

## SCHEDULE 1

### Consequential amendments to secondary legislation

## PART 1

### Employment and Support Allowance: amendments to secondary legislation consequential on removal of work-related activity component

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

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

(2) In regulation 2 (interpretation), in paragraph (1) in the appropriate place insert—

““member of the work-related activity group” means a claimant who has or is treated as having limited capability for work under either—

- (a) Part 5 of the Employment and Support Allowance Regulations 2008 other than by virtue of regulation 30 of those Regulations; or
- (b) Part 4 of the Employment and Support Allowance Regulations 2013 other than by virtue of regulation 26 of those Regulations;”.

(3) In regulation 31 (treatment of child care charges), in paragraph (11)(ba)—

- (a) omit “or the work-related activity component”;
- (b) after “limited capability for work” insert “or the other member of the couple would be a member of the work-related activity group”.

(4) In regulation 55 (non-dependant deductions), in paragraph (8)—

- (a) omit “and the work-related activity component”;
- (b) after “(the support component)” insert “or where the non-dependant is not a member of the work-related activity group”.

(5) In Schedule 4 (sums disregarded from claimant’s earnings), in paragraph 5(1)(d)(ii) omit “or the work-related activity component”.

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(1) S.I. 2006/214; relevant amending instruments are S.I. 2007/2869, 2008/1082, 2009/583 and 2013/630.