
STATUTORY INSTRUMENTS

2013 No. 3021

The Armed Forces and Reserve Forces Compensation Scheme (Consequential Provisions: Subordinate Legislation) (Northern Ireland) Order 2013

Amendment of the Employment and Support Allowance Regulations (Northern Ireland) 2008

28.—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008⁽¹⁾ are amended as follows.

(2) In regulation 2(1) (interpretation) after the definition of “the Armed Forces and Reserve Forces Compensation Scheme” 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 “entitled to” insert “armed forces independence payment or”.

(4) In regulation 158(3) (meaning of “person in hardship”)—

- (a) in sub-paragraph (b) after “awarded” insert “armed forces independence payment,”;
- (b) in sub-paragraph (c) for “claimed either” substitute “claimed armed forces independence payment,”;
- (c) in sub-paragraph (d)(i) after “awarded” insert “armed forces independence payment,”; and
- (d) in sub-paragraph (d)(ii) for “claimed either” substitute “claimed armed forces independence payment,”.

(5) In Schedule 4 (amounts)—

- (a) in paragraph 4(2) (premiums) after “remains in receipt of” insert “armed forces independence payment,”;
- (b) in paragraph 6 (severe disability premium)—
 - (i) in sub-paragraph (2)(a)(i)⁽²⁾ after “in receipt of” insert “armed forces independence payment,”;
 - (ii) in sub-paragraph (2)(b)(i)⁽³⁾ after “in receipt of” insert “armed forces independence payment,”;
 - (iii) in sub-paragraph (2)(b)(ii) after “in receipt of” each place it appears insert “armed forces independence payment,”; and
 - (iv) in sub-paragraph (4)(a) after “receiving” insert “armed forces independence payment,”;
- (c) in paragraph 7(1) (enhanced disability premium)—

⁽¹⁾ [S.R. 2008 No. 280](#).

⁽²⁾ Paragraph 6(2)(a)(i) was amended by [S.R. 2011 No. 357](#).

⁽³⁾ Paragraph 6(2)(b)(i) was amended by [S.R. 2011 No. 357](#).

- (i) omit “or” after paragraph (a); and
 - (ii) after paragraph (a) insert—
 - “(aa) armed forces independence payment 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; or”.
- (6) In Schedule 6 (housing costs)—
- (a) in paragraph 15(11)(b) (linking rules)(4) after “in receipt of” insert “armed forces independence payment or”; and
 - (b) in paragraph 19 (non-dependant deductions)—
 - (i) in sub-paragraph (6)(b) before sub-paragraph (i) insert—
 - “(zi) armed forces independence payment,”; and
 - (ii) in sub-paragraph (8)(a) after “any” insert “armed forces independence payment,”.
- (7) In Schedule 8 (sums to be disregarded in the calculation of income other than earnings) after paragraph 61 insert—
- “**62.** Any armed forces independence payment.”.

(4) Paragraph 15(11)(b) was substituted by [S.R. 2008 No. 413](#).