
STATUTORY INSTRUMENTS

2022 No. 177

The Social Security (Disability Assistance for Working Age People) (Consequential Amendments) Order 2022

PART 3

Amendment of legislation applying in relation to Northern Ireland

Amendment of the Housing Benefit Regulations (Northern Ireland) 2006

- 24.**—(1) The Housing Benefit Regulations (Northern Ireland) 2006⁽¹⁾ are amended as follows.
- (2) In regulation 2(1) (interpretation)—
- (a) after the definition of “adoption leave”, insert—
- ““adult disability payment” has the meaning given in regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022;”;
- (b) in the definition of “member of a couple who cannot share a bedroom”—
- (i) at the end of paragraph (a)(iii) omit “or”;
- (ii) after paragraph (a)(iii) insert—
- “(iia) the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022; or”;
- (c) in the definition of “person who requires overnight care”—
- (i) at the end of paragraph (a)(iia) omit “or”;
- (ii) after paragraph (a)(iia) insert—
- “(iib) is in receipt of the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022; or”;
- (iii) for paragraph (a)(iii) substitute—
- “(iii) although not satisfying sub-paragraph (zi), (i) (ii), (iiza), (iia) or (iib) has, or where P is a child, the claimant has provided, the relevant authority with such certificates, documents, information or evidence as are sufficient to satisfy the authority that P requires overnight care; and”.
- (3) In regulation 25 (treatment of child care changes)—
- (a) in paragraph (11)(d), after paragraph (viii) insert—
- “(viiia) adult disability payment;”;
- (b) in paragraph (13)—
- (i) at the end of sub-paragraph (c) omit “or”;

⁽¹⁾ S.R. 2006 No. 405; relevant amending instruments are S.R. 2016 Nos. 224, 228, 2017 No. 70 and S.I. 2021/786.

- (ii) after sub-paragraph(d) insert—
 - “(e) in respect of whom adult disability payment is payable, or has ceased to be payable solely by virtue of regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the Disability Assistance for Working Age People (Scotland) Regulations 2022”.
- (4) In regulation 72 (non-dependant deductions)—
 - (a) in paragraph (6)(b)—
 - (i) at the end of head (iia) omit “or”;
 - (ii) after head (iii) insert—
 - “or
 - (iv) the daily living component of adult disability payment;”;
 - (b) in paragraph (9)(a)—
 - (i) after “child disability payment” for “or” substitute “;”;
 - (ii) after “personal independence payment” insert “or adult disability payment”.
- (5) In regulation 73F(1) (exception to the benefit cap: receipt of specified benefit)—
 - (a) in sub-paragraph (ea), after “personal independence payment” insert “or adult disability payment”;
 - (b) after sub-paragraph (g)(iv) insert—
 - “(v) in the case of adult disability payment, that payment is not payable in accordance with regulation 27 (effect of admission to a care home on ongoing entitlement to daily living component) or regulations 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the Disability Assistance for Working Age People (Scotland) Regulations 2022;”.
- (6) In regulation 102 (recovery of overpayments from prescribed benefits)—
 - (a) after paragraph (1)(g) insert—
 - “(ga) adult disability payment;”;
 - (b) after paragraph (2A)(e) insert—
 - “(ea) adult disability payment;”.
- (7) In Schedule 4 (applicable amounts)—
 - (a) in paragraph 7(2)—
 - (i) after “the DACYP Regulations” substitute “or” with “;”;
 - (ii) after “Article 83(3) of the 2015 Order” insert “, or the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022”;
 - (b) in paragraph 13(1)(a)(i), after “personal independence payment,” insert “adult disability payment”;
 - (c) after paragraph 13(1)(a)(iiia) insert—
 - “(iiib) was in receipt of adult disability payment that is no longer payable by virtue of regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the Disability Assistance for Working Age People (Scotland) Regulations 2022;”;
 - (d) in paragraph 14(2)(a)(i) (severe disability premium)—

- (i) after “DACYP Regulations” for “or” substitute “,”;
 - (ii) after “Article 83(3) of the 2015 Order” insert “the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022”;
- (e) in paragraph 14(2)(b)(i)—
- (i) after “DACYP Regulations” for “or” substitute “,”;
 - (ii) after “Article 83(3) of the 2015 Order” insert “or the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022”;
- (f) in paragraph 14(4)(a)—
- (i) after “DACYP Regulations” for “or” substitute “,”;
 - (ii) after “Article 83(3) of the 2015 Order” insert “or the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022”;
- (g) after paragraph 14(5)(c) insert—
- “(d) as being in receipt of the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022, if he would, but for payment ceasing by virtue of regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of those Regulations, be so in receipt”;
- (h) after paragraph 15(1)(c) (enhanced disability payment) insert—
- “; or
 - (d) the enhanced rate of the daily living component of adult disability payment is payable, or has ceased to be payable by virtue of regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the Disability Assistance for Working Age People (Scotland) Regulations 2022 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”;
- (i) in paragraph 16 (disabled child premium)—
- (i) at the end of sub-paragraph (c) omit “or”;
 - (ii) after sub-paragraph (d) insert—
 - “; or
 - (e) is a young person who is in receipt of adult disability payment or who would, but for payment ceasing by virtue of regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the Disability Assistance for Working Age People (Scotland) Regulations 2022 be so in receipt, provided that the young person continues to be a member of the family”.