

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Armed Forces and Reserve Forces Compensation Scheme (Consequential Provisions: Subordinate Legislation) Order 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](#)

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(1) 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)(2), after “disability living allowance” insert “, armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011”.

Commencement Information

I1 Sch. para. 1 in force at 8.4.2013, see [art. 2\(2\)](#)

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

2.—(1) The Social Security (Invalid Care Allowance) Regulations 1976(3) are amended as follows.

(2) In regulation 9(2) (conditions relating to residence and presence in Great Britain)(4)—

(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”.

Commencement Information

I2 Sch. para. 2 in force at 8.4.2013, see [art. 2\(2\)](#)

Amendment of the Social Security (Overlapping Benefits) Regulations 1979

3.—(1) The Social Security (Overlapping Benefits) Regulations 1979(5) 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;”.

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

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

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

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

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

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(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)(6)—

- (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)(7)—

- (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)(8)—

- (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”.

Commencement Information

I3 Sch. para. 3 in force at 8.4.2013, see [art. 2\(2\)](#)

Amendment of the Income Support (General) Regulations 1987

4.—(1) The Income Support (General) Regulations 1987(9) are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1)(10), 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)(11), after “disability living allowance” insert “, armed forces independence payment”.

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

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

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

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

(10) 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.

(11) 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.

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(4) In Schedule 1B (prescribed categories of person) (persons caring for another person)(**12**), 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)(**13**), after “section 78(3) of the 2012 Act” insert “or armed forces independence payment”;

(b) in paragraph 12 (additional condition for the higher pensioner and disability premiums) (**14**) 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)(**15**), after “section 78(3) of the 2012 Act” insert “or armed forces independence payment”;

(ii) in sub-paragraph (2)(b)(i)(**16**), after “section 78(3) of the 2012 Act” insert “or armed forces independence payment”;

(iii) in sub-paragraph (3)(a)(**17**), 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)(**18**), 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,

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

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

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

(15) Paragraph 13(2)(a)(i) was amended by [S.I. 1991/2742](#) and [2013/388](#).

(16) Paragraph 13(2)(b)(i) was amended by [S.I. 1991/2742](#) and [2013/388](#).

(17) Paragraph 13(3)(a) was amended by [S.I. 1991/2742](#) and [2013/388](#).

(18) Sub-paragraphs (1) and (1ZA) were substituted by [S.I. 2013/388](#).

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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)(**19**), after sub-paragraph (1)(d) insert—

“; or

(e) in receipt of armed forces independence payment.”.

(6) In Schedule 3 (housing costs: non-dependent deductions)(**20**), 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

(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”.

Commencement Information

I4 Sch. para. 4 in force at 8.4.2013, see [art. 2\(2\)](#)

Amendment of the Council Tax (Discount Disregards) Order 1992

5.—(1) The Council Tax (Discount Disregards) Order 1992(**21**) is amended as follows.

(2) In article 3(2) (the severely mentally impaired), after sub-paragraph (1)(**22**) insert—

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

Commencement Information

I5 Sch. para. 5 in force at 8.4.2013, see [art. 2\(2\)](#)

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

6.—(1) The Council Tax (Additional Provisions for Discount Disregards) Regulations 1992(**23**) are amended as follows.

(2) In paragraph 3(a) of the Schedule(**24**)—

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

(b) after paragraph (v) insert—

(19) Paragraph 14 was substituted by [S.I. 2007/719](#) and sub-paragraph (1)(a) was amended by [S.I. 2011/674](#).

(20) 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](#).

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

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

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

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

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“or

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

Commencement Information

I6 Sch. para. 6 in force at 8.4.2013, see [art. 2\(2\)](#)

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

7.—(1) The Child Support (Maintenance Assessments and Special Cases) Regulations 1992(25) 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.”.

Commencement Information

I7 Sch. para. 7 in force at 8.4.2013, see [art. 2\(2\)](#)

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

8.—(1) The National Assistance (Assessment of Resources) Regulations 1992(26) are amended as follows.

- (2) In regulation 2(1) (interpretation)(27), 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.”.

(25) S.I. 1992/1815 as amended by S.I. 2013/388.

(26) S.I. 1992/2977 as amended by S.I. 2013/388.

(27) 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.

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18 Sch. para. 8 in force at 8.4.2013, see [art. 2\(2\)](#)

Amendment of the Social Security (Incapacity Benefit) Regulations 1994

9.—(1) The Social Security (Incapacity Benefit) Regulations 1994(**28**) are amended as follows.

(2) In regulation 26 (person whose benefit is not to be reduced under section 30DD(1))(**29**), 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”.

Commencement Information

19 Sch. para. 9 in force at 8.4.2013, see [art. 2\(2\)](#)

Amendment of the Jobseeker’s Allowance Regulations 1996

10.—(1) The Jobseeker’s Allowance Regulations 1996(**30**) are amended as follows.

(2) In regulation 1(3) (citation, commencement and interpretation)(**31**), 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)(**32**)—

(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”)(**33**)—

(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”;

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

(c) after paragraph (iv) insert—

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

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

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

(31) 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.

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

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

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- “; 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”)(**34**)—
- (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”;
- (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)(**35**), 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)(**36**) after “section 72(3) of the Benefits Act” insert “, armed forces independence payment”;
- (b) after paragraph 14(1)(ca)(**37**), 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)(**38**)—
- (i) in sub-paragraph (1)(a) after “section 72(3) of the Benefits Act” insert “, armed forces independence payment”;
- (ii) in sub-paragraph (2)(a) after “section 72(3) of the Benefits Act” insert “, armed forces independence payment”;

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

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

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

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

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

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- (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)(**39**), after sub-paragraph (1ZA)(b) insert—
 - “; or
 - (c) armed forces independence payment is payable to that person.”;
- (e) in paragraph 16 (disabled child premium)(**40**)—
 - (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)(**41**), 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) (**42**)—
 - (i) in sub-paragraph (1)(a) after “section 72(3) of the Benefits Act” insert “, armed forces independence payment”;
 - (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)(**43**), 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.”.

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

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

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

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

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

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Commencement Information

I10 Sch. para. 10 in force at 8.4.2013, see [art. 2\(2\)](#)

Amendment of the Housing Renewal Grants Regulations 1996

- 11.**—(1) The Housing Renewal Grants Regulations 1996(**44**) are amended as follows.
- (2) In regulation 2(1) (interpretation)(**45**) 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)(**46**)—
- (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)(**47**), 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)(**48**) after “section 78(3) of the 2012 Act” insert “or armed forces independence payment”.

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

(45) 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.

(46) 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](#).

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

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

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(5) In Schedule 1A (applicable amounts for persons who have attained or whose partner has attained the qualifying age for state pension credit)⁽⁴⁹⁾—

(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”;

(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”.

Commencement Information

I11 Sch. para. 11 in force at 8.4.2013, see [art. 2\(2\)](#)

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

12.—(1) The Social Security Benefit (Computation of Earnings) Regulations 1996⁽⁵⁰⁾ 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.”.

Commencement Information

I12 Sch. para. 12 in force at 8.4.2013, see [art. 2\(2\)](#)

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

13.—(1) The Child Support Departure Direction and Consequential Amendments Regulations 1996⁽⁵¹⁾ are amended as follows.

⁽⁴⁹⁾ Schedule 1A was amended by [S.I. 2013/388](#), having been inserted in relation to England by [S.I. 2005/3323](#).

⁽⁵⁰⁾ [S.I. 1996/2745](#) as amended by [S.I. 2013/388](#).

⁽⁵¹⁾ [S.I. 1996/2907](#) as amended by [S.I. 2013/388](#).

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(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”.

Commencement Information

I13 Sch. para. 13 in force at 8.4.2013, see [art. 2\(2\)](#)

Amendment of the Education (Student Loans) Regulations 1998

14.—(1) The Education (Student Loans) Regulations 1998(**52**) 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,”.

Commencement Information

I14 Sch. para. 14 in force at 8.4.2013, see [art. 2\(2\)](#)

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(**53**) are amended as follows.

(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”.

Commencement Information

I15 Sch. para. 15 in force at 8.4.2013, see [art. 2\(2\)](#)

Amendment of the Maternity and Parental Leave etc. Regulations 1999

16.—(1) The Maternity and Parental Leave etc. Regulations 1999(**54**) are amended as follows.

(2) In regulation 2(1) (interpretation)(**55**), 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)(**56**), after “disability living allowance” insert “, armed forces independence payment”.

(52) [S.I. 1998/211](#) as amended by [S.I. 2013/388](#).

(53) [S.I. 1999/991](#) as amended by [S.I. 2013/388](#) and [2013/443](#).

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

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

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

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(4) In regulation 15(3) (when parental leave may be taken)⁽⁵⁷⁾, 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”.

Commencement Information

I16 Sch. para. 16 in force at 8.4.2013, see [art. 2\(2\)](#)

Amendment of the Child Support (Variations) Regulations 2000

17.—(1) The Child Support (Variations) Regulations 2000⁽⁵⁸⁾ 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)⁽⁵⁹⁾, after “disability living allowance” insert “or armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011”.

Commencement Information

I17 Sch. para. 17 in force at 8.4.2013, see [art. 2\(2\)](#)

Amendment of the Community Legal Service (Financial) Regulations 2000

18.—(1) The Community Legal Service (Financial) Regulations 2000⁽⁶⁰⁾ 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.”.

Commencement Information

I18 Sch. para. 18 in force at 8.4.2013, see [art. 2\(2\)](#)

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

19.—(1) The Criminal Defence Service (General) (No.2) Regulations 2001⁽⁶¹⁾ are amended as follows.

⁽⁵⁷⁾ Regulation 15 was substituted by [S.I. 2001/4010](#).

⁽⁵⁸⁾ [S.I. 2001/156](#) as amended by [S.I. 2013/388](#).

⁽⁵⁹⁾ Regulation 11(3) was amended by [S.I. 2005/785](#) and [2013/388](#).

⁽⁶⁰⁾ [S.I. 2000/516](#).

⁽⁶¹⁾ [S.I. 2001/1437](#).

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- (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.”.

Commencement Information

I19 Sch. para. 19 in force at 8.4.2013, see [art. 2\(2\)](#)

PROSPECTIVE

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

20.—(1) The Representation of the People (England and Wales) Regulations 2001(**62**) 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)(**63**), after “Benefits Act 1992” insert “, armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011”.

Commencement Information

I20 Sch. para. 20 in force at 6.5.2013, see [art. 2\(3\)\(a\)](#)

PROSPECTIVE

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

21.—(1) The Representation of the People (Scotland) Regulations 2001(**64**) 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)(**65**), after “Benefits Act 1992” insert “, armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011”.

Commencement Information

I21 Sch. para. 21 in force at 6.5.2013, see [art. 2\(3\)\(b\)](#)

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

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

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

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

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

- 22.**—(1) The Social Security (Loss of Benefit) Regulations 2001⁽⁶⁶⁾ 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
- (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,”.

Commencement Information

I22 Sch. para. 22 in force at 8.4.2013, see [art. 2\(2\)](#)

Amendment of the State Pension Credit Regulations 2002

- 23.**—(1) The State Pension Credit Regulations 2002⁽⁶⁷⁾ are amended as follows.
- (2) In regulation 1(2) (citation, commencement and interpretation)⁽⁶⁸⁾, 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—

⁽⁶⁶⁾ [S.I. 2001/4022](#) as amended by [S.I. 2013/385](#).

⁽⁶⁷⁾ [S.I. 2002/1792](#) as amended by [S.I. 2013/388](#).

⁽⁶⁸⁾ There are amendments to regulation 1(2) which are not relevant to this Order.

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- (a) in paragraph 1 (severe disablement)(**69**)—
 - (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
 - (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”.

Commencement Information

I23 Sch. para. 23 in force at 8.4.2013, see [art. 2\(2\)](#)

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

24.—(1) The Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002(**70**) are amended as follows.

- (2) In regulation 2(1) (interpretation)(**71**), 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;”.

(69) Paragraph 1(1) was amended by [S.I. 2002/3197](#), [2003/2274](#) and [2007/719](#).

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

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

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(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)(72) (entitlement to child care element of working tax credit) after sub-paragraph (i) insert—

“(j) armed forces independence payment.”.

(5) In regulation 14(4)(73)—

(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.”.

Commencement Information

I24 Sch. para. 24 in force at 8.4.2013, see [art. 2\(2\)](#)

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

25.—(1) The Tax Credits (Definition and Calculation of Income) Regulations 2002(74) are amended as follows.

(2) In regulation 19 (general disregards in the calculation of income) in Table 6(75), after the final entry insert—

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

Commencement Information

I25 Sch. para. 25 in force at 8.4.2013, see [art. 2\(2\)](#)

Amendment of the Child Tax Credit Regulations 2002

26.—(1) The Child Tax Credit Regulations 2002(76) are amended as follows.

(2) In regulation 2(1) (interpretation)(77), at the appropriate place insert—

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

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

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

(75) 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](#).

(76) [S.I. 2002/2007](#) as amended by [S.I. 2013/388](#).

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

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“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.”.

Commencement Information

I26 Sch. para. 26 in force at 8.4.2013, see [art. 2\(2\)](#)

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

27.—(1) The Tax Credits (Claims and Notifications) Regulations 2002(**78**) are amended as follows.

(2) In regulation 2 (interpretation)(**79**), 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)(**80**) after each “or personal independence payment” insert “or armed forces independence payment”.

Commencement Information

I27 Sch. para. 27 in force at 8.4.2013, see [art. 2\(2\)](#)

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

28.—(1) The Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002(**81**) are amended as follows.

(2) In the definition of “disabled” in regulation 2(1) (interpretation)(**82**), after “Benefits Act 1992” insert “or armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011”.

Commencement Information

I28 Sch. para. 28 in force at 8.4.2013, see [art. 2\(2\)](#)

(78) [S.I. 2002/2014](#) as amended by [S.I. 2013/388](#).

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

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

(81) [S.I. 2002/3236](#) as amended by [S.I. 2013/388](#).

(82) 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.

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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(**83**), 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.”.

Commencement Information

I29 Sch. para. 29 in force at 8.4.2013, see [art. 2\(2\)](#)

PROSPECTIVE

Amendment of the European Parliamentary Elections Regulations 2004

30.—(1) The European Parliamentary Elections Regulations 2004(**84**) 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.”.

Commencement Information

I30 Sch. para. 30 in force at 6.5.2013, see [art. 2\(3\)\(c\)](#)

Amendment of the Non-Contentious Probate Fees Order 2004

31.—(1) The Non-Contentious Probate Fees Order 2004(**85**) is amended as follows.

(2) In Schedule 1A (remissions and part remissions) (interpretation)(**86**), 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

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

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

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

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

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

Commencement Information

I31 Sch. para. 31 in force at 8.4.2013, see [art. 2\(2\)](#)

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

32.—(1) The Social Fund Maternity and Funeral Expenses (General) Regulations 2005(**87**) are amended as follows.

(2) In regulation 10(1A) (arrears of benefit excluded from the assets of the deceased)(**88**) at the end of paragraph (ee) insert—

“.

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

Commencement Information

I32 Sch. para. 32 in force at 8.4.2013, see [art. 2\(2\)](#)

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

33.—(1) The Criminal Defence Service (Financial Eligibility) Regulations 2006(**89**) 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;”.

Commencement Information

I33 Sch. para. 33 in force at 8.4.2013, see [art. 2\(2\)](#)

Amendment of the Housing Benefit Regulations 2006

34.—(1) The Housing Benefit Regulations 2006(**90**) are amended as follows.

(2) In regulation 2(1)(interpretation)(**91**)—

- (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;”;

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

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

(89) [S.I. 2006/2492](#).

(90) [S.I. 2006/213](#) as amended by [S.I. 2013/388](#).

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

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- (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”;
 - (iii) in sub-paragraph (a)(iii) 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)(92)—
 - (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
 - (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)(93), in sub-paragraph (i), after “personal independence payment” insert “, armed forces independence payment.”;
 - (c) in paragraph 14 (severe disability premium)(94)—
 - (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

(92) 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](#).

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

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

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- (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”.

Commencement Information

I34 Sch. para. 34 in force at 8.4.2013, see [art. 2\(2\)](#)

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(**95**) are amended as follows.

- (2) In regulation 2(1) (interpretation)(**96**)—
 - (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”—
 - (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”;
 - (iii) in sub-paragraph (a)(iii) for “, (ii) or (ia)” substitute “, (ii), (ia) 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

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

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

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- (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)(97), after paragraph (ba) insert—
- “(bb) armed forces independence payment.”.

Commencement Information

I35 Sch. para. 35 in force at 8.4.2013, see [art. 2\(2\)](#)

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

PROSPECTIVE

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⁽⁹⁸⁾ 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.”.

Commencement Information

I36 Sch. para. 36 in force at 6.5.2013, see [art. 2\(3\)\(d\)](#)

Amendment of the Employment and Support Allowance Regulations 2008

37.—(1) The Employment and Support Allowance Regulations 2008⁽⁹⁹⁾ are amended as follows.

(2) In regulation 2(1) (interpretation)⁽¹⁰⁰⁾, 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—

⁽⁹⁸⁾ [S.I. 2007/236](#) as amended by [S.I. 2013/388](#).

⁽⁹⁹⁾ [S.I. 2008/794](#) as amended by [S.I. 2013/388](#).

⁽¹⁰⁰⁾ There are amendments to regulation 2(1) which are not relevant to these Regulations.

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- “; or
- (d) armed forces independence payment.”;
- (b) in paragraph 6 (severe disability premium)—
- (i) in sub-paragraph (2)(a)(i)(**101**), after “daily living component” insert “, armed forces independence payment”;
- (ii) in sub-paragraph (2)(b)(i)(**102**), 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)(**103**), 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.”.

Commencement Information

I37 Sch. para. 37 in force at 8.4.2013, see [art. 2\(2\)](#)

Amendment of the Magistrates’ Courts Fees Order 2008

38.—(1) The Magistrates’ Courts Fees Order 2008(**104**) is amended as follows.

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

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

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

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

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(2) In Schedule 2 (remissions and part-remissions) (interpretation), in paragraph 1(1)(**105**), 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;”.

Commencement Information

I38 Sch. para. 38 in force at 8.4.2013, see [art. 2\(2\)](#)

Amendment of the Civil Proceedings Fees Order 2008

39.—(1) The Civil Proceedings Fees Order 2008(**106**) is amended as follows.

(2) In Schedule 2 (remissions and part remissions) (interpretation), in paragraph 1(1)(**107**), 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;”.

Commencement Information

I39 Sch. para. 39 in force at 8.4.2013, see [art. 2\(2\)](#)

Amendment of the Family Proceedings Fees Order 2008

40.—(1) The Family Proceedings Fees Order 2008(**108**) is amended as follows.

(2) In Schedule 2 (remissions and part remissions) (interpretation), in paragraph 1(1)(**109**), 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;”.

(**105**) 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](#).

(**106**) [S.I. 2008/1053](#) as amended by [S.I. 2013/388](#).

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

(**108**) [S.I. 2008/1054](#) as amended by [S.I. 2013/388](#).

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

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Commencement Information

I40 Sch. para. 40 in force at 8.4.2013, see [art. 2\(2\)](#)

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

41.—(1) The Criminal Defence Service (Contribution Orders) Regulations 2009(**110**) 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;”.

Commencement Information

I41 Sch. para. 41 in force at 8.4.2013, see [art. 2\(2\)](#)

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

42.—(1) The Education (Student Loans) (Repayment) Regulations 2009(**111**) is amended as follows.

(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;”.

Commencement Information

I42 Sch. para. 42 in force at 8.4.2013, see [art. 2\(2\)](#)

Amendment of the Supreme Court Fees Order 2009

43.—(1) The Supreme Court Order 2009(**112**) 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;”.

Commencement Information

I43 Sch. para. 43 in force at 8.4.2013, see [art. 2\(2\)](#)

(110) S.I. 2009/3328.

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

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

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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(**113**) 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.”.

Commencement Information

I44 Sch. para. 44 in force at 8.4.2013, see [art. 2\(2\)](#)

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(**114**) 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;”.

Commencement Information

I45 Sch. para. 45 in force at 8.4.2013, see [art. 2\(2\)](#)

PROSPECTIVE

Amendment of the Police and Crime Commissioner Elections Order 2012

46.—(1) The Police and Crime Commissioner Elections Order 2012(**115**) 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

(b) after sub-paragraph (c) insert—

“, or

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

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

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

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- (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.”.

Commencement Information

I46 Sch. para. 46 in force at 6.5.2013, see [art. 2\(3\)\(e\)](#)

Amendment of the Child Support Maintenance Calculation Regulations 2012

47.—(1) The Child Support Maintenance Calculation Regulations 2012(**116**) 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”.

Commencement Information

I47 Sch. para. 47 in force at 8.4.2013, see [art. 2\(2\)](#)

Amendment of the Benefit Cap (Housing Benefit) Regulations 2012

48.—(1) The Benefit Cap (Housing Benefit) Regulations 2012(**117**) are amended as follows.

(2) In regulation 2(5)(amendment of the Housing Benefit Regulations 2006), in subparagraph (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”.

Commencement Information

I48 Sch. para. 48 in force at 8.4.2013, see [art. 2\(2\)](#)

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(**118**) are amended as follows.

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

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

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

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(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”.

Commencement Information

I49 Sch. para. 49 in force at 8.4.2013, see [art. 2\(2\)](#)

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

50.—(1) The Criminal Legal Aid (Financial Resources) Regulations 2013(**119**) are amended as follows.

(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”.

Commencement Information

I50 Sch. para. 50 in force at 8.4.2013, see [art. 2\(2\)](#)

Amendment of the Employment and Support Allowance Regulations 2013

51.—(1) The Employment and Support Allowance Regulations 2013(**120**) 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,”;

(119) S.I. 2013/471.

(120) S.I. 2013/379.

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- (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;”.

Commencement Information

I51 Sch. para. 51 in force at 8.4.2013, see [art. 2\(2\)](#)

Amendment of the Jobseeker’s Allowance Regulations 2013

52.—(1) The Jobseeker’s Allowance Regulations 2013(**121**) 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
- (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;”.

Commencement Information

I52 Sch. para. 52 in force at 8.4.2013, see [art. 2\(2\)](#)

Amendment of the Universal Credit (Transitional Provisions) Regulations 2013

53.—(1) The Universal Credit (Transitional Provisions) Regulations 2013(**122**) 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

[\(121\)S.I. 2013/378.](#)

[\(122\)S.I. 2013/386.](#)

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

Commencement Information

I53 Sch. para. 53 in force at 8.4.2013, see [art. 2\(2\)](#)

Amendment of the Universal Credit Regulations 2013

54.—(1) The Universal Credit Regulations 2013(**123**) 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;”.

Commencement Information

I54 Sch. para. 54 in force at 8.4.2013, see [art. 2\(2\)](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- Sch. para. 20 coming into force by [S.I. 2013/591 art. 2\(3\)\(a\)](#)
- Sch. para. 21 coming into force by [S.I. 2013/591 art. 2\(3\)\(b\)](#)
- Sch. para. 30 coming into force by [S.I. 2013/591 art. 2\(3\)\(c\)](#)
- Sch. para. 36 coming into force by [S.I. 2013/591 art. 2\(3\)\(d\)](#)
- Sch. para. 46 coming into force by [S.I. 2013/591 art. 2\(3\)\(e\)](#)
- Sch. para. 43 revoked by [S.I. 2024/148 Sch. 3](#)