

## SCHEDULE

### ARMED FORCES INDEPENDENCE PAYMENTS: CONSEQUENTIAL AMENDMENTS AND SUPPLEMENTARY PROVISIONS

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

- 3.—**(1) The Social Security (Overlapping Benefits) Regulations 1979<sup>(1)</sup> 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)<sup>(2)</sup>—
- (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”.
- (4) In regulation 16 (persons to be treated as entitled to benefit for certain purposes)<sup>(3)</sup>—
- (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)<sup>(4)</sup>—
- (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”.

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

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

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

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

**Status:** *This is the original version (as it was originally made).*