

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006. 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)

SCHEDULE 1

Regulation 12

Applicable amounts

PART 1

Personal allowances

Modifications etc. (not altering text)

- C1** Sch. 1 Pt. 1 modified (1.4.2007) by [The Social Security Benefits Up-rating Order 2007 \(S.I. 2007/688\)](#), arts. 1(2)(a), 22(4), **Sch. 12**
- C2** Sch. 1 Pt. 1 modified (1.4.2008) by [The Social Security Benefits Up-rating Order 2008 \(S.I. 2008/632\)](#), arts. 1(2)(a), 22(4), **Sch. 12**
- C3** Sch. 1 Pt. 1 modified (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)(a), 22(4), **Sch. 11**

1. The amounts 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 12—

<i>Column (1)</i> <i>Person, couple or polygamous marriage</i>	<i>Column (2)</i> <i>Amount</i>
(1) Single claimant or lone parent—	(1)
(a) (a) aged under 65;	(a) (a) £109.45;
(b) (b) aged 65 or over.	(b) (b) £125.90.
(2) Couple—	(2)
(a) (a) both members aged under 65;	(a) (a) £167.05;
(b) (b) one member or both members aged 65 or over.	(b) (b) £188.60.
(3) If the claimant is a member of a polygamous marriage and none of the members of the marriage have attained the age of 65—	(3)
(a) (a) for the claimant and the other party to the marriage;	(a) (a) £167.05;
(b) (b) for each additional spouse who is a member of the same household as the claimant.	(b) (b) £57.60.

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| (4) If the claimant is a member of a polygamous marriage and one or more members of the marriage are aged 65 or over— | (4) |
| (a) (a) for the claimant and the other party to the marriage; | (a) (a) £188.60; |
| (b) (b) for each additional spouse who is a member of the same household as the claimant. | (b) (b) £62.70. |

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 regulation 12(1)(b)—

<i>Column (1)</i> <i>Child or young person</i>	<i>Column (2)</i> <i>Amount</i>
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 September following that person's sixteenth birthday;	(a) (a) £43.88;
(b) (b) beginning on the first Monday in September following that person's sixteenth birthday and ending on the day preceding that person's [^{F1} twentieth] birthday.	(b) (b) £43.88.

(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.

Textual Amendments

F1 Word in Sch. 1 para. 2(1) substituted (10.4.2006) by [Social Security \(Young Persons\) Amendment Regulations 2006 \(S.I. 2006/718\)](#), regs. 1(2)(b), **5(4)**

PART 2

Family premium

3.—(1) The amount for the purposes of regulation 12(1)(c) and (d) in respect of a family of which at least one member is a child or young person shall be [^{F2}£17.30].

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(2) The amounts specified in sub-paragraph (1) shall be increased by £10.50 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.

Textual Amendments

F2 Word in [Sch. 1 para. 3\(1\)](#) substituted (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)(a), **22(5)(a)**

Modifications etc. (not altering text)

C4 Sch. 1 para. 3(2) sum confirmed (1.4.2007) by [The Social Security Benefits Up-rating Order 2007 \(S.I. 2007/688\)](#), arts. 1(2)(a), **22(5)(b)**

C5 Sch. 1 para. 3(2) sum confirmed (1.4.2008) by [The Social Security Benefits Up-rating Order 2008 \(S.I. 2008/632\)](#), arts. 1(2)(a), **22(5)(b)**

C6 Sch. 1 para. 3(2) sum confirmed (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)(a), **22(5)(b)**

PART 3

Premiums

4. The premiums specified in Part 4 shall, for the purposes of regulation 12(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^{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 [^{F3}Skills Development Scotland,] Scottish Enterprise or Highlands and Islands Enterprise under 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 9, a person shall be treated as being in receipt of a 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

F3 Words in [Sch. 1 para. 5\(1\)\(b\)](#) inserted (6.4.2009) by [The Social Security \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/583\)](#), regs. 1(2), **9(3)(c)**

Marginal Citations

M1 [S.I. 1979/597](#); amending instruments are [S.I. 1991/547](#), 1991/1617, 1992/589, 1993/965, 1996/1803, 2000/799, 2003/136 and 2004/565.

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M2 1990 c. 35.

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, 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 (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 Act; and
 - (ii) his partner is also in receipt of such an allowance or, if he is a member of a polygamous marriage, 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 [^{F4}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 ^{M3} (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 ^{M4}.

(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 Act; or
 - (b) a person who is blind or is treated as blind within the meaning of sub-paragraphs (4) and (5).

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- (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 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.
- (8) For the purposes of sub-paragraph (2)(a)(iii) and (2)(b)—
- (a) no account shall be taken of an award of carer's allowance to the extent that payment of such an award is back-dated for a period before [^{F5}the date on which the award is first paid]; 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 ^{M5} (loss of benefit).

Textual Amendments

- F4** Words in Sch. 1 para. 6(2)(b)(iii) substituted (6.4.2009) by [The Social Security \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/583\)](#), regs. 1(2), **9(7)**
- F5** Words in Sch. 1 para. 6(8)(a) substituted (2.4.2007) by [Social Security \(Miscellaneous Amendments\) Regulations 2007 \(S.I. 2007/719\)](#), regs. 1(2), **9(3)**

Marginal Citations

- M3** 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** and 114 and Schedule 4; the [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), **section 95(2)** and Schedule 9, Part I; 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)**.
- M4** 1994 c. 39. Section 2 was amended by the [Environment Act 1995 \(c. 25\)](#), **Schedule 22**, paragraph 232(1).
- M5** 2001 c. 11.

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 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 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

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- (b) is blind within the meaning of paragraph 6(4) or treated as blind in accordance with paragraph 6(5); or
- (c) is a child or a young person in respect of whom section 145A of the Act ^{M6} 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.

Marginal Citations

M6 Section 145A was inserted by section 55 of the [Tax Credits Act 2002 \(c. 21\)](#) and amended by the [Civil Partnership Act 2004 \(c. 33\)](#), [section 254](#) and Schedule 24, paragraph 48.

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—
 - (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.

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PART 4

Amounts of premiums specified in Part 3

Modifications etc. (not altering text)

- C7** Sch. 1 Pt. 4 modified (1.4.2007) by [The Social Security Benefits Up-rating Order 2007 \(S.I. 2007/688\)](#), arts. 1(2)(a), 22(6), **Sch. 13**
- C8** Sch. 1 Pt. 4 modified (1.4.2008) by [The Social Security Benefits Up-rating Order 2008 \(S.I. 2008/632\)](#), arts. 1(2)(a), 22(6), **Sch. 13**
- C9** Sch. 1 Pt. 4 modified (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)(a), 22(6), **Sch. 12**

<i>Premium</i>	<i>Amount</i>
12.—(1) Severe Disability Premium—	(1)
(a) (a) where the claimant satisfies the condition in paragraph 6(2)(a);	(a) (a) £45.50;
(b) (b) where the claimant satisfies the condition in paragraph 6(2)(b)—	(b) (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 6(7);	(i) £45.50;
(ii) in a case where there is no one in receipt of such an allowance.	(ii) £91.90.
(2) Enhanced disability premium	(2) £17.71 in respect of each child or young person in respect of whom the conditions specified in paragraph 7 are satisfied.
(3) Disabled Child Premium	(3) £43.89 in respect of each child or young person in respect of whom the condition specified in paragraph 8 is satisfied.
(4) Carer Premium	(4) £25.80 in respect of each person who satisfies the condition specified in paragraph 9.

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