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STATUTORY INSTRUMENTS

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**2022 No. 177**

**The Social Security (Disability Assistance for Working Age People) (Consequential Amendments) Order 2022**

**PART 3**

Amendment of legislation applying in relation to Northern Ireland

**Amendment of the Income Support (General) Regulations (Northern Ireland) 1987**

**18.**—(1) The Income Support (General) Regulations (Northern Ireland) 1987<sup>(1)</sup> are amended as follows.

(2) In regulation 2(1) (interpretation), after the definition of “adoption leave” insert—  
““adult disability payment” has the meaning given in regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022;”.

(3) In regulation 4(2)(c)(v)(aa) (temporary absence from Northern Ireland)—

- (a) for “or” after “those Regulations)” substitute “;”;
- (b) after “personal independence payment” insert “or the enhanced rate of the daily living component of adult disability payment”.

(4) In paragraph 4(a) (persons caring for another person) of Schedule 1B (prescribed categories of person)—

(a) in head (i)—

- (i) for “, or” after “those Regulations)” substitute “;”;
- (ii) after “2015 Order” insert “or 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”;

(b) in head (iii)—

- (i) for “or” after “child disability payment” substitute “;”;
- (ii) after “personal independence payment” insert “or adult disability payment”;

(c) after head (iv) insert—

“(v) the person being cared for has claimed entitlement to the daily living component of adult disability payment in accordance with regulation 35 (when an application is to be treated as made and beginning of entitlement to assistance) of the Disability Assistance for Working Age People (Scotland) Regulations 2022, an award at the standard or enhanced rate has been made in respect of that claim and, where the period for which the award is payable has begun, that person is in receipt of the payment;”;

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<sup>(1)</sup> S.R. 1987 No. 459, as amended by S.R. 1988 No. 146, S.R. 1990 No. 346, S.R. 1992 No. 6, S.R. 1993 No. 165, S.R. 1994 No. 327, S.R. 1995 No. 67, S.R. 2002 Nos. 132, 323 and 363, S.R. 2003 No. 195, S.R. 2008 No. 498, S.I. 2013/3021, S.R. 2016 No. 228, S.R. 2017 No. 242 and S.I. 2021/786. There are other amendments not relevant to this instrument.

- (5) In paragraph 7A of Schedule 1B (certain persons in receipt of the daily living component of personal independence payment)—
- (a) in the heading, after “personal independence payment” insert “or adult disability payment”;
  - (b) after “at the enhanced rate” insert “or the daily living component of adult disability payment at the enhanced rate”.
- (6) In Schedule 2 (applicable amounts)—
- (a) in paragraph 7(2) after “the principal Act” insert “, 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”;
  - (b) in paragraph 12 (additional condition for the higher pensioner and disability premiums)—
    - (i) in sub-paragraph (1)(a)(i), after “personal independence payment,” insert “adult disability payment,”;
    - (ii) in sub-paragraph (1)(d), for “or personal independence payment” substitute “, personal independence payment or adult disability payment”;
  - (c) in paragraph 13 (severe disability premium)—
    - (i) in sub-paragraph (2)(a)(i), after “principal Act” insert “, 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”;
    - (ii) in sub-paragraph (2)(b)(i), after “principal Act” insert “, 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”;
    - (iii) in sub-paragraph (3)(a), after “principal Act” insert “, 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”;
    - (iv) after sub-paragraph (3A)(c) insert—
      - “,
      - (d) 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 Disability for Working Age People (Scotland) Regulations 2022, if they would, but for regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of those Regulations, be so in receipt”;
  - (d) in paragraph 13A(1ZA) (enhanced disability premium)—
    - (i) at the end of head (ba) omit “or”;
    - (ii) after head (c) insert—
      - “or
      - (d) 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 for Working Age People (Scotland) Regulations 2022, be payable to that person at the enhanced rate in accordance with regulation 5 of those Regulations”.
  - (e) in paragraph 14(1) (disabled child premium)—

- (i) at the end of head (b) omit “or”;
  - (ii) after head (c) insert—
    - “or
    - (d) a young person who is in receipt of adult disability payment or who 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 provided that the young person continues to be a member of the family; or”;
  - (f) in paragraph 14(2), after “(b)” insert “, (d)”.
- (7) In Schedule 3 (housing costs)—
- (a) in paragraph 18(6)(b) (non-dependant deductions)—
    - (i) at the end of sub-head (ii) omit “or”;
    - (ii) at the end of sub-head (iia) omit “or”;
    - (iii) at the end of sub-head (iii) insert “, or”;
    - (iv) after sub-head (iii) insert—
      - “(iv) the daily living component of adult disability payment”;
  - (b) in paragraph 18(8)(a), after “child disability payment” insert “, adult disability payment”.
- (8) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings)—
- (a) in paragraph 6, after “disability living allowance” insert “, the mobility component of adult disability payment”;
  - (b) in paragraph 9, after “disability living allowance” insert “, the daily living component of adult disability payment”.

### **Amendment of the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992**

**19.**—(1) The Social Security (Disability Living Allowance) Regulations Northern Ireland) 1992(2) are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation), after “care component” insert—

““child disability payment” has the meaning given in regulation 2 of the Disability Assistance for Children and Young People (Scotland) Regulations 2021;”;

(3) In regulation 6(1) (qualifying period for care component after an interval), after the first reference to “care component” insert “of Disability Living allowance or the care component of the child disability payment,”.

(4) In regulation 11 (qualifying period for mobility component after an interval), after the first reference to “mobility component” insert “of Disability Living allowance or the mobility component of the child disability payment,”.

### **Amendment of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996**

**20.**—(1) The Jobseeker’s Allowance Regulations (Northern Ireland) 1996(3) are amended as follows.

(2) In regulation 1(2) (citation, commencement, interpretation and application), after the definition of “adoption leave” insert—

““adult disability payment” has the meaning given in regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022;”.

(3) In regulation 51(3)(c) (remunerative work)—

(a) in head (i)—

(i) after “DACYP Regulations” omit “or”;

(ii) after “enhanced rate” insert “, or the daily living component of adult disability payment at the standard or enhanced rate”;

(b) in head (ii)—

(i) omit “or” after “child disability payment;”;

(ii) after “personal independence payment” insert “or adult disability payment”;

(c) after head (v) insert—

“(va) a person who has claimed adult disability payment and has an award of the daily living component at the standard or enhanced rate under regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022 for a period commencing after the date on which that claim was made.”.

(4) In regulation 140(1)(h) (meaning of “person in hardship”)—

(a) in head (i)—

(i) after “DACYP Regulations” for “or” substitute “, ”;

(ii) after “the 2015 Order” insert “, or 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”;

(b) in head (ii)—

(i) after “child disability payment” for “or” substitute “, ”;

(ii) after “personal independence payment” insert “or adult disability payment”;

(c) omit the “or” following head (iiia);

(d) after head (iv) insert—

“or

(iva) has claimed adult disability payment and has an award of the daily living component at the standard or enhanced rate under regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022 for a period commencing after the date on which that claim was made;”.

(5) In regulation 146A(1)(e) (meaning of “couple in hardship”)—

(a) in head (i)—

(i) for “or” after “DACYP Regulations” substitute “, ”;

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(3) S.R. 1996 No. 198, as amended by S.R. 1996 No. 356, S.R. 2002 Nos. 132 and 363, S.R. 2008 No. 498, S.I. 2013/3021, S.R. 2016 No. 228 and S.I. 2021/786. There are other amendments not relevant to this instrument.

- (ii) after “the 2015 Order” insert “, or 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”;
  - (b) in head (ii)—
    - (i) for “or” after “child disability payment” substitute “, ”;
    - (ii) for “personal independence payment,” substitute “personal independence payment or adult disability payment”;
  - (c) omit the “or” following head (iiia);
  - (d) after head (iv) insert—
    - “or
    - (iva) has claimed adult disability payment and has an award of the daily living component at the standard or enhanced rate under regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022 for a period commencing after the date on which that claim was made,”.
- (6) In Schedule A1 (categories of members of a joint-claim couple who are not required to satisfy the conditions in Article 3(2B)(b) of the Order)—
- (a) in paragraph 3(a)(i) (member caring for another person)—
    - (i) for “or” after “DACYP Regulations” substitute “, ”;
    - (ii) after “the 2015 Order” insert “or 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”;
  - (b) in paragraph 3(a)(iv)—
    - (i) for “or” after “child disability payment” substitute “, ”;
    - (ii) after “personal independence payment” insert “or adult disability payment”.
  - (c) after paragraph 3(a)(vi) insert—
    - “(via) the person being cared for has claimed entitlement to the daily living component of adult disability payment in accordance with regulation 35 (when an application is to be treated as made and beginning of entitlement to assistance) of the Disability Assistance for Working Age People (Scotland) Regulations 2022, an award at the standard or enhanced rate has been made in respect of that claim and, where the period for which the award is payable has begun, that person is in receipt of the payment;”.
- (7) In Schedule 1 (applicable amounts)—
- (a) in paragraph 8(2), after “the 2015 Order” insert “, or 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”;
  - (b) after paragraph 14(1)(ca) insert—
    - “(caa) the claimant or, as the case may be, the claimant’s partner, is in receipt of adult disability payment or is a person whose adult disability payment is payable, in whole or in part, to another in accordance with regulation 34 of the Disability Assistance for Working Age People (Scotland) Regulations 2022 (making payments);”;
  - (c) after paragraph 14(1)(fa) insert—
    - “(fb) the claimant or, as the case may be, the claimant’s partner, is a person who is entitled to the mobility component of adult disability payment but to

- whom the component is not payable in accordance with regulation 6 of the Disability Assistance for Working Age People (Scotland) Regulations 2022 (mobility component);”;
- (d) at the end of paragraph 14(1)(g)(ii) omit “or”;
- (e) after paragraph 14(1)(g)(iii) insert—
- “or
- (iv) entitled to adult disability payment but no amount is payable in accordance with 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;”;
- (f) for “in either case” in the words following new paragraph 14(1)(g)(iv), as inserted by sub-paragraph (e) above, substitute “in any of the cases described in any of sub-heads (i) to (iv)”;
- (g) in paragraph 15(1)(a) (severe disability premium)—
- (i) after “Benefits Act” for “or” substitute “;”;
- (ii) after “the 2015 Order” insert “, or 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”;
- (h) in paragraph 15(2)(a)—
- (i) after (the “qualifying benefit”) for “or” substitute “;”;
- (ii) after “the 2015 Order” insert “, or 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 (the “qualifying benefit”)”;
- (i) in paragraph 15(4)(a)—
- (i) after “Benefits Act” for “or” substitute “;”;
- (ii) after “the 2015 Order” insert “, or 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”;
- (j) after paragraph 15(5)(aa) insert—
- “(ab) 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 Disability Assistance for Working Age People (Scotland) Regulations 2022 if they would, but for regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of those Regulations be in so in receipt;”;
- (k) in paragraph 15A(1ZA) (enhanced disability premium)—
- (i) at the end of head (b) omit “or”;
- (ii) after head (b) insert—
- “(ba) 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 to that person at the enhanced rate in accordance with regulation 5 of those Regulations; or”;
- (l) after paragraph 16(1)(aa) (child disability premium) insert—

- “(ab) a young person who is in receipt of adult disability payment, or who 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, provided that the young person continues to be a member of the family;”;
- (m) in paragraph 16(2) after “(aa)” insert “, (ab)”;
- (n) in paragraph 20D(2), after “the DACYP Regulations” insert “, 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”;
- (o) after paragraph 20H(1)(ca) (additional conditions for higher pensioner and disability premiums) insert—
- “(caa) is in receipt of adult disability payment or is a person whose adult disability payment is payable, in whole or in part, to another in accordance with regulation 33 of the Disability Assistance for Working Age People (Scotland) Regulations 2022 (making payments);”;
- (p) after paragraph 20H(1)(ga) insert—
- “(gb) is a person who is entitled to the mobility component of adult disability payment but to whom the component is not payable in accordance with regulation 34(6) of the Disability Assistance for Working Age People (Scotland) Regulations 2022 (amount and form of adult disability payment);”;
- (q) in paragraph 20H(1)(h)—
- (i) after head (ii) omit “or”;
- (ii) after head (iii) insert—
- “or
- (iv) entitled to adult disability payment but no amount is payable in accordance with 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”;
- (iii) in the words following new sub-head (iv) for “in either case” substitute “in any of the cases described in paragraphs (i) to (iv)”;
- (r) in paragraph 20I(1)(a) (severe disability premium)—
- (i) after “(the “qualifying benefit”)” for “or” substitute “, ”;
- (ii) after “carer element” for “or” substitute “, ”;
- (iii) after “the 2015 Order” insert “, or 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 (the “qualifying benefit”)”;
- (s) in paragraph 20I(3)(a)—
- (i) after “Benefits Act” for “or” substitute “, ”;
- (ii) after “the 2015 Order” insert “, or 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”;
- (t) after paragraph 20I(4)(c) insert—
- “(d) 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 Disability

- for Working Age People (Scotland) Regulations 2022, if they would, but for regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of those Regulations, be so in receipt.”;
- (u) in paragraph 20IA(1)(b), after “Article 83(2) of the 2015 Order” insert “, 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 for Working Age People (Scotland) Regulations 2022, be payable under those Regulations.”.
- (8) In Schedule 2 (housing costs)—
- (a) in paragraph 17(6)(b) (non-dependant deductions), after sub-head (iii) add—
- “or
- (iii) the daily living component of adult disability payment.”;
- (b) in paragraph 17(8)(a) after “child disability payment” insert “, adult disability payment”.
- (9) In Schedule 6 (sums to be disregarded in the calculation of income other than earnings)—
- (a) In paragraph 7—
- (i) for “or” substitute “,”;
- (ii) after “personal independence payment” insert “or the mobility component of adult disability payment”;
- (b) in paragraph 10—
- (i) for “or” substitute “,”;
- (ii) after “personal independence payment” insert “or the daily living component of adult disability payment”.

### **Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999**

**21.**—(1) The Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999<sup>(4)</sup> are amended as follows.

- (2) In regulation 1(2) (interpretation)—
- (a) omit the definition of “child disability payment”;
- (b) after the definition of “relevant person” insert—
- ““Scottish disability benefit” means, as the context requires, either of the following benefits—
- (a) adult disability payment within the meaning given in regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022 in circumstances where regulation 53(1) of those Regulations applies;
- (b) child disability payment within the meaning given in regulation 2 of the Disability Assistance for Children and Young People (Scotland) Regulations 2021 in circumstances where regulation 36(1) of those Regulations applies.”.
- (3) In regulation 3(7)(b) (revision of decisions), for each occurrence of “child disability payment”, substitute “Scottish disability benefit”.
- (4) In regulation 6(2)(e)(ii) (supersession of decisions), for each occurrence of “child disability payment”, substitute “Scottish disability benefit”.

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(4) [S.R. 1999 No. 162](#); relevant amending Regulations are [S.R. 2000 No. 215](#), [S.R. 2002 No. 67](#), [S.R. 2005 No. 46](#) and [S.R. 2006 No. 168](#).



(5) In regulation 7(7)(a) (date from which a decision superseded under Article 11 takes effect), for each occurrence of “child disability payment”, substitute “Scottish disability benefit”.

### **Amendment of the Housing Benefit (Decisions and Appeals) Regulations (Northern Ireland) 2001**

**22.**—(1) The Housing Benefit (Decisions and Appeals) Regulations (Northern Ireland) 2001<sup>(5)</sup> are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation)—

- (a) omit the definition of “child disability payment”;
- (b) after the definition of “relevant decision” insert—

““Scottish disability benefit” means, as the context requires, either of the following benefits—

- (a) adult disability payment within the meaning given in regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022; and
- (b) child disability payment within the meaning given in regulation 2 of the Disability Assistance for Children and Young People (Scotland) Regulations 2021;”.

(3) In regulation 4(6B)(b) (revision of decisions), for each occurrence of “child disability payment” substitute “Scottish disability benefit”.

(4) In regulation 7(2)(h)(ii) (decisions superseding earlier decisions), for each occurrence of “child disability payment” substitute “Scottish disability benefit”.

(5) In regulation 8(12) (date from which a decision superseding an earlier decision takes effect), for each occurrence of “child disability payment” substitute “Scottish disability benefit”.

### **Amendment of the State Pension Credit Regulations (Northern Ireland) 2003**

**23.**—(1) The State Pension Credit Regulations (Northern Ireland) 2003<sup>(6)</sup> are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation), after “adoption leave” insert—

““adult disability payment” has the meaning given in regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022;”.

(3) In Schedule 1 (circumstances in which persons are treated as being or not being severely disabled)—

(a) in paragraph 1(1)(a)(i) (severe disablement)—

- (i) for “or” after “Benefits Act” substitute “;”;
- (ii) after “the 2015 Order” insert “or the daily living component of the 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”;

(b) in paragraph 1(1)(b)(i)—

- (i) for “or” after “Benefits Act” substitute “;”;

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<sup>(5)</sup> S.R. 2001 No. 213 relevant amending Regulations are S.R. 2003 No. 418 and S.I. 2021/786.

<sup>(6)</sup> S.R. 2003 No. 28, as amended by S.R. 2003 No. 421, S.R. 2008 No. 286, S.I. 2013/3021, S.R. 2014 No. 275, S.R. 2016 No. 228, S.R. 2018 No. 135 and S.I. 2021/786. There are other amendments not relevant to this instrument.

- (ii) after “the 2015 Order” insert “or the daily living component of the 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”;
- (c) in paragraph 1(1)(c)(i)—
  - (i) for “or” after “Benefits Act” substitute “,”;
  - (ii) after “the 2015 Order” insert “or the daily living component of the 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”;
- (d) in paragraph 1(2)(a)—
  - (i) for “or” after “Benefits Act” substitute “,”;
  - (ii) after “the 2015 Order” insert “or the daily living component of the 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”;
- (e) after paragraph 1(2)(ba) insert—
  - “(bb) for the purposes of sub-paragraph (1)(b) 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 Disability for Working Age People (Scotland) Regulations 2022, if they would, but for regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of those Regulations, be so in receipt.”;
- (f) in paragraph 2(2)(a)—
  - (i) for “or” after “Benefits Act” substitute “,”;
  - (ii) after “the 2015 Order” insert “or the daily living component of the 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”.
- (4) In Schedule 2 (housing costs)—
  - (a) in paragraph 14(6)(b) (persons residing with the claimant)—
    - (i) omit “or” following sub-head (ii);
    - (ii) after sub-head (ii) insert—
      - “(iia) the daily living component of adult disability payment; or”;
  - (b) for paragraph 14(8)(a) substitute—
    - “(a) any armed forces independence payment, attendance allowance, disability living allowance, personal independence payment or adult disability payment received by him.”.
- (5) In Schedule 2A (additional amount applicable for claimants responsible for a child or qualifying young person)—
  - (a) in paragraph 9(2) (amount of additional payment) after “Regulations 2021” insert “, adult disability payment”;
  - (b) in paragraph 9(3)(a) after “disability living allowance at the highest rate” insert “, the daily living component of adult disability payment at the enhanced rate”.
- (6) In Schedule 3 (special groups)—
  - (a) in paragraph 1(9) (polygamous marriages)—
    - (i) for “or” after “Benefits Act” substitute “,”;

(ii) after “the 2015 Order” insert “or the daily living component of the 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”.

(7) In Schedule 6 (sums disregarded from claimant’s earnings), after paragraph 4(1)(a)(vii) insert—

“(viii) adult disability payment,”.

### **Amendment of the Housing Benefit Regulations (Northern Ireland) 2006**

**24.**—(1) The Housing Benefit Regulations (Northern Ireland) 2006(7) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) after the definition of “adoption leave”, insert—

““adult disability payment” has the meaning given in regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022;”;

(b) in the definition of “member of a couple who cannot share a bedroom”—

(i) at the end of paragraph (a)(iii) omit “or”;

(ii) after paragraph (a)(iii) insert—

“(iia) 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”;

(c) in the definition of “person who requires overnight care”—

(i) at the end of paragraph (a)(ia) omit “or”;

(ii) after paragraph (a)(ia) insert—

“(iib) is in receipt of 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”;

(iii) for paragraph (a)(iii) substitute—

“(iii) although not satisfying sub-paragraph (zi), (i) (ii), (iiza), (iia) or (iib) has, or where P is a child, the claimant has provided, the relevant authority with such certificates, documents, information or evidence as are sufficient to satisfy the authority that P requires overnight care; and”.

(3) In regulation 25 (treatment of child care changes)—

(a) in paragraph (11)(d), after paragraph (viii) insert—

“(viiiia) adult disability payment;”;

(b) in paragraph (13)—

(i) at the end of sub-paragraph (c) omit “or”;

(ii) after sub-paragraph(d) insert—

“(e) in respect of whom adult disability payment is payable, or has ceased to be payable solely by virtue of 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”.

(4) In regulation 72 (non-dependant deductions)—

- (a) in paragraph (6)(b)—
  - (i) at the end of head (iia) omit “or”;
  - (ii) after head (iii) insert—
    - “or
    - (iv) the daily living component of adult disability payment;”;
- (b) in paragraph (9)(a)—
  - (i) after “child disability payment” for “or” substitute “, ”;
  - (ii) after “personal independence payment” insert “or adult disability payment”.
- (5) In regulation 73F(1) (exception to the benefit cap: receipt of specified benefit)—
  - (a) in sub-paragraph (ea), after “personal independence payment” insert “or adult disability payment”;
  - (b) after sub-paragraph (g)(iv) insert—
    - “(v) in the case of adult disability payment, that payment is not payable in accordance with regulation 27 (effect of admission to a care home on ongoing entitlement to daily living component) or regulations 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the Disability Assistance for Working Age People (Scotland) Regulations 2022;”.
- (6) In regulation 102 (recovery of overpayments from prescribed benefits)—
  - (a) after paragraph (1)(g) insert—
    - “(ga) adult disability payment;”;
  - (b) after paragraph (2A)(e) insert—
    - “(ea) adult disability payment;”.
- (7) In Schedule 4 (applicable amounts)—
  - (a) in paragraph 7(2)—
    - (i) after “the DACYP Regulations” substitute “or” with “, ”;
    - (ii) after “Article 83(3) of the 2015 Order” insert “, or 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”;
  - (b) in paragraph 13(1)(a)(i), after “personal independence payment,” insert “adult disability payment”;
  - (c) after paragraph 13(1)(a)(iiia) insert—
    - “(iiib) was in receipt of adult disability payment that is no longer payable by virtue of 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;”;
  - (d) in paragraph 14(2)(a)(i) (severe disability premium)—
    - (i) after “DACYP Regulations” for “or” substitute “, ”;
    - (ii) after “Article 83(3) of the 2015 Order” insert “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”;
  - (e) in paragraph 14(2)(b)(i)—
    - (i) after “DACYP Regulations” for “or” substitute “, ”;

- (ii) after “Article 83(3) of the 2015 Order” insert “or 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”;
- (f) in paragraph 14(4)(a)—
  - (i) after “DACYP Regulations” for “or” substitute “,”;
  - (ii) after “Article 83(3) of the 2015 Order” insert “or 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”;
- (g) after paragraph 14(5)(c) insert—
  - “(d) 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 Disability Assistance for Working Age People (Scotland) Regulations 2022, if he 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”;
- (h) after paragraph 15(1)(c) (enhanced disability payment) insert—
  - “; or
  - (d) the enhanced rate of 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 Disability Assistance for Working Age People (Scotland) Regulations 2022 in respect of—
    - (i) the claimant; or
    - (ii) a member of the claimant’s family,  
who has not attained the qualifying age for state pension credit”;
- (i) in paragraph 16 (disabled child premium)—
  - (i) at the end of sub-paragraph (c) omit “or”;
  - (ii) after sub-paragraph (d) insert—
    - “; or
    - (e) 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 Disability Assistance for Working Age People (Scotland) Regulations 2022 be so in receipt, provided that the young person continues to be a member of the family”.

#### **Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006**

**25.**—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006<sup>(8)</sup> are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) after the definition of “adoption leave”, insert—

““adult disability payment” has the meaning given in regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022;”;

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<sup>(8)</sup> S.R. 2006 No. 406; relevant amending Regulations are S.R. 2016 Nos. 224 and 228.

- (b) in the definition of “member of a couple who cannot share a bedroom”—
  - (i) at the end of paragraph (a)(iii) omit “or”—
  - (ii) insert after paragraph (a)(iii)—
    - “(iia) 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”;
- (c) in the definition of “person who requires overnight care”—
  - (i) after paragraph (a)(iia) insert—
    - “(iiaa) is in receipt of the daily living component of adult disability payment in accordance with regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022;”;
  - (ii) for paragraph (iii) substitute—
    - “(iii) although not satisfying either paragraph (zi), (i), (ii), (iiza), (iia) or (iiaa) above has provided or, where P is a child, the claimant has provided the relevant authority with such certificates, documents, information or evidence as are sufficient to satisfy the authority that P requires overnight care; and”.
- (3) In regulation 27 (meaning of “income”), after paragraph (1)(h)(ib) insert—  
“(iba) adult disability payment;”.
- (4) In regulation 29 (treatment of child care charges)—
  - (a) after paragraph (11)(d)(viii) insert—
    - “(ix) adult disability payment;”;
  - (b) at the end of paragraph (13)(c) omit “or”;
  - (c) after paragraph (13)(d) insert—
    - “or
    - (e) in respect of whom adult disability payment is payable, or has ceased to be payable solely by virtue of 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”.
- (5) In regulation 53 (non-dependant deductions)—
  - (a) in paragraph (6)(b)—
    - (i) at the end of head (ii) omit “or”; and
    - (ii) after paragraph (6)(b)(iii) insert—
      - “or
      - (iv) the daily living component of adult disability payment;”;
  - (b) in paragraph (10)(a)—
    - (i) before “personal independence payment” for “or” substitute “;”;
    - (ii) after “personal independence payment” insert “or adult disability payment”.
- (6) In regulation 83 (recovery of overpayments from prescribed benefits)—
  - (a) after paragraph (1)(g) insert—
    - “(ga) adult disability payment;”;
  - (b) after paragraph (2A)(e) insert—

- “(ea) adult disability payment;”.
- (7) In Schedule 4 (applicable amounts)—
- (a) at the end of paragraph 5(2)(c) omit “or”;
- (b) after paragraph 5(2)(c) insert—
- “(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”;
- (c) in paragraph 6(2)(a)(i) (severe disability premium)—
- (i) after “of the Act” for “or” substitute “;”;
- (ii) after “the 2015 Order” insert “, or 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”;
- (d) in paragraph 6(2)(b)(i)—
- (i) after “of the Act” for “or” substitute “;”;
- (ii) after “the 2015 Order” insert “or 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”;
- (e) in paragraph 6(6)(a)—
- (i) after “of the Act” for “or” substitute “;”;
- (ii) after “the 2015 Order” insert “the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the Disability Assistance for
- (f) after paragraph 6(7)(c) insert—
- “(d) 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 Disability for Working Age People (Scotland) Regulations 2022, 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”;
- (g) after paragraph 7(1)—
- (i) at the end of both sub-paragraph (a) and (aa) omit “or”;
- (ii) after sub-paragraph (b) insert—
- “; or
- (c) 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 Disability for Working Age People (Scotland) Regulations 2022, at the enhanced rate in accordance with regulation 5 of those Regulations;”;
- (h) after paragraph 8 (disabled child premium)—
- (i) at the end of both sub-paragraph (b) and (c) omit “or”;
- (ii) after sub-paragraph (d) insert—
- “or
- (e) 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 Disability Assistance for Working Age People (Scotland) Regulations 2022 be so in receipt, provided that the young person continues to be a member of the family”.

### **Amendment of the Employment and Support Allowance Regulations (Northern Ireland) 2008**

**26.**—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008(9) are amended as follows.

(2) In regulation 2(1) (interpretation), after the definition of “adoption leave” insert—

““adult disability payment” has the meaning given in regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022;”.

(3) In regulation 18 (circumstances in which the condition that the claimant is not receiving education does not apply)—

(a) for “or” after “armed forces independence payment” substitute “,”;

(b) for “or” after “child disability payment” substitute “,”; and

(c) after “personal independence payment”, insert “or adult disability payment”.

(4) In regulation 158(3) (meaning of “person in hardship”)—

(a) in sub-paragraph (b)—

(i) after “the care component” for “or” substitute “,”;

(ii) after “daily living component” insert “or the daily living component of adult disability payment”;

(b) in sub-paragraph (c)—

(i) for “or” after “child disability payment” substitute “,”;

(ii) after “personal independence payment”, insert “or adult disability payment”;

(c) in sub-paragraph (d)—

(i) in head (i)—

(aa) after “the care component” for “or” substitute “,”;

(bb) after “daily living component”, insert “or the daily living component of adult disability payment”;

(ii) in head (ii)—

(aa) for “or” after “child disability payment” substitute “,”;

(bb) after “personal independence payment”, insert “or adult disability payment”.

(5) In Schedule 4 (amounts)—

(a) at the end of paragraph 4(2)(c) omit “or”;

(b) after paragraph 4(2)(c) insert—

“(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”;

(c) in paragraph 6(2)—



- (i) in paragraph (a)(i) after “daily living component” insert “, the daily living component of adult disability payment”;
- (ii) in paragraph (b)(ii)—
  - (aa) after the first occurrence of “daily living component” insert “, the daily living component of adult disability payment”;
  - (bb) after the second occurrence of “daily living component” insert “, the daily living component of adult disability payment”;
- (d) in paragraph 6(4)(a) after “daily living component” insert “, the daily living component of adult disability payment”;
- (e) after paragraph 6(5)(c) insert—
  - “(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”;
- (f) at the end of paragraph 7(1)(c) (enhanced disability premium, omit “or”;
- (g) after paragraph 7(1)(c) insert—
  - “(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”.
- (6) In Schedule 6 (housing costs)—
  - (a) in paragraph 15(11)(b) (linking rules)—
    - (i) for “or” after “child disability payment” substitute “, ”;
    - (ii) after “personal independence payment”, insert “or adult disability payment”;
  - (b) at the end of paragraph 19(6)(b)(ii) omit “or”;
  - (c) after paragraph 19(6)(b)(iii) insert—
    - “(iia) the daily living component of adult disability payment;”;
  - (d) in paragraph 19(8)(a)—
    - (i) for “or” after “disability living allowance” substitute “, ”;
    - (ii) after “personal independence payment”, insert “or adult disability payment”.
- (7) In Schedule 8 (sums to be disregarded in the calculation of income other than earnings)—
  - (a) in paragraph 8—
    - (i) for “or” after “disability living allowance” substitute “, ”;
    - (ii) after “the mobility component of personal independence payment” insert “, or the mobility component of adult disability payment”; and
  - (b) in paragraph 11—
    - (i) after “disability living allowance” for “or” substitute “, ”;

- (ii) after “the daily living component” insert “or the daily living component of adult disability payment”.

### **Amendment of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012**

**27.**—(1) The Child Support Maintenance Calculation Regulations (Northern Ireland) 2012<sup>(10)</sup> are amended as follows.

- (2) In regulation 63 (illness or disability of relevant other child)—
- (a) in paragraph (2)(a)(i) before “armed forces independence payment” insert “adult disability payment,”;
  - (b) at the end of paragraph 2(a)(iii) omit “or”;
  - (c) after paragraph (2)(a)(iv) insert—
    - “or
    - (v) that person would receive adult disability payment but for regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the Disability for Working Age People (Scotland) Regulations 2022, and remains part of the applicant’s family, ”.
  - (d) after paragraph (2)(f) insert—
    - “(g) “adult disability payment” means the daily living component of adult disability payment under regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022;”;
  - (e) in paragraph (3)(b) before “armed forces independence payment” insert “adult disability payment,”.

### **Amendment of the Universal Credit Regulations (Northern Ireland) 2016**

**28.**—(1) The Universal Credit Regulations (Northern Ireland) 2016<sup>(11)</sup> are amended as follows.

- (2) In regulation 2, after the definition of “adopter” insert—
- ““adult disability payment” has the meaning given in regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022;”.
- (3) In regulation 14(1)(b) (exceptions to the requirement not to be receiving education), after “child disability payment” insert “, adult disability payment”.
- (4) In regulation 25 (the child element)—
- (a) in paragraph (2)(a) after “child disability payment” insert “, adult disability payment”;
  - (b) in paragraph (2)(b)(i) after “the DAYCP Regulations” insert “, the daily living component of adult disability payment at the enhanced rate in accordance with regulation 5(3) of the Disability Assistance for Working Age People (Scotland) Regulations 2022”.
- (5) In regulation 42(2)(a) (when an assessment may be carried out), after “child disability payment” insert “, adult disability payment”.
- (6) In regulation 83(1) (exceptions – entitlement or receipt of certain benefits)—
- (a) in the opening words of sub-paragraph (i), for “and (ia)” substitute “, (ia) and (ib)”;
  - (b) at the end of sub-paragraph (i)(iii) omit “or”;

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<sup>(10)</sup> S.R. 2012 No. 427; relevant amending Regulations are S.I. 2013/3021 and S.R. 2016 No. 228.

<sup>(11)</sup> S.R. 2016 No. 216.

- (c) after sub-paragraph (i)(iv) insert—
  - “(iva) in the case of adult disability payment, is not receiving it by virtue of regulation 27 (effect of admission to a care home on ongoing entitlement to daily living component) or 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the Disability Assistance for Working Age People (Scotland) Regulations 2022, or”;
- (d) after sub-paragraph (ia) insert—
  - “(ib) a claimant, or qualifying young person for whom a claimant is responsible, is receiving adult disability payment.”.
- (7) In Schedule 3 (claimant treated as occupying or not occupying accommodation)—
  - (a) at the end of paragraph 4(3)(b)(ii) (moving home: adaptations to new home for disabled person), omit “or”;
  - (b) after paragraph 4(3)(b)(iii) insert—
    - “or
    - (iv) the daily living component of adult disability payment at the standard or enhanced rate”.
- (8) In Schedule 4 (housing costs element for renters)—
  - (a) in paragraph 11(3)(a) (additional room)—
    - (i) at the end of sub-head (ii) omit “or”;
    - (ii) after sub-head (iii) insert
      - “or
      - (iv) the daily living component of adult disability payment at the standard or enhanced rate”;
  - (b) in paragraph 11(6A)(a)—
    - (i) at the end of sub-head (iii) omit “and”;
    - (ii) after sub-paragraph (iii) insert—
      - “(iv) the daily living component of adult disability payment at the standard or enhanced rate; and”;
  - (c) after paragraph 14(2)(d) (exempt renters), insert—
    - “(da) a person in receipt of the daily living component of adult disability payment at the standard or enhanced rate;”;
  - (d) in paragraph 14(2)(e)—
    - (i) in the opening words for “or (d)” substitute “, (d) or (da)”;
    - (ii) at the end of sub-head (iii) omit “or”;
    - (iii) after sub-head (iv), insert—
      - “or
      - (v) 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”;
  - (e) after paragraph 15(2)(e) (no deduction for housing cost contributions in respect of certain non-dependants) insert—
    - “(ea) a person in receipt of the daily living component of adult disability payment at the standard or enhanced rate;”;

- (f) in paragraph 15(2)(f)—
  - (i) in the opening words for “or (e)” substitute “, (e) or (ea)”;
  - (ii) after sub-paragraph (iii) omit “or”;
  - (iii) after sub-paragraph (iv), insert—
    - “or
    - (v) 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”;
- (g) after paragraph 28(4) (renters exempted from shared accommodation)—
  - (i) at the end of head (b) omit “or”;
  - (ii) after head (c) insert—
    - “or
    - (d) the daily living component of adult disability payment at the standard or enhanced rate”.

(9) In Schedule 8 (circumstances in which a claimant is to be treated as having limited capability for work), in paragraph 6 (disabled and over the age for state pension credit), for “or personal independence payment” substitute “, personal independence payment or adult disability payment”.

(10) In Schedule 9 (circumstances in which a claimant is to be treated as having limited capability for work and work-related activity), in paragraph 5 (disabled and over the age for state pension credit), after “personal independence payment at the enhanced rate” insert “or, the daily living component of adult disability payment at the enhanced rate in accordance with regulation 5(3) of the Disability Assistance for Working Age People (Scotland) Regulations 2022”.

### **Amendment of the Jobseeker’s Allowance Regulations (Northern Ireland) 2016**

**29.**—(1) The Jobseeker’s Allowance Regulations (Northern Ireland) 2016<sup>(12)</sup> are amended as follows.

- (2) In regulation 41 (remunerative work)—
  - (a) in paragraph (3)(c)—
    - (i) in head (ii)—
      - (aa) for “or” after “child disability payment” substitute “, ”;
      - (bb) after “personal independence payment” insert “or adult disability payment”;
    - (ii) in head (iv)—
      - (aa) for “or” after “child disability payment” substitute “, ”
      - (bb) after “personal independence payment” insert “or adult disability payment”;
  - (b) in paragraph (4)—
    - (i) before the definition of “armed forces independence payment” insert—
      - ““adult disability payment” has the meaning given in regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022, ”;
    - (ii) for the definition of “daily living component” substitute—
      - ““daily living component” means—

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(12) S.R. 2016 No. 218, as amended by S.I. 2021/786.

- (a) in respect of personal independence payment, the daily living component of that payment at the standard or enhanced rate referred to in Article 83 of the Welfare Reform (Northern Ireland) Order 2015;
- (b) in respect of adult disability payment, the daily living component of that payment at the standard or enhanced rate referred to in regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022.”.

### **Amendment of the Personal Independence Payment Regulations (Northern Ireland) 2016**

**30.**—(1) The Personal Independence Payment Regulations (Northern Ireland) 2016(13) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) before the definition of “aid or appliance” insert—

““adult disability payment has the meaning given in regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022;”;

(b) after the definition of “C” insert—

““child disability payment” has the meaning given in regulation 2 of the Disability Assistance for Children and Young People (Scotland) Regulations 2021;”;

(c) in the definition of “prescribed date” after “regulation 15” insert “or 15A”.

(3) In regulations 7(3)(a)(i) and 7(3)(b)(i) (scoring: further provision), after “regulation 15” insert “or 15A”.

(4) In regulation 14 (the prescribed date) after “regulation 15(2) or (3)” insert “or regulation 15A(2) or (3)”.

(5) In regulation 15 (the prescribed date: claims for personal independence payment after an interval)—

(a) in paragraph (1)(b), after “a previous award” insert “for personal independence payment or adult disability payment”;

(b) in paragraph (1)(c) after “referred to in sub-paragraph (b)” insert “where that award was in respect of personal independence payment or adult disability payment”; and

(c) in paragraph (2)(a) and (3)(a) after “previous award ended” insert “where that award was in respect of personal independence payment or adult disability payment”;

(6) After regulation 15 insert—

#### **“The prescribed date: claims for personal independence payment after award of child disability payment**

**15A.**—(1) Where C makes a claim for personal independence payment (“the new claim”) and had a previous award of child disability payment, which ended not more than 2 years before the date on which the new claim is made, and is aged 16 years or over at the date of the new claim, paragraphs (2), (3) and (4) apply.

(2) In relation to determination of entitlement under the new claim—

(a) the prescribed date for the purposes of regulations 12(1)(a) and (2)(a) and 13(1)(a) and (2)(a) is the date on which the previous award ended, where that award was in respect of child disability payment;

- (b) regulations 12(1)(b) and (2)(b) and 13(1)(b) and (2)(b) have effect in relation to the new claim as if, for the words “the prescribed date” there were substituted “the date on which the new claim for personal independence payment is made”.
- (3) Where C is awarded either or both components under the new claim, in relation to entitlement to that component or, as the case may be, those components, for the period of 3 months following the date of the new claim—
  - (a) the prescribed date for the purposes of regulations 12(1)(a) and (2)(a) and 13(1)(a) and (2)(a) is the date on which the previous award ended, where that award was in respect of child disability payment; and
  - (b) regulations 12(1)(b) and (2)(b) and 13(1)(b) and (2)(b) have effect in relation to that award as if for the words “the prescribed date” there were substituted “each day of the award”.
- (4) C is to be regarded as meeting such of the conditions (as modified by paragraphs (2) and (3) above) in—
  - (a) regulation 12(1)(a) or (2)(a) (required period condition: daily living component);
  - (b) regulation 13(1)(a) or (2)(a) (required period condition: mobility component),
 as are relevant to C’s new claim, regardless of whether those conditions have been met.”.
- (7) In regulation 26 (claim for personal independence payment after an interval and after reaching the relevant age) in paragraphs (2)(c)(i), (2)(c)(ii) and (2)(d) after “previous award” insert “of personal independence payment or adult disability payment”.

### **Amendment of the Employment and Support Allowance Regulations (Northern Ireland) 2016**

**31.**—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2016(**14**) are amended as follows.

- (2) In regulation 94 (meaning of person in hardship)—
  - (a) in paragraph (3)(b)—
    - (i) for “or” after “child disability payment” substitute “;”;
    - (ii) after “personal independence payment”, insert “or adult disability payment”;
  - (b) in paragraph (3)(c)(ii)—
    - (i) for “or” after “child disability payment” substitute “;”;
    - (ii) after “personal independence payment”, insert “or adult disability payment”; and
  - (c) in paragraph (7)—
    - (i) before the definition of “armed forces independence payment” insert—
 

““adult disability payment” has the meaning given in regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022;”;
    - (ii) for the definition of “daily living component” substitute—
 

““daily living component” means—

      - (a) in respect of personal independence payment, the daily living component of that payment at the standard or enhanced rate referred to in Article 83 of the Welfare Reform (Northern Ireland) Order 2015;
      - (b) in respect of adult disability payment, the daily living component of that payment at the standard or enhanced rate referred to in regulation 5 of the

Disability Assistance for Working Age People (Scotland) Regulations 2022.”.

**Amendment of the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations (Northern Ireland) 2016**

**32.**—(1) The Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations (Northern Ireland) 2016<sup>(15)</sup> are amended as follows.

(2) In regulation 2(1) (interpretation)—

- (a) omit the definition of “child disability payment”;
- (b) after the definition of “relevant benefit” insert—

““Scottish disability benefit” means, as the context requires, either of the following benefits—

- (a) adult disability payment within the meaning given in regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022 in circumstances where regulation 53(1) of those Regulations applies; and
- (b) child disability payment within the meaning given in regulation 2 of the Disability Assistance for Children and Young People (Scotland) Regulations 2021 in circumstances where regulation 36(1) of those Regulations applies;”.

(3) In regulation 12(b) (award of another benefit), for each occurrence of “child disability payment” substitute “Scottish disability benefit”.

(4) In paragraph 31 of Schedule 1 (effective dates for superseding decisions made on the ground of a change of circumstances), in sub-paragraphs (1) and (2)(a), for each occurrence of “child disability payment”, substitute “Scottish disability benefit”.

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(15) S.R. 2016 No. 221, as amended by S.I. 2021/786. There are other amendments not relevant to this instrument.