
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 Employment and Support Allowance Regulations (Northern Ireland) 2008

26.—(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 “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 regulation 18 (circumstances in which the condition that the claimant is not receiving education does not apply)—

(a) for “or” after “armed forces independence payment” substitute “,”;

(b) for “or” after “child disability payment” substitute “,”; and

(c) after “personal independence payment”, insert “or adult disability payment”.

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

(a) in sub-paragraph (b)—

(i) after “the care component” for “or” substitute “,”;

(ii) after “daily living component” insert “or the daily living component of adult disability payment”;

(b) in sub-paragraph (c)—

(i) for “or” after “child disability payment” substitute “,”;

(ii) after “personal independence payment”, insert “or adult disability payment”;

(c) in sub-paragraph (d)—

(i) in head (i)—

(aa) after “the care component” for “or” substitute “,”;

(bb) after “daily living component”, insert “or the daily living component of adult disability payment”;

(ii) in head (ii)—

(aa) for “or” after “child disability payment” substitute “,”;

⁽¹⁾ S.R. 2008 No. 280; relevant amending Regulations are S.R. 2008 No. 413, S.I. 2013/3021 and S.R. 2016 No. 228.

- (bb) after “personal independence payment”, insert “or adult disability payment”.
- (5) In Schedule 4 (amounts)—
- (a) at the end of paragraph 4(2)(c) omit “or”;
- (b) after paragraph 4(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)—
- (i) in paragraph (a)(i) after “daily living component” insert “, the daily living component of adult disability payment”;
- (ii) in paragraph (b)(ii)—
- (aa) after the first occurrence of “daily living component” insert “, the daily living component of adult disability payment”;
- (bb) after the second occurrence of “daily living component” insert “, the daily living component of adult disability payment”;
- (d) in paragraph 6(4)(a) after “daily living component” insert “, the daily living component of adult disability payment”;
- (e) after paragraph 6(5)(c) insert—
- “(d) as being entitled to, and in receipt of, the daily living component of adult disability payment if the person would, but for 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”;
- (f) at the end of paragraph 7(1)(c) (enhanced disability premium, omit “or”;
- (g) after paragraph 7(1)(c) insert—
- “(ca) the daily living component of adult disability payment is, or would, but for 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 payable at the enhanced rate under section 78(2) of those Regulations 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)—
- (i) for “or” after “child disability payment” substitute “, ”;
- (ii) after “personal independence payment”, insert “or adult disability payment”;
- (b) at the end of paragraph 19(6)(b)(ii) omit “or”;
- (c) after paragraph 19(6)(b)(iii) insert—
- “(iia) the daily living component of adult disability payment;”;
- (d) in paragraph 19(8)(a)—
- (i) for “or” after “disability living allowance” substitute “, ”;

- (ii) after “personal independence payment”, insert “or adult disability payment”.
- (7) In Schedule 8 (sums to be disregarded in the calculation of income other than earnings)—
- (a) in paragraph 8—
 - (i) for “or” after “disability living allowance” substitute “,”;
 - (ii) after “the mobility component of personal independence payment” insert “, or the mobility component of adult disability payment”; and
 - (b) in paragraph 11—
 - (i) after “disability living allowance” for “or” substitute “,”;
 - (ii) after “the daily living component” insert “or the daily living component of adult disability payment”.