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STATUTORY INSTRUMENTS

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**2013 No. 591**

**PENSIONS**

**The Armed Forces and Reserve Forces Compensation Scheme  
(Consequential Provisions: Subordinate Legislation) Order 2013**

<i>Made</i>	- - - -	<i>12th March 2013</i>
<i>Laid before Parliament</i>		<i>15th March 2013</i>
<i>Coming into force</i>	- -	<i>8th April 2013</i>

The Secretary of State, in exercise of the powers conferred by sections 1(2) and 10(2), (3) and (4) of the Armed Forces (Pensions and Compensation) Act 2004<sup>(1)</sup>, makes the following Order:

**Citation, commencement and interpretation**

1. This Order may be cited as the Armed Forces and Reserve Forces Compensation Scheme (Consequential Provisions: Subordinate Legislation) Order 2013.

2. This Order comes into force as follows—

- (1) Articles 1 to 7 come into force on 8th April 2013.
- (2) Subject to paragraph (3), the Schedule comes into force on 8th April 2013.
- (3) The following paragraphs of the Schedule come into force on 6th May 2013—
  - (a) paragraph 20 (amendment of the Representation of the People (England and Wales) Regulations 2001);
  - (b) paragraph 21 (amendment of the Representation of the People (Scotland) Regulations 2001);
  - (c) paragraph 30 (amendment of the European Parliamentary Elections Regulations 2004);
  - (d) paragraph 36 (amendment of the National Assembly for Wales (Representation of the People) Order 2007); and
  - (e) paragraph 46 (amendment of the Police and Crime Commissioner Elections Order 2012).

**Extent and application**

3. Subject to articles 4, 5 and 6, this Order extends and applies to the United Kingdom.

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(1) 2004 c.32.

4. The amendments made by paragraphs 1 to 4, 7, 9, 10, 12, 13 and 15 to 54 of the Schedule have the same extent and application as the provisions amended by those paragraphs.

5. Paragraph 5 (amendment of the Council Tax (Discount Disregards) Order 1992), paragraph 6 (amendment of the Council Tax (Additional Provisions for Discount Disregards) Regulations 1992), paragraph 8 (amendment of the National Assistance (Assessment of Resources) Regulations 1992) and paragraph 11 (amendment of the Housing Renewal Grants Regulations 1996) of the Schedule extend to England and Wales, but apply in relation to England only.

6. Paragraph 14 (amendment of the Education (Student Loans) Regulations 1998) of the Schedule extends and applies to England and Wales only.

**Consequential amendments and supplementary provisions**

7. The Schedule has effect.

12th March 2013

*Mark Francois*  
Minister of State  
Ministry of Defence

SCHEDULE

Article 7

ARMED FORCES INDEPENDENCE PAYMENTS: CONSEQUENTIAL  
AMENDMENTS AND SUPPLEMENTARY PROVISIONS

**Amendment of the Social Security Benefit (Persons Abroad) Regulations 1975**

1.—(1) The Social Security Benefit (Persons Abroad) Regulations 1975(2) are amended as follows.

(2) In regulation 2(1A) (modification of the Act in relation to incapacity benefit, severe disablement allowance, unemployability supplement and maternity allowance)(3), after “disability living allowance” insert “, armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011”.

**Amendment of the Social Security (Invalid Care Allowance) Regulations 1976**

2.—(1) The Social Security (Invalid Care Allowance) Regulations 1976(4) are amended as follows.

(2) In regulation 9(2) (conditions relating to residence and presence in Great Britain)(5)—

(a) omit “or” at the end of sub-paragraph (b)(iii); and

(b) after sub-paragraph (b)(iii) insert—

“(iiiia) armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011; or”.

**Amendment of the Social Security (Overlapping Benefits) Regulations 1979**

3.—(1) The Social Security (Overlapping Benefits) Regulations 1979(6) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) at the appropriate place insert ““armed forces independence payment” means a payment under Article 24A of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011”; and

(b) after the definition of “the daily living component of personal independence payment” insert—

““the enhanced rate” in relation to the daily living component of personal independence payment means the rate prescribed in regulation 24(1)(b) of the Social Security (Personal Independence Payment) Regulations 2013;”.

(3) In regulation 6(3)(adjustments of personal benefits under Chapters I and II of Part II of the Act by reference to industrial injuries benefits and benefits not under the Act, and adjustments of industrial injuries benefits)(7)—

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

(b) after paragraph (a)(iii) insert—

“(iv) armed forces independence payment up to the value of the daily living component of personal independence payment at the enhanced rate; and”.

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(2) [S.I. 1975/563](#) as amended by [S.I. 2013/388](#).

(3) Regulation 2(1A) was inserted by [S.I. 1994/268](#).

(4) [S.I. 1976/409](#) as amended by [S.I. 2013/388](#).

(5) Regulation 9(2)(b) was amended by [S.I. 1991/2742](#), [1996/2744](#) and [2013/388](#).

(6) [S.I. 1979/597](#) as amended by [S.I. 2013/388](#).

(7) Regulation 6(3) was amended by [S.I. 1991/2742](#) and [2013/388](#).

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- (4) In regulation 16 (persons to be treated as entitled to benefit for certain purposes)(8)—
- (a) for “or under the Jobseekers Act” where it appears for the first time substitute “or under the Jobseekers Act, or entitled to armed forces independence payment”; and
  - (b) for “or under the Jobseekers Act and regulations made under it” where it appears for the first time substitute “or under the Jobseekers Act and regulations made under it, or entitled to armed forces independence payment”.
- (5) In Schedule 1 (personal benefits which are required to be adjusted by reference to benefits not under Chapters I and II of Part II of the Act)(9)—
- (a) in column (1), for paragraph 5 substitute—  
“5 Attendance allowance, the care component of disability living allowance, the daily living component of personal independence payment or armed forces independence payment up to the value of the daily living component of personal independence payment at the enhanced rate”;
  - (b) in column (1), after paragraph 5 insert—  
“5a Personal independence payment, attendance allowance or disability living allowance”;  
and
  - (c) in column (2), after paragraph 5 insert—  
“5a Armed forces independence payment”.

#### **Amendment of the Income Support (General) Regulations 1987**

- 4.—(1) The Income Support (General) Regulations 1987(10) are amended as follows.
- (2) In regulation 2 (interpretation), in paragraph (1)(11), at the appropriate place insert—  
““armed forces independence payment” means armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;”.
- (3) In regulation 4(2)(c)(v)(aa) (temporary absence from Great Britain)(12), after “disability living allowance” insert “, armed forces independence payment”.
- (4) In Schedule 1B (prescribed categories of person) (persons caring for another person)(13), in paragraph 4(a)—
- (a) in sub-paragraph (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 Contributions and Benefits Act” substitute “, armed forces independence payment, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Contributions and Benefits Act”; and
  - (b) in sub-paragraph (iii) after “disability living allowance” insert “, armed forces independence payment”.
- (5) In Schedule 2 (applicable amounts)—
- (a) in paragraph 7(2) (premiums)(14), after “section 78(3) of the 2012 Act” insert “or armed forces independence payment”;

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(8) Regulation 16 was amended by [S.I. 1996/1345](#), [2008/1554](#) and [2013/388](#).

(9) Paragraph 5 of column 1 of Schedule 1 was amended by [S.I. 1991/2742](#) and [2013/388](#).

(10) [S.I. 1987/1967](#) as amended by [S.I. 2013/388](#).

(11) The definition of “the benefit Acts” was inserted by [S.I. 1996/206](#) and amended by [S.I. 2008/1554](#). There are other amendments to regulation 2(1) which are not relevant to this Order.

(12) Regulation 4(2)(c)(v) was inserted by [S.I. 1988/663](#) and substituted by [S.I. 1995/482](#). There are other amendments to regulation 4(2) which are not relevant to this Order.

(13) Schedule 1B was inserted by [S.I. 1996/206](#).

(14) Paragraph 7(2) was inserted by [S.I. 1990/1776](#) and amended by [S.I. 1991/2742](#) and [2002/2497](#).

- (b) in paragraph 12 (additional condition for the higher pensioner and disability premiums) **(15)** in sub-paragraph (1)(a)(i), after “disability living allowance,” insert “armed forces independence payment.”;
- (c) in paragraph 13 (severe disability premium)—
  - (i) in sub-paragraph (2)(a)(i)**(16)**, after “section 78(3) of the 2012 Act” insert “or armed forces independence payment”;
  - (ii) in sub-paragraph (2)(b)(i)**(17)**, after “section 78(3) of the 2012 Act” insert “or armed forces independence payment”;
  - (iii) in sub-paragraph (3)(a)**(18)**, after “section 78(3) of the 2012 Act” insert “or armed forces independence payment”.
- (d) in paragraph 13A (enhanced disability premium), for sub-paragraphs (1) and (1ZA)**(19)**, substitute—
  - “(1) Subject to sub-paragraph (2), the condition is that—
    - (a) the claimant; or
    - (b) the claimant’s partner, if any, who has not attained the qualifying age for state pension credit,is a person to whom sub-paragraph (1ZA) applies.
  - (1ZA) This sub-paragraph applies to the person mentioned in sub-paragraph (1) where—
    - (a) armed forces independence payment is payable to that person;
    - (b) the care component of disability living allowance is, or would, but for a suspension of benefit in accordance with regulations under section 113(2) of the Contributions and Benefits Act or but for an abatement as a consequence of hospitalization, be payable to that person at the highest rate prescribed under section 72(3) of that Act; or
    - (c) 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 to that person at the enhanced rate in accordance with section 78(2) of that Act.”.
- (e) in paragraph 14 (disabled child premium)**(20)**, after sub-paragraph (1)(d) insert—
  - “; or
  - (e) in receipt of armed forces independence payment.”.
- (6) In Schedule 3 (housing costs: non-dependent deductions)**(21)**, paragraph 18—
  - (i) omit “or” after sub-paragraph (6)(b)(ii);
  - (ii) after sub-paragraph (6)(b)(iii) insert—
    - “or
    - (iv) armed forces independence payment.”; and

**(15)** Paragraph 12(1)(a)(i) was amended by S.I. 1991/2742. There are other amendments which are not relevant to this Order.

**(16)** Paragraph 13(2)(a)(i) was amended by S.I. 1991/2742 and 2013/388.

**(17)** Paragraph 13(2)(b)(i) was amended by S.I. 1991/2742 and 2013/388.

**(18)** Paragraph 13(3)(a) was amended by S.I. 1991/2742 and 2013/388.

**(19)** Sub-paragraphs (1) and (1ZA) were substituted by S.I. 2013/388.

**(20)** Paragraph 14 was substituted by S.I. 2007/719 and sub-paragraph (1)(a) was amended by S.I. 2011/674.

**(21)** Paragraph 18 was amended by S.I. 1995/2927, 1996/2518, 1997/827, 1999/3178, 2000/440, 2003/1195, 2004/2327, 2005/3360, 2006/217, 2008/2428, 2008/2767, 2009/497, 2010/641, 2010/793 and 2011/2425.

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(iii) in sub-paragraph (8)(a) after “personal independence payment” insert “or armed forces independence payment”.

(7) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings), after paragraph 76 insert—

“**76A.** Armed forces independence payment”.

#### **Amendment of the Council Tax (Discount Disregards) Order 1992**

5.—(1) The Council Tax (Discount Disregards) Order 1992(**22**) is amended as follows.

(2) In article 3(2) (the severely mentally impaired), after sub-paragraph (1)(**23**) insert—

“(m) armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011.”.

#### **Amendment of the Council Tax (Additional Provisions for Discount Disregards) Regulations 1992**

6.—(1) The Council Tax (Additional Provisions for Discount Disregards) Regulations 1992(**24**) are amended as follows.

(2) In paragraph 3(a) of the Schedule(**25**)—

(a) omit “or” at the end of paragraph (iv); and

(b) after paragraph (v) insert—

“or

(vi) armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;”.

#### **Amendment of the Child Support (Maintenance Assessments and Special Cases) Regulations 1992**

7.—(1) The Child Support (Maintenance Assessments and Special Cases) Regulations 1992(**26**) are amended as follows.

(2) In Schedule 2 (amounts to be disregarded when calculating or estimating n and m)—

(i) in paragraph 8 after “mobility supplement” insert “, armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011”; and

(ii) in paragraph 15 after “personal independence payment,” insert “armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011,”.

(3) In Schedule 4 (cases where the child support maintenance is not to be payable)—

(a) omit “and” after paragraph (c); and

(b) after paragraph (d) insert—

“; and

(e) armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011.”.

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(22) [S.I. 1992/548](#) as amended by [S.I. 2013/388](#).

(23) Paragraph (2)(l) was inserted by [S.I. 2013/388](#).

(24) [S.I. 1992/552](#) as amended by [S.I. 2013/388](#).

(25) Paragraph 3(a) was amended by [S.I. 1994/540](#) and [1996/637](#).

(26) [S.I. 1992/1815](#) as amended by [S.I. 2013/388](#).

### **Amendment of the National Assistance (Assessment of Resources) Regulations 1992**

**8.**—(1) The National Assistance (Assessment of Resources) Regulations 1992~~(27)~~ are amended as follows.

(2) In regulation 2(1) (interpretation)~~(28)~~, at the appropriate place insert—

“armed forces independence payment” means armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;”.

(3) In Schedule 3 (sums to be disregarded in the calculation of income other than earnings), after paragraph 4 insert—

“**4A.** Any armed forces independence payment.”.

### **Amendment of the Social Security (Incapacity Benefit) Regulations 1994**

**9.**—(1) The Social Security (Incapacity Benefit) Regulations 1994~~(29)~~ are amended as follows.

(2) In regulation 26 (person whose benefit is not to be reduced under section 30DD(1))~~(30)~~, after “Contributions and Benefits Act” where it appears for the second time insert “, armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011”.

### **Amendment of the Jobseeker’s Allowance Regulations 1996**

**10.**—(1) The Jobseeker’s Allowance Regulations 1996~~(31)~~ are amended as follows.

(2) In regulation 1(3) (citation, commencement and interpretation)~~(32)~~, at the appropriate place insert—

“armed forces independence payment” means armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;”.

(3) In regulation 51(3)(c) (remunerative work)~~(33)~~—

(a) in paragraph (i) after “highest or middle rate” insert “, armed forces independence payment”;

(b) in paragraph (ii) after “disability living allowance” insert “, armed forces independence payment”; and

(c) after paragraph (v) insert—

“; or

(vi) a person who has claimed and has an award of armed forces independence payment for a period commencing after the date on which that claim was made.”.

(4) In regulation 140(1)(h) (meaning of “person in hardship”)~~(34)~~—

(a) in paragraph (i) after “personal independence payment at the standard or enhanced rate in accordance with section 78 of the 2012 Act” insert “or armed forces independence payment”;

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**(27)** [S.I. 1992/2977](#) as amended by [S.I. 2013/388](#).

**(28)** Regulation 2(1) was amended in relation to England by [S.I. 1993/964](#), [1993/2230](#), [1995/858](#), [1996/602](#), [1997/485](#), [1998/1730](#), [2001/1066](#), [2003/627](#), [2003/2343](#), [2004/2328](#), [2005/3277](#) and [2010/211](#).

**(29)** [S.I. 1994/2946](#) as amended by [S.I. 2013/388](#).

**(30)** Regulation 26 was inserted by [S.I. 2000/3120](#).

**(31)** [S.I. 1996/207](#) as amended by [S.I. 2013/388](#).

**(32)** The definition of “the benefits Acts” was inserted by [S.I. 2008/3157](#). There are other amendments to regulation 1(3) which are not relevant to this Order.

**(33)** Regulation 51(3)(c) was amended by [S.I. 1996/1516](#) and [2003/511](#).

**(34)** Regulation 140(1)(h) was amended by [S.I. 1996/1516](#).

*Status: This is the original version (as it was originally made).*

- (b) in paragraph (ii) after “disability living allowance” insert “, armed forces independence payment”; and
  - (c) after paragraph (iv) insert—
    - “; or
    - (v) has claimed and has an award of armed forces independence payment for a period commencing after the date on which that claim was made.”.
- (5) In regulation 146A(1)(e) (meaning of “couple in hardship”)(**35**)—
- (a) in paragraph (i) after “section 72(4) of the Benefits Act” insert “, armed forces independence payment”;
  - (b) in paragraph (ii) after “disability living allowance” insert “, armed forces independence payment”; and
  - (c) after paragraph (iv) insert—
    - “; or
    - (v) has claimed and has an award of armed forces independence payment 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 section 1(2B)(b): member caring for another person)(**36**), in paragraph 3(a)—
- (a) in paragraph (i) after “section 72(3) of the Benefits Act” insert “, armed forces independence payment”;
  - (b) in paragraph (iv) after “disability living allowance” insert “, armed forces independence payment”;
  - (c) omit “or” after paragraph (v); and
  - (d) after paragraph (vi) insert—
    - “or
    - (vii) the person being cared for has claimed entitlement to armed forces independence payment and an award 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 that payment;”.
- (7) In Schedule 1 (applicable amounts)—
- (a) in paragraph 8(2)(**37**) after “section 72(3) of the Benefits Act” insert “, armed forces independence payment”;
  - (b) after paragraph 14(1)(ca)(**38**), insert—
    - “(cb) the claimant or, as the case may be, the claimant’s partner, is in receipt of armed forces independence payment or is a person whose armed forces independence payment is payable, in whole or in part, to another in accordance with article 24D of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;”;
  - (c) in paragraph 15 (severe disability premium)(**39**)—
    - (i) in sub-paragraph (1)(a) after “section 72(3) of the Benefits Act” insert “, armed forces independence payment”;

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(35) Regulation 146A was inserted by [S.I. 2000/1978](#).

(36) Schedule A1 was inserted by [S.I. 2000/1978](#). Paragraph 3 was amended by [S.I. 2003/511](#).

(37) Paragraph 8(2) was amended by [S.I. 2003/511](#).

(38) Paragraph 14 was amended by [S.I. 1996/1516](#) and [2003/455](#).

(39) Paragraph 15 was amended by [S.I. 2000/681](#), [2002/490](#), [2003/511](#), [2007/719](#) and [2010/1160](#).



- (ii) in sub-paragraph (2)(a) after “section 72(3) of the Benefits Act” insert “, armed forces independence payment”;
- (iii) in sub-paragraph (4)(a) after “section 72(3) of the Benefits Act” insert “, armed forces independence payment”;
- (d) in paragraph 15A(1) (enhanced disability premium)(**40**), after sub-paragraph (1ZA)(b) insert—
  - “; or
  - (c) armed forces independence payment is payable to that person.”;
- (e) in paragraph 16 (disabled child premium)(**41**)—
  - (i) after sub-paragraph (1)(aa) insert—
    - “(ab) a young person who is in receipt of armed forces independence payment.”;
    - (ii) in sub-paragraph (2) after “(aa)” insert “, (ab)”;
  - (f) in paragraph 20D(2)(**42**), after “personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act” insert “or armed forces independence payment”;
  - (g) in paragraph 20H (additional conditions for higher pensioner and disability premium), in sub-paragraph (1) after sub-paragraph (ca) insert—
    - “(cb) is in receipt of armed forces independence payment or is a person whose armed forces independence payment is payable, in whole or in part, to another in accordance with article 24D of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011.”;
  - (h) in paragraph 20I (severe disability premium) (**43**)—
    - (i) in sub-paragraph (1)(a) after “section 72(3) of the Benefits Act” insert “, armed forces independence payment”; and
    - (ii) in sub-paragraph (3)(a) after “section 72(3) of the Benefits Act” insert “, armed forces independence payment”.
  - (i) in paragraph 20IA(1) (enhanced disability premium)(**44**), in sub-paragraph (b), after “section 78(2) of the 2012 Act” insert “or armed forces independence payment is payable”.
- (8) In Schedule 2 (housing costs) (non-dependant deductions), in paragraph 17—
  - (a) omit “or” after paragraph (6)(b)(ii);
  - (b) after paragraph (6)(b)(iii) insert—
    - “; or
    - (iv) armed forces independence payment.”; and
  - (c) in sub-paragraph (8)(a) after “disability living allowance” insert “, armed forces independence payment”.
- (9) In Schedule 7 (sums to be disregarded in the calculation of income other than earnings), after paragraph 72 insert—
  - “**72A.** Armed forces independence payment.”.

(40) Paragraph 15A was amended by [S.I. 2000/2629](#), [2003/455](#), [2007/7192009/1488](#), [2011/674](#) and [2011/2425](#).

(41) Paragraph 16 was amended by [S.I. 2007/719](#) and [2011/674](#).

(42) Paragraph 20D(2) was amended by [S.I. 2003/511](#).

(43) Paragraph 20I was amended by [S.I. 2003/511](#), [2007/719](#), [2002/490](#) and [2010/1160](#).

(44) Paragraph 20IA was inserted by [S.I. 2000/2629](#). There are amendments to paragraph 20IA which are not relevant to this Order.

**Amendment of the Housing Renewal Grants Regulations 1996**

- 11.**—(1) The Housing Renewal Grants Regulations 1996(45) are amended as follows.
- (2) In regulation 2(1) (interpretation)(46) at the appropriate place insert—
- ““armed forces independence payment” means armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;”.
- (3) In regulation 19 (treatment of child care charges)(47)—
- (a) after paragraph (3)(d)(viii) insert—
- “(ix) armed forces independence payment;”
- (b) omit “or” at the end of paragraph (8)(b)(iii); and
- (c) after paragraph (8)(b)(iv) insert—
- “; or
- (v) in respect of whom armed forces independence payment is payable.”.
- (4) In Schedule 1 (applicable amounts)—
- (a) in paragraph 12(1)(a)(i) (additional condition for the higher pensioner and disability premiums) after “disability living allowance” insert “; armed forces independence payment”;
- (b) in paragraph 13 (severe disability premium)—
- (i) in sub-paragraph (2)(a)(i) after “section 78(3) of the 2012 Act” insert “or armed forces independence payment”;
- (ii) in sub-paragraph (2)(b)(i) after “section 78(3) of the 2012 Act” insert “or armed forces independence payment”; and
- (iii) after sub-paragraph (5)(c) insert—
- “; or
- (d) a person receiving armed forces independence payment.”;
- (c) in paragraph 13A (enhanced disability premium)(48), after sub-paragraph (c) insert—
- “; or
- (d) armed forces independence payment is payable.”;
- (d) in paragraph 14(1) (disabled child premium), after sub-paragraph (d) insert—
- “; or
- (e) is a young person who is in receipt of armed forces independence payment.”; and
- (e) in paragraph 15(2)(b) (carer premium)(49) after “section 78(3) of the 2012 Act” insert “or armed forces independence payment”.
- (5) In Schedule 1A (applicable amounts for persons who have attained or whose partner has attained the qualifying age for state pension credit)(50)—
- (a) in paragraph 7 (severe disability premium)—
- (i) in sub-paragraph (2)(a)(i) after “section 78(3) of the 2012 Act” insert “or armed forces independence payment”;

(45) [S.I. 1996/2890](#) as amended by [S.I. 2013/388](#).

(46) Regulation 2(1) was amended by [S.I. 2013/388](#) and in relation to England by [S.I. 2003/2504](#). There are other amendments which are not relevant to these Regulations.

(47) Regulation 19(3) was amended by [S.I. 2013/388](#). Regulation 19(3)(d) was amended in relation to England by [S.I. 2009/1807](#).

(48) Paragraph 13A was substituted in relation to England by [S.I. 2009/1807](#).

(49) Paragraph 15(2) was amended by [S.I. 2013/388](#) and in relation to England by [S.I. 2003/2504](#).

(50) Schedule 1A was amended by [S.I. 2013/388](#), having been inserted in relation to England by [S.I. 2005/3323](#).

(ii) in sub-paragraph (2)(b)(i) after “section 78(3) of the 2012 Act at the standard or enhanced rate” insert “or armed forces independence payment”;

(iii) after sub-paragraph (5)(c) insert—

“or

(d) a person receiving armed forces independence payment.”;

(b) in paragraph 8 (enhanced disability premium) after paragraph (b) insert—

“or

(c) in respect of a young person, armed forces independence payment is payable.”;

(c) in paragraph 9 (disabled child premium) after paragraph 9(1)(d) insert—

“; or

(e) is a young person in receipt of armed forces independence payment.”.

(6) In Schedule 3 (sums to be disregarded in the determination of income other than earnings), in paragraph 5, after “disability living allowance” insert “, armed forces independence payment”.

#### **Amendment of the Social Security Benefit (Computation of Earnings) Regulations 1996**

**12.**—(1) The Social Security Benefit (Computation of Earnings) Regulations 1996(51) are amended as follows.

(2) In Schedule 2 (child care charges to be deducted in the calculation of earnings), after paragraph 8(b)(vii) insert—

“(viii) armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;”.

#### **Amendment of the Child Support Departure Direction and Consequential Amendments Regulations 1996**

**13.**—(1) The Child Support Departure Direction and Consequential Amendments Regulations 1996(52) are amended as follows.

(2) In paragraph 6(d) of regulation 15 (illness or disability), after “Welfare Reform Act 2012” insert “, armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011”.

#### **Amendment of the Education (Student Loans) Regulations 1998**

**14.**—(1) The Education (Student Loans) Regulations 1998(53) are amended as follows.

(2) In Schedule 2 (terms of loans), in paragraph 1, in the definition of “disability related benefits”, after “Welfare Reform Act 2012,” insert “armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011.”.

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

**15.**—(1) The Social Security and Child Support (Decisions and Appeals) Regulations 1999(54) are amended as follows.

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(51) S.I. 1996/2745 as amended by S.I. 2013/388.

(52) S.I. 1996/2907 as amended by S.I. 2013/388.

(53) S.I. 1998/211 as amended by S.I. 2013/388.

(54) S.I. 1999/991 as amended by S.I. 2013/388 and 2013/443.

*Status: This is the original version (as it was originally made).*

(2) In Schedule 3B (date on which change of circumstances takes effect where claimant entitled to state pension credit), in paragraph 2—

- (a) omit “or” at the end of sub-paragraph (b)(ii); and
- (b) after sub-paragraph (b)(iii) insert—

“(iv) armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011; or”.

### **Amendment of the Maternity and Parental Leave etc. Regulations 1999**

**16.**—(1) The Maternity and Parental Leave etc. Regulations 1999(**55**) are amended as follows.

(2) In regulation 2(1) (interpretation)(**56**), at the appropriate place insert—

““armed forces independence payment” means armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;”.

(3) In regulation 14(1A) (extent of entitlement)(**57**), after “disability living allowance” insert “, armed forces independence payment”.

(4) In regulation 15(3) (when parental leave may be taken)(**58**), after “disability living allowance” insert “, armed forces independence payment”.

(5) In Schedule 2 (default provisions in respect of parental leave)—

- (a) in paragraph 2(c) after “disability living allowance” insert “, armed forces independence payment”; and
- (b) in paragraph 7 after “disability living allowance” insert “, armed forces independence payment”.

### **Amendment of the Child Support (Variations) Regulations 2000**

**17.**—(1) The Child Support (Variations) Regulations 2000(**59**) are amended as follows.

(2) In regulation 11 (special expenses – illness or disability of relevant other child)—

- (a) in paragraph (2)(a)(i) for “or a mobility supplement” substitute “, a mobility supplement or armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011”;
- (b) in paragraph (3)(b)(**60**), after “disability living allowance” insert “or armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011”.

### **Amendment of the Community Legal Service (Financial) Regulations 2000**

**18.**—(1) The Community Legal Service (Financial) Regulations 2000(**61**) are amended as follows.

(2) In regulation 19 after paragraph (h) insert—

“(i) armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011.”.

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(55) [S.I. 1999/3312](#) as amended by [S.I. 2013/388](#).

(56) Regulation 2(1) was amended by [S.I. 2002/2789](#) and [2006/2014](#).

(57) Regulation 14(1A) was inserted by [S.I. 2001/4010](#).

(58) Regulation 15 was substituted by [S.I. 2001/4010](#).

(59) [S.I. 2001/156](#) as amended by [S.I. 2013/388](#).

(60) Regulation 11(3) was amended by [S.I. 2005/785](#) and [2013/388](#).

(61) [S.I. 2000/516](#).

### **Amendment of the Criminal Defence Service (General) (No.2) Regulations 2001**

**19.**—(1) The Criminal Defence Service (General) (No.2) Regulations 2001(**62**) are amended as follows.

- (2) In Schedule 1 (assessment of resources)—
  - (a) omit “and” after paragraph (8)(1)(c)(iv); and
  - (b) after paragraph (8)(1)(d) insert—
    - “and
    - (e) any armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011.”.

### **Amendment of the Representation of the People (England and Wales) Regulations 2001**

**20.**—(1) The Representation of the People (England and Wales) Regulations 2001(**63**) are amended as follows.

- (2) In regulation 53(5)(b) (additional requirements for applications for a proxy vote for a definite or indefinite period on grounds of blindness or any other disability)(**64**), after “Benefits Act 1992” insert “, armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011”.

### **Amendment of the Representation of the People (Scotland) Regulations 2001**

**21.**—(1) The Representation of the People (Scotland) Regulations 2001(**65**) are amended as follows.

- (2) In regulation 53(5)(b) (additional requirements for applications for a proxy vote for a definite or indefinite period on grounds of blindness or any other disability)(**66**), after “Benefits Act 1992” insert “, armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011”.

### **Amendment of the Social Security (Loss of Benefit) Regulations 2001**

**22.**—(1) The Social Security (Loss of Benefit) Regulations 2001(**67**) are amended as follows.

- (2) In regulation 1 (interpretation) at the appropriate place insert—
  - ““armed forces independence payment” means armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;”.
- (3) In regulation 5 (meaning of “person in hardship”)—
  - (a) in paragraph (1)(h)(i) after “section 72(4) of the Benefits Act” insert “, armed forces independence payment”;
  - (b) in paragraph (1)(h)(ii) after “disability living allowance” insert “, armed forces independence payment”;
  - (c) omit “or” after paragraph (1)(h)(iii); and
  - (d) after paragraph (1)(h)(iv) insert—
    - “or

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(62) [S.I. 2001/1437](#).

(63) [S.I. 2001/341](#) as amended by [S.I. 2013/388](#).

(64) Regulation 53(5)(b) was amended by [S.I. 2006/2910](#).

(65) [S.I. 2001/497](#) as amended by [S.I. 2013/388](#).

(66) Regulation 53(5)(b) was amended by [S.I. 2007/925](#).

(67) [S.I. 2001/4022](#) as amended by [S.I. 2013/385](#).

*Status: This is the original version (as it was originally made).*

- (v) has claimed armed forces independence payment and has an award for a period commencing after the date on which that claim was made.”.
- (4) In regulation 11 (application of Part and meaning of “couple in hardship”)—
  - (a) in paragraph (2)(e)(i) after “section 72(4) of the Benefits Act” insert “, armed forces independence payment”;
  - (b) in paragraph (2)(e)(ii) after “disability living allowance” insert “, armed forces independence payment”;
  - (c) omit “or” after paragraph (2)(e)(iii); and
  - (d) after paragraph (2)(e)(iv) insert—
    - “or
    - (v) has claimed armed forces independence payment and has an award for a period commencing after the date on which that claim was made,”.

### **Amendment of the State Pension Credit Regulations 2002**

- 23.**—(1) The State Pension Credit Regulations 2002(**68**) are amended as follows.
- (2) In regulation 1(2) (citation, commencement and interpretation)(**69**), at the appropriate place insert—  
““armed forces independence payment” means armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;”.
- (3) After regulation 15(1)(aa) (income for the purposes of the Act) insert “(ab) armed forces independence payment;”.
- (4) In Schedule 1—
  - (a) in paragraph 1 (severe disablement)(**70**)—
    - (i) in sub-paragraph (1)(a)(i) after “section 78(3) of the 2012 Act” insert “or armed forces independence payment”;
    - (ii) in sub-paragraph (1)(b)(i) after “section 78(3) of the 2012 Act” insert “or armed forces independence payment”;
    - (iii) in sub-paragraph (1)(c)(i) after “section 78(3) of the 2012 Act” insert “or armed forces independence payment”; and
    - (iv) in sub-paragraph (2)(a) after “section 78(3) of the 2012 Act” insert “or armed forces independence payment”.
  - (b) in paragraph 2 (persons residing with the claimant whose presence is ignored), in sub-paragraph (2)(a) after “section 78(3) of the 2012 Act” insert “or armed forces independence payment”.
- (5) In Schedule 2 (housing costs)—
  - (a) in paragraph 1(2)(a)(iii)(ee) after “the 2012 Act” insert “or is a person in respect of whom armed forces independence payment is payable;”;
  - (b) omit “or” after paragraph 14(6)(b)(ii);
  - (c) after paragraph 14(6)(b)(iii) insert—
    - “or
    - (iv) armed forces independence payment.”; and

**(68)** S.I. 2002/1792 as amended by S.I. 2013/388.

**(69)** There are amendments to regulation 1(2) which are not relevant to this Order.

**(70)** Paragraph 1(1) was amended by S.I. 2002/3197, 2003/2274 and 2007/719.

- (d) in paragraph 14(8)(a) after “disability living allowance” insert “, armed forces independence payment”.
- (6) In Schedule 3 (special groups) (polygamous marriages) in paragraph 1(9) after “section 78(3) of the 2012 Act” insert “or armed forces independence payment”.
- (7) In Schedule 5 (income from capital), after paragraph 20(2)(ba) insert—
  - “(bb) armed forces independence payment.”.
- (8) In Schedule 6 (sums disregarded from claimant’s earnings), after paragraph 4(1)(a)—
  - (a) omit “or” at the end of paragraph (viii); and
  - (b) after paragraph (viii) insert—
    - “(ix) armed forces independence payment; or”.

### **Amendment of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002**

**24.**—(1) The Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002(71) are amended as follows.

- (2) In regulation 2(1) (interpretation)(72), at the appropriate place insert—
  - ““armed forces independence payment” means armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;”.
- (3) In regulation 9(4) (disability element and workers who are to be treated as at a disadvantage in getting a job), after sub-paragraph (d) insert—
  - “(e) armed forces independence payment.”.
- (4) In regulation 13(6)(73) (entitlement to child care element of working tax credit) after sub-paragraph (i) insert—
  - “(j) armed forces independence payment.”.
- (5) In regulation 14(4)(74)—
  - (a) omit “or” at the end of sub-paragraph (c); and
  - (b) after sub-paragraph (d) insert—
    - “; or
    - (e) armed forces independence payment is payable in respect of that child.”.
- (6) In regulation 17 (severe disability element)—
  - (a) in paragraph (1) after “or (3)” insert “or (4)”; and
  - (b) after paragraph (3) insert—
    - “(4) A person satisfies this paragraph if an armed forces independence payment is payable in respect of him.”.

### **Amendment of the Tax Credits (Definition and Calculation of Income) Regulations 2002**

**25.**—(1) The Tax Credits (Definition and Calculation of Income) Regulations 2002(75) are amended as follows.

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(71) [S.I. 2002/2005](#) as amended by [S.I. 2013/388](#).

(72) There are amendments to regulation 2(1) which are not relevant to this Order.

(73) Regulation 13(6) was amended by [S.I. 2003/701](#), [2008/1879](#) and [2012/848](#).

(74) Regulation 14(4) was amended by [S.I. 2010/751](#).

(75) [S.I. 2002/2006](#) as amended by [S.I. 2013/388](#).

*Status: This is the original version (as it was originally made).*

(2) In regulation 19 (general disregards in the calculation of income) in Table 6(76), after the final entry insert—

“17. Armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011.”.

### **Amendment of the Child Tax Credit Regulations 2002**

26.—(1) The Child Tax Credit Regulations 2002(77) are amended as follows.

(2) In regulation 2(1) (interpretation)(78), at the appropriate place insert—

““armed forces independence payment” means armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;”.

(3) In regulation 8 (prescribed conditions for a disabled or severely disabled child or qualifying young person)—

(a) in paragraph (1)(b) after “or (4)” insert “or (5)”; and

(b) after paragraph (4) insert—

“(5) A person satisfies the requirements of this paragraph if an armed forces independence payment is payable in respect of him.”.

### **Amendment of the Tax Credits (Claims and Notifications) Regulations 2002**

27.—(1) The Tax Credits (Claims and Notifications) Regulations 2002(79) are amended as follows.

(2) In regulation 2 (interpretation)(80), at the appropriate place insert—

““armed forces independence payment” means armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;”.

(3) In regulation 26A (date of notification – disability element and severe disability element of child tax credit)(81) after each “or personal independence payment” insert “or armed forces independence payment”.

### **Amendment of the Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002**

28.—(1) The Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002(82) are amended as follows.

(2) In the definition of “disabled” in regulation 2(1) (interpretation)(83), after “Benefits Act 1992” insert “or armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011”.

(76) Table 6 was amended by S.I. 2003/732, 2003/2815, 2004/762, 2004/1748, 2006/766, 2009/2887, 2010/751, 2010/2914 and 2011/721.

(77) S.I. 2002/2007 as amended by S.I. 2013/388.

(78) There are amendments to regulation 2(1) which are not relevant to this Order.

(79) S.I. 2002/2014 as amended by S.I. 2013/388.

(80) There are amendments to regulation 2 which are not relevant to this Order.

(81) Regulation 26A was substituted by S.I. 2009/697. There are other amendments which are not relevant to this Order.

(82) S.I. 2002/3236 as amended by S.I. 2013/388.

(83) The definition of “disabled” was inserted by S.I. 2006/3314. There are other amendments to regulation 2 which are not relevant to this Order.



### **Amendment of the Government Resources and Accounts Act 2000 (Rights of Access of Comptroller and Auditor General) Order 2003**

**29.** In article 2 (grant payments) of the Government Resources and Accounts Act 2000 (Rights of Access of Comptroller and Auditor General) Order 2003(**84**), in paragraph (2)—

- (a) omit “and” at the end of sub-paragraph (j); and
- (b) after sub-paragraph (k) insert—
  - “, and
  - (l) the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011.”.

### **Amendment of the European Parliamentary Elections Regulations 2004**

**30.**—(1) The European Parliamentary Elections Regulations 2004(**85**) are amended as follows.

(2) In Schedule 2 (absent voting: additional requirements for applications for a proxy vote for a definite or indefinite period on grounds of blindness or other disability)—

- (a) omit “or” after paragraph 23(6)(d); and
- (b) after paragraph 23(6)(e) insert—
  - “; or
  - (f) the application states that the applicant is in receipt of armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011 because of the disability specified in the application.”.

### **Amendment of the Non-Contentious Probate Fees Order 2004**

**31.**—(1) The Non-Contentious Probate Fees Order 2004(**86**) is amended as follows.

(2) In Schedule 1A (remissions and part remissions) (interpretation)(**87**), in sub-paragraph 1(1), in the definition of “excluded benefits”—

- (a) omit “and” at the end of paragraph (g); and
- (b) after paragraph (h) insert—
  - “and
  - (i) armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;”.

### **Amendment of the Social Fund Maternity and Funeral Expenses (General) Regulations 2005**

**32.**—(1) The Social Fund Maternity and Funeral Expenses (General) Regulations 2005(**88**) are amended as follows.

(2) In regulation 10(1A) (arrears of benefit excluded from the assets of the deceased)(**89**) at the end of paragraph (ee) insert—

- “.
- (ff) armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011.”.

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(84) [S.I. 2003/1325](#) as amended by [S.I. 2013/388](#).

(85) [S.I. 2004/293](#) as amended by [S.I. 2013/388](#).

(86) [S.I. 2004/3120](#) as amended by [S.I. 2013/388](#).

(87) Schedule 1A was substituted by [S.I. 2009/1497](#).

(88) [S.I. 2005/3061](#).

(89) Regulation 10(1A) was inserted by [S.I.2013/247](#).

**Amendment of the Criminal Defence Service (Financial Eligibility) Regulations 2006**

**33.**—(1) The Criminal Defence Service (Financial Eligibility) Regulations 2006<sup>(90)</sup> are amended as follows.

(2) In regulation 2(1)(interpretation) in the paragraph defining “gross annual income”, after sub-paragraph (f) insert—

- “(g) any armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;”.

**Amendment of the Housing Benefit Regulations 2006**

**34.**—(1) The Housing Benefit Regulations 2006<sup>(91)</sup> are amended as follows.

(2) In regulation 2(1)(interpretation)<sup>(92)</sup>—

(a) at the appropriate place insert—

““armed forces independence payment” means armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;”;

(b) in the paragraph defining “the benefit Acts” after “part 4 of the 2012 Act” insert “, the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011”;

(c) in the paragraph defining “person who requires overnight care”—

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

(ii) after sub-paragraph (a)(ia) insert—

“(iib) is in receipt of armed forces independence payment; or”; and

(iii) in sub-paragraph (a)(ii) for “, (ii) or (ia)” substitute “, (ii), (ia) or (iib)”.

(3) In regulation 28 (treatment of child care charges)—

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

“(ix) armed forces independence payment;”;

(b) omit “or” after paragraph (13)(c); and

(c) after paragraph (13)(d) insert—

“; or

(e) in respect of whom armed forces independence payment is payable.”.

(4) In regulation 74 (non-dependant deductions)<sup>(93)</sup>—

(a) omit “or” after sub-paragraph (6)(b)(ii);

(b) after sub-paragraph (6)(b)(iii) insert—

“or

(iv) armed forces independence payment.”; and

(c) in paragraph (9)(a) after “disability living allowance” insert “, armed forces independence payment”.

(5) In regulation 79(6) (date on which change of circumstances is to take effect)—

(a) for “the Act or” substitute “the Act,”; and

<sup>(90)</sup> S.I. 2006/2492.

<sup>(91)</sup> S.I. 2006/213 as amended by S.I. 2013/388.

<sup>(92)</sup> There are amendments to regulation 2 which are not relevant to these Regulations.

<sup>(93)</sup> Regulation 74 was substituted by S.I. 2007/2868 and amended by S.I. 2008/1082, 2008/2767, 2010/641, 2011/2425, 2012/780 and 2012/870.

- (b) after “Part 4 of the 2012 Act” insert “or article 24A of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011”.
- (6) In Schedule 3 (applicable amounts)—
  - (a) in paragraph 7(2)—
    - (i) after “section 72(3) of the Act” for “or” insert “;” and
    - (ii) after “section 78(3) of the 2012 Act” insert “or armed forces independence payment”;
  - (b) in paragraph 13(1)(a) (additional condition for the disability premium)(94), in sub-paragraph (i), after “personal independence payment” insert “, armed forces independence payment,”;
  - (c) in paragraph 14 (severe disability premium)(95)—
    - (i) in sub-paragraph (2)(a)(i) after “section 78(3) of the 2012 Act” insert “or armed forces independence payment”;
    - (ii) in sub-paragraph (2)(b)(i) after “section 78(3) of the 2012 Act” insert “or armed forces independence payment”; and
    - (iii) in sub-paragraph (4)(a) after “section 78(3) of the 2012 Act” insert “or armed forces independence payment”;
  - (d) in paragraph 15 (enhanced disability premium)—
    - (i) after sub-paragraph (1)(c) insert—
      - “; or
      - (d) armed forces independence payment is 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,”;
    - (e) in paragraph 16 (disabled child premium), after sub-paragraph (d) insert—
      - “; or
      - (e) is a young person who is in receipt of armed forces independence payment.”.
- (7) In Schedule 5 (sums to be disregarded in the calculation of income), in paragraph 6, after “disability living allowance” insert “, armed forces independence payment”.

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

**35.**—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(96) are amended as follows.

- (2) In regulation 2(1) (interpretation)(97)—
  - (a) at the appropriate place insert—
    - ““armed forces independence payment” means armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;”;
  - (b) in the definition of “the benefit Acts” after “part 4 of the 2012 Act” insert “, the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011”;
  - (c) in the definition of “person who requires overnight care”—

(94) Paragraph 13(1)(a) was amended by [S.I. 2005/2502](#) and [S.I. 2006/217](#).

(95) Paragraph 14 was amended by [S.I. 2007/719](#), [2009/583](#) and [2010/1160](#).

(96) [S.I. 2006/214](#) as amended by [S.I. 2013/388](#).

(97) There are amendments to regulation 2(1) which are not relevant to this Order.

*Status: This is the original version (as it was originally made).*

- (i) omit “or” at the end of sub-paragraph (a)(iia);
  - (ii) after sub-paragraph (a)(iia) insert—
    - “(iib) is in receipt of armed forces independence payment; or”; and
    - (iii) in sub-paragraph (a)(iii) for “, (ii) or (iia)” substitute “, (ii), (iia) or (iib)”.
- (3) In regulation 29(1)(j)(i) (meaning of “income”) after paragraph (1)(j)(ia) insert—  
“(ib) armed forces independence payment;”.
- (4) In regulation 31 (treatment of child care charges)—
  - (a) after paragraph (11)(d)(viii) insert—  
“(ix) armed forces independence payment;”;
  - (b) after paragraph (13)(d) insert—  
“; or
  - (e) in respect of whom armed forces independence payment is payable.”.
- (5) In regulation 55 (non-dependant deductions)—
  - (a) omit “or” after sub-paragraph (6)(b)(ii);
  - (b) after sub-paragraph (6)(b)(iii) insert—  
“; or
  - (iv) armed forces independence payment;”; and
  - (c) in paragraph (10)(a) after “disability living allowance” insert “, armed forces independence payment”.
- (6) In regulation 59(6) (date on which change of circumstances is to take effect) after “Part 4 of the 2012 Act” insert “or the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011”.
- (7) In Schedule 3 (applicable amounts)—
  - (a) in paragraph 5(2)—
    - (i) omit “or” after sub-paragraph (b); and
    - (ii) after sub-paragraph (c) insert—  
“; or
    - (d) armed forces independence payment.”;
  - (b) in paragraph 6 (severe disability premium)—
    - (i) in sub-paragraph (2)(a)(i) after “section 78(3) of the 2012 Act” insert “or armed forces independence payment”;
    - (ii) in sub-paragraph (2)(b)(i) after “section 78(3) of the 2012 Act” insert “or armed forces independence payment”;
    - (iii) in sub-paragraph (6)(a) after “section 78(3) of the 2012 Act” insert “or armed forces independence payment”;
  - (c) in paragraph 7 (enhanced disability premium) after sub-paragraph (1)(b) insert—  
“or
  - (c) armed forces independence payment is payable;”;
  - (d) in paragraph 8 (disabled child premium) after sub-paragraph (d) insert—  
“; or
  - (e) is a young person who is in receipt of armed forces independence payment.”.
- (8) In Schedule 4 (sums disregarded from claimant’s earnings), in paragraph 5(1)(a)–

- (a) omit “or” at the end of paragraph (viii); and
- (b) after paragraph (viii) insert—
  - “(ix) armed forces independence payment; or”.
- (9) In Schedule 6 (capital to be disregarded), in paragraph 21(2)(98), after paragraph (ba) insert—
  - “(bb) armed forces independence payment;”.

#### **Amendment of the National Assembly for Wales (Representation of the People) Order 2007**

**36.**—(1) The National Assembly for Wales (Representation of the People) Order 2007(99) is amended as follows.

(2) In Schedule 1 (additional requirements for applications for a proxy vote on grounds of blindness or other disability: absent voting at assembly elections), in paragraph 4(5)—

- (a) omit “or” at the end of sub-paragraph (b); and
- (b) after sub-paragraph (c) insert—
  - “; or
  - (d) the application states that the applicant is in receipt of armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011 because of the disability specified in the application.”.

#### **Amendment of the Employment and Support Allowance Regulations 2008**

**37.**—(1) The Employment and Support Allowance Regulations 2008(100) are amended as follows.

- (2) In regulation 2(1) (interpretation)(101), at the appropriate place insert—
  - ““armed forces independence payment” means armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;”.
- (3) In regulation 18 (circumstances in which the condition that the claimant is not receiving education does not apply) after “disability living allowance” insert “, armed forces independence payment”.
- (4) In regulation 158(3) (meaning of “person in hardship”)—
  - (a) in sub-paragraph (b), after “the care component” insert “, armed forces independence payment”;
  - (b) in sub-paragraph (c), after “disability living allowance” insert “, armed forces independence payment”;
  - (c) in sub-paragraph (d)(i), after “the care component” insert “, armed forces independence payment”; and
  - (d) in sub-paragraph (d)(ii), after “disability living allowance” insert “, armed forces independence payment”.
- (5) In Schedule 4 (amounts)—
  - (a) in paragraph 4(2)—
    - (i) omit “or” after sub-paragraph (b);
    - (ii) after sub-paragraph (c) insert—

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(98) Schedule 6, paragraph 21 was amended by [S.I. 2013/443](#).

(99) [S.I. 2007/236](#) as amended by [S.I. 2013/388](#).

(100) [S.I. 2008/794](#) as amended by [S.I. 2013/388](#).

(101) There are amendments to regulation 2(1) which are not relevant to these Regulations.

*Status: This is the original version (as it was originally made).*

- “; or
- (d) armed forces independence payment.”;
- (b) in paragraph 6 (severe disability premium)—
- (i) in sub-paragraph (2)(a)(i)(**102**), after “daily living component” insert “, armed forces independence payment”;
- (ii) in sub-paragraph (2)(b)(i)(**103**), after “daily living component” insert “, armed forces independence payment”;
- (iii) in sub-paragraph (2)(b)(ii), after each place “daily living component” appears, insert “, armed forces independence payment”;
- (iv) in sub-paragraph (4)(a), after “daily living component” insert “, armed forces independence payment”;
- (c) in paragraph 7 (enhanced disability premium)—
- (i) omit “or” after sub-paragraph (1)(b)(ii); and
- (ii) after sub-paragraph (1)(c) insert—
- “; or
- (d) armed forces independence payment is payable in respect of—
- (i) the claimant; or
- (ii) the claimant’s partner (if any) who is aged less than the qualifying age for state pension credit.”.
- (6) In Schedule 6 (housing costs)—
- (a) in paragraph 15(11)(b) (linking rule)(**104**), after “disability living allowance” insert “, armed forces independence payment”; and
- (b) in paragraph 19 (non-dependant deductions)—
- (i) omit “or” after sub-paragraph (6)(b)(ii);
- (ii) after sub-paragraph (6)(b)(iii) insert—
- “; or
- (iv) armed forces independence payment.”;
- (iii) in sub-paragraph (8)(a), after “disability living allowance” insert “, armed forces independence payment”.
- (7) In Schedule 8 (sums to be disregarded in the calculation of income other than earnings), insert—
- “**66.** Any armed forces independence payment.”.

### **Amendment of the Magistrates’ Courts Fees Order 2008**

**38.**—(1) The Magistrates’ Courts Fees Order 2008(**105**) is amended as follows.

(2) In Schedule 2 (remissions and part-remissions) (interpretation), in paragraph 1(1)(**106**), in the definition of “excluded benefits”—

(**102**) Paragraph 6(2)(a)(i) was amended by [S.I. 2011/2425](#) and [2013/388](#).

(**103**) Paragraph 6(2)(b)(i) was amended by [S.I. 2011/2425](#) and [2013/388](#).

(**104**) Paragraph 15(11)(b) was substituted by [S.I. 2011/2428](#).

(**105**) [S.I. 2008/1052](#) as amended by [S.I. 2013/388](#).

(**106**) Paragraph 1(1) of Schedule 2 was amended by section 59(5) and Schedule 11, paragraph 1(2) of the Constitutional Reform Act 2005, [S.I. 2008/2855](#) and [2009/1496](#).

- (a) omit “and” at the end of paragraph (g); and
- (b) after paragraph (h) insert—
  - “and
  - (i) armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;”.

#### **Amendment of the Civil Proceedings Fees Order 2008**

**39.**—(1) The Civil Proceedings Fees Order 2008(**107**) is amended as follows.

(2) In Schedule 2 (remissions and part remissions) (interpretation), in paragraph 1(1)(**108**), in the definition of “excluded benefits”—

- (a) omit “and” at the end of paragraph (g); and
- (b) after paragraph (h) insert—
  - “and
  - (i) armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;”.

#### **Amendment of the Family Proceedings Fees Order 2008**

**40.**—(1) The Family Proceedings Fees Order 2008(**109**) is amended as follows.

(2) In Schedule 2 (remissions and part remissions) (interpretation), in paragraph 1(1)(**110**), in the definition of “excluded benefits”—

- (a) omit “and” at the end of paragraph (g); and
- (b) after paragraph (h) insert—
  - “and
  - (i) armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;”.

#### **Amendment of the Criminal Defence Service (Contribution Orders) Regulations 2009**

**41.**—(1) The Criminal Defence Service (Contribution Orders) Regulations 2009(**111**) are amended as follows.

(2) In regulation (2)(1)(interpretation) in the paragraph defining “gross annual income”, after sub-paragraph (g) insert—

- “(h) any armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;”.

#### **Amendment of the Education (Student Loans) (Repayment) Regulations 2009**

**42.**—(1) The Education (Student Loans) (Repayment) Regulations 2009(**112**) is amended as follows.

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(107) S.I. 2008/1053 as amended by S.I. 2013/388.

(108) There are amendments to paragraph 1(1) which are not relevant to this Order.

(109) S.I. 2008/1054 as amended by S.I. 2013/388.

(110) There are amendments to paragraph 1(1) which are not relevant to this Order.

(111) S.I. 2009/3328.

(112) S.I. 2009/470 as amended by S.I. 2013/388.

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(2) In regulation 9 (interpretation), in the definition of “disability-related benefit” in sub-paragraph (1), after “Welfare Reform Act 2012” insert “armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;”.

#### **Amendment of the Supreme Court Fees Order 2009**

**43.**—(1) The Supreme Court Order 2009(**113**) is amended as follows.

(2) In Schedule 2 (remissions and part remissions) (interpretation) in paragraph 1(1), in the definition of “excluded benefits”—

(a) omit “and” at the end of paragraph (g); and

(b) after paragraph (h) insert—

“and

(i) armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;”.

#### **Amendment of the Social Security (Contributions Credits for Parents and Carers) Regulations 2010**

**44.**—(1) The Social Security (Contributions Credits for Parents and Carers) Regulations 2010(**114**) are amended as follows.

(2) In regulation 2(1) (interpretation) in the definition of “relevant benefit” after sub-paragraph (f) insert—

“(g) armed forces independence payment in accordance with the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011.”.

#### **Amendment of the Upper Tribunal (Immigration and Asylum Chamber) (Judicial Review) (England and Wales) Fees Order 2011**

**45.**—(1) The Upper Tribunal (Immigration and Asylum Chamber) (Judicial Review) (England and Wales) Fees Order 2011(**115**) is amended as follows.

(2) In Schedule 2 (remissions and part remissions) (interpretation) in sub-paragraph 1(1), in the definition of “excluded benefits”—

(a) omit “and” at the end of paragraph (g); and

(b) after paragraph (h) insert—

“and

(i) armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;”.

#### **Amendment of the Police and Crime Commissioner Elections Order 2012**

**46.**—(1) The Police and Crime Commissioner Elections Order 2012(**116**) is amended as follows.

(2) In Schedule 2 (absent voting in PCC elections: additional requirements referred to in paragraph 14(4)), in paragraph 15(6)—

(a) omit “or” at the end of sub-paragraph (b); and

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(113) S.I. 2009/2131 as amended by S.I. 2013/388.

(114) S.I. 2010/19 as amended by S.I. 2013/388.

(115) S.I. 2011/2344 as amended by S.I. 2013/388.

(116) S.I. 2012/1917 as amended by S.I. 2013/388.



(b) after sub-paragraph (c) insert—

“, or

(d) the application states that the applicant is in receipt of armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011 because of the disability specified in the application.”.

### **Amendment of the Child Support Maintenance Calculation Regulations 2012**

**47.**—(1) The Child Support Maintenance Calculation Regulations 2012(**117**) are amended as follows.

(2) In regulation 64 (illness or disability of relevant other child)—

(a) in paragraph (2)(a)(i) after “disability living allowance” insert “, armed forces independence payment”;

(b) after paragraph (2)(g) insert—

“(h) “armed forces independence payment” means armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011.”; and

(c) in paragraph (3)(b) after “disability living allowance” insert “, armed forces independence payment”.

### **Amendment of the Benefit Cap (Housing Benefit) Regulations 2012**

**48.**—(1) The Benefit Cap (Housing Benefit) Regulations 2012(**118**) are amended as follows.

(2) In regulation 2(5)(amendment of the Housing Benefit Regulations 2006), in sub-paragraph (ea) of the inserted regulation 75F, after “personal independence payment” insert “or an armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011”.

### **Amendment of the Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013**

**49.**—(1) The Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013(**119**) are amended as follows.

(2) In regulation 24 (payments to be disregarded from calculation of disposable income or gross income)—

(a) omit “and” in sub-paragraph (1)(m); and

(b) after “2012” in sub-paragraph (1)(n) insert—

“;

(o) any armed forces independence payment payable under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011”.

### **Amendment of the Criminal Legal Aid (Financial Resources) Regulations 2013**

**50.**—(1) The Criminal Legal Aid (Financial Resources) Regulations 2013(**120**) are amended as follows.

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(117) [S.I. 2012/2677](#) as amended by [S.I. 2013/388](#).

(118) [S.I. 2012/2994](#) as amended by [S.I. 2013/388](#).

(119) [S.I. 2013/480](#).

(120) [S.I. 2013/471](#).

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- (2) In regulation 11 (disposable income: deductions)—
  - (a) omit “and” in sub-paragraph (2)(g); and
  - (b) after “Act” in sub-paragraph (2)(h) insert—
    - “;
    - (i) any armed forces independence payment payable under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011”.
- (3) in regulation 20 (assessment of resources: gross annual income)—
  - (a) delete “and” in sub-paragraph (2)(g); and
  - (b) after “Act” in sub-paragraph (2)(h) insert—
    - “;
    - (i) any armed forces independence payment payable under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011”.

### **Amendment of the Employment and Support Allowance Regulations 2013**

**51.**—(1) The Employment and Support Allowance Regulations 2013(**121**) are amended as follows.

- (2) In regulation 94 (meaning of “person in hardship”)—
  - (a) in sub-paragraph (3)(a) after “attendance allowance,” insert “armed forces independence payment,”;
  - (b) in sub-paragraph (3)(b) after “attendance allowance,” insert “armed forces independence payment,”;
  - (c) in sub-paragraph (3)(c)(i) after “attendance allowance,” insert “armed forces independence payment,”; and
  - (d) in sub-paragraph (3)(c)(ii) after “attendance allowance,” insert “armed forces independence payment,”.
  - (e) in sub-paragraph (7) at the appropriate place insert—
    - ““armed forces independence payment” means armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;”.

### **Amendment of the Jobseeker’s Allowance Regulations 2013**

**52.**—(1) The Jobseeker’s Allowance Regulations 2013(**122**) are amended as follows.

- (2) In regulation 42 (remunerative work)—
  - (a) in paragraph (3)(c)(i)—
    - (i) omit “or” after “the care component”; and
    - (ii) after “the daily living component” insert “or armed forces independence payment,”;
  - (b) in paragraph (3)(c)(ii) after “attendance allowance,” insert “armed forces independence payment,”;
  - (c) in paragraph (3)(c)(iv) after “claimed either an attendance allowance,” insert “armed forces independence payment,”;
  - (d) in paragraph (3)(c)(iv) after “award of attendance allowance,” insert “armed forces independence payment,”; and

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(121) S.I. 2013/379.

(122) S.I. 2013/378.

(e) in paragraph (4) at the appropriate place insert—

““armed forces independence payment” means armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;”.

### **Amendment of the Universal Credit (Transitional Provisions) Regulations 2013**

**53.**—(1) The Universal Credit (Transitional Provisions) Regulations 2013(**123**) are amended as follows.

(2) In regulation 27(3)(e) (transition from other incapacity benefits: claimants approaching pensionable age)—

(a) omit “or” after paragraph (e)(ii); and

(b) after paragraph (e)(iii) insert—

“; or

(iv) armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011.”.

### **Amendment of the Universal Credit Regulations 2013**

**54.**—(1) The Universal Credit Regulations 2013(**124**) are amended as follows.

(2) In regulation 2 (interpretation) in the definition of “attendance allowance”, after paragraph (1) (e) insert—

“(f) armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;”.

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## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

The provisions contained in this Order are made to give full effect to section 1(2) of the Armed Forces (Pensions and Compensation Scheme) Act 2004 (c.32) consequential upon the Armed Forces and Reserve Forces (Compensation Scheme) (Amendment Order) 2013 (S.I. 2013/436) (“2013 Order”) which amends the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011 (S.I. 2011/517) (“2011 Order”). Both Orders are made under that section. The 2011 Order provides for a scheme of compensation payments to be payable to, or in respect of, a person by reason of illness or injury (whether physical or mental), or death, which is caused (wholly or partly) by service in the armed forces or the reserve forces. The 2013 Order provides for a new payment called the armed forces independence payment under the scheme.

Paragraph 1 of the Schedule amends the Social Security Benefit (Persons Abroad) Regulations 1975. This amendment provides that persons in receipt of armed forces independence payment will not be disqualified from receiving a benefit in respect of incapacity by reason of temporary absence from Great Britain in certain circumstances.

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(123) S.I. 2013/386.

(124) S.I. 2013/376.

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Paragraph 2 of the Schedule amends the Social Security (Invalid Care Allowance) Regulations 1976 to provide that entitlement to Carer's Allowance can continue where the claimant is not present in Great Britain provided the absence is temporary and for the purpose of caring for a severely disabled person in receipt of (amongst other payments) armed forces personal independence payment.

Paragraph 3 of the Schedule amends the Social Security (Overlapping Benefits) Regulations 1979. Regulation 6 is amended to allow for adjustment under Schedule 1 where both armed forces independence payment and any benefit to be adjusted by reference to armed forces independence payment are payable in respect of the same person (whether or not one or both of them are payable to that person). Item 5 of Schedule 1 is amended to allow for the adjustment of armed forces independence payment where certain other benefits are payable in respect of the same person.

Paragraph 4 of the Schedule makes a number of consequential amendments to the Income Support (General) Regulations 1987, including amendments to the entitlement conditions for certain premiums so that those premiums may be awarded to certain persons in receipt of armed forces independence payment. The Regulations are also amended so that armed forces independence payment is disregarded when calculating income for the purposes of those Regulations in certain circumstances.

Paragraph 5 of the Schedule amends the Council Tax (Discount Disregards) Order 1992 to include armed forces independence payment in the definition of a "qualifying benefit". People who receive a qualifying benefit and meet certain other conditions are disregarded for the purposes of calculating a council tax discount.

Paragraph 6 of the Schedule amends the Council Tax (Additional Provision for Discount Disregards) Regulations 1992 which makes provision for care workers in relation to council tax disregards. Armed forces independence payment is added to the list of qualifying benefits in respect of the person being cared for.

Paragraph 7 of the Schedule amends the Child Support (Maintenance Assessments and Special Cases) Regulations 1992. Amendments to Schedule 2 of those Regulations provide that armed forces independence payment, or any other payment (whether concessionary or otherwise) to compensate for the non-payment of armed forces independence payment, is disregarded when calculating the net income of a non-resident parent and parent with care. An amendment to Schedule 4 provides that child maintenance is not payable by a non-resident parent who is in receipt of armed forces independence payment.

Paragraph 8 of the Schedule amends the National Assistance (Assessment of Resources) Regulations 1992 and makes provision for how armed forces independence payment is to be treated in the calculation of income and earnings, and requires local authorities to disregard armed forces independence payment in the financial assessment of what a person pays for their residential care.

Paragraph 9 of the Schedule amends the Social Security (Incapacity Benefit) Regulations 1994. The amendment provides that persons in receipt of armed forces independence payment shall not have their incapacity benefit reduced under section 30DD(1) of the Social Security Contributions and Benefits Act 1992.

Paragraph 10 of the Schedule makes a number of consequential amendments to the Jobseeker's Allowance Regulation 1996, including amendments to the entitlement conditions for certain premiums so that those premiums may be awarded to certain persons in receipt of armed forces independence payment. The Regulations are also amended so that armed forces independence payment is disregarded when calculating income for the purposes of those Regulations in certain circumstances.

Paragraph 11 of the Schedule makes consequential amendments to the Housing Renewal Grants Regulations 1996 to deal with the impact of armed forces independence payment on means testing for receipt of disabled facilities grants. These include: amendments concerning the reduction of assessed income to take account of child care payments, amendments concerning the entitlement to certain premiums where disabled persons or members of their household are in receipt of armed

forces independence payment, and an amendment to disregard armed forces independence payment in calculating income other than earnings.

Paragraph 12 of the Schedule amends the Social Security Benefits (Computation of Earnings) Regulations 1996. The amendment provides that a member of a couple is deemed to be incapacitated if they are in receipt of armed forces independence payment.

Paragraph 13 of the Schedule amends the Child Support Departure Direction and Consequential Amendments Regulations 1996. The amendments make provision for payments of armed forces independence payment to be taken into account in the determination of applications for departures from the standard child maintenance formula under the 1993 statutory scheme.

Paragraph 14 of the Schedule amends the Education (Student Loans) Regulations 1998. The amendment adds the armed forces independence payment to the definition of “disability related benefits” for the purposes of those Regulations.

Paragraph 15 of the Schedule amends the Social Security and Child Support (Decisions and Appeals) Regulations 1999. The amendments make provision for the date upon which certain decisions regarding entitlement to armed forces independence payment take effect for the purposes of those Regulations.

Paragraph 16 of the Schedule amends the Maternity and Parental Leave etc Regulations 1999. These amendments provide that where an employee is a parent of a person in receipt of armed forces independence payment, they are entitled to certain additional rights in respect of parental leave.

Paragraph 17 of the Schedule amends the Child Support (Variations) Regulations 2000. The amendments provide that a person receiving armed forces independence payment comes within the definition of a “disabled” person for the purposes of those Regulations. The Regulations are also amended to allow armed forces independence payment to be taken into account when calculating special expenses for the purposes of the Child Support Act 1991.

Paragraph 18 of the Schedule amends the Community Legal Service (Financial) Regulations 2000 to include armed forces independence payment in the list of payments to be disregarded when calculating disposable income for the purposes of those Regulations.

Paragraph 19 of the Schedule amends the Criminal Defence Service (General) (No.2) Regulations 2001 to include armed forces independence payment in the list of payments to be disregarded when calculating disposable income for the purposes of those Regulations.

Paragraph 20 of the Schedule amends the Representation of the People (England and Wales) Regulations 2001 to provide that, where a person is in receipt of armed forces independence payment, they are exempted from the requirement to obtain medical attestation when applying to vote by proxy.

Paragraph 21 of the Schedule amends the Representation of the People (Scotland) Regulations 2001 to provide that, where a person is in receipt of armed forces independence payment, they are exempted from the requirement to obtain medical attestation when applying to vote by proxy.

Paragraph 22 of the Schedule amends the Social Security (Loss of Benefit) Regulations 2001 to provide that the definition of a “person in hardship” and a “couple in hardship”, for the purposes of those Regulations, includes persons in receipt of armed forces independence payment.

Paragraph 23 of the Schedule makes a number of consequential amendments to the State Pension Credit Regulations 2002, including amendments to the entitlement conditions for the additional amount of pension credit which can be awarded to persons who are severely disabled. The Regulations are also amended so that armed forces independence payment is disregarded when calculating income for the purposes of those Regulations in certain circumstances.

Paragraph 24 of the Schedule amends the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 to provide that persons in receipt of armed forces independence payment may be entitled to a disability element or a severe disability element for the purposes of working tax credit. The amendments also provide that a claimant or a child in receipt of armed forces independence

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payment is defined as incapacitated or disabled respectively for the purpose of the childcare element of working tax credit.

Paragraph 25 of the Schedule amends the Tax Credits (Definition and Calculation of Income) Regulations 2002 to provide that armed forces independence payment is disregarded when calculating income for the purposes of those Regulations.

Paragraph 26 of the Schedule amends the Child Tax Credit Regulations 2002 to provide that, for the purposes of child tax credit, where a child or qualifying young person is in receipt of armed forces independence payment a severe disability element may be payable.

Paragraph 27 of the Schedule amends the Tax Credits (Claims and Notifications) Regulations 2002. The amendments make provision for the date upon which decisions regarding entitlement to armed forces independence payment take effect for the purposes of entitlement to the severe disability element of child tax credit.

Paragraph 28 of the Schedule amends the Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002 so that the definition of “disabled” for the purposes of those Regulations includes someone entitled to armed forces independence payment.

Paragraph 29 of the Schedule amends the Government Resources and Accounts Act 2000 (Rights of Access of Comptroller and Auditor General) Order 2003 to provide that the Comptroller and Auditor General cannot access documents in the custody or control of an individual relating to grants of armed forces independence payment to individuals.

Paragraph 30 of the Schedule amends the European Parliamentary Elections Regulations 2004 to provide that, where a person is in receipt of armed forces independence payment, they are exempted from the requirement to obtain medical attestation when applying to vote by proxy in European Parliamentary elections.

Paragraph 31 of the Schedule amends the Non-Contentious Probate Fees Order 2004 to include armed forces independence payment in the definition of “excluded benefits” for the purposes of that Order.

Paragraph 32 of the Schedule amends the Social Fund Maternity and Funeral Expenses (General) Regulations 2005 to include armed forces independence payment in the definition of “arrears of benefits excluded” from a deceased’s assets for the purposes of those Regulations.

Paragraph 33 of the Schedule amends the Criminal Defence Service (Financial Eligibility) Regulations 2006 to include armed forces independence payment in the list of payments to be disregarded when calculating gross annual income for the purposes of those Regulations.

Paragraph 34 of the Schedule makes a number of consequential amendments to the Housing Benefit Regulations 2006, including amendments to the entitlement conditions for certain premiums so that those premiums may be awarded to certain persons in receipt of armed forces independence payment. The Regulations are also amended so that armed forces independence payment is disregarded when calculating income for the purposes of those Regulations in certain circumstances.

Paragraph 35 of the Schedule makes a number of consequential amendments to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, including amendments to the entitlement conditions for certain premiums so that those premiums may be awarded to certain persons in receipt of armed forces independence payment. The Regulations are also amended so that armed forces independence payment is disregarded when calculating income for the purposes of those Regulations in certain circumstances.

Paragraph 36 of the Schedule amends the National Assembly for Wales (Representation of the People) Order 2007 to provide that, where a person is in receipt of armed forces personal independence payment, they are exempted from the requirement to obtain medical attestation when applying to vote by proxy in National Assembly for Wales elections.

Paragraph 37 of the Schedule makes a number of amendments to the Employment and Support Allowance Regulations 2008, including amendments to the entitlement conditions for certain premiums so that those premiums may be awarded to certain persons in receipt of armed forces independence payment. The Regulations are also amended so that armed forces independence payment is disregarded when calculating income for the purposes of those Regulations in certain circumstances.

Paragraph 38 of the Schedule amends the Magistrates' Court Fees Order 2008 to include armed forces independence payment in the definition of "excluded benefits" for the purposes of that Order.

Paragraph 39 of the Schedule amends the Civil Proceedings Fees Order 2008 to include armed forces independence payment in the definition of "excluded benefits" for the purposes of that Order.

Paragraph 40 of the Schedule amends the Family Proceedings Fees Order 2008 to include armed forces independence payment in the definition of "excluded benefits" for the purposes of that Order.

Paragraph 41 of the Schedule amends the Criminal Defence Service (Contribution Orders) Regulations 2009 to include armed forces independence payment in the list of payments to be disregarded when calculating gross annual income for the purposes of those Regulations.

Paragraph 42 of the Schedule amends the Education (Student Loans) (Repayment) Regulations 2009 to include armed forces independence payment in the definition of "disability-related benefits" for the purposes of those Regulations.

Paragraph 43 of the Schedule amends the Supreme Court Fees Order 2009 to include armed forces independence payment in the definition of "excluded benefits" for the purposes of that Order.

Paragraph 44 of the Schedule amends the Social Security (Contributions Credits for Parents and Carers) Regulations 2010 to include armed forces independence payment in the definition of "relevant benefit" for the purposes of those Regulations.

Paragraph 45 of the Schedule amends the Upper Tribunal (Immigration and Asylum Chamber) (Judicial Review) (England and Wales) Fees Order 2011 to include armed forces independence payment in the definition of "excluded benefits" for the purposes of that Order.

Paragraph 46 of the Schedule amends the Police and Crime Commissioner Elections Order 2012 to provide that, where a person is in receipt of armed forces independence payment, they are exempted from the requirement to obtain medical attestation when applying to vote by proxy in Police and Crime Commissioner Elections.

Paragraph 47 of the Schedule amends the Child Support Maintenance Calculation Regulations 2012 to provide that the definition of a "disabled" person, for the purposes of those Regulations, includes persons in receipt of armed forces independence payment.

Paragraph 48 of the Schedule amends the Benefit Cap (Housing Benefit) Regulations 2012 to provide that a person will not be subject to the housing benefit cap in accordance with those regulations where that person, their partner or a young person for whom they or their partner is responsible is in receipt of armed forces independence payment.

Paragraph 49 of the Schedule amends the Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013 to provide that armed forces independence payments are to be disregarded in the calculation of disposable income or gross income under those Regulations.

Paragraph 50 of the Schedule amends the Criminal Legal Aid (Financial Resources) Regulations 2013 to provide that armed forces independence payments are to be deducted in the calculation of disposable income under Part 2 and gross annual income under Part 3 of those Regulations.

Paragraph 51 of the Schedule amends the Employment and Support Allowances Regulations 2013 to provide that the definition of a "person in hardship", for the purposes of those Regulations, includes persons in receipt of armed forces independence payment.

**Status:** This is the original version (as it was originally made).

Paragraph 52 of the Schedule amends the Jobseeker’s Allowance Regulations 2013 to provide that armed forces independence payment is included in the definition of “remunerative work” for the purposes of that Order.

Paragraph 53 of the Schedule amends the Universal Credit (Transitional Provisions) Regulations 2013 to provide that armed forces independence payment is included in the definitions of “existing benefits” and “other incapacity benefits” for the purposes of those Regulations.

Paragraph 54 of the Schedule amends the Universal Credit Regulations 2013 to provide that armed forces independence payment is included in the list of universal benefits for the purposes of those Regulations.