.4.2010 in so far as not already in force) by [The Social Security Benefits Up-rating Order 2010 \(S.I. 2010/793\)](#), arts. 1(2)(j), **19(7)(a)**
- C12** Sch. 3 para. 3(1)(a) sum confirmed (coming into force in accordance with art. 1(2)(j) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2011 \(S.I. 2011/821\)](#), arts. 1(2)(j), **20(7)(a)**
- C13** Sch. 3 para. 3(1)(a) sum confirmed (1.4.2012 for specified purposes, 2.4.2012) by [The Social Security Benefits Up-rating Order 2012 \(S.I. 2012/780\)](#), arts. 1(2)(j), **20(7)(a)**
- C14** Sch. 3 para. 3(1)(a) sum confirmed (1.4.2013) by [The Social Security Benefits Up-rating Order 2013 \(S.I. 2013/574\)](#), arts. 1(2)(a), **19(1)(7)(a)**
- C15** Sch. 3 para. 3(1)(b) sum confirmed (coming into force in accordance with art. 1(2)(j) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2011 \(S.I. 2011/821\)](#), arts. 1(2)(j), **20(7)(b)**
- C16** Sch. 3 para. 3(1)(b) sum confirmed (1.4.2012 for specified purposes, 2.4.2012) by [The Social Security Benefits Up-rating Order 2012 \(S.I. 2012/780\)](#), arts. 1(2)(j), **20(7)(b)**
- C17** Sch. 3 para. 3(1)(b) sum confirmed (1.4.2013) by [The Social Security Benefits Up-rating Order 2013 \(S.I. 2013/574\)](#), arts. 1(2)(a), **19(1)(7)(b)**

PART 3

Premiums

4. Except as provided in paragraph 5, the premiums specified in Part 4 of this Schedule shall, for the purposes of regulations 22(d) and 23(e), be applicable to a claimant who satisfies the condition specified in paragraphs 8 to 17 in respect of that premium.

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.

[^{F13}6. - The following premiums, namely—

- (a) a severe disability premium to which paragraph 14 applies;
- (b) an enhanced disability premium to which paragraph 15 applies;
- (c) a disabled child premium to which paragraph 16 applies; and
- (d) a carer premium to which paragraph 17 applies,

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

Textual Amendments

- F13** Sch. 3 para. 6 substituted (19.5.2008) by [The Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 2008 \(S.I. 2008/1042\)](#), regs. 1(2), **3(10)(c)**

7.—(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^{M1} 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 1973 Act, or by [^{F14}Skills Development Scotland,] Scottish Enterprise or Highlands and Islands Enterprise under

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section 2 of the Enterprise and New Towns (Scotland) Act 1990^{M2} or for any period during which he is in receipt of a training allowance.

(2) For the purposes of the carer premium under paragraph 17, a person shall be treated as being in receipt of 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, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act.

Textual Amendments

F14 Words in Sch. 3 para. 7(1)(b) inserted (6.4.2009) by [The Social Security \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/583\)](#), regs. 1(2), **6(3)(c)**

Marginal Citations

M1 [S.I. 1979/597](#).
M2 1990 c. 35.

Bereavement premium

^{F15}**8.**

Textual Amendments

F15 Sch. 3 para. 8 heading revoked (1.10.2007) by [The Social Security \(Miscellaneous Amendments\) \(No. 5\) Regulations 2007 \(S.I. 2007/2618\)](#), reg. 1(1), **Sch.**

Pensioner Premium for persons under 75

^{F16}**9.**

Textual Amendments

F16 Sch. 3 para. 9 omitted (19.5.2008) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 2008 \(S.I. 2008/1042\)](#), regs. 1(2), **3(10)(d)**

Pensioner Premium for persons 75 and over

^{F17}**10.**

Textual Amendments

F17 Sch. 3 para. 10 omitted (19.5.2008) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 2008 \(S.I. 2008/1042\)](#), regs. 1(2), **3(10)(d)**

Higher Pensioner Premium

^{F18}**11.**

Textual Amendments

F18 Sch. 3 para. 11 omitted (19.5.2008) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 2008 \(S.I. 2008/1042\)](#), regs. 1(2), **3(10)(d)**

Disability Premium

12. The condition is that—

- (a) where the claimant is a single claimant or a lone parent, [^{F19}has not attained the qualifying age for state pension credit] and the additional condition specified in paragraph 13 is satisfied; or
- (b) where the claimant has a partner, either—
 - (i) the claimant [^{F19}has not attained the qualifying age for state pension credit] and the additional condition specified in paragraph 13(1)(a) or (b) is satisfied by him; or
 - (ii) his partner [^{F19}has not attained the qualifying age for state pension credit] and the additional condition specified in paragraph 13(1)(a) is satisfied by his partner.

Textual Amendments

F19 Words in Sch. 3 para. 12 substituted (6.4.2010) by [The Social Security \(Equalisation of State Pension Age\) Regulations 2009 \(S.I. 2009/1488\)](#), regs. 1, **26(2)**

Additional Condition for the^{F20}...[^{F21}Disability Premium]

13.—(1) Subject to sub-paragraph (2) and paragraph 7, the additional condition referred to in paragraphs 11 and 12 is that either—

- (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, disability living allowance, 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 Regulations, mobility supplement, long-term incapacity benefit under Part 2 of the Act or severe disablement allowance under Part 3 of the Act but, in the case of long-term incapacity benefit or severe disablement allowance only where it is paid in respect of him; or
 - (ii) was in receipt of long-term incapacity benefit under Part 2 of the Act when entitlement to that benefit ceased on account of the payment of a retirement pension under that Act and the claimant has since remained continuously entitled to housing benefit and, if the long-term incapacity benefit was payable to his partner, the partner is still a member of the family; or
 - (iii) ^{F22}...was in receipt of attendance allowance or disability living allowance but payment of benefit has been suspended in accordance with regulations made under section 113(2) of the Act or otherwise abated as a consequence of the claimant or his partner becoming a patient within the meaning of [^{F23}regulation 28(11)(e) (treatment of child care charges)]; or
 - (iv) 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 ^{M3} (other services) or, in Scotland by the Scottish Ministers, under section 46 of the National Health Service

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(Scotland) Act 1978 ^{M4} (provision of services) or receives payments by way of grant from the Secretary of State under paragraph 2 of Schedule 2 to the Act of 1977 (additional provisions as to vehicles) or, in Scotland by the Scottish Ministers, under section 46 of the Act of 1978; or

(v) is blind and in consequence registered in a register compiled by a local authority under section 29 of the National Assistance Act 1948 ^{M5} (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 council constituted under section 2 of the Local Government (Scotland) Act 1994 ^{M6}; or

(b) the claimant—

(i) is, or is treated as, incapable of work in accordance with the provisions of, and regulations made under, Part 12A of the Act (incapacity for work); and

(ii) has been incapable, or has been treated as incapable, of work for a continuous period of not less than—

(aa) in the case of a claimant who is terminally ill within the meaning of section 30B(4) of the Act ^{M7}, 196 days;

(bb) in any other case, 364 days.

(2) For the purposes of sub-paragraph (1)(a)(v), 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.

(3) For the purposes of sub-paragraph (1)(b), once ^{F24}... the disability premium is applicable to a claimant by virtue of his satisfying the additional condition specified in that provision, if he then ceases, for a period of 8 weeks or less, to be treated as incapable of work or to be incapable of work he shall, on again becoming so incapable of work, immediately thereafter be treated as satisfying the condition in sub-paragraph (1)(b).

^{F25}(4)

(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 1973 Act ^{M8} or for any period during which he is in receipt of a training allowance.

(6) For the purposes of sub-paragraph (1)(b), where any two or more periods of incapacity are separated by a break of not more than 56 days, those periods shall be treated as one continuous period.

(7) For the purposes of this paragraph, a reference to a person who is or was in receipt of long-term incapacity benefit includes a person who is or was 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 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.

(8) In the case of a claimant who is a welfare to work beneficiary [^{F26}(a person to whom regulation 13A(1) of the Social Security (Incapacity for Work) (General) Regulations 1995 applies, and who again becomes incapable of work for the purposes of Part 12A of the Act)]—

(a) the reference to a period of 8 weeks in sub-paragraph (3); and

(b) the reference to a period of 56 days in sub-paragraph (6),

shall in each case be treated as a reference to a period of [^{F27}104 weeks].

[^{F28}(9) The claimant is not entitled to the disability premium if the claimant has, or is treated as having, limited capability for work ^{F29}...]

Textual Amendments

- F20** Words in Sch. 3 para. 13 heading omitted (19.5.2008) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 2008 \(S.I. 2008/1042\)](#), regs. 1(2), **3(10)(e)**
- F21** Words in Sch. 3 para. 13 heading substituted (19.5.2008) by [The Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 2008 \(S.I. 2008/1042\)](#), regs. 1(2), **3(10)(e)**
- F22** Words in Sch. 3 para. 13(1)(a)(iii) omitted by virtue of S.I. 2005/2502, reg. 2(15)(a)(i) (as amended) (3.4.2006) by virtue of [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 27(15)(b)(i)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F23** Words in Sch. 3 para. 13(1)(a)(iii) substituted by S.I. 2005/2502, reg. 2(15)(a)(ii) (as amended) (3.4.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 27(15)(b)(ii)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F24** Words in Sch. 3 para. 13(3) omitted (19.5.2008) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 2008 \(S.I. 2008/1042\)](#), regs. 1(2), **3(10)(f)**
- F25** Sch. 3 para. 13(4) omitted (19.5.2008) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 2008 \(S.I. 2008/1042\)](#), regs. 1(2), **3(10)(g)**
- F26** Words in Sch. 3 para. 13(8) substituted (19.5.2008) by [The Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 2008 \(S.I. 2008/1042\)](#), regs. 1(2), **3(10)(h)**
- F27** Words in Sch. 3 para. 13(8) substituted (9.10.2006) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 2006 \(S.I. 2006/2378\)](#), regs. 1(7), **15(5)**
- F28** Sch. 3 para. 13(9) added (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/1082\)](#), regs. 1, **23(b)**
- F29** Words in Sch. 3 para. 13(9) omitted by SI 2008/1082 reg. 23(b) (as amended) (27.10.2008) by virtue of [The Employment and Support Allowance \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/2428\)](#), regs. 1(2), **31(a)**

Marginal Citations

- M3** 1977 c. 49; section 5(2) was amended subsection (2A) added by the [Public Health Laboratory Services Act 1979 \(c. 23\)](#), **section 1**, and subsection (2B) added by section 9 of the [Health and Social Security Act 1984 \(c. 48\)](#).
- M4** 1978 c. 29.
- M5** 1948 c. 29; section 29 was amended by the [National Assistance \(Amendment\) Act 1959 \(c. 30\)](#), **section 1(2)**; the [Mental Health \(Scotland\) Act 1960 \(c. 61\)](#), **sections 113(1)** and 114 of and Schedule 4 to the [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), **section 95(2)** and Schedule 9 Part 1; the [Local Government Act 1972 \(c. 70\)](#), sections 195(6), 272(1), **Schedule 23 paragraph 2** and Schedule 30; the [Employment and Training Act 1973 \(c. 50\)](#), **section 14(1)** and Schedule 3 paragraph 3; the [National Health Service Act 1977 \(c. 49\)](#), **section 129** and Schedule 15 paragraph 6; the [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41\)](#), **section 30** and Schedule 10 Part I; the [Children Act 1989 \(c. 41\)](#) section 108(5) and Schedule 13 paragraph 11(2); and the [National Health Service and Community Care Act 1990 \(c. 19\)](#), **section 44(7)**.
- M6** 1994 c. 39. Section 2 was amended by the [Environment Act 1995 \(c. 25\)](#), **Schedule 22**, paragraph 232(1).
- M7** Section 30B was inserted by the [Social Security \(Incapacity for Work\) Act 1994\(c. 18\)](#), section 2.
- M8** 1973 c. 50; section 2 was amended by the [Employment Act 1988 \(c. 19\)](#), **section 25(1)**; the [Employment Act 1989 \(c. 38\)](#), Part I, **Schedule 7**; and the [Trade Union Reform and Employment Rights Act 1993 \(c. 19\)](#),section 47(1).

Severe Disability Premium

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

Status: Point in time view as at 01/04/2013.

Changes to legislation: There are currently no known outstanding effects for the The Housing Benefit Regulations 2006, SCHEDULE 3. (See end of Document for details)

(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, a lone parent or a claimant who is treated as having no partner in consequence of sub-paragraph (3)—

(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 Act; and

(ii) subject to sub-paragraph (4), 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 under section 70 of the Act 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 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 of such an allowance; and

(iii) subject to sub-paragraph (4), 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 [^{F30}entitled to and in receipt of] a carer's allowance in respect of caring for only one of a 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 a couple or any partner of a polygamous 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 paragraph 13(1)(a)(v) 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) 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 Act; or

(b) a person who is blind or is treated as blind within the meaning of paragraph 13(1)(a)(v) and (2).

(5) 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 Act, if he would, but for his being a patient for a period exceeding 28 days, be so in receipt;

(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.

(6) For the purposes of sub-paragraph (2)(a)(iii) and (2)(b), no account shall be taken of an award of carer's allowance to the extent that payment of such an award is backdated for a period before [^{F31}the date on which the award is first paid].

(7) In sub-paragraph (2)(a)(iii) 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 [^{F32}6B or] 7 of the Social Security Fraud Act 2001^{M9} (loss of benefit provisions).

Textual Amendments

- F30** Words in Sch. 3 para. 14(2)(b) substituted (6.4.2009) by [The Social Security \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/583\)](#), regs. 1(2), **6(10)(c)**
- F31** Words in Sch. 3 para. 14(6) substituted (2.4.2007) by [The Social Security \(Miscellaneous Amendments\) Regulations 2007 \(S.I. 2007/719\)](#), regs. 1(2), **6(6)**
- F32** Words in Sch. 3 para. 14(7) inserted (1.4.2010) by [The Social Security \(Loss of Benefit\) Amendment Regulations 2010 \(S.I. 2010/1160\)](#), regs. 1, **4(3)**

Marginal Citations

- M9** [2001 c. 11](#); section 7 was amended by the State Pension Credit Act 2002, section 14 and Schedule 2 and by the Tax Credits Act 2002, section 60 and Schedule 6.

Enhanced disability premium

15.—[^{F33}(1) Subject to sub-paragraph (2), the condition is that—

- (a) [^{F34}the Secretary of State has decided that the claimant has, or is to be treated as having, limited capability for work-related activity; or]
- (b) the care component of disability living allowance is, or would, but for a suspension of benefit in accordance with regulations made under section 113(2) of the Act or but for an abatement as a consequence of hospitalisation be payable at the highest rate prescribed under section 72(3) of the Act in respect of—
 - (i) the claimant; or
 - (ii) a member of the claimant's family,
 who [^{F35}has not attained the qualifying age for state pension credit].]

[^{F36}(1A) Where the condition in sub-paragraph (1) ceases to be satisfied because of the death of a child or young person, the condition is that the claimant [^{F37}or partner] is entitled to child benefit in respect of that person under section 145A of the Act (entitlement to child benefit after death of child or qualifying young person).]

(2) [^{F38}An enhanced disability premium shall not be applicable in respect of][^{F38}The condition is not satisfied if the person to whom sub-paragraph (1) refers is]—

- (a) a claimant who—
 - (i) is not a member of a couple or a polygamous marriage; and
 - (ii) is a patient within the meaning of [^{F39}regulation 28(11)(e)] and has been for a period of more than 52 weeks; or
- (b) a member of a couple or a polygamous marriage where each member is a patient within the meaning of [^{F40}regulation 28(11)(e)] and has been for a period of more than 52 weeks.

Textual Amendments

- F33** Sch. 3 para. 15(1) substituted (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/1082\)](#), regs. 1, **23(c)**
- F34** Sch. 3 para. 15(1)(a) substituted (27.10.2008) by [The Employment and Support Allowance \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/2428\)](#), regs. 1(2), **31(b)**

Status: Point in time view as at 01/04/2013.

Changes to legislation: There are currently no known outstanding effects for the The Housing Benefit Regulations 2006, SCHEDULE 3. (See end of Document for details)

- F35** Words in Sch. 3 para. 15(1) substituted (6.4.2010) by [The Social Security \(Equalisation of State Pension Age\) Regulations 2009 \(S.I. 2009/1488\)](#), regs. 1, **26(3)**
- F36** Sch. 3 para. 15(1A) inserted (1.4.2011 for specified purposes, 4.4.2011 in so far as not already in force) by [The Social Security \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/674\)](#), regs. 1(2), **12(2)(a)**
- F37** Words in Sch. 3 para. 15(1A) inserted (31.10.2011) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2011 \(S.I. 2011/2425\)](#), regs. 1(2), **19(7)(b)**
- F38** Words in Sch. 3 para. 15(2) substituted (E.W.S.) (1.4.2011 for specified purposes, 4.4.2011 in so far as not already in force) by [The Social Security \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/674\)](#), regs. 1(2), **12(2)(b)**
- F39** Words in Sch. 3 para. 15(2)(a)(ii) substituted by S.I. 2005/2502, reg. 2(15)(b) (as amended) (3.4.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 27(15)(c)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F40** Words in Sch. 3 para. 15(2)(b) substituted (17.11.2008) by [The Social Security \(Miscellaneous Amendments\) \(No.6\) Regulations 2008 \(S.I. 2008/2767\)](#), regs. 1(2), **6(8)**

Disabled child premium

16. 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 or treated as blind within the meaning of paragraph 13; or
- ^{F41}(c) is a child or young person in respect of whom section 145A of the Act (entitlement to child benefit after death of child or qualifying young person) 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 or young person, or ceased to be included in the claimant's applicable amount because of that child or young person's death.]

Textual Amendments

- F41** Sch. 3 para. 16(c) substituted (1.4.2011 for specified purposes, 4.4.2011 in so far as not already in force) by [The Social Security \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/674\)](#), regs. 1(2), **12(3)**

Carer premium

17.—(1) The condition is that the claimant or his partner is, or both of them are, entitled to a carer's allowance under section 70 of the Act.

- (2) Where a carer premium is awarded but—
 - (a) the person in respect of whose care the 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 to 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 (3).

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

- (a) where sub-paragraph (2)(a) applies, the Sunday following the death of the person in respect of whose care a carer's allowance has been awarded or the date of death if the death occurred on a Sunday;
 - (b) in any other case, the date on which the person who has been entitled to a carer's allowance ceases to be entitled to that allowance.
- (4) Where a person who has been entitled to a carer's allowance ceases to be entitled to that allowance and makes a claim for housing benefit, 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) the person in respect of whose care the carer's allowance has been awarded dies;
 - (b) in any other case, the person who has been entitled to a carer's allowance ceased to be entitled to that allowance.

Persons in receipt of concessionary payments

18. For the purpose of determining whether a premium is applicable to a person under paragraphs 13 to 17, 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

19. 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 4

Amounts of premiums specified in Part 3

Modifications etc. (not altering text)

- C18** Sch. 3 Pt. 4 modified (1.4.2007 for specified purposes, 2.4.2007 in so far as not already in force) by [The Social Security Benefits Up-rating Order 2007 \(S.I. 2007/688\)](#), arts. 1(2)(j), 19(8), [Sch. 7](#)
- C19** Sch. 3 Pt. 4 modified (1.4.2008 for specified purposes, 7.4.2008 in so far as not already in force) by [The Social Security Benefits Up-rating Order 2008 \(S.I. 2008/632\)](#), arts. 1(2)(j), 19(9), [Sch. 7](#)
- C20** Sch. 3 Pt. 4 modified (for specified purposes and with effect in accordance with art. 1(3)(a) 6 of the amending S.I., in force in so far as not already in force and with effect in accordance with art. 1(3)(a) 6 of the amending S.I.) by [The Social Security Benefits Up-rating Order 2009 \(S.I. 2009/497\)](#), arts. 1(2)(i), 19(9), [Sch. 6](#)
- C21** Sch. 3 Pt. 4 modified (1.4.2010 for specified purposes, 5.4.2010 in so far as not already in force) by [The Social Security Benefits Up-rating Order 2010 \(S.I. 2010/793\)](#), arts. 1(2)(j), 19(8), [Sch. 6](#)
- C22** Sch. 3 Pt. 4 sums amended and confirmed (coming into force in accordance with art. 1(2)(j) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2011 \(S.I. 2011/821\)](#), arts. 1(2)(j), 20(8), [Sch. 6](#)
- C23** Sch. 3 Pt. 4 sums amended and confirmed (1.4.2012 for specified purposes, 2.4.2012) by [The Social Security Benefits Up-rating Order 2012 \(S.I. 2012/780\)](#), arts. 1(2)(j), 20(8), [Sch. 6](#)
- C24** Sch. 3 Pt. 4 sums amended and confirmed (1.4.2013) by [The Social Security Benefits Up-rating Order 2013 \(S.I. 2013/574\)](#), arts. 1(2)(a), 19(1)(8), [Sch. 6](#)

Status: Point in time view as at 01/04/2013.
Changes to legislation: There are currently no known outstanding effects for the The Housing Benefit Regulations 2006, SCHEDULE 3. (See end of Document for details)

20.

<i>Premium</i>	<i>Amount</i>
(1) ^{F42} . . .	(1) ^{F42} . . .
F43	F43
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F43	F43
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F43	F43
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F44	F44
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F44	F44
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F44	F44
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F45	F45
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F45	F45
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F45	F45
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(5) Disability Premium—	(5)
(a) (a) where the claimant satisfies the condition in paragraph 12(a);	(a) (a) £23.95;
(b) (b) where the claimant satisfies the condition in paragraph 12(b).	(b) (b) £34.20.
(6) Severe Disability Premium—	(6)
(a) (a) where the claimant satisfies the condition in paragraph 14(2)(a);	(a) (a) £45.50;
(b) (b) where the claimant satisfies the condition in paragraph 14(2)(b)—	
(i) in a case where there is someone in receipt of carer's allowance or if he or any partner satisfies that condition only by virtue of paragraph 14(5);	(b) (b) (i) £45.50;

- | | |
|---|---|
| (ii) in a case where there is no one in receipt of such an allowance. | (b) (b)
(ii) £91.00. |
| (7) Disabled Child Premium. | (7) £43.89 in respect of each child or young person in respect of whom the condition specified in paragraph 16 of Part 3 of this Schedule is satisfied. |
| (8) Carer Premium. | (8) £25.80 in respect of each person who satisfies the condition specified in paragraph 17. |
| (9) Enhanced Disability Premium ^{F46} | (9) <ul style="list-style-type: none"> (a) £17.71 in respect of each child or young person in respect of whom the conditions specified in paragraph 15 are satisfied; (b) £11.70 in respect of each person who is neither— <ul style="list-style-type: none"> (i) a child or young person; nor (ii) a member of a couple or a polygamous marriage, in respect of whom the conditions specified in paragraph 15 are satisfied; (c) £16.90 where the claimant is a member of a couple or a polygamous marriage and the conditions specified in paragraph 15 are satisfied in respect of a member of that couple or polygamous marriage. |

Textual Amendments

- F42** Sch. 3 para. 20(1) revoked (1.10.2007) by [The Social Security \(Miscellaneous Amendments\) \(No. 5\) Regulations 2007 \(S.I. 2007/2618\)](#), reg. 1(1), **Sch.**
- F43** Sch. 3 para. 20(2) omitted (19.5.2008) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 2008 \(S.I. 2008/1042\)](#), regs. 1(2), **3(10)(i)**
- F44** Sch. 3 para. 20(3) omitted (19.5.2008) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 2008 \(S.I. 2008/1042\)](#), regs. 1(2), **3(10)(i)**
- F45** Sch. 3 para. 20(4) omitted (19.5.2008) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 2008 \(S.I. 2008/1042\)](#), regs. 1(2), **3(10)(i)**
- F46** Words in Sch. 3 para. 20(9) omitted (1.11.2010) by virtue of [The Housing Benefit and Council Tax Benefit \(Miscellaneous Amendments\) Regulations 2010 \(S.I. 2010/2449\)](#), regs. 1(2), **2(8)(b)**

Status: Point in time view as at 01/04/2013.

Changes to legislation: There are currently no known outstanding effects for the The Housing Benefit Regulations 2006, SCHEDULE 3. (See end of Document for details)

[^{F47}PART 5

The components

Textual Amendments

F47 Sch. 3 Pts. 5, 6 added (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/1082\)](#), regs. 1, **23(d)**

21. Subject to paragraph 22, the claimant is entitled to one, but not both, of the components in paragraphs 23 or 24 if—

- (a) the claimant or the claimant's partner has made a claim for employment and support allowance;
- (b) the Secretary of State has decided that the claimant or the claimant's partner has, or is to be treated as having, limited capability for work or limited capability for work-related activity; and
- (c) either—
 - (i) the assessment phase as defined in section 24(2) of the Welfare Reform Act has ended; or
 - (ii) regulation 7 of the Employment and Support Allowance Regulations (circumstances where the condition that the assessment phase has ended before entitlement to the support component or the work related activity component arises does not apply) applies.

[^{F48}**21A.** Subject to paragraph 22, the claimant is entitled to one, but not both, of the components in paragraphs 23 or 24 if the claimant or the claimant's partner is entitled to a converted employment and support allowance]^{F49}, or would be entitled but for the application of section 1A of the Welfare Reform Act (duration of contributory allowance)].]

Textual Amendments

F48 Sch. 3 para. 21A inserted (1.10.2010) by [The Employment and Support Allowance \(Transitional Provisions, Housing Benefit and Council Tax Benefit\) \(Existing Awards\) \(No. 2\) Regulations 2010 \(S.I. 2010/1907\)](#), reg. 1(2), **Sch. 5 para. 69(5)(b)** (with reg. 3)

F49 Words in Sch. 3 para. 21A inserted (E.W.S.) (1.5.2012) by [The Employment and Support Allowance \(Duration of Contributory Allowance\) \(Consequential Amendments\) Regulations 2012 \(S.I. 2012/913\)](#), regs. 1(2), **7(1)(2)(b)**

22.—(1) The claimant has no entitlement under paragraph 23 or 24 if the claimant is entitled to the disability premium under paragraphs 12 and 13.

(2) Where the claimant and the claimant's partner each satisfies paragraph 23 or 24, the component to be included in the claimant's applicable amount is that which relates to the claimant.

The work-related activity component

23. The claimant is entitled to the work-related activity component if the Secretary of State has decided that the claimant or the claimant's partner has, or is to be treated as having, limited capability for work.

The support component

24. The claimant is entitled to the support component if the Secretary of State has decided that the claimant or the claimant's partner has, or is to be treated as having, limited capability for work-related activity.

PART 6

Amount of components

25. The amount of the work-related activity component is [^{F50}£28.45.]

Textual Amendments

F50 Sch. 3 para. 25 substituted (1.4.2013) by [The Social Security Benefits Up-rating Order 2013 \(S.I. 2013/574\)](#), arts. 1(2)(a), **19(1)(9)(a)**

26. The amount of the support component is [^{F51}£34.80.]

Textual Amendments

F51 Sch. 3 para. 26 substituted (1.4.2013) by [The Social Security Benefits Up-rating Order 2013 \(S.I. 2013/574\)](#), arts. 1(2)(a), **19(1)(9)(b)**

[^{F52}PART 7

Transitional Addition

Textual Amendments

F52 Sch. 3 Pts. 7, 8 added (1.10.2010) by [The Employment and Support Allowance \(Transitional Provisions, Housing Benefit and Council Tax Benefit\) \(Existing Awards\) \(No. 2\) Regulations 2010 \(S.I. 2010/1907\)](#), reg. 1(2), **Sch. 5 para. 69(5)(c)** (with reg. 3)

27.—(1) The claimant is entitled to the transitional addition calculated in accordance with paragraph 30 where the claimant or the claimant's partner ("the relevant person")—

- (a) is entitled to a converted employment and support allowance^{F53}, or would be entitled but for the application of section 1A of the Welfare Reform Act (duration of contributory allowance)]; or
- (b) is appealing a conversion decision as described in regulation 5(2)(b) of the Employment and Support Allowance (Existing Awards) Regulations and—
 - (i) is treated as having limited capability for work by virtue of regulation 30 of the Employment and Support Allowance Regulations as modified by the Employment and Support Allowance (Existing Awards) Regulations; and
 - (ii) is not in receipt of an income-related employment and support allowance,

unless the amount of the transitional addition calculated in accordance with paragraph 30 would be nil.

Status: Point in time view as at 01/04/2013.

Changes to legislation: There are currently no known outstanding effects for the The Housing Benefit Regulations 2006, SCHEDULE 3. (See end of Document for details)

(2) The claimant’s entitlement to a transitional addition by virtue of this paragraph ends on any of the following—

- (a) the reduction of the transitional addition to nil in accordance with paragraph 31;
- (b) the termination of the claimant’s award of housing benefit;
- (c) the relevant person ceasing to meet the requirements of sub-paragraph (1)(a) or (b), as the case may be;
- (d) the claimant or the claimant’s partner becoming entitled to an income-related employment and support allowance, an income-based jobseeker’s allowance or income support;
- (e) 5th April 2020.

Textual Amendments

F53 Words in Sch. 3 para. 27(1)(a) inserted (E.W.S.) (1.5.2012) by The Employment and Support Allowance (Duration of Contributory Allowance) (Consequential Amendments) Regulations 2012 (S.I. 2012/913), regs. 1(2), 7(1)(2)(c)

28.—(1) This paragraph applies where—

- (a) the claimant’s entitlement to a transitional addition ends, by virtue of the termination of the claimant’s award of housing benefit, under—
 - (i) paragraph 27(2)(b);
 - (ii) sub-paragraph (3)(b) of this paragraph; or
 - (iii) paragraph 29(3)(b);
- (b) within [^{F54}12] weeks of that termination but before 5th April 2020 the claimant again becomes entitled to housing benefit;
- (c) in the benefit week in which the claimant again becomes entitled to housing benefit the relevant person is entitled to an employment and support allowance which is not income-related [^{F55}and];
- ^{F56}(d)
- (e) at the date on which the claimant again becomes entitled to housing benefit, neither the claimant nor the claimant’s partner is entitled to an income-related employment and support allowance, an income-based jobseeker’s allowance or income support.

(2) Where this paragraph applies, the claimant is entitled, with effect from the day on which the claimant again becomes entitled to housing benefit, to a transitional addition of the amount of the transitional addition that would have applied had the claimant’s entitlement to a transitional addition not ended (but taking account of the effect which any intervening change of circumstances would have had by virtue of paragraph 31), unless the amount of the transitional addition would be nil.

(3) The claimant’s entitlement to a transitional addition by virtue of this paragraph ends on any of the following—

- (a) the reduction of the transitional addition to nil in accordance with paragraph 31;
- (b) the termination of the claimant’s award of housing benefit;
- (c) the relevant person no longer being entitled to the employment and support allowance referred to in sub-paragraph (1)(c);
- (d) the claimant or the claimant’s partner becoming entitled to an income-related employment and support allowance, an income-based jobseeker’s allowance or income support;
- (e) 5th April 2020.

Textual Amendments

- F54** Word in Sch. 3 para. 28(1)(b) substituted (1.5.2012) by The Employment and Support Allowance (Amendment of Linking Rules) Regulations 2012 (S.I. 2012/919), regs. 1(2), **3(a)**
- F55** Word in Sch. 3 para. 28(1)(c) inserted (1.5.2012) by The Employment and Support Allowance (Amendment of Linking Rules) Regulations 2012 (S.I. 2012/919), regs. 1(2), **3(b)**
- F56** Sch. 3 para. 28(1)(d) omitted (1.5.2012) by virtue of The Employment and Support Allowance (Amendment of Linking Rules) Regulations 2012 (S.I. 2012/919), regs. 1(2), **3(c)**

29.—(1) This paragraph applies where—

- (a) the claimant's entitlement to a transitional addition ends, by virtue of the relevant person ceasing to be entitled to an employment and support allowance, under—
- (i) paragraph 27(2)(c);
 - (ii) paragraph 28(3)(c); or
 - (iii) sub-paragraph (3)(c) of this paragraph;
- (b) before 5th April 2020 the relevant person again becomes entitled to an employment and support allowance which is not income-related;
- ^{F57}(c) at the date on which the relevant person again becomes entitled to an employment and support allowance which is not income-related, regulation 145(1) of the Employment and Support Allowance Regulations applies to the relevant person; and]
- (d) at the date on which the relevant person again becomes entitled to an employment support allowance which is not income-related, neither the claimant nor the claimant's partner is entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support.

(2) Where this paragraph applies, the claimant is entitled, with effect from the day that the relevant person's entitlement to employment and support allowance takes effect for housing benefit purposes, to a transitional addition of the amount of the transitional addition that would have applied had the claimant's entitlement to a transitional addition not ended (but taking account of the effect which any intervening change of circumstances would have had by virtue of paragraph 31), unless the amount of the transitional addition would be nil.

(3) The claimant's entitlement to a transitional addition by virtue of this paragraph ends on any of the following—

- (a) the reduction of the transitional addition to nil in accordance with paragraph 31;
- (b) the termination of the claimant's award of housing benefit;
- (c) the relevant person no longer being entitled to the employment and support allowance referred to in sub-paragraph (1)(b);
- (d) the claimant or the claimant's partner becoming entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support;
- (e) 5th April 2020.

Textual Amendments

- F57** Sch. 3 para. 29(1)(c) substituted (1.5.2012) by The Employment and Support Allowance (Amendment of Linking Rules) Regulations 2012 (S.I. 2012/919), regs. 1(2), **3(d)**

Status: Point in time view as at 01/04/2013.

Changes to legislation: There are currently no known outstanding effects for the The Housing Benefit Regulations 2006, SCHEDULE 3. (See end of Document for details)

PART 8

Amount of transitional addition

30.—(1) Subject to paragraph 31, the amount of the transitional addition is the amount by which Amount A exceeds Amount B.

(2) Where a conversion decision as described in regulation 5(2)(a) of the Employment and Support Allowance (Existing Awards) Regulations is made in respect of the relevant person—

(a) Amount A is the basic amount that would have applied on the day that decision took effect had that decision not been made; and

(b) Amount B is the basic amount that applied on that day as a result of that decision.

(3) Where the relevant person is appealing a conversion decision as described in regulation 5(2)(b) of the Employment and Support Allowance (Existing Awards) Regulations and is treated as having limited capability for work by virtue of regulation 30 of the Employment and Support Allowance Regulations as modified by the Employment and Support Allowance (Existing Awards) Regulations—

(a) Amount A is the basic amount that would have applied on the day the relevant person was first treated as having limited capability for work if the relevant person had not been so treated; and

(b) Amount B is the basic amount that applied on that day as a result of the relevant person being so treated.

(4) In this paragraph and paragraph 31, “basic amount” means the aggregate of such amounts as may apply in the claimant’s case in accordance with regulation 22(a) to (e) or regulation 23(a) to (f).

31.—(1) Subject to sub-paragraph (2), where there is a change of circumstances which leads to an increase in the claimant’s basic amount, the transitional addition that applies immediately before the change of circumstances shall be reduced by the amount by which Amount C exceeds Amount D.

(2) If Amount C exceeds Amount D by more than the amount of the transitional addition that applies immediately before the change of circumstances, that transitional addition shall be reduced to nil.

(3) Amount C is the basic amount that applies as a result of the increase.

(4) Amount D is the basic amount that applied immediately before the increase.]

Status:

Point in time view as at 01/04/2013.

Changes to legislation:

There are currently no known outstanding effects for the The Housing Benefit Regulations 2006, SCHEDULE 3.