

SCHEDULE 1

Applicable amounts

PART 3

Premiums

Higher Pensioner Premium

- 11.**—(1) Where the claimant is a single claimant or a lone parent, the condition is that—
- (a) he is aged not less than 80; or
 - (b) he is aged less than 80 but not less than 60, and—
 - (i) the additional condition specified in paragraph 13(1)(a) is satisfied; or
 - (ii) the claimant was in receipt of, or was treated as being in receipt of, council tax benefit and the disability premium was or, as the case may be, would have been, applicable to him in respect of a benefit week within 8 weeks of his 60th birthday and he has, subject to sub-paragraph (3), remained continuously in receipt of council tax benefit since attaining that age.
- (2) Where the claimant has a partner, the condition is that—
- (a) he or his partner is aged not less than 80; or
 - (b) he or his partner is aged less than 80 but not less than 60 and either—
 - (i) the additional condition specified in paragraph 13(1)(a) is satisfied, or
 - (ii) the claimant was in receipt of, or was treated as being in receipt of, council tax benefit and the disability premium was or, as the case may be, would have been, applicable to him in respect of a benefit week within 8 weeks of his 60th birthday and he has, subject to sub-paragraph (3), remained continuously in receipt of council tax benefit since attaining that age.
- (3) For the purposes of this paragraph and paragraph 13—
- (a) once the higher pensioner premium is applicable to a claimant, if he then ceases, for a period of 8 weeks or less, to be entitled to or treated as entitled to council tax benefit, he shall, on becoming re-entitled to council tax benefit, thereafter be treated as having been continuously entitled to that benefit;
 - (b) where sub-paragraphs (1)(b)(ii) and (2)(b)(ii) apply, if a claimant ceases to be entitled to or treated as entitled to council tax benefit for a period not exceeding 8 weeks which includes his 60th birthday, he shall, on becoming re-entitled to council tax benefit, thereafter be treated as having been continuously entitled to that benefit; or
 - (c) where the claimant or his partner—
 - (i) was entitled to housing benefit or, as the case may be, community charge benefit at any time in the period of 8 weeks before becoming entitled or re-entitled to council tax benefit; and
 - (ii) satisfied the conditions in respect of the higher pensioner premium under paragraphs 11 and 13 of Schedule 3 to the Housing Benefit Regulations(1) or, as the case may

(1) [S.I 2006/213](#).

Status: This is the original version (as it was originally made).

be, paragraphs 11 and 13 of Schedule 1 to the Community Charge Benefits (General) Regulations 1989⁽²⁾,

for the purpose of establishing entitlement or re-entitlement to council tax benefit, he or his partner shall be treated as satisfying the equivalent conditions for higher pensioner premium under this paragraph and paragraph 13.

(4) In the case of a claimant who is a welfare to work beneficiary, references in sub-paragraphs (1)(b)(ii), (2)(b)(ii), (3)(b) and (3)(c)(i) to a period of 8 weeks shall be treated as references to a period of 52 weeks.

(5) A person is a welfare to work beneficiary if he is a person—

(a) to whom regulation 13A(1) of the Social Security (Incapacity for Work) (General) Regulations 1995⁽³⁾ applies; and

(b) who again becomes incapable of work for the purposes of Part 12A of the Act.

(6) For the purposes of this paragraph, a claimant shall be treated as having been entitled to and in receipt of council tax benefit throughout any period which comprises only days on which he was participating in an employment zone programme and was not entitled to that benefit because, as a consequence of his participation in that programme, he failed to satisfy the condition in section 130(1)(c) of the Act.

(2) S.I 1989/1321.

(3) S.I 1995/311; relevant amending Instruments are S.I. 1998/2231 and 1999/3109.