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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 2**

Amendments to legislation applying in relation to England and Wales and Scotland

**Amendment of the State Pension Credit Regulations 2002**

**8.—**(1) The State Pension Credit Regulations 2002<sup>(1)</sup> are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation), after “adoption leave” insert—

““adult disability payment” has the meaning given in regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022;”.

(3) In Schedule 1—

(a) in paragraph 1(1)(a)(i) (severe disablement)—

(i) after “1992 Act” for “or” substitute “;”;

(ii) after “the 2012 Act” 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”;

(b) in paragraph 1(1)(b)(i)—

(i) after “1992 Act” for “or” substitute “;”;

(ii) after “the 2012 Act” 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”;

(c) in paragraph 1(1)(c)(i)—

(i) after “1992 Act” for “or” substitute “;”;

(ii) after “the 2012 Act” 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”;

(d) in paragraph 1(2)(a)—

(i) after “1992 Act” for “or” substitute “;”;

(ii) after “the 2012 Act” 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) after paragraph 1(2)(ba) insert—

- “(bb) for the purposes of sub-paragraph (1)(b) 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 that person would, but for regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of those Regulations, be so in receipt;”.
- (f) in paragraph 2(2)(a)—
- (i) after “1992 Act” for “or” substitute “,”;
  - (ii) after “the 2012 Act” 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”.
- (4) In Schedule 2 (housing costs)—
- (a) in paragraph 14(6)(b) (persons residing with the claimant) at the end of paragraph (iii) omit “or”;
  - (b) after paragraph 14(6)(b)(iii) insert—  
“(iiia) the daily living component of adult disability payment; or”;
  - (c) for paragraph 14(8)(a) substitute—  
“(a) any attendance allowance, disability living allowance, armed forces independence payment, personal independence payment or adult disability payment received by him;”.
- (5) In Schedule 2A (additional amount applicable for claimants responsible for a child or qualifying young person)—
- (a) in paragraph 9(2) (amount of additional payment) after “Regulations 2021” insert “, adult disability payment”;
  - (b) in paragraph 9(3)(a) after “disability living allowance at the highest rate” insert “, the daily living component of adult disability payment at the enhanced rate”;
- (6) In Schedule 3 (special groups), in paragraph 1(9) (polygamous marriages)—
- (a) after “1992 Act” for “or” substitute “,”;
  - (b) after “the 2012 Act” 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”.
- (7) In Schedule 6 (sums disregarded from claimant’s earnings), after paragraph 4(1)(a)(viii) insert—  
“(viiiia) adult disability payment;”.