

East Cambridgeshire District Council CTRS Scheme Changes for 2025 – 2026

Original

**Council Tax Reduction Scheme
S13A and Schedule 1a of the Local Government
Finance Act 1992
2025/2026**

Revised

**Council Tax Reduction Scheme
S13A and Schedule 1a of the Local Government
Finance Act 1992
2026/2027**

Original

**Part
1**

1. Introduction to the Council Tax Reduction Scheme (Council tax reduction)

The following has been adopted by the Council and details the Council Tax Reduction Scheme adopted by the authority from 1st April 2025.

This document details how the scheme will operate for those of statutory pension credit age and working age applicants and in accordance with Section 13a of the Local Government Finance Act 1992 specifies the classes of person who are to be entitled to a reduction under the scheme and is effective from 1st April 2025.

Revised

Part 1

1. Introduction to the Council Tax Reduction Scheme (Council tax reduction)

The following has been adopted by the Council and details the Council Tax Reduction Scheme adopted by the authority from 1st April 2026.

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Original

Insertion of paragraph no previous

Revised

“LGBT Financial Recognition Scheme payment” means a payment under the Lesbian, Gay, Bisexual and Transgender Financial Recognition Scheme administered under the authority of the Secretary of State for Defence;”

Original

Nothing – insertion of para

Revised

“Miscarriage of justice compensation payment” means—

(a)

a payment made under section 133(1) of the Criminal Justice Act 1988(4); or

(b)

any other payment made by the Secretary of State, the Scottish Ministers or, in Northern Ireland, the Department of Justice, for the purpose of compensating a person—

(i)

for a miscarriage of justice in criminal proceedings, or

(ii)

for being wrongfully charged with a criminal offence;”

Original

“qualifying person” means—

a person in respect of whom a Grenfell Tower support payment, a historical child abuse payment or a Windrush payment, has been made or payment has been made from the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the Infected Blood Interim Compensation Scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund, a Windrush payment, a Post Office compensation payment or a vaccine damage payment; the National Emergencies Trust; the Victims of Overseas Terrorism Compensation Scheme; or the London Bombings Relief Charitable Fun

Revised

“qualifying person” means—

a person in respect of whom a Grenfell Tower support payment, a historical child abuse payment or a Windrush payment, has been made or payment has been made from the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the Infected Blood Interim Compensation Scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund, a Windrush payment, a Post Office compensation payment, a vaccine damage payment, an LGBT Financial Recognition Scheme payment or a miscarriage of justice compensation payment; the National Emergencies Trust; the Victims of Overseas Terrorism Compensation Scheme; or the London Bombings Relief Charitable Fund;

Original

“**savings credit**” is to be construed in accordance with sections 1 and 3 of the State Pension Credit Act 2002;

“**Scottish basic rate**” means the rate of income tax of that name calculated in accordance with section 6A of the Income Tax Act 2007(e);

Revised

“**savings credit**” is to be construed in accordance with sections 1 and 3 of the State Pension Credit Act 2002;

“**Scottish Adult Disability Living Allowance**” has the meaning given in regulation 2 of the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025;”

“**Scottish basic rate**” means the rate of income tax of that name calculated in accordance with section 6A of the Income Tax Act 2007(e);

Original

21. Class of person excluded from this scheme: persons treated as not being in Great Britain

(5)

(ze) a person who was residing in Sudan before 15th April 2023, left Sudan in connection with the violence which rapidly escalated on 15th April 2023 in Khartoum and across Sudan and—

- (i) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971,
- (ii) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act, or
- (iii) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act;

(a) a qualified person for the purposes of regulation 6 of the EEA Regulations as a worker or a self-employed person;

(b) a family member of a person referred to in paragraph (a)

(c) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations;

(ca) a family member of a relevant person of Northern Ireland, with a right to reside which falls within paragraph (4A)(b), provided that the relevant person of Northern Ireland falls within paragraph (5)(a), or would do so but for the fact that they are not an EEA national;

(cb) a frontier worker within the meaning of regulation 3 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020(7);

(cc) a family member of a person referred to in sub-paragraph (cb), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971(8);

(d) a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967;

(e) a person who has been granted, or who is deemed to have been granted,

leave outside the rules made under section 3(2) of the Immigration Act 1971(5)
(f) a person who has humanitarian protection granted under those rules;
(g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom;
(h) in receipt of income support, an income-related employment and support allowance; or an award of Universal Credit or
(ha) in receipt of an income-based jobseeker's allowance and has a right to reside other than a right to reside falling within paragraph (4);

- (5A) (1) Paragraph 5 above does not apply to a person who, on 31st March 2015—
is liable to pay council tax at a reduced rate by virtue of a council tax reduction under an authority's scheme established under section 13A(2) of the Act; and is entitled to an income-based jobseeker's allowance, until the first of the events in paragraph (2) occurs.
(2) The events are— the person makes a new application for a reduction under an authority's scheme established under section 13A(2) of the Act; or the person ceases to be entitled to an income-based jobseeker's allowance.
(3) In this regulation "the Act" means the Local Government Finance Act 1992.

Revised

(ze) a person who was residing in Sudan before 15th April 2023, left Sudan in connection with the violence which rapidly escalated on 15th April 2023 in Khartoum and across Sudan and—
(i) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971,
(ii) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act, or
(iii) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act;
(a) a qualified person for the purposes of regulation 6 of the EEA Regulations as a worker or a self-employed person;
(b) a family member of a person referred to in paragraph (a)
(c) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations;
(ca) a family member of a relevant person of Northern Ireland, with a right to reside which falls within paragraph (4A)(b), provided that the relevant person of Northern Ireland falls within paragraph (5)(a), or would do so but for the fact that they are not an EEA national;
(cb) a frontier worker within the meaning of regulation 3 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020(7);
(cc) a family member of a person referred to in sub-paragraph (cb), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971(8);
(d) a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967;
(e) a person who has been granted, or who is deemed to have been granted, leave outside the rules made under section 3(2) of the Immigration Act 1971(5)

- (f) a person who has humanitarian protection granted under those rules;
- (g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom;
- (h) in receipt of income support, an income-related employment and support allowance; or an award of Universal Credit;
- (ha) in receipt of an income-based jobseeker's allowance and has a right to reside other than a right to reside falling within paragraph (4); or
- (zf) a person who—
 - (i) was residing in a country or territory outside Great Britain immediately before His Majesty's Government—
 - (aa) provided public information to advise British nationals to leave that country or territory, or
 - (bb) arranged the evacuation of British nationals from that country or territory; has left that country or territory and is present in Great Britain; and
 - (iii) has—
 - (aa) a right of abode in the United Kingdom within the meaning given in section 2 of the Immigration Act 1971(6),
 - (bb) no requirement of leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act(7),
 - (cc) leave to enter or remain in the United Kingdom in accordance with immigration rules made under section 3(2) of that Act, or
 - (dd) leave on a discretionary basis outside of rules made under section 3(2) of that Act; or
 - (zg) a person who, as part of a safe and legal humanitarian immigration route, has leave to enter or remain in the United Kingdom in accordance with immigration rules made under section 3(2) of the Immigration Act 1971 or leave on a discretionary basis outside of rules;

(5A) Paragraph (5)(zf) does not apply after the expiry of 6 months beginning on the day on which the public information is issued, or the evacuation is started.

- (5B) (1) Paragraph 5 above does not apply to a person who, on 31st March 2015— is liable to pay council tax at a reduced rate by virtue of a council tax reduction under an authority's scheme established under section 13A(2) of the Act; and is entitled to an income-based jobseeker's allowance, until the first of the events in paragraph (2) occurs.
- (2) The events are— the person makes a new application for a reduction under an authority's scheme established under section 13A(2) of the Act; or the person ceases to be entitled to an income-based jobseeker's allowance.
- (3) In this regulation "the Act" means the Local Government Finance Act 1992.

Original

19. Periods of absence from a dwelling

(2)

(d) subject to sub-paragraphs (2F), (3C), (3E) and (3G) and where sub-paragraph (2E) applies, a period of absence outside Great Britain not exceeding 4 weeks, beginning with the first day of that absence from Great Britain where and for so long as—

- (i) the person intends to return to the dwelling;
- (ii) the part of the dwelling in which he usually resides is not let or sub-let; and
- (iii) the period of absence from Great Britain is unlikely to exceed 4 weeks.

Revised

(d) subject to sub-paragraphs (2F), (3C), (3E), (3G) and (3I) where sub-paragraph (2E) applies, a period of absence outside Great Britain not exceeding 4 weeks, beginning with the first day of that absence from Great Britain where and for so long as—

- (i) the person intends to return to the dwelling;
- (ii) the part of the dwelling in which he usually resides is not let or sub-let; and
- (iii) the period of absence from Great Britain is unlikely to exceed 4 weeks.

Original

(3G) Where sub-paragraph (3F) applies, a period of absence from Great Britain not exceeding 4 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—

- (a) the person intends to return to the dwelling;
- (b) the part of the dwelling in which he usually resided is not let or sub-let;
- (c) the period of absence is unlikely to exceed 4 weeks, or in exceptional circumstances, is unlikely substantially to exceed that period.

(4) This sub-paragraph applies to a person who is

- (a) detained in custody pending sentence upon conviction or under a sentence imposed by a court (other than a person who is detained in hospital under the provisions of the Mental Health Act 1983, or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995 or, in Northern Ireland, under Article 4 or 12 of the Mental Health (Northern Ireland) Order 1986); and
- (b) on temporary release from detention in accordance with Rules made under the provisions of the Prison Act 1952 or the Prisons (Scotland) Act 1989.

Revised

(3G) Where sub-paragraph (3F) applies, a period of absence from Great Britain not exceeding 4 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—

- (a) the person intends to return to the dwelling;
- (b) the part of the dwelling in which he usually resided is not let or sub-let;
- (c) the period of absence is unlikely to exceed 4 weeks, or in exceptional circumstances, is unlikely substantially to exceed that period.

(3H) This sub-paragraph applies where—

(a)

a person was present in a country or territory immediately before His Majesty's Government—

(i)

provided public information to advise British nationals to leave that country or territory, or

(ii)

arranged the evacuation of British nationals from that country or territory;

(b)

sub-paragraphs (2)(d), (2A), (2C), (2F), (3B), (3D) or (3F) applied to the person when the public information was issued or the evacuation began;

(c)

the relevant authority is satisfied that it would be unreasonable to expect the person to return, or have returned, to Great Britain; and

(d)

the person did not enter that country or territory when His Majesty's Government's public information was to advise British nationals to leave that country or territory.

(3I) Where sub-paragraph (3H) applies a period of absence not exceeding 26 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence.

(3J) Where a person is temporarily absent from Great Britain, except where the circumstances in sub-paragraph (2C) apply, the total period which is to be treated as a period of temporary absence will not exceed 26 weeks.

(4) This sub-paragraph applies to a person who is

- (a) detained in custody pending sentence upon conviction or under a sentence imposed by a court (other than a person who is detained in hospital under the provisions of the Mental Health Act 1983, or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995 or, in Northern Ireland, under Article 4 or 12 of the Mental Health (Northern Ireland) Order 1986); and
- (b) on temporary release from detention in accordance with Rules made under the provisions of the Prison Act 1952 or the Prisons (Scotland) Act 1989.

Original

31. Non-dependant deductions: pensioners and persons who are not pensioners

(6) No deduction is to be made in respect of any non-dependants occupying an applicant's dwelling if the applicant or his partner is—

- (a) severely sight-impaired or blind or treated as such by virtue of paragraph 10 of Schedule 3 (additional condition for the disability premium); or

- (b) receiving in respect of himself—
 - (i) attendance allowance, or would be receiving that allowance but for—
 - (aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
 - (bb) an abatement as a result of hospitalisation; or
 - (ia) pension age disability payment, or would be receiving that payment but for the application of regulation 20 (effect of admission to hospital on ongoing entitlement to Pension Age Disability Payment) of the Disability Assistance for Older People (Scotland) Regulations 2024; or
 - (ii) the care component of the disability living allowance, or would be receiving that component but for—
 - (aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
 - (bb) an abatement as a result of hospitalisation; or
 - (iii) the daily living component of personal independence payment, or would be receiving that allowance but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
 - (iiia) the daily living component of adult disability payment or would be receiving that component but for the application of regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the DAWAP Regulations; or
 - (iv) an AFIP, or would be receiving that payment but for a suspension of it in accordance with any terms of the armed and reserve forces compensation scheme which allows for a suspension because a person is undergoing medical treatment in a hospital or similar institution.

Revised

- (6) No deduction is to be made in respect of any non-dependants occupying an applicant's dwelling if the applicant or his partner is—
 - (a) severely sight-impaired or blind or treated as such by virtue of paragraph 10 of Schedule 3 (additional condition for the disability premium); or
 - (b) receiving in respect of himself—
 - (i) attendance allowance, or would be receiving that allowance but for—
 - (aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
 - (bb) an abatement as a result of hospitalisation; or
 - (ia) pension age disability payment, or would be receiving that payment but for the application of regulation 20 (effect of admission to hospital on ongoing entitlement to Pension Age Disability Payment) of the Disability Assistance for Older People (Scotland) Regulations 2024; or
 - (ii) the care component of the disability living allowance, or would be receiving that component but for—
 - (aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
 - (bb) an abatement as a result of hospitalisation; or
 - (iia) the care component of Scottish Adult Disability Living Allowance or would be receiving that payment but for the application of regulation 23 (effect of admission to hospital on ongoing entitlement to Scottish Adult Disability Living Allowance) of the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025; or
 - (iii) the daily living component of personal independence payment, or would be receiving that allowance but for a suspension of benefit in accordance

- with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
- (iii) the daily living component of adult disability payment or would be receiving that component but for the application of regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the DAWAP Regulations; or
 - (iv) an AFIP, or would be receiving that payment but for a suspension of it in accordance with any terms of the armed and reserve forces compensation scheme which allows for a suspension because a person is undergoing medical treatment in a hospital or similar institution.

Original

- (9) In the application of sub-paragraphs (1) & (2) there is to be disregarded from the non-dependent's weekly gross income—
- (a) any attendance allowance, pension age disability payment, disability living allowance, child disability payment, personal independence payment AFIP received by him;
 - (b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the Infected Blood Interim Compensation Scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund, the Windrush Compensation Scheme, the National Emergencies Trust, the Victims of Overseas Terrorism Compensation Scheme; or the Independent Living Fund (2006) which are paid as income in kind (see sub-paragraph (13)); and
 - (ba) any of the following payments which are paid as income in kind—
 - (i) any Grenfell Tower support payment;
 - (ii) any historical child abuse payment;
 - (iii) any Windrush payment;
 - (iv) any Post Office compensation payment;
 - (v) any vaccine damage payment;
 - (c) the payments set out in sub-paragraph (10).

Revised

- (9) In the application of sub-paragraphs (1) & (2) there is to be disregarded from the non-dependent's weekly gross income—
- (a) any attendance allowance, pension age disability payment, disability living allowance, **Scottish Adult Disability Living Allowance**, child disability payment, personal independence payment AFIP received by him;
 - (b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the Infected Blood Interim Compensation Scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund, the Windrush Compensation Scheme, the National Emergencies Trust, the Victims of Overseas Terrorism Compensation Scheme; or the Independent Living Fund (2006) which are paid as income in kind (see sub-paragraph (13)); and
 - (ba) any of the following payments which are paid as income in kind—

- (i) any Grenfell Tower support payment;
 - (ii) any historical child abuse payment;
 - (iii) any Windrush payment;
 - (iv) any Post Office compensation payment;
 - (v) any vaccine damage payment; (c) the payments set out in sub-paragraph (10)
 - (vi) any LGBT Financial Recognition Scheme payment;
 - (vii) any miscarriage of justice compensation payment;
- (c) the payments set out in sub-paragraph (10).

Original

- (10) The payments mentioned in sub-paragraph (9) are—
- (a) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the Infected Blood Interim Compensation Scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund, the Windrush Compensation Scheme, the National Emergencies Trust, the Victims of Overseas Terrorism Compensation Scheme; or the Independent Living Fund (2006);
 - (aa) any Grenfell Tower support payment;
 - (ab) any historical child abuse payment;
 - (ac) any Windrush payment;
 - (ad) any Post Office compensation payment;
 - (ae) any vaccine damage payment;
 - (af) any payment out of the estate of a person to that person's son, daughter, stepson or step-daughter, which derives from a payment to meet the recommendation of the Infected Blood Inquiry in its interim report published on 29th July 2022(9) made under or by the Scottish Infected Blood Support Scheme or an approved blood scheme;
 - (ag) any payment out of the estate of a person, which derives from a payment made under or by the Scottish Infected Blood Support Scheme or an approved blood scheme to the estate of the person as a result of that person having been infected from contaminated blood products;
 - (b) any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which paragraph (a) refers or from a Grenfell Tower support payment and which is made to or for the benefit of—

Revised

- (10) The payments mentioned in sub-paragraph (9) are—
- (a) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the Infected Blood Interim Compensation Scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund, the Windrush Compensation Scheme, the National Emergencies Trust, the Victims of Overseas Terrorism Compensation Scheme; or the Independent Living Fund (2006);
 - (aa) any Grenfell Tower support payment;
 - (ab) any historical child abuse payment;
 - (ac) any Windrush payment;
 - (ad) any Post Office compensation payment;

- (ae) any vaccine damage payment;
- (af) any payment out of the estate of a person to that person's son, daughter, step-son or step-daughter, which derives from a payment to meet the recommendation of the Infected Blood Inquiry in its interim report published on 29th July 2022(9) made under or by the Scottish Infected Blood Support Scheme or an approved blood scheme;
- (ag) any payment out of the estate of a person, which derives from a payment made under or by the Scottish Infected Blood Support Scheme or an approved blood scheme to the estate of the person as a result of that person having been infected from contaminated blood products;
- (ah) any LGBT Financial Recognition Scheme payment;
- (ai) any miscarriage of justice compensation payment;
- (b) any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which paragraph (a) refers or from a Grenfell Tower support payment and which is made to or for the benefit of—

Original:

59. Treatment of child care charges

(our reg 59 (11) Statutory Instrument refers to paragraph 25 (10))

- (11) For the purposes of sub-paragraph (1)(c) the other member of a couple is incapacitated where-
 - (a) the applicant is a pensioner and the other member of the couple is aged not less than 80;
 - (b) the applicant is a pensioner and the other member of the couple is aged less than 80, and-
 - (i) the additional condition specified in paragraph 10 of Schedule 3 (additional condition for the disability premium) to this scheme is treated as applying in his case; and
 - (ii) he satisfies that conditions or would satisfy it but for his being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the SSCBA;
 - (c) the applicant is not a pensioner, the applicant's applicable amount includes a disability premium on account of the other member's incapacity or the support component on account of his having limited capability for work, or the other member of the couple would be a member of the work-related activity group;
 - (d) the applicant is not a pensioner, the applicant's applicable amount would include a disability premium on account of the other member's incapacity but for that other member being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the SSCBA;
 - (e) the other member of the couple would be a member of the support group or by virtue of a determination made in accordance with the Employment and Support Allowance Regulations 2008 or the Employment and Support Allowance Regulations 2013(a);
 - (f) he is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days must be treated as one continuous period;

- (g) he is, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations 2008 or the Employment and Support Allowance Regulations 2013(a) for a continuous period of not less than 196 days and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period;
- (h) there is payable in respect of him one or more of the following pensions or allowances-
- (i) long-term incapacity benefit or short-term incapacity benefit at the higher rate under Schedule 4 to the SSCBA;
 - (ii) attendance allowance under section 64 of the SSCBA;
 - (iia) pension age disability payment;
 - (iii) severe disablement allowance under section 68 of the SSCBA; (iv) disability living allowance under section 71 of the SSCBA;
 - (v) personal independence payment;
 - (vi) an AFIP;
 - (vii) increase of disablement pension under section 104 of the SSCBA;
 - (viii) a pension increase paid as part of a war disablement pension or under an industrial injuries scheme which is analogous to an allowance or increase of disablement pension under sub-paragraph (ii), (iv), (v) or (vii) above;
 - (ix) main phase employment and support allowance;
 - (x) adult disability payment;
- (i) a pension or allowance or payment to which sub-paragraph (v), (vii) or (viii) of paragraph (h) above refers was payable on account of his incapacity but has ceased to be payable in consequence of his becoming a patient, which in this paragraph means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005;
- (ia) a pension age disability payment was payable on account of his incapacity but has ceased to be payable in accordance with regulation 20 of the Disability Assistance for Older People (Scotland) Regulations 2024;
 - (ib) an adult disability payment was payable on account of his incapacity but has ceased to be payable in accordance with regulation 28 of the DAWAP Regulations;
- (j) an attendance allowance under section 64 of the SSCBA or disability living allowance would be payable to that person but for-
- (i) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
 - (ii) an abatement as a consequence of hospitalisation;
- (k) the daily living component of personal independence payment would be payable to that person but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
- (l) an AFIP would be payable to that person but for any suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution;
- (m) paragraph (h), (i), (j) or (k) would apply to him if the legislative provisions referred to in those paragraphs were provisions under any corresponding enactment having effect in Northern Ireland; or
- (n) he has an invalid carriage or other vehicle provided to him by the

Secretary of State or a clinical commissioning group under paragraph 9 of Schedule 1 to the National Health Service Act 2006 or under section 46 of the National Health Service (Scotland) Act 1978 or provided by the Department of Health, Social Services and Public Safety in Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972.

Revised

- (11) For the purposes of sub-paragraph (1)(c) the other member of a couple is incapacitated where-
- (a) the applicant is a pensioner and the other member of the couple is aged not less than 80;
 - (b) the applicant is a pensioner and the other member of the couple is aged less than 80, and-
 - (i) the additional condition specified in paragraph 10 of Schedule 3 (additional condition for the disability premium) to this scheme is treated as applying in his case; and
 - (ii) he satisfies that conditions or would satisfy it but for his being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the SSCBA;
 - (c) the applicant is not a pensioner, the applicant's applicable amount includes a disability premium on account of the other member's incapacity or the support component on account of his having limited capability for work, or the other member of the couple would be a member of the work-related activity group;
 - (d) the applicant is not a pensioner, the applicant's applicable amount would include a disability premium on account of the other member's incapacity but for that other member being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the SSCBA;
 - (e) the other member of the couple would be a member of the support group or by virtue of a determination made in accordance with the Employment and Support Allowance Regulations 2008 or the Employment and Support Allowance Regulations 2013(a);
 - (f) he is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days must be treated as one continuous period;
 - (g) he is, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations 2008 or the Employment and Support Allowance Regulations 2013(a) for a continuous period of not less than 196 days and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period;
 - (h) there is payable in respect of him one or more of the following pensions or allowances-
 - (i) long-term incapacity benefit or short-term incapacity benefit at the higher rate under Schedule 4 to the SSCBA;
 - (ii) attendance allowance under section 64 of the SSCBA;
 - (iia) pension age disability payment;
 - (iii) severe disablement allowance under section 68 of the SSCBA; (iv) disability living allowance under section 71 of the SSCBA;

- (v) personal independence payment;
 - (vi) an AFIP;
 - (via) Scottish Adult Disability Living Allowance;
 - (vii) increase of disablement pension under section 104 of the SSCBA;
 - (viii) a pension increase paid as part of a war disablement pension or under an industrial injuries scheme which is analogous to an allowance or increase of disablement pension under sub-paragraph (ii), (iv), (v) or (vii) above;
 - (ix) main phase employment and support allowance;
 - (x) adult disability payment;
- (i) a pension or allowance or payment to which sub-paragraph (v), (vii) or (viii) of paragraph (h) above refers was payable on account of his incapacity but has ceased to be payable in consequence of his becoming a patient, which in this paragraph means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005;
- (ia) a pension age disability payment was payable on account of his incapacity but has ceased to be payable in accordance with regulation 20 of the Disability Assistance for Older People (Scotland) Regulations 2024;
 - (ib) an adult disability payment was payable on account of his incapacity but has ceased to be payable in accordance with regulation 28 of the DAWAP Regulations;
 - (ic) Scottish Adult Disability Living Allowance was payable on account of his incapacity but has ceased to be payable in accordance with regulation 23 (effect of admission to hospital on ongoing entitlement to Scottish Adult Disability Living Allowance) of the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025;
- (j) an attendance allowance under section 64 of the SSCBA or disability living allowance would be payable to that person but for-
- (i) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
 - (ii) an abatement as a consequence of hospitalisation;
- (k) the daily living component of personal independence payment would be payable to that person but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
- (l) an AFIP would be payable to that person but for any suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution;
- (m) paragraph (h), (i), (j) or (k) would apply to him if the legislative provisions referred to in those paragraphs were provisions under any corresponding enactment having effect in Northern Ireland; or
- (n) he has an invalid carriage or other vehicle provided to him by the Secretary of State or a clinical commissioning group under paragraph 9 of Schedule 1 to the National Health Service Act 2006 or under section 46 of the National Health Service (Scotland) Act 1978 or provided by the Department of Health, Social Services and Public Safety in Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972.

Original

Schedule 3

Additional condition for the disability premium

10. (1) Subject to sub-paragraph (2) and paragraph 8, the additional condition referred to in paragraph 9 is that either-
- (a) the applicant or, as the case may be, his partner-
 - (i) is in receipt of one or more of the following benefits:
attendance allowance, pension age disability payment, disability living allowance, child disability payment, personal independence payment, adult disability payment an AFIP, 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 (Entitlement and Maximum Rate) Regulations 2002, mobility supplement, long-term incapacity benefit under Part 2 of the SSCBA or severe disablement allowance under Part 3 of that 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 SSCBA when entitlement to that benefit ceased on account of the payment of a retirement pension under that Act, or a state pension under Part 1 of the Pensions Act 2014, and the applicant remained continuously entitled to-
 - (aa) council tax benefit (in relation to the period prior to 1st April 2013, and
 - (bb) a reduction under this scheme (in relation to the period commencing on 1st April 2013), and if the long-term incapacity benefit was payable to his partner, the partner is still a member of the family; or
 - (i) 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 SSCBA or otherwise abated as a consequence of the applicant or his partner becoming a patient within the meaning of paragraph 58(11)(i) (treatment of child care charges); or
 - (ii) was in receipt of personal independence payment, but payment of that benefit has been suspended in accordance with section 86 of the Welfare Reform Act 2012 as a consequence of the applicant becoming a patient within the meaning of paragraph 58(11)(i) (treatment of child care charges); or
 - (iva) was in receipt of adult disability payment that is no longer payable by virtue of regulation 28 of the DAWAP Regulations; or
 - (ivb) was in receipt of pension age disability payment that is no longer payable by virtue of regulation 20 of the Disability Assistance for Older People (Scotland) Regulations 2024; or
 - (v) was in receipt of an AFIP, but payment has been suspended in accordance with any terms of the armed and reserve

Revised

Additional condition for the disability premium

10. (1) Subject to sub-paragraph (2) and paragraph 8, the additional condition referred to in paragraph 9 is that either-
- (a) the applicant or, as the case may be, his partner-
 - (i) is in receipt of one or more of the following benefits: attendance allowance, pension age disability payment, **Scottish Adult Disability Living Allowance**, disability living allowance, child disability payment, personal independence payment, a adult disability payment an AFIP, 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 (Entitlement and Maximum Rate) Regulations 2002, mobility supplement, long-term incapacity benefit under Part 2 of the SSCBA or severe disablement allowance under Part 3 of that 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 SSCBA when entitlement to that benefit ceased on account of the payment of a retirement pension under that Act, or a state pension under Part 1 of the Pensions Act 2014, and the applicant remained continuously entitled to-
 - (aa) council tax benefit (in relation to the period prior to 1st April 2013, and
 - (bb) a reduction under this scheme (in relation to the period commencing on 1st April 2013), and if the long-term incapacity benefit was payable to his partner, the partner is still a member of the family; or
 - (iii) 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 SSCBA or otherwise abated as a consequence of the applicant or his partner becoming a patient within the meaning of paragraph 58(11)(i) (treatment of child care charges); or
 - (iv) was in receipt of personal independence payment, but payment of that benefit has been suspended in accordance with section 86 of the Welfare Reform Act 2012 as a consequence of the applicant becoming a patient within the meaning of paragraph 58(11)(i) (treatment of child care charges); or
 - (iva) was in receipt of adult disability payment that is no longer payable by virtue of regulation 28 of the DAWAP Regulations; or
 - (ivb) was in receipt of pension age disability payment that is no longer payable by virtue of regulation 20 of the Disability Assistance for Older People (Scotland) Regulations 2024; or
 - (ivc) was in receipt of **Scottish Adult Disability Living Allowance that is no longer payable by virtue of regulation 23 (effect of admission to hospital on ongoing entitlement to Scottish Adult Disability Living Allowance) of the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025; or**
 - (v) was in receipt of an AFIP, but payment has been suspended in accordance with any terms of the armed and reserve

Original

Schedule 2

Part 3 Premiums

5. (1) Subject to sub-paragraph (2), for the purposes of this Part of this Schedule, once a premium is applicable to an applicant under this Part, a person is to 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 applies, any period during which, apart from the provision of those Regulations, he would be in receipt of that benefit;
 - (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 Employment and Training Act 1973, or by Skills Development Scotland, Scottish Enterprise or Highland and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990 or for any period during which he is in receipt of a training allowance and
 - (c) in the case of carer support payment, any period during which, apart from regulation 16 of the Carer's Assistance (Carer Support Payment)(Scotland) Regulations 2023, he would be in receipt of that payment.
- (2) For the purposes of the carer premium under paragraph 9, a person is to be treated as being in receipt of a carer's allowance by virtue of sub-paragraph (1)(a) or carer support payment by virtue of sub-paragraph (1)(c) only if and for so long as the person in respect of whose care the allowance or payment has been claimed remains in receipt of—
- (a) attendance allowance;
 - (aa) pension age disability payment;
 - (b) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA;
 - (c) the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations;
 - (d) the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012;
 - (e) the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the DAWAP Regulations; or
 - (f) an AFIP.

Revised

Part 3 Premiums

5. (1) Subject to sub-paragraph (2), for the purposes of this Part of this Schedule, once a premium is applicable to an applicant under this Part, a person is to 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 applies, any period during which, apart from the provision of those Regulations, he would be in receipt of that benefit;
 - (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 Employment and Training Act 1973, or by Skills Development Scotland, Scottish Enterprise or Highland and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990 or for any period during which he is in receipt of a training allowance and

(c) in the case of carer support payment, any period during which, apart from regulation 16 of the Carer's Assistance (Carer Support Payment)(Scotland) Regulations 2023, he would be in receipt of that payment.

(2) For the purposes of the carer premium under paragraph 9, a person is to be treated as being in receipt of a carer's allowance by virtue of sub-paragraph (1)(a) or carer support payment by virtue of sub-paragraph (1)(c) only if and for so long as the person in respect of whose care the allowance or payment has been claimed remains in receipt of—

(a) attendance allowance;

(aa) pension age disability payment;

(b) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA;

(c) the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations;

(ca) the care component of Scottish Adult Disability Living Allowance at the highest or middle rate in accordance with regulation 6(4) of the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025;

(d) the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012;

(e) the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the DAWAP Regulations; or

(f) an AFIP.

Original

Severe disability premium

6. (1) The condition is that the applicant is a severely disabled person.

(2) For the purposes of sub-paragraph (1), an applicant is to be treated as being a severely disabled person if, and only if-

(a) in the case of a single applicant, a lone parent or an applicant who is treated as having no partner in consequence of sub-paragraph (3) -

(i) he is in receipt of—

(aa) attendance allowance;

(aaa) pension age disability payment;

(bb) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA;

(cc) the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012;

(dd) the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the DAWAP Regulations; or

(ee) an AFIP; 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 under section 70 of the SSCBA or carer support payment or has an award of universal credit which includes the carer element under regulation 29 of the Universal Credit Regulations 2013(a) in respect of caring for him;
- (b) in the case of an applicant who has a partner-
 - (i) the applicant is in receipt of—
 - (aa) attendance allowance;
 - (aaa) pension age disability payment;
 - (bb) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA;
 - (cc) the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012;
 - (dd) the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the DAWAP Regulations; or
 - (ee) an AFIP;
 - (ii) his partner is also in receipt of such an allowance or payment or, if he is a member of a polygamous marriage, each other member of that marriage is in receipt of such an allowance or payment; and
 - (iii) subject to sub-paragraph (6), the applicant has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing, and either a person is entitled to and in receipt of a carer's allowance or carer support payment or has an award of universal credit that includes the carer element 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 or payment or has such an award of universal credit in respect of caring for either member of a couple or any of the members of the marriage.

Revised

Severe disability premium

6. (1) The condition is that the applicant is a severely disabled person.
- (2) For the purposes of sub-paragraph (1), an applicant is to be treated as being a severely disabled person if, and only if-
 - (a) in the case of a single applicant, a lone parent or an applicant who is treated as having no partner in consequence of sub-paragraph (3) -
 - (i) he is in receipt of—
 - (aa) attendance allowance;
 - (aaa) pension age disability payment;
 - (bb) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA;
 - (bba) the care component of Scottish Adult Disability Living Allowance at the highest or middle rate in accordance with regulation 6(4) of the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025;

- (cc) the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012;
 - (dd) the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the DAWAP Regulations; or
 - (ee) an AFIP; 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 under section 70 of the SSCBA or carer support payment or has an award of universal credit which includes the carer element under regulation 29 of the Universal Credit Regulations 2013(a) in respect of caring for him;
- (b) in the case of an applicant who has a partner-
- (i) the applicant is in receipt of—
 - (aa) attendance allowance;
 - (aaa) pension age disability payment;
 - (bb) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA;
 - (bba) the care component of Scottish Adult Disability Living Allowance at the highest or middle rate in accordance with regulation 6(4) of the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025;
 - (cc) the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012;
 - (dd) the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the DAWAP Regulations; or
 - (ee) an AFIP;
 - (ii) his partner is also in receipt of such an allowance or payment or, if he is a member of a polygamous marriage, each other member of that marriage is in receipt of such an allowance or payment; and
 - (iii) subject to sub-paragraph (6), the applicant has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing, and either a person is entitled to and in receipt of a carer's allowance or carer support payment or has an award of universal credit that includes the carer element 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 or payment or has such an award of universal credit in respect of caring for either member of a couple or any of the members of the marriage.

Original

6. Severe disability premium

- (6) For the purposes of sub-paragraph (2)(a)(ii) and (2)(b)(iii) no account is to be taken of-
- (a) a person receiving—
 - (h) attendance allowance;
 - (ia) pension age disability payment;
 - (i) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA;
 - (ii) the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012;
 - (iii) the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the DAWAP Regulations; or
 - (iv) an AFIP; or
 - (b) a person who is blind or is treated as blind within the meaning of sub-paragraphs (4) and (5).

Revised

6. Severe disability premium

- (6) For the purposes of sub-paragraph (2)(a)(ii) and (2)(b)(iii) no account is to be taken of-
- (a) a person receiving—
 - (i) attendance allowance;
 - (ia) pension age disability payment;
 - (i) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA;
 - (iia) the care component of Scottish Adult Disability Living Allowance at the highest or middle rate in accordance with regulation 6(4) of the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025;
 - (ii) the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012;
 - (iii) the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the DAWAP Regulations; or
 - (iv) an AFIP; or
 - (c) a person who is blind or is treated as blind within the meaning of sub-paragraphs (4) and (5).

Original

6. Severe disability premium

- (7) 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 of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, if he would, but for his being a patient for a period exceeding 28 days, be so in receipt;
 - (b) as being in receipt of the daily living component of personal independence payment paid at the rate prescribed in accordance

- with Part 4 of the Welfare Reform Act 2012 if he would, but for his being a patient for a period exceeding 28 days, be so in receipt, notwithstanding section 86 of that Act and regulations made thereunder;
- (ba) as being in receipt of the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the DAWAP Regulations, if they would, but for payment ceasing by virtue of regulation 28(effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of those Regulations, be so in receipt;
 - (c) as being in receipt of an AFIP if he would be so in receipt but for a suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution;
 - (d) as being entitled to and in receipt of a carer's allowance or carer support payment or having an award of universal credit which includes the carer element 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 or have such an award of universal credit.
 - (e) as being in receipt of pension age disability payment if he would, but for payment ceasing by virtue of regulation 20 of the Disability Assistance for Older People (Scotland) Regulations 2024, be so in receipt

Revised

- (7) 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 of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, if he would, but for his being a patient for a period exceeding 28 days, be so in receipt;
 - (b) as being in receipt of the daily living component of personal independence payment paid at the rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012 if he would, but for his being a patient for a period exceeding 28 days, be so in receipt, notwithstanding section 86 of that Act and regulations made thereunder;
 - (ba) as being in receipt of the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the DAWAP Regulations, if they would, but for payment ceasing by virtue of regulation 28(effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of those Regulations, be so in receipt;
 - (c) as being in receipt of an AFIP if he would be so in receipt but for a suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution;
 - (d) as being entitled to and in receipt of a carer's allowance or carer support payment or having an award of universal credit which includes the carer element 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 or have such an award of universal credit.
 - (e) as being in receipt of pension age disability payment if he would, but for payment ceasing by virtue of regulation 20 of the Disability Assistance for Older People (Scotland) Regulations 2024, be so in receipt

(f) as being in receipt of the care component of Scottish Adult Disability Living Allowance at the highest or middle rate in accordance with regulation 6(4) of the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025, if that person would, but for regulation 23 (effect of admission to hospital on ongoing entitlement to Scottish Adult Disability Living Allowance) of those Regulations, be so in receipt.

Original

Enhanced disability premium

7. (1) The condition is that-
- (a) 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 SSCBA or but for an abatement as a consequence of hospitalisation, be payable at the highest rate prescribed under section 73(2) of that Act;
 - (aa) the care component of child disability payment is payable at the highest rate in accordance with regulation 11(5) of the DACYP Regulations;
 - (ab) the daily living component of adult disability payment is payable, or has ceased to be payable by virtue of regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the DAWAP Regulations, at the enhanced rate in accordance with regulation 5 of those Regulations;
 - (b) (as the case may be) the daily living component of personal independence payment is, or would, but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012, be payable at the enhanced rate prescribed in accordance with section 78(2) of that Act, in respect of a child or young person who is a member of the applicant's family or
 - (c) an AFIP is payable,
- (2) 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 applicant or partner is entitled to child benefit in respect of that person under section 145A of the SSCBA (entitlement after death of child or qualifying young person).

Revised

Enhanced disability premium

7. (1) The condition is that-
- (a) 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 SSCBA or but for an abatement as a consequence of hospitalisation, be payable at the highest rate prescribed under section 73(2) of that Act;
 - (aa) the care component of child disability payment is payable at the highest rate in accordance with regulation 11(5) of the DACYP Regulations;
 - (aza) the care component of Scottish Adult Disability Living Allowance is payable, or has ceased to be payable by virtue of regulation 23 (effect of admission to hospital on ongoing entitlement to Scottish Adult Disability Living Allowance) of the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025, at the highest rate in accordance with regulation 6(4) of those Regulations; (ab) the daily living component of adult disability payment is payable, or has ceased to be payable by virtue of regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the

DAWAP Regulations, at the enhanced rate in accordance with regulation 5 of those Regulations;

- (b) (as the case may be) the daily living component of personal independence payment is, or would, but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012, be payable at the enhanced rate prescribed in accordance with section 78(2) of that Act, in respect of a child or young person who is a member of the applicant's family or
 - (c) an AFIP is payable,
- (2) 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 applicant or partner is entitled to child benefit in respect of that person under section 145A of the SSCBA (entitlement after death of child or qualifying young person).

Original

Disabled child premium

8. The condition is that a child or young person for whom the applicant or a partner of his is responsible and who is a member of the applicant's household-
- (a) is in receipt of disability living allowance, personal independence payment or is no longer in receipt of such allowance or payment because he is a patient, provided that the child or young person continues to be a member of the family; or
 - (aa) is in receipt of child disability payment; or
 - (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 young person in respect of whom section 145A of the SSCBA (entitlement 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 applicant's applicable amount immediately before the death of that child or young person, or ceased to be included in the applicant's applicable amount because of that child or young person's death.
 - (d) is a young person who is in receipt of adult disability payment or who would, but for payment ceasing by virtue of regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the DAWAP Regulations be so in receipt, provided that the young person continues to be a member of the family; or
 - (e) is a young person who is in receipt of an AFIP.

Revised

Disabled child premium

8. The condition is that a child or young person for whom the applicant or a partner of his is responsible and who is a member of the applicant's household-
- (a) is in receipt of disability living allowance, personal independence payment or is no longer in receipt of such allowance or payment because he is a patient, provided that the child or young person continues to be a member of the family; or
 - (aa) is in receipt of child disability payment; or

(ab) is a young person who is in receipt of Scottish Adult Disability Living Allowance or who would, but for payment ceasing by virtue of regulation 23 (effect of admission to hospital on ongoing entitlement to Scottish Adult Disability Living Allowance) of the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025 be so in receipt, provided that the young person continues to be a member of the family; or

- (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 young person in respect of whom section 145A of the SSCBA (entitlement 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 applicant's applicable amount immediately before the death of that child or young person, or ceased to be included in the applicant's applicable amount because of that child or young person's death.
- (d) is a young person who is in receipt of adult disability payment or who would, but for payment ceasing by virtue of regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the DAWAP Regulations be so in receipt, provided that the young person continues to be a member of the family; or
- (e) is a young person who is in receipt of an AFIP.

Original

Statutory Instrument says Schedule 4 but its our Schedule 5

SCHEDULE 5

Sums disregarded from applicant's earnings: pensioners

5. (1) £20 is disregarded if the applicant or, if he has a partner, his partner-
- (a) is in receipt of-
 - (i) long-term incapacity benefit under section 30A of the SSCBA;
 - (ii) severe disablement allowance under section 68 of that Act;
 - (iii) attendance allowance under sections 64 of that Act;
 - (iiia) pension age disability payment;
 - (iiib) adult disability payment;
 - (iv) disability living allowance;
 - (v) personal independence payment;
 - (vi) an AFIP;
 - (vii) any mobility supplement under article 20 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983;
 - (viii) the disability element or the severe disability element of working tax credit under Schedule 2 to the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002; or
 - (ix) main phase employment and support allowance; or

Revised

5. (1) £20 is disregarded if the applicant or, if he has a partner, his partner- (a) is in receipt of-
- (i) long-term incapacity benefit under section 30A of the SSCBA;
 - (ii) severe disablement allowance under section 68 of that Act;
 - (iii) attendance allowance under sections 64 of that Act;
 - (iiia) pension age disability payment;
 - (iiib) adult disability payment;
 - (iv) disability living allowance;
 - (iva) Scottish Adult Disability Living Allowance;**
 - (v) personal independence payment;
 - (vi) an AFIP;
 - (vii) any mobility supplement under article 20 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983;
 - (viii) the disability element or the severe disability element of working tax credit under Schedule 2 to the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002; or
 - (ix) main phase employment and support allowance; or

Original

Schedule 9 (Statutory Instrument says Schedule 6)

16. (1) Any payment made under or by-
- (a) the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the Infected Blood Interim Compensation Scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund, the Windrush Compensation Scheme, the National Emergencies Trust; the Victims of Overseas Terrorism Compensation Scheme; or the London Bombings Relief Charitable Fund (collectively referred to in this paragraph as “the Trusts”); or
 - (b) the Independent Living Fund (2006).
- (1A) Any Grenfell Tower support payment.
 - (1B) Any payment made by the Child Migrants Trust (registered charity number 1171479) under the scheme for former British child migrants.
 - (1C) Any historical child abuse payment.
 - (1D) Any Windrush payment.
 - (1E) Any Post Office compensation payment.
 - (1F) Any vaccine damage payment.
 - (1G) Any payment out of the estate of a person, which derives from a payment to meet the recommendation of the Infected Blood Inquiry in its interim report published on 29th July 2022 made under or by the Scottish Infected Blood Support Scheme or an approved blood support scheme to the estate of the person, where the payment is made to the person’s son, daughter, step-son or step-daughter.
 - (1H) Any payment out of the estate of a person, which derives from a payment made under or by the Scottish Infected Blood Support Scheme or an approved blood scheme to the estate of the person as a result of that person having been infected from contaminated blood products.”.
- (2) Any payment by or on behalf of a person who is suffering or who suffered from

haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts or from a Grenfell Tower support payment, a historical child abuse payment, a Windrush payment, a Post Office compensation payment or a vaccine damage payment and which is made to or for the benefit of that person's partner or former partner-

- (a) from whom he is not, or where that person has died was not, estranged or divorced, or
 - (b) with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death.
- (3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person which derives from a payment made under or by any of the Trusts or from a Grenfell Tower support payment, a historical child abuse payment, a Windrush payment, a Post Office compensation payment or a vaccine damage payment and which is made to or for the benefit of the person who is suffering from haemophilia or who is a qualifying person.
- (4) Sub-paragraph (3) does not apply if-
- (a) the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced, or
 - (b) where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death.
- (5) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts or from a Grenfell Tower support payment, a historical child abuse payment, a Windrush payment, a Post Office compensation payment or a vaccine damage payment, where-
- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child who is or had been a member of that person's household; and
 - (b) the payment is made either—
 - (i) to that person's parent or step-parent; or
 - (ii) where that person at the date of the payment is a child or a student who has not completed his full-time education and has no parent or step-parent, to any person standing in the place of his parent, but only for a period from the date of the payment until the end of two years from that person's death.
- (6) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts or from a Grenfell Tower support payment, where-
- (a) that person at the date of his death ("the relevant date") had no partner or former partner from whom he was not estranged or divorced or with whom he had formed a civil partnership that had not been dissolved, nor any child who was or had been a member of his household; and
 - (b) the payment is made either—
 - (i) to that person's parent or step-parent; or
 - (ii) where that person at the relevant date was a child or a student who had not completed his full-time education and had no parent or step-parent, to any person standing in place of his parent, but only for a period of two years from the relevant date.
- (7) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any capital resource which derives from—
- (a) any payment of income or capital made under or deriving from any of the

Trusts; or

(b) a Grenfell Tower support payment, a historical child abuse payment, a Windrush payment, a Post Office compensation payment or a vaccine damage payment

Revised

16.(1) Any payment made under or by-

(a) the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the Infected Blood Interim Compensation Scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund, the Windrush Compensation Scheme, the National Emergencies Trust; the Victims of Overseas Terrorism Compensation Scheme; or the London Bombings Relief Charitable Fund (collectively referred to in this paragraph as "the Trusts"); or

(b) the Independent Living Fund (2006).

(1A) Any Grenfell Tower support payment.

(1B) Any payment made by the Child Migrants Trust (registered charity number 1171479) under the scheme for former British child migrants.

(1C) Any historical child abuse payment.

(1D) Any Windrush payment.

(1E) Any Post Office compensation payment.

(1F) Any vaccine damage payment.

(1G) Any payment out of the estate of a person, which derives from a payment to meet the recommendation of the Infected Blood Inquiry in its interim report published on 29th July 2022 made under or by the Scottish Infected Blood Support Scheme or an approved blood support scheme to the estate of the person, where the payment is made to the person's son, daughter, step-son or step-daughter.

(1H) Any payment out of the estate of a person, which derives from a payment made under or by the Scottish Infected Blood Support Scheme or an approved blood scheme to the estate of the person as a result of that person having been infected from contaminated blood products.

(1I) Any LGBT Financial Recognition Scheme payment.

(1J) Any miscarriage of justice compensation payment.

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts or from a Grenfell Tower support payment, a historical child abuse payment, a Windrush payment, a Post Office compensation payment, a vaccine damage payment, an LGBT Financial Recognition Scheme payment or a miscarriage of justice compensation payment and which is made to or for the benefit of that person's partner or former partner-

a. from whom he is not, or where that person has died was not, estranged or divorced, or

b. with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person

which derives from a payment made under or by any of the Trusts or from a Grenfell Tower support payment, a historical child abuse payment, a Windrush payment, a Post Office compensation payment, a vaccine damage payment, an LGBT Financial Recognition Scheme payment or a miscarriage of justice compensation payment and which is made to or for the benefit of the person who is suffering from haemophilia or who is a qualifying person.

- (4) Sub-paragraph (3) does not apply if-
- a. the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced, or
 - b. where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death.
- (5) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts or from a Grenfell Tower support payment, a historical child abuse payment, a Windrush payment, a Post Office compensation payment, a vaccine damage payment, an LGBT Financial Recognition Scheme payment or a miscarriage of justice compensation payment, where-
- a. that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child who is or had been a member of that person's household; and
 - (b) the payment is made either—
 - (i) to that person's parent or step-parent; or
 - (ii) where that person at the date of the payment is a child or a student who has not completed his full-time education and has no parent or step-parent, to any person standing in the place of his parent, but only for a period from the date of the payment until the end of two years from that person's death.
- (6) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts or from a Grenfell Tower support payment, a historical child abuse payment, a Windrush payment, a Post Office compensation payment, a vaccine damage payment, an LGBT Financial Recognition Scheme payment or a miscarriage of justice compensation payment, where—
- (a) that person at the date of his death (“the relevant date”) had no partner or former partner from whom he was not estranged or divorced or with whom he had formed a civil partnership that had not been dissolved, nor any child who was or had been a member of his household; and
 - (b) the payment is made either—
 - (i) to that person's parent or step-parent; or
 - (ii) where that person at the relevant date was a child or a student who had not completed his full-time education and had no parent or step-parent, to any person standing in place of his parent, but only for a period of two years from the relevant date.
- (7) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any capital resource which derives from—
- (a) any payment of income or capital made under or deriving from any of the Trusts; or
 - (b) a Grenfell Tower support payment, a historical child abuse payment, a Windrush payment, a Post Office compensation payment, a vaccine damage payment, an LGBT Financial Recognition Scheme payment or a miscarriage of justice compensation payment.