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STATUTORY INSTRUMENTS

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**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 (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006**

**25.**—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) 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) insert after paragraph (a)(iii)—

“(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) after paragraph (a)(iia) insert—

“(iia) is in receipt of the daily living component of adult disability payment in accordance with regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022;”;

(ii) for paragraph (iii) substitute—

“(iii) although not satisfying either paragraph (zi), (i), (ii), (iiza), (iia) or (iiaa) above has provided 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 27 (meaning of “income”), after paragraph (1)(h)(ib) insert—

“(iba) adult disability payment;”.

(4) In regulation 29 (treatment of child care charges)—

(a) after paragraph (1)(d)(viii) insert—

- “(ix) adult disability payment;”;
  - (b) at the end of paragraph (13)(c) omit “or”;
  - (c) after paragraph (13)(d) insert—
    - “or
    - (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”.
- (5) In regulation 53 (non-dependant deductions)—
  - (a) in paragraph (6)(b)—
    - (i) at the end of head (ii) omit “or”; and
    - (ii) after paragraph (6)(b)(iii) insert—
      - “or
      - (iv) the daily living component of adult disability payment;”;
  - (b) in paragraph (10)(a)—
    - (i) before “personal independence payment” for “or” substitute “,”;
    - (ii) after “personal independence payment” insert “or adult disability payment”.
- (6) In regulation 83 (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) at the end of paragraph 5(2)(c) omit “or”;
  - (b) after paragraph 5(2)(c) insert—
    - “(ca) 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 paragraph 6(2)(a)(i) (severe disability premium)—
    - (i) after “of the Act” for “or” substitute “,”;
    - (ii) after “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”;
  - (d) in paragraph 6(2)(b)(i)—
    - (i) after “of the Act” for “or” substitute “,”;
    - (ii) after “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”;
  - (e) in paragraph 6(6)(a)—
    - (i) after “of the Act” for “or” substitute “,”;

- (ii) after “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
- (f) after paragraph 6(7)(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 for Working Age People (Scotland) Regulations 2022, if they 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”;
- (g) after paragraph 7(1)—
  - (i) at the end of both sub-paragraph (a) and (aa) omit “or”;
  - (ii) after sub-paragraph (b) insert—
    - “; or
    - (c) 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 for Working Age People (Scotland) Regulations 2022, at the enhanced rate in accordance with regulation 5 of those Regulations;”;
- (h) after paragraph 8 (disabled child premium)—
  - (i) at the end of both sub-paragraph (b) and (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”.