

Status: Point in time view as at 01/10/2009. This version of this schedule contains provisions that are not valid for this point in time.
Changes to legislation: There are currently no known outstanding effects for the The Employment and Support Allowance Regulations 2008, SCHEDULE 4. (See end of Document for details)

SCHEDULE 4

Regulations 67(1)(a) and (2) and 68(1)(a) and (b)

AMOUNTS

PART 1

Prescribed amounts

1. The weekly amounts specified in column (2) in respect of each person or couple specified in column (1) are the weekly amounts specified for the purposes of regulations 67(1) and 68 (prescribed amounts and polygamous marriages).

(1) Person or Couple	(2) Amount
(1) Single claimant—	(1)
(a) who satisfies the conditions set out in section 2(2) or (3) or 4(4) or (5) of the Act;	(a) £60.50;
(b) aged not less than 25;	(b) £60.50;
(c) aged less than 25.	(c) £47.95;
(2) Lone parent—	(2)
(a) who satisfies the conditions set out in section 4(4) or (5) of the Act;	(a) £60.50;
(b) aged not less than 18;	(b) £60.50;
(c) aged less than 18.	(c) £47.95;
(3) Couple—	(3)
(a) where both members are aged not less than 18;	(a) £94.95;
(b) where one member is aged not less than 18 and the other member is a person under 18 who—	(b) £94.95;
(i) had they not been members of a couple, would satisfy the requirements for entitlement to income support other than the requirement to make a claim for it; or	
(ii) had they not been members of a couple, would satisfy the requirements for entitlement to an income-related allowance; or	
(iii) satisfies the requirements of section 3(1)(f)(iii) of the Jobseekers Act (prescribed circumstances for persons aged 16 but less than 18); or	
(iv) is the subject of a direction under section 16 of that Act (persons under 18: severe hardship);	
(c) where the claimant satisfies the conditions set out in section 4(4) or (5) of the Act and both members are aged less than 18 and—	(c) £94.95;

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- (i) at least one of them is treated as responsible for a child;
or
 - (ii) had they not been members of a couple, each would have qualified for an income-related allowance; or
 - (iii) had they not been members of a couple the claimant's partner would satisfy the requirements for entitlement to income support other than the requirement to make a claim for it; or
 - (iv) the claimant's partner satisfies the requirements of section 3(1)(f)(iii) of the Jobseekers Act (prescribed circumstances for persons aged 16 but less than 18); or
 - (v) there is in force in respect of the claimant's partner a direction under section 16 of that Act (persons under 18: severe hardship);
- (d) where both members are aged less than 18 and— (d) £72.35;
- (i) at least one of them is treated as responsible for a child;
or
 - (ii) had they not been members of a couple, each would have qualified for an income-related allowance; or
 - (iii) had they not been members of a couple the claimant's partner satisfies the requirements for entitlement to income support other than a requirement to make a claim for it; or
 - (iv) the claimant's partner satisfies the requirements of section 3(1)(f)(iii) of the Jobseekers Act (prescribed circumstances for persons aged 16 but less than 18); or
 - (v) there is in force in respect of the claimant's partner a direction under section 16 of that Act (persons under 18: severe hardship);
- (e) where the claimant is aged not less than 25 and the claimant's partner is a person under 18 who— (e) £60.50;
- (i) would not qualify for an income-related allowance if the person were not a member of a couple;
 - (ii) would not qualify for income support if the person were not a member of a couple;
 - (iii) does not satisfy the requirements of section 3(1)(f)(iii) of the Jobseekers Act (prescribed circumstances for persons aged 16 but less than 18); and
 - (iv) is not the subject of a direction under section 16 of that Act (persons under 18: severe hardship);
- (f) where the claimant satisfies the conditions set out in section 4(4) or (5) of the Act and the claimant's partner is a person under 18 who— (f) £60.50;

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- (i) would not qualify for an income-related allowance if the person were not a member of a couple;
 - (ii) would not qualify for income support if the person [^{F1}were] not a member of a couple;
 - (iii) does not satisfy the requirements of section 3(1)(f)(iii) of the Jobseekers Act (prescribed circumstances for persons aged 16 but less than 18); and
 - (iv) is not the subject of a direction under section 16 of that Act (persons under 18: severe hardship);
- (g) where the claimant satisfies the conditions set out in section 4(4) or (5) of the Act and both members are aged less than 18 and paragraph (c) does not apply; (g) £60.50;
- (h) [^{F2}where the claimant is aged not less than 18 but less than 25 and the claimant's partner is a person under 18 who—
- (i) would not qualify for an income-related allowance if the person were not a member of a couple;
 - (ii) would not qualify for income support if the person were not a member of a couple;
 - (iii) does not satisfy the requirements of section 3(1)(f)(iii) of the Jobseekers Act (prescribed circumstances for persons aged 16 but less than 18); and
 - (iv) is not the subject of a direction under section 16 of that Act (persons under 18: severe hardship);]

(i) where both members are aged less than 18 and paragraph (d) does not apply. (i) £47.95.

Textual Amendments

F1 Word in Sch. 4 para. 1(3) substituted (27.10.2008) by [The Employment and Support Allowance \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/2428\)](#), regs. 1(2), **14(1)(a)(i)**

F2 Words in Sch. 4 para. 1(3) substituted (27.10.2008) by [The Employment and Support Allowance \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/2428\)](#), regs. 1(2), **14(1)(a)(ii)**

Regulations 67(1)(b) and 68(1)(c)

PART 2

Premiums

2. Except as provided in paragraph 4, the weekly premiums specified in Part 3 of this Schedule are, for the purposes of regulation 67(1)(b) and 68(1)(c), to be applicable to a claimant who satisfies the condition specified in paragraphs 5 to 8 in respect of that premium.

3. An enhanced disability premium in respect of a person is not applicable in addition to a pensioner premium.

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4.—(1) For the purposes of this Part of this Schedule, once a premium is applicable to a claimant under this Part, a person is to be treated as being in receipt of any benefit—

- (a) in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979 ^{F3} applies, for any period during which, apart from the provisions of those Regulations, the person would be in receipt of that benefit; and
- (b) for 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^{F4}, or by [^{F5}Skills Development Scotland,] Scottish Enterprise or Highlands and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990 ^{F6}, or for any period during which the person is in receipt of a training allowance.

(2) For the purposes of the carer premium under paragraph 8, a claimant is to 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 Contributions and Benefits Act.

Textual Amendments

- F3** [S.I. 1979/597](#).
- F4** [1973 c. 50](#), as amended by sections 9 and 11 of, and Schedule 2, Part II paragraph 9 and Schedule 3 to, the [Employment and Training Act 1981 \(c. 57\)](#).
- F5** Words in Sch. 4 para. 4(1)(b) inserted (6.4.2009) by [The Social Security \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/583\)](#), regs. 1(2), **10(2)(b)**
- F6** [1990 c.35](#).

Pensioner premium

5. The condition is that the claimant or the claimant's partner has attained the qualifying age for state pension credit.

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 is to 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) the claimant is in receipt of the care component;
 - (ii) subject to sub-paragraph (4), the claimant has no non-dependants aged 18 or over normally residing with the claimant or with whom the claimant is normally residing; and
 - (iii) no person is entitled to, and in receipt of, a carer's allowance under section 70 of the Contributions and Benefits Act in respect of caring for the claimant;
- (b) in the case of a claimant who has a partner—
 - (i) the claimant is in receipt of the care component;
 - (ii) the claimant's partner is also in receipt of the care component or attendance allowance or, if the claimant is a member of a polygamous marriage, all the partners of that marriage are in receipt of the care component or attendance allowance; and

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(iii) subject to sub-paragraph (4), the claimant has no non-dependants aged 18 or over normally residing with the claimant or with whom the claimant 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, 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 the couple or any partner of the 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 severely sight impaired or is treated as blind or severely sight impaired that partner is to be treated for the purposes of sub-paragraph (2) as if the partner were not a partner of the claimant.

(4) For the purposes of sub-paragraph (2)(a)(ii) and (b)(iii) no account is to be taken of—

- (a) a person receiving attendance allowance, or the care component;
- (b) subject to sub-paragraph (7), a person who joins the claimant's household for the first time in order to care for the claimant or the claimant's partner and immediately before so joining the claimant or the claimant's partner was treated as a severely disabled person; or
- (c) a person who is blind or severely sight impaired or is treated as blind or severely sight impaired.

(5) For the purposes of sub-paragraph (2)(b) a person is to be treated—

- (a) as being in receipt of attendance allowance or the care component if the person would, but for the person 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 the person would, but for the person for whom the person 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 (b), no account is to be taken of an award of carer's allowance to the extent that payment of such an award is backdated for a period before the date on which the award is first paid.

(7) Sub-paragraph (4)(b) is to apply only for the first 12 weeks following the date on which the person to whom that provision applies first joins the claimant's household.

(8) In sub-paragraph (2)(a)(iii) and (b), references to a person being in receipt of a carer's allowance are to 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 (loss of benefit provisions).

(9) In this paragraph—

“blind or severely sight impaired” means registered as blind or severely sight impaired in a register compiled by a local authority under section 29 of the National Assistance Act 1948^{F7} (welfare services) or, in Scotland, has been certified as blind and in consequence the person is registered as blind in a register maintained by or on behalf of a regional or island council and a person who has ceased to be registered as blind or severely sight impaired where that person's eyesight has been regained is, nevertheless, to be treated as blind or severely sight impaired for a period of 28 weeks following the date on which the person ceased to be so registered;

“the care component” means 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.

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Textual Amendments

F7 1948 c. 29.

Enhanced disability premium

- 7.—(1) Subject to sub-paragraph (2), the condition is that—
- (a) the claimant's applicable amount includes the support component; or
 - (b) 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 or, but for an abatement as a consequence of hospitalisation, be payable at the highest rate prescribed under section 72(3) of that Act in respect of—
 - (i) the claimant; or
 - (ii) the claimant's partner (if any) who is aged less than the qualifying age for state pension credit.
- (2) An enhanced disability premium is not applicable in respect of—
- (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 regulation 69(2) 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 regulation 69(2) and has been for a period of more than 52 weeks.

Carer premium

8.—(1) Subject to sub-paragraphs (2) and (4), the condition is that the claimant or the claimant's partner is, or both of them are, entitled to a carer's allowance under section 70 of the Contributions and Benefits 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 is to be treated as satisfied for a period of 8 weeks from the relevant date specified in sub-paragraph (3).

- (3) The relevant date for the purposes of sub-paragraph (2) is—
- (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; or
 - (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 an income-related allowance, the condition for the award of the carer premium is to be treated as satisfied for a period of 8 weeks from the date on which—

- (a) the person in respect of whose care the carer's allowance has been awarded dies; or
- (b) in any other case, the person who has been entitled to a carer's allowance ceased to be entitled to that allowance.

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Persons in receipt of concessionary payments

9. For the purpose of determining whether a premium is applicable to a person under paragraphs 6, 7 and 8, any concessionary payment made to compensate that person for the non-payment of any benefit mentioned in those paragraphs is to be treated as if it were a payment of that benefit.

Persons in receipt of benefit

10. For the purposes of this Part of this Schedule, a person is to be regarded as being in receipt of any benefit if, and only if, it is paid in respect of the person and is to be so regarded only for any period in respect of which that benefit is paid.

PART 3

Weekly amount of premiums specified in Part 2

<i>Premium</i>	<i>Amount</i>
<div style="background-color: #4a5558; color: white; padding: 5px; font-weight: bold; font-size: 0.8em;">VALID FROM 4/2022</div> <div style="border: 1px solid black; padding: 5px; margin-top: 5px; font-weight: bold; font-size: 1.2em;">11.</div> <div style="border: 1px solid black; padding: 5px; margin-top: 5px; font-weight: bold; font-size: 1.2em;">(1)</div>	Pensioner premium for a person to whom (1) paragraph 5 applies who—
(a) is a single claimant and—	(a)
(i) is entitled to the work-related activity component;	(i) £39.55;
(ii) is entitled to the support component; or	(ii) £34.55;
(iii) is not entitled to either of those components;	(iii) £63.55;
(b) is a member of a couple and—	(b)
(i) is entitled to the work-related activity component;	(i) £70.40;
(ii) is entitled to the support component; or	(ii) £65.40;
(iii) is not entitled to either of those components.	(iii) £94.40.
(2) Severe disability premium—	(2)
(a) where the claimant satisfies the condition in paragraph 6(2)(a);	(a) £50.35;
(b) where the claimant satisfies the condition in paragraph 6(2)(b)—	(b)

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|--|---|
| <ul style="list-style-type: none"> (i) if there is someone in receipt of a carer's allowance or if the person or any partner satisfies that condition only by virtue of paragraph 6(5); (ii) if no-one is in receipt of such an allowance. | <ul style="list-style-type: none"> (i) £50.35; (ii) £100.70. |
| <p>(3) Carer premium.</p> | <p>(3) £27.75 in respect of each person who satisfies the condition specified in [^{F8}paragraph 8(1)].</p> |
| <p>(4) Enhanced disability premium where the conditions in paragraph 7 are satisfied.</p> | <p>(4)</p> <ul style="list-style-type: none"> (a) £12.60 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 7 are satisfied; (b) £18.15 where the claimant is a member of a couple or a polygamous marriage and the conditions specified in [^{F9}paragraph 7] are satisfied in respect of a member of that couple or polygamous marriage. |

Textual Amendments

- F8** Words in Sch. 4 para. 11(3) substituted (27.10.2008) by The Employment and Support Allowance (Miscellaneous Amendments) Regulations 2008 (S.I. 2008/2428), regs. 1(2), **14(1)(b)(i)**
- F9** Words in Sch. 4 para. 11(4)(b) substituted (27.10.2008) by The Employment and Support Allowance (Miscellaneous Amendments) Regulations 2008 (S.I. 2008/2428), regs. 1(2), **14(1)(b)(ii)**

Regulation 67(3)

PART 4

The components

- 12. The amount of the work-related activity component is £24.00.
- 13. The amount of the support component is £29.00.

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