

SCHEDULE 5

Article 12

Amendment of the Housing Benefit Regulations 2006

**Amendment of the Housing Benefit Regulations 2006: general**

1. The Housing Benefit Regulations 2006 are amended as follows.

**Amendment of regulation 2 (interpretation)**

2. In regulation 2(1)—
  - (a) after the definition of “child”, insert—

““child disability payment” has the meaning given in regulation 2 of the DACYP Regulations;”;
  - (b) in the definition of “child who cannot share a bedroom”, for paragraph (a) substitute—

“(a) who is entitled to—
    - (i) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act; or
    - (ii) the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations; and”;
  - (c) after the definition of “Crown tenant”, insert—

““the DACYP Regulations” means the Disability Assistance for Children and Young People (Scotland) Regulations 2021;”;
  - (d) in the definition of “member of a couple who cannot share a bedroom”, after paragraph (a) (ii), insert—

“(iia) the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations;”;
  - (e) in the definition of “person who requires overnight care”, in paragraph (a)—
    - (i) after sub-paragraph (ii), insert—

“(iiza) is in receipt of the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations;”;
    - (ii) in sub-paragraph (iii), after “(ii)” insert “, (iiza)”.

**Amendment of regulation 28 (treatment of child care charges)**

3. In regulation 28—
  - (a) in paragraph (11)(d), after paragraph (iv), insert—

“(iva) child disability payment;”;
  - (b) in paragraph (13), after sub-paragraph (a), insert—

“(aa) in respect of whom child disability payment is payable;”.

**Amendment of regulation 74 (non-dependant deductions)**

4. In regulation 74—
  - (a) In paragraph (6)(b), after paragraph (ii), insert—

“(iia) the care component of child disability payment;”;

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

(b) in paragraph (9)(a), after “disability living allowance” insert “, child disability payment”.

**Amendment of regulation 75F (exception to the benefit cap: receipt of specified benefits)**

5. In regulation 75F(1), after sub-paragraph (e), insert—

“(eza) the claimant, the claimant’s partner or a child or young person for whom the claimant or the claimant’s partner is responsible, is receiving child disability payment;”.

**Amendment of Part 3 of Schedule 3 (applicable amounts: premiums)**

6.—(1) Part 3 of Schedule 3 is amended as follows.

(2) In paragraph 7(2), after “the Act”, insert “, the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations”.

(3) In paragraph 13(1)(a)(i), after “disability living allowance”, insert “, child disability payment”.

(4) In paragraph 14—

(a) in sub-paragraph (2)—

(i) in paragraph (a)(i), after “the Act”, insert “, the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations”;

(ii) in paragraph (b)(i), after “the Act”, insert “, the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations”;

(b) in sub-paragraph (4)(a), after “the Act”, insert “, the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations”.

(5) In paragraph 15(1), after paragraph (b), insert—

“(ba) the care component of child disability payment is payable at the highest rate in accordance with regulation 11(5) of the DACYP Regulations in respect of—

(i) the claimant; or

(ii) a member of the claimant’s family; or”.

(6) In paragraph 16, after sub-paragraph (a), insert—

“(aa) is in receipt of child disability payment; or”.