

SCHEDULE 4

AMOUNTS

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.

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 ^{F1} 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^{F2}, 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 ^{F4}, or for any period during which the person is in receipt of a training allowance.

(2) [^{F5}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—

- (a) attendance allowance;
- (b) 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; ^{F6}...
- (c) the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act][^{F7}; ^{F8}...]
- [^{F9}(ca) the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022; or]
- [^{F7}(d) armed forces independence payment.]

Textual Amendments

- F1** [S.I. 1979/597.](#)
- F2** [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).
- F3** 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)**
- F4** [1990 c.35.](#)

Status: Point in time view as at 21/03/2022.

Changes to legislation: There are currently no known outstanding effects for the The Employment and Support Allowance Regulations 2008, PART 2. (See end of Document for details)

- F5** Sch. 4 para. 4(2) substituted (8.4.2013) by [The Personal Independence Payment \(Supplementary Provisions and Consequential Amendments\) Regulations 2013 \(S.I. 2013/388\), reg. 2, Sch. para. 40\(5\)\(a\)](#)
- F6** Word in Sch. 4 para. 4(2) omitted (8.4.2013) by virtue of [The Armed Forces and Reserve Forces Compensation Scheme \(Consequential Provisions: Subordinate Legislation\) Order 2013 \(S.I. 2013/591\), art. 2\(2\), Sch. para. 37\(5\)\(a\)\(i\)](#)
- F7** Sch. 4 para. 4(2)(d) and word inserted (8.4.2013) by [The Armed Forces and Reserve Forces Compensation Scheme \(Consequential Provisions: Subordinate Legislation\) Order 2013 \(S.I. 2013/591\), art. 2\(2\), Sch. para. 37\(5\)\(a\)\(ii\)](#)
- F8** Word in Sch. 4 para. 4(2)(c) omitted (21.3.2022) by virtue of [The Social Security \(Disability Assistance for Working Age People\) \(Consequential Amendments\) Order 2022 \(S.I. 2022/177\), arts. 1\(2\), 11\(5\)\(a\)](#)
- F9** Sch. 4 para. 4(2)(ca) inserted (21.3.2022) by [The Social Security \(Disability Assistance for Working Age People\) \(Consequential Amendments\) Order 2022 \(S.I. 2022/177\), arts. 1\(2\), 11\(5\)\(b\)](#)

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^{F10}, a person who has no partner and who is responsible for and a member of the same household as a young person] 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^{F11}, the daily living component^{F12}, the daily living component of adult disability payment^{F13}, armed forces independence payment^{F14} or attendance allowance];
 - (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, ^{F15}a carer's allowance or has an award of universal credit which includes the carer element] 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^{F16}, the daily living component^{F17}, the daily living component of adult disability payment^{F18}, armed forces independence payment^{F19} or attendance allowance];
 - (ii) the claimant's partner is also in receipt of the care component^{F20}, the daily living component^{F21}, the daily living component of adult disability payment^{F22}, armed forces independence payment] 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^{F20}, the daily living component^{F23}, the daily living component of adult disability payment^{F22}, armed forces independence payment] or attendance allowance; and

(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 [^{F24}or has an award of universal credit which includes the carer element] 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 [^{F25}or has such an award of universal credit] 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, [^{F26}the daily living component][^{F27}, the daily living component of adult disability payment][^{F28}, armed forces independence payment] 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 [^{F29}or having an award of universal credit which includes the carer element] 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 [^{F30}of carer's allowance or have such an award of universal credit].
- [^{F31}(c) as being in entitled to, and in receipt of, the daily living component if the person would, but for regulations under section 86(1) (hospital in-patients) of the 2012 Act, be so entitled and in receipt.]
- [^{F32}(d) as being in entitled to, and in receipt of, the daily living component of adult disability payment if the person would, but for regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the Disability Assistance for Working Age People (Scotland) Regulations 2022, be so 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 [^{F33}or universal credit which includes the carer element] 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 [^{F34}or as having an award of universal credit which includes the carer element] are to include references to a person who would have been in receipt of that allowance [^{F35}or had such an award] but for the application of a restriction under section [^{F36}6B or] 7 of the Social Security Fraud Act 2001 (loss of benefit provisions).

[^{F37}(a)] (9) [^{F37}(a)] In this paragraph—

Status: Point in time view as at 21/03/2022.

Changes to legislation: There are currently no known outstanding effects for the The Employment and Support Allowance Regulations 2008, PART 2. (See end of Document for details)

[^{F38}blind or severely sight impaired” means certified as blind or severely sight impaired by a consultant ophthalmologist and a person who has ceased to be certified 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 certified;]

“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.

[^{F39}(b) A person has an award of universal credit which includes the carer element if the person has an award of universal credit which includes an amount which is the carer element under regulation 29 of the Universal Credit Regulations 2013.]

Textual Amendments

- F10** Words in Sch. 4 Pt. 2 para. 6(2)(a) inserted (31.10.2011) by [The Social Security \(Work-focused Interviews for Lone Parents and Partners\) \(Amendment\) Regulations 2011 \(S.I. 2011/2428\)](#), regs. 1, **5(5)(b)**
- F11** Words in Sch. 4 para. 6(2)(a)(i) inserted (8.4.2013) by [The Personal Independence Payment \(Supplementary Provisions and Consequential Amendments\) Regulations 2013 \(S.I. 2013/388\)](#), reg. 2, **Sch. para. 40(5)(b)(i)**
- F12** Words in Sch. 4 para. 6(2)(a)(i) inserted (21.3.2022) by [The Social Security \(Disability Assistance for Working Age People\) \(Consequential Amendments\) Order 2022 \(S.I. 2022/177\)](#), arts. 1(2), **11(5)(c)(i)**
- F13** Words in Sch. 4 para. 6(2)(a)(i) inserted (8.4.2013) by [The Armed Forces and Reserve Forces Compensation Scheme \(Consequential Provisions: Subordinate Legislation\) Order 2013 \(S.I. 2013/591\)](#), art. 2(2), **Sch. para. 37(5)(b)(i)**
- F14** Words in Sch. 4 para. 6(2)(a)(i) inserted (31.10.2011) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2011 \(S.I. 2011/2425\)](#), regs. 1(2), **23(14)(a)**
- F15** Words in Sch. 4 para. 6(2)(a)(iii) substituted (with effect in accordance with reg. 1(3) of the amending S.I.) by [The Universal Credit and Miscellaneous Amendments Regulations 2015 \(S.I. 2015/1754\)](#), regs. 1(1), **19(2)**
- F16** Words in Sch. 4 para. 6(2)(b)(i) inserted (8.4.2013) by [The Personal Independence Payment \(Supplementary Provisions and Consequential Amendments\) Regulations 2013 \(S.I. 2013/388\)](#), reg. 2, **Sch. para. 40(5)(b)(ii)**
- F17** Words in Sch. 4 para. 6(2)(b)(i) inserted (21.3.2022) by [The Social Security \(Disability Assistance for Working Age People\) \(Consequential Amendments\) Order 2022 \(S.I. 2022/177\)](#), arts. 1(2), **11(5)(c)(ii)**
- F18** Words in Sch. 4 para. 6(2)(b)(i) inserted (8.4.2013) by [The Armed Forces and Reserve Forces Compensation Scheme \(Consequential Provisions: Subordinate Legislation\) Order 2013 \(S.I. 2013/591\)](#), art. 2(2), **Sch. para. 37(5)(b)(ii)**
- F19** Words in Sch. 4 para. 6(2)(b)(i) inserted (31.10.2011) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2011 \(S.I. 2011/2425\)](#), regs. 1(2), **23(14)(b)**
- F20** Words in Sch. 4 para. 6(2)(b)(ii) inserted (8.4.2013) by [The Personal Independence Payment \(Supplementary Provisions and Consequential Amendments\) Regulations 2013 \(S.I. 2013/388\)](#), reg. 2, **Sch. para. 40(5)(b)(iii)**
- F21** Words in Sch. 4 para. 6(2)(b)(ii) inserted (21.3.2022) by [The Social Security \(Disability Assistance for Working Age People\) \(Consequential Amendments\) Order 2022 \(S.I. 2022/177\)](#), arts. 1(2), **11(5)(c)(iii)(aa)**
- F22** Words in Sch. 4 para. 6(2)(b)(ii) inserted (8.4.2013) by [The Armed Forces and Reserve Forces Compensation Scheme \(Consequential Provisions: Subordinate Legislation\) Order 2013 \(S.I. 2013/591\)](#), art. 2(2), **Sch. para. 37(5)(b)(iii)**
- F23** Words in Sch. 4 para. 6(2)(b)(ii) inserted (21.3.2022) by [The Social Security \(Disability Assistance for Working Age People\) \(Consequential Amendments\) Order 2022 \(S.I. 2022/177\)](#), arts. 1(2), **11(5)(c)(iii)(bb)**

- F24** Words in Sch. 4 para. 6(2)(b) inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by [The Universal Credit and Miscellaneous Amendments Regulations 2015 \(S.I. 2015/1754\)](#), regs. 1(1), **19(3)(a)**
- F25** Words in Sch. 4 para. 6(2)(b) inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by [The Universal Credit and Miscellaneous Amendments Regulations 2015 \(S.I. 2015/1754\)](#), regs. 1(1), **19(3)(b)**
- F26** Words in Sch. 4 para. 6(4)(a) inserted (8.4.2013) by [The Personal Independence Payment \(Supplementary Provisions and Consequential Amendments\) Regulations 2013 \(S.I. 2013/388\)](#), reg. 2, **Sch. para. 40(5)(b)(iv)**
- F27** Words in Sch. 4 para. 6(4)(a) inserted (21.3.2022) by [The Social Security \(Disability Assistance for Working Age People\) \(Consequential Amendments\) Order 2022 \(S.I. 2022/177\)](#), arts. 1(2), **11(5)(d)**
- F28** Words in Sch. 4 para. 6(4)(a) inserted (8.4.2013) by [The Armed Forces and Reserve Forces Compensation Scheme \(Consequential Provisions: Subordinate Legislation\) Order 2013 \(S.I. 2013/591\)](#), art. 2(2), **Sch. para. 37(5)(b)(iv)**
- F29** Words in Sch. 4 para. 6(5)(b) inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by [The Universal Credit and Miscellaneous Amendments Regulations 2015 \(S.I. 2015/1754\)](#), regs. 1(1), **19(4)(a)**
- F30** Words in Sch. 4 para. 6(5)(b) inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by [The Universal Credit and Miscellaneous Amendments Regulations 2015 \(S.I. 2015/1754\)](#), regs. 1(1), **19(4)(b)**
- F31** Sch. 4 para. 6(5)(c) inserted (8.4.2013) by [The Personal Independence Payment \(Supplementary Provisions and Consequential Amendments\) Regulations 2013 \(S.I. 2013/388\)](#), reg. 2, **Sch. para. 40(5)(b)(v)**
- F32** Sch. 4 para. 6(5)(d) inserted (21.3.2022) by [The Social Security \(Disability Assistance for Working Age People\) \(Consequential Amendments\) Order 2022 \(S.I. 2022/177\)](#), arts. 1(2), **11(5)(e)**
- F33** Words in Sch. 4 para. 6(6) inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by [The Universal Credit and Miscellaneous Amendments Regulations 2015 \(S.I. 2015/1754\)](#), regs. 1(1), **19(5)**
- F34** Words in Sch. 4 para. 6(8) inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by [The Universal Credit and Miscellaneous Amendments Regulations 2015 \(S.I. 2015/1754\)](#), regs. 1(1), **19(6)(a)**
- F35** Words in Sch. 4 para. 6(8) inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by [The Universal Credit and Miscellaneous Amendments Regulations 2015 \(S.I. 2015/1754\)](#), regs. 1(1), **19(6)(b)**
- F36** Words in Sch. 4 para. 6(8) inserted (1.4.2010) by [The Social Security \(Loss of Benefit\) Amendment Regulations 2010 \(S.I. 2010/1160\)](#), regs. 1, **12(3)**
- F37** Sch. 4 para. 6(9) renumbered as Sch. 4 para. 6(9)(a) (with effect in accordance with reg. 1(3) of the amending S.I.) by [The Universal Credit and Miscellaneous Amendments Regulations 2015 \(S.I. 2015/1754\)](#), regs. 1(1), **19(7)(a)**
- F38** Words in Sch. 4 para. 6(9) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Universal Credit and Miscellaneous Amendments \(No.2\) Regulations 2014 \(S.I. 2014/2888\)](#), regs. 1(1), **3(7)(a)**
- F39** Sch. 4 para. 6(9)(b) inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by [The Universal Credit and Miscellaneous Amendments Regulations 2015 \(S.I. 2015/1754\)](#), regs. 1(1), **19(7)(b)**

Enhanced disability premium

- 7.—(1) Subject to sub-paragraph (2), the condition is that—
- (a) the claimant's applicable amount includes the support component; ^{F40} ...
 - (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

Status: Point in time view as at 21/03/2022.

Changes to legislation: There are currently no known outstanding effects for the The Employment and Support Allowance Regulations 2008, PART 2. (See end of Document for details)

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^[F41, F42 ...]

^[F41](c) the daily living component is, or would, but for regulations made under section 86(1) (hospital in-patients) of the 2012 Act, be payable at the enhanced rate under section 78(2) 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^[F43, F44 ...]

^[F45](ca) the daily living component of adult disability payment is, or would, but for regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the Disability Assistance for Working Age People (Scotland) Regulations 2022, be payable at the enhanced rate under section 78(2) of those Regulations 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; or

^[F43](d) armed forces independence payment is payable 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.

Textual Amendments

- F40** Word in Sch. 4 para. 7(1)(a) omitted (8.4.2013) by virtue of [The Personal Independence Payment \(Supplementary Provisions and Consequential Amendments\) Regulations 2013 \(S.I. 2013/388\)](#), reg. 2, [Sch. para. 40\(5\)\(c\)\(i\)](#)
- F41** Sch. 4 para. 7(1)(c) and word inserted (8.4.2013) by [The Personal Independence Payment \(Supplementary Provisions and Consequential Amendments\) Regulations 2013 \(S.I. 2013/388\)](#), reg. 2, [Sch. para. 40\(5\)\(c\)\(ii\)](#)
- F42** Word in Sch. 4 para. 7(1)(b) omitted (8.4.2013) by virtue of [The Armed Forces and Reserve Forces Compensation Scheme \(Consequential Provisions: Subordinate Legislation\) Order 2013 \(S.I. 2013/591\)](#), art. 2(2), [Sch. para. 37\(5\)\(c\)\(i\)](#)
- F43** Sch. 4 para. 7(1)(d) and word inserted (8.4.2013) by [The Armed Forces and Reserve Forces Compensation Scheme \(Consequential Provisions: Subordinate Legislation\) Order 2013 \(S.I. 2013/591\)](#), art. 2(2), [Sch. para. 37\(5\)\(c\)\(ii\)](#)
- F44** Word in Sch. 4 para. 7(1)(c) omitted (21.3.2022) by virtue of [The Social Security \(Disability Assistance for Working Age People\) \(Consequential Amendments\) Order 2022 \(S.I. 2022/177\)](#), arts. 1(2), [11\(5\)\(f\)](#)

F45 Sch. 4 para. 7(1)(ca) inserted (21.3.2022) by The Social Security (Disability Assistance for Working Age People) (Consequential Amendments) Order 2022 (S.I. 2022/177), arts. 1(2), **11(5)(g)**

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.

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.

Status:

Point in time view as at 21/03/2022.

Changes to legislation:

There are currently no known outstanding effects for the The Employment and Support Allowance Regulations 2008, PART 2.