

**Status:** This version of this provision is prospective.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

PROSPECTIVE

## SCHEDULE

### PERSONAL INDEPENDENCE PAYMENT: SUPPLEMENTARY PROVISIONS AND CONSEQUENTIAL AMENDMENTS

## PART 2

### CONSEQUENTIAL AMENDMENTS

#### Amendment of the Housing Benefit Regulations 2006

- 36.**—(1) The Housing Benefit Regulations 2006<sup>(1)</sup> are amended as follows.
- (2) In regulation 2 (interpretation)<sup>(2)</sup>, in paragraph (1)—
- (a) in the appropriate places insert—
- ““the 2012 Act” means the Welfare Reform Act 2012;”;
- ““personal independence payment” means personal independence payment under Part 4 of the 2012 Act;”;
- (b) in the definition of “the benefit Acts” after “the Jobseekers Act” insert “, Part 4 of the 2012 Act”; and
- (c) in the definition of “person who requires overnight care”—
- (i) omit “or” at the end of sub-paragraph (a)(ii);
- (ii) after sub-paragraph (a)(ii) insert—
- “(ia) is in receipt of the daily living component of personal independence payment in accordance with section 78 of the 2012 Act; or”; and
- (iii) in sub-paragraph (a)(iii) for “or (ii)” substitute “, (ii) or (ia)”.
- (3) In regulation 28 (treatment of child care charges)—
- (a) after paragraph (11)(d)(vii)<sup>(3)</sup> insert—
- “(viii) personal independence payment;”;
- (b) omit “or” at the end of paragraph (13)(b); and
- (c) after paragraph (13)(c) insert—
- “; or
- (d) in respect of whom personal independence payment is payable, or would be payable but for regulations made under section 86(1) (hospital in-patients) of the 2012 Act”.
- (4) In regulation 74 (non-dependant deductions)<sup>(4)</sup>—
- (a) omit “or” at the end of sub-paragraph (6)(b)(i);

(1) [S.I. 2006/213](#).

(2) There are amendments to regulation 2 which are not relevant to these Regulations.

(3) Regulation 28(11)(d)(vii) was inserted by [S.I. 2008/1082](#).

(4) Regulation 74 was substituted by [S.I. 2007/2868](#). There are amendments which are not relevant to these Regulations.

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- (b) after sub-paragraph (6)(b)(ii) insert—  
 “or  
 (iii) the daily living component of personal independence payment;”<sup>5</sup>; and
- (c) in paragraph (9)(a) for “or disability living allowance” insert “, disability living allowance or personal independence payment”.
- (5) In regulation 79 (date on which change of circumstances is to take effect), in paragraph (6), after “the Act” insert “or Part 4 of the 2012 Act”.
- (6) In Schedule 3 (applicable amounts)—
- (a) in paragraph 7(2) for “or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act” substitute “the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act”;
- (b) in paragraph 13 (additional condition for the disability premium), in sub-paragraph (1) (a)—
- (i) in paragraph (i) after “disability living allowance,” insert “personal independence payment;”<sup>5</sup>; and
- (ii) after paragraph (iii)(5) insert—  
 “(iiiia) would be in receipt of personal independence payment but for regulations made under section 86(1) (hospital in-patients) of the 2012 Act; or”;
- (c) in paragraph 14 (severe disability premium)—
- (i) in sub-paragraph (2)(a)(i) for “or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act” substitute “the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act”;
- (ii) in sub-paragraph (2)(b)(i) for “or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act” substitute “the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act”;
- (iii) in sub-paragraph (2)(b)(ii) after “allowance” in each place where it appears insert “or payment”;
- (iv) in sub-paragraph (4)(a) for “or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act” substitute “the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act”;
- (v) after sub-paragraph (5)(b) insert—  
 “(c) as being in receipt of the daily living component of personal independence payment at the standard or enhanced rate in accordance

<sup>5</sup> Paragraph 13(1)(a)(iii) was amended by [S.I. 2005/2502](#).

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with section 78 of the 2012 Act, if he would, but for regulations made under section 86(1) (hospital in-patients) of the 2012 Act, be so in receipt.”;

(d) in paragraph 15 (enhanced disability premium), after sub-paragraph (1)(b)(6) insert—  
“; or

(c) the enhanced rate of the daily living component of personal independence payment is, or would, but for regulations made under section 86(1) (hospital in-patients) of the 2012 Act, be payable 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”; and

(e) in paragraph 16 (disabled child premium), after sub-paragraph (c)(7) insert—  
“; or

(d) is a young person who is in receipt of personal independence payment or who would, but for regulations made under section 86(1) (hospital in-patients) of the 2012 Act be so in receipt, provided that the young person continues to be a member of the family”.

(7) In paragraph 6 of Schedule 5 (sums to be disregarded in the calculation of income other than earnings) after “disability living allowance” insert “or personal independence payment”.

#### Commencement Information

**II** Sch. para. 36 in force at 8.4.2013, see [reg. 2](#)

(6) Paragraph 15(1) was substituted by [2008/1082](#). There is an amendment to paragraph 15(1)(b) which is not relevant to these Regulations.

(7) Paragraph 16(c) was substituted by [S.I. 2011/674](#).

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**Changes and effects yet to be applied to :**

- Sch. para. 36 coming into force by [S.I. 2013/388 reg. 2](#)