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STATUTORY INSTRUMENTS

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**2022 No. 177**

**CONSTITUTIONAL LAW  
DEVOLUTION, SCOTLAND  
SOCIAL SECURITY**

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

<i>Made</i>	- - - -	<i>23rd February 2022</i>
<i>Laid before Parliament</i>		<i>25th February 2022</i>
<i>Coming into force</i>	- -	<i>21st March 2022</i>

The Secretary of State makes the following Order in exercise of the powers conferred by sections 104, 112(1) and 113(2) of the Scotland Act 1998<sup>(1)</sup>.

**PART 1**

**Introduction**

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Social Security (Disability Assistance for Working Age People) (Consequential Amendments) Order 2022.

(2) This Order comes into force on 21st March 2022.

(3) This Order extends to England and Wales, Scotland and Northern Ireland.

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(1) 1998 c. 46; section 104 was amended by section 12 of the Scotland Act 2012 (c. 11).

## PART 2

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

#### Amendment of the Income Support (General) Regulations 1987

- 2.—(1) The Income Support (General) Regulations 1987(2) 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);”.
- (3) In regulation 4(2)(c)(v)(aa) (temporary absence from Great Britain)—
- (a) for “or” after “armed forces independence payment” substitute “;”;
- (b) after “personal independence payment” insert “or the enhanced rate of the daily living component of adult disability payment”.
- (4) In paragraph 4(a) (persons caring for another person) of Schedule 1B (prescribed categories of person)—
- (a) in sub-paragraph (i)—
- (i) for “or” after “(see regulation 11(5) of those Regulations),” substitute “;”;
- (ii) after “2012 Act” 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 sub-paragraph (iii)—
- (i) for “or” after “armed forces independence payment” substitute “;”;
- (ii) after “personal independence payment” insert “or adult disability payment”;
- (c) after sub-paragraph (iv) insert—
- “(v) the person being cared for has claimed entitlement to the daily living component of adult disability payment in accordance with regulation 35 (when an application is to be treated as made and beginning of entitlement to assistance) of the Disability Assistance for Working Age People (Scotland) Regulations 2022, an award at the standard or enhanced rate has been made in respect of that claim and, where the period for which the award is payable has begun, that person is in receipt of the payment;”.
- (5) In paragraph 7A (certain persons in receipt of the daily living component of personal independence payment) of Schedule 1B—
- (a) in the heading, after “personal independence payment” insert “or adult disability payment”;
- (b) after “at the enhanced rate” insert “or the daily living component of adult disability payment at the enhanced rate”.
- (6) In Schedule 2 (applicable amounts)—
- (a) in paragraph 7(2) 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”;

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(2) S.I. 1987/1967, as amended by S.I. 1990/1776, 1991/2742, 1993/2119, 1994/2139, 1995/482, 1996/206 and 1517, 2003/455, 2005/2687, 2007/719, 2011/674 and 2013/388 and 591, and 2021/786 There are other amendments not relevant to this instrument.

(3) S.S.I. 2022/54.

- (b) in paragraph 12 (additional condition for the Higher Pensioner and Disability Premiums)—
  - (i) in sub-paragraph (1)(a)(i), after “personal independence payment,” insert “adult disability payment,”;
  - (ii) in sub-paragraph (1)(d), for “or personal independence payment” substitute “, personal independence payment or adult disability payment”;
- (c) in paragraph 13 (severe disability premium)—
  - (i) in sub-paragraph (2)(a)(i), 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”;
  - (ii) in sub-paragraph (2)(b)(i), 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”;
  - (iii) in sub-paragraph (3)(a), 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”;
  - (iv) after sub-paragraph (3A)(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 regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of those Regulations, be so in receipt”;
- (d) in paragraph 13A(1ZA) (enhanced disability premium)—
  - (i) omit “or” at the end of paragraph (ba);
  - (ii) after paragraph (c) insert—
    - “or
    - (d) 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 for Working Age People (Scotland) Regulations 2022, be payable to that person at the enhanced rate in accordance with regulation 5 of those Regulations”;
- (e) in paragraph 14(1) (disabled child premium)—
  - (i) after paragraph (d) insert—
    - “(da) a young person who is in receipt of adult disability payment or who 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 provided that the young person continues to be a member of the family; or”;
    - (ii) in sub-paragraph (2), after “(d)” insert “, (da)”.
- (7) In Schedule 3 (housing costs)—

- (a) in paragraph 18(6)(b)(iii) (non-dependant deductions) omit “or” at the end; and
  - (b) after paragraph 18(6)(b)(iii) insert—
    - “(iia) the daily living component of adult disability payment; or”;
  - (c) in paragraph 18(8)(a), for “or personal independence payment” substitute “, personal independence payment, adult disability payment”.
- (8) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings)—
- (a) in paragraph 6—
    - (i) after “disability living allowance” for “or” substitute “,”; and
    - (ii) after “personal independence payment” insert “or the mobility component of adult disability payment”;
  - (b) in paragraph 9—
    - (i) after “disability living allowance” for “or” substitute “,”; and
    - (ii) after “personal independence payment” insert “or the daily living component of adult disability payment”.

### **Amendment of the Social Security (Claims and Payments) Regulations 1987**

- 3.—(1) The Social Security (Claims and Payments) Regulations 1987(4) are amended as follows.
- (2) In regulation 6 (date of claim)—
- (a) in paragraph (20)(a), after “appeal” insert “, determination of entitlement”;
  - (b) in paragraph (20)(c)(ii) at the end omit “or”;
  - (c) after paragraph (20)(c)(ii) insert—
    - “(iii) regulation 17 (effect of admission to a care home on ongoing entitlement to care component) of the Disability Assistance for Children and Young People (Scotland) Regulations 2021(5) because the claimant is resident in a care home, or
    - (iv) regulation 27 (effect of admission to a care home on ongoing entitlement to daily living component), or as the case may be, 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 because the claimant is, respectively, a resident of a care home or undergoing treatment in a hospital”;
  - (d) in paragraph (21)(b) after “supersession” insert “, determination of entitlement”;
  - (e) in paragraph (21A) after “re-awarded” insert “or the subject of a determination of entitlement”;
  - (f) in paragraph (22), in the definition of “qualifying benefit” in paragraph (d) after “any other relevant benefit” insert “or Scottish disability benefit”;
  - (g) in paragraph (26), after “includes” insert “a determination of entitlement and”;
  - (h) in paragraph (33)(b) after “revision” insert “, determination of entitlement”;
  - (i) after paragraph (37) insert—
    - “(38) In this regulation—

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(4) S.I. 1987/1968, as amended by S.I. 1988/522, 1989/1686, 1990/725, 2208, 1991/2741, 1993/2113, 1994/2319, 1996/1460, 2431, 1997/793, 2290, 2470, 1999/2284, 2572, 2741, 3108, 2000/897, 1596, 1982, 2001/567, 2001/892, 2002/428, 2497, 2003/455, 1632>, 2004/2283, 2005/34, 337, 2877, 2989, 2006/832, 2377, 2007/1602, 2470, 2008/1554, 2667, 2683, 2009/1490, 2010/510 and 2011/246; there are other amending instruments but none is relevant.

(5) S.I. 2021/786.

- (a) “determination of entitlement” has the meaning given in section 25 of the Social Security (Scotland) Act 2018<sup>(6)</sup>;
- (b) “Scottish disability benefit” means, as the context requires, either of the following benefits—
  - (i) adult disability payment within the meaning of regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022; and
  - (ii) child disability payment within the meaning of regulation 2 of the Disability Assistance for Children and Young People (Scotland) Regulations 2021.”.

#### **Amendment of the Social Security (Disability Living Allowance) Regulations 1991**

4.—(1) The Social Security (Disability Living Allowance) Regulations 1991<sup>(7)</sup> are amended as follows.

- (2) In regulation 1(2) (citation, commencement and interpretation), in the relevant place insert—

““child disability payment” has the meaning given in regulation 2 of the Disability Assistance for Children and Young People (Scotland) Regulations 2021;”.
- (3) In regulation 6(1) (qualifying period for care component after an interval)—
  - (a) after “entitled to the care component” insert “of disability living allowance, or the care component of child disability payment”;
  - (b) after “entitlement to the care component” insert “of disability living allowance, or the care component of child disability payment”.
- (4) In regulation 11 (qualifying period for mobility component after an interval)—
  - (a) after “entitled to the mobility component” insert “of disability living allowance, or the mobility component of child disability payment”;
  - (b) after “entitlement to the mobility component” insert “of disability living allowance, or the mobility component of child disability payment”.

#### **Amendment of the Jobseeker’s Allowance Regulations 1996**

5.—(1) The Jobseeker’s Allowance Regulations 1996<sup>(8)</sup> are amended as follows.

- (2) In regulation 1(3) (citation, commencement, interpretation and application), 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 51(3)(c) (remunerative work)—
  - (a) in paragraph (i)—
    - (i) after “DACYP Regulations,” omit “or”;
    - (ii) after “enhanced rate” insert “, or the daily living component of adult disability payment at the standard or enhanced rate”;
  - (b) in paragraph (ii)—

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<sup>(6)</sup> 2018 asp 9.

<sup>(7)</sup> S.I. 1991/2890; relevant amending instruments include S.I. 1993/1939.

<sup>(8)</sup> S.I. 1996/207, as amended by S.I. 2000/1978, 2001/3767, 2007/719, 2008/3157, 2013/388, 591, 630 and 2021/786. There are other amendments not relevant to this instrument.

- (i) after “armed forces independence payment” for “or” substitute “,”
- (ii) after “personal independence payment” insert “or adult disability payment”;
- (c) after paragraph (v) insert—
  - “(va) a person who has claimed adult disability payment and has an award of the daily living component at the standard or enhanced rate under regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022 for a period commencing after the date on which that claim was made or;”.
- (4) In regulation 140(1)(h) (meaning of “person in hardship”)—
  - (a) in paragraph (i)—
    - (i) after “DACYP Regulations” 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 (ii)—
    - (i) after “armed forces independence payment” for “or” substitute “,”;
    - (ii) after “personal independence payment” insert “or adult disability payment”;
  - (c) after paragraph (iv) insert—
    - “(iva) has claimed adult disability payment and has an award 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 for a period commencing after the date on which that claim was made; or”.
- (5) In regulation 146A(1)(e) (meaning of “couple in hardship”)—
  - (a) in paragraph (i)—
    - (i) after “armed forces independence payment”, for “or” substitute “,”;
    - (ii) after “the 2012 Act” 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 (ii)—
    - (i) after “armed forces independence payment”, for “or” substitute “,”;
    - (ii) after “personal independence payment” insert “or adult disability payment”;
  - (c) after paragraph (iv) insert—
    - “(iva) has claimed adult disability payment and has an award of the daily living component at the standard or enhanced rate in accordance with regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022 for a period commencing after the date on which that claim was made; or”.
- (6) In Schedule A1 (categories of members of a joint-claim couple who are not required to satisfy the conditions in section 1(2B)(b))—
  - (a) in paragraph 3(a)(i) (member caring for another person)—
    - (i) after “armed forces independence payment” for “or” substitute “,”;
    - (ii) after “the 2012 Act” 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 3(a)(iv)—

- (i) after “armed forces independence payment” for “or” substitute “,”;
- (ii) after “personal independence payment” insert “or adult disability payment”;
- (c) in paragraph 3(a)(vi) omit “or” at the end; and
- (d) after paragraph 3(a)(vi) insert—
  - “(via) the person being cared for has claimed entitlement to the daily living component of adult disability payment in accordance with regulation 35 (when an application is to be treated as made and beginning of entitlement to assistance) of the Disability Assistance for Working Age People (Scotland) Regulations 2022, an award of the standard or enhanced rate of the daily living component has been made in respect of that claim and, where the period for which the award is payable has begun, that person is in receipt of that payment; or”;
- (7) In Schedule 1 (applicable amounts)—
  - (a) in paragraph 8(2)—
    - (i) after “armed forces independence payment” for “or” substitute “,”;
    - (ii) after “the 2012 Act” insert “, or the daily living component of adult disability payment at the standard or enhanced rate prescribed in accordance with regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022”;
  - (b) after paragraph 14(1)(ca) (additional conditions for higher pensioner and disability premium) insert—
    - “(caa) the claimant or, as the case may be, the claimant’s partner, is in receipt of adult disability payment or is a person whose adult disability payment is payable, in whole or in part, to another in accordance with regulation 33 of the Disability Assistance for Working Age People (Scotland) Regulations 2022 (making payments);”;
  - (c) after paragraph 14(1)(fa) insert—
    - “(fb) the claimant or, as the case may be, the claimant’s partner, is a person who is entitled to the mobility component of adult disability payment but to whom the component is not payable in accordance with regulation 34(6) of the Disability Assistance for Working Age People (Scotland) Regulations 2022 (amount and form of adult disability payment);”;
  - (d) in paragraph 14(1)(g)(ii) at the end omit “or”;
  - (e) after paragraph 14(1)(g)(iii) insert—
    - “;or
    - (iv) entitled to adult disability payment but no amount is payable in accordance with 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”;
  - (f) in the words following new paragraph 14(1)(g)(iv), for “in either case” substitute “in any of the cases described in sub-paragraphs (i) to (iv),”;
  - (g) in paragraph 15(1)(a) (severe disability premium)—
    - (i) after “armed forces independence payment” for “or” substitute “,”;
    - (ii) after “the 2012 Act” 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”;
  - (h) in paragraph 15(2)(a)—

- (i) after “armed forces independence payment” for “or” substitute “,”;
- (ii) after “the 2012 Act” 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”;
- (i) in paragraph 15(4)(a)—
  - (i) after “armed forces independence payment” for “or” substitute “,”;
  - (ii) after “the 2012 Act” 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”;
- (j) after paragraph 15(5)(aa) insert—
  - “(ab) 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 they would, but for regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of those Regulations be so in receipt.”;
- (k) after paragraph 15A(1ZA)(b) (enhanced disability premium) insert—
  - “(ba) the daily living component of adult disability payment is, or would, but 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 to that person at the enhanced rate in accordance with regulation 5 of those Regulations”;
- (l) after paragraph 16(1)(ab) (disabled child premium)—
  - “(ac) a young person who is in receipt of adult disability payment, or who 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, provided that the young person continues to be a member of the family”;
- (m) in paragraph 16(2) after “(ab)” insert “, (ac)”;
- (n) in paragraph 20D(2), 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”;
- (o) after paragraph 20H(1)(ca) (additional conditions for higher pensioner and disability premium) insert—
  - “(caa) is in receipt of adult disability payment or is a person whose adult disability payment is payable, in whole or in part, to another in accordance with regulation 33 of the Disability Assistance for Working Age People (Scotland) Regulations 2022 (making payments)”;
- (p) after paragraph 20H(1)(ga) insert—
  - “(gb) is a person who is entitled to the mobility component of adult disability payment but to whom the component is not payable in accordance with regulation 34(6) of the Disability Assistance for Working Age People (Scotland) Regulations 2022 (amount and form of adult disability payment)”;
- (q) in paragraph 20H(1)(h)(ii), at the end omit “or”;
- (r) after paragraph 20H(h)(iii) insert—
  - “or



- (iv) entitled to adult disability payment but no amount is payable in accordance with 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,”;
- (s) in the words following new paragraph 20H(1)(h)(iv) for “in either case” substitute “in any of the cases described in paragraphs (i) to (iv)”;
- (t) in paragraph 20I(1)(a) (severe disability premium)—
  - (i) after “armed forces independence payment” for “or” substitute “,”;
  - (ii) after “the 2012 Act” 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”;
- (u) in paragraph 20I(3)(a)—
  - (i) after “armed forces independence payment” for “or” substitute “,”;
  - (ii) after “the 2012 Act” 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”;
- (v) after paragraph 20I(4)(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 regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of those Regulations, be so in receipt”;
- (w) in paragraph 20IA(1)(b) (enhanced disability premium), after “section 78(2) of the 2012 Act” insert “, 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 those Regulations, ”.
- (8) In Schedule 2 (housing costs)—
  - (a) after paragraph 17(6)(b)(iii) (non-dependant deductions), insert—
    - “(iiia) the daily living component of adult disability payment”;
  - (b) in paragraph 17(8)(a)—
    - (i) after “armed forces independence payment” for “or” substitute “,”;
    - (ii) after “personal independence payment” insert “or adult disability payment”.
- (9) In Schedule 7 (sums to be disregarded in the calculation of income other than earnings)—
  - (a) in paragraph 7—
    - (i) for “or” substitute “,”;
    - (ii) after “personal independence payment” insert “or the mobility component of adult disability payment”;
  - (b) in paragraph 10—
    - (i) for “or” substitute “,”;
    - (ii) after “personal independence payment” insert “or the daily living component of adult disability payment”.

## **Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations 1999**

6.—(1) The Social Security and Child Support (Decisions and Appeals) Regulations 1999<sup>(9)</sup> are amended as follows.

- (2) In regulation 1(3) (citation, commencement, application and interpretation)—
- (a) omit the definition of “child disability payment”;
  - (b) after the definition of “relevant credit” insert—
    - ““Scottish disability benefit” means, as the context requires, either of the following benefits—
    - (a) adult disability payment within the meaning given in regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022; and
    - (b) child disability payment within the meaning given in regulation 2 of the Disability Assistance for Children and Young People (Scotland) Regulations 2021;”.

(3) In regulation 3(7)(b) (revision of decisions), for each occurrence of “child disability payment” substitute “Scottish disability benefit”.

(4) In regulation 6(2)(e)(ii) (supersession of decisions), for each occurrence of “child disability payment” substitute “Scottish disability benefit”.

(5) In regulation 7(7)(a) (date from which a decision superseded under section 10 takes effect) for each occurrence of “child disability payment” substitute “Scottish disability benefit”.

## **Amendment of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001**

7.—(1) The Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001<sup>(10)</sup> are amended as follows.

- (2) In regulation 1(2) (citation, commencement and interpretation)—
- (a) omit the definition of “child disability payment”;
  - (b) after the definition of “relevant decision” insert—
    - ““Scottish disability benefit” means, as the context requires, either of the following benefits—
    - (a) adult disability payment within the meaning given in regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022; and
    - (b) child disability payment within the meaning given in regulation 2 of the Disability Assistance for Children and Young People (Scotland) Regulations 2021;”.

(3) In regulation 4(7B)(b) (revision of decisions), for each occurrence of “child disability payment” substitute “Scottish disability benefit”.

(4) In regulation 7(2)(i)(ii) (decisions superseding earlier decisions), for each occurrence of “child disability payment” substitute “Scottish disability benefit”.

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(9) [S.I. 1999/991](#), as amended by [S.I. 1999/1662](#), [2000/1596](#), [2002/428](#), [2006/832](#), [2013/381](#), [2016/1145](#) and [2021/786](#); there are other amending instruments but none is relevant.

(10) [S.I. 2001/1002](#), as amended by [S.I. 2003/2275](#), [S.I. 2008/1082](#), [S.I. 2010/1907](#), [S.I. 2014/213](#) and [2021/786](#); there are other amending instruments but none is relevant.

(5) In regulation 8(14) (date from which a decision superseding an earlier decision takes effect) for each occurrence of “child disability payment” substitute “Scottish disability benefit”.

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

**8.—**(1) The State Pension Credit Regulations 2002(**11**) 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—
    - “(iia) 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;”.

### **Amendment of the Housing Benefit Regulations 2006**

- 9.—(1)** The Housing Benefit Regulations 2006<sup>(12)</sup> are amended as follows.
- (2) In regulation 2(1) (interpretation)—
- (a) after the definition of “the Administration Act”, 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) after paragraph (a)(iia) insert—
      - “(iiaa) 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;”;
    - (ii) for sub-paragraph (iii) substitute—

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<sup>(12)</sup> S.I. 2006/213, as amended by S.I. 2005/2502 and 3360, 2007/2868, 2008/1042, 1082, and 3157, 2009/1488, 2010/641 and 2835, 2012/2994, 2013/388, 591, 630 and 2828, 2014/213 and 2888, 2016/909, 2017/204, 213 and 2021/786. There are other amendments not relevant to this instrument.

- “(iii) although not satisfying either paragraph (i), (ii), (iiza), (iia), (iiaa) or (iib) 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 28 (treatment of child care charges)—
- (a) in paragraph (11)(d), after paragraph (viii) insert—
- “(viiiia) adult disability payment;”;
- (b) after paragraph (13)(d) insert—
- “(da) 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 74 (non-dependant deductions)—
- (a) in paragraph (6)(b)—
- (i) at the end of sub-paragraph (iii) omit “or”;
- (ii) after sub-paragraph (iii) insert—
- “(iiiia) the daily living component of adult disability payment; or”;
- (b) in paragraph (9)(a)—
- (i) after “armed forces independence payment” for “or” substitute “,”;
- (ii) after “personal independence payment” insert “or adult disability payment”.
- (5) In regulation 75F(1) (exception to the benefit cap: receipt of specified benefit)—
- (a) in sub-paragraph (ea) after “personal independence payment” insert “, adult disability payment”;
- (b) after sub-paragraph (f)(iv) insert—
- “(iva) 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 105 (recovery of overpayments from prescribed benefits)—
- (a) after paragraph (1)(g) insert—
- “(ga) adult disability payment;”;
- (b) at the end of paragraph (1B)(e) omit “and”;
- (c) after paragraph (1B)(e) insert—
- “(ea) adult disability payment; and”.
- (7) In Schedule 3 (applicable amounts)—
- (a) in paragraph 7(2), 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 13(1)(a)(i) (additional condition for the disability premium), after “personal independence payment,” insert “adult disability payment,”;
- (c) after paragraph 13(1)(a)(iiiia) insert—

- “(iib) 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 “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) in paragraph 14(2)(b)(i)—
- (i) after “DACYP Regulations” 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”;
- (f) in paragraph 14(4)(a)—
- (i) after “DACYP Regulations” 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”;
- (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) in paragraph 15(1)(c) (enhanced disability premium) at the end omit “or”;
- (i) after paragraph 15(1)(c) insert—
- “(ca) 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; or”;
- (j) after paragraph 16(d) (disabled child premium) insert—
- “(da) 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; or”.

## **Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006**

**10.**—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(13) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) after the definition of “the Administration Act”, 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)(iv) omit “or”—

(ii) insert after paragraph (a)(iv)—

“(iva) 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—

“(iiaa) 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.”;

(ii) for paragraph (iii) substitute—

“(iii) although not satisfying either paragraph (i), (ii), (iiza), (iia), (iiaa) or (iib) 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 29 (meaning of “income”), after paragraph (1)(j)(ia) insert—

“(iaa) adult disability payment.”.

(4) In regulation 31 (treatment of child care charges)—

(a) after paragraph (11)(d)(ix) insert—

“(x) adult disability payment.”;

(b) in paragraph (13)—

(i) at the end of sub-paragraph (d) omit “or”;

(ii) after sub-paragraph (d) insert—

“(da) 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; or”.

(5) In regulation 55 (non-dependant deductions)—

(a) in paragraph (6)(b)(iii) at the end of omit “or”;

(b) at the end of paragraph (6)(b)(iii) insert—

(13) S.I. 2006/214, as amended by S.I. 2008/1082 and 3157, 2010/2835, 2011/674 and 2425, 2013/388, 591, 630 and 2828, 2014/213, 2017/204, 213, 1187 and S.I. 2021/786. There are other amendments not relevant to this instrument.

- “(iia) the daily living component of adult disability payment; or”;
- (c) 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 86 (recovery of overpayments from prescribed benefits)—
  - (a) after paragraph (1)(g) insert—
    - “(ga) adult disability payment;”;
  - (b) after paragraph (1B)(e) insert—
    - “(ea) adult disability payment;”.
- (7) In Schedule 3 (applicable amounts)—
  - (a) in paragraph 5(2)(c), at the end 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 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 6(2)(b)(i)—
    - (i) after “of the 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) in paragraph 6(6)(a)—
    - (i) after “of the 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”;
  - (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) in paragraph 7(1)(b) (enhanced disability premium) at the end omit “or”;
  - (h) after paragraph 7(1)(b) insert—
    - “(ba) 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; or”;

- (i) in paragraph 8(d) (disabled child premium) at the end omit “or”;
- (j) after paragraph 8(d) insert—

“(da) 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; or”.

### **Amendment of the Employment and Support Allowance Regulations 2008**

**11.**—(1) The Employment and Support Allowance Regulations 2008(**14**) 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) after “armed forces independence payment” for “or” substitute “,”;
- (b) 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 “armed forces independence payment” for “or” substitute “,”;
  - (ii) after “daily living component” insert “or the daily living component of adult disability payment”;
- (b) in sub-paragraph (c)—
  - (i) after “armed forces independence payment” for “or” substitute “,”;
  - (ii) after “personal independence payment”, insert “or adult disability payment”;
- (c) in sub-paragraph (d)—
  - (i) in paragraph (i)—
    - (aa) after “armed forces independence payment” for “or” substitute “,”;
    - (bb) after “daily living component” insert “or the daily living component of adult disability payment”;
  - (ii) in paragraph (ii)—
    - (aa) after “armed forces independence payment” for “or” substitute “,”;
    - (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—

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**(14)** S.I. 2008/794, as amended by S.I. 2008/2428, 2013/388, 591, 2015/1754 and 2021/786. There are other amendments not relevant to this instrument.

- “(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)(i) after “daily living component” insert “, the daily living component of adult disability payment”;
  - (iii) 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 in 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 rule)—
    - (i) after “armed forces independence payment” for “or” substitute “,”;
    - (ii) after “personal independence payment”, insert “or adult disability payment”;
  - (b) in paragraph 19(8)(a) (non-dependent deductions)—
    - (i) after “armed forces independence payment” for “or” substitute “,”;
    - (ii) after “personal independence payment”, insert “or adult disability payment”;
  - (c) at the end of paragraph 19(6)(b)(iii) omit “or”;
  - (d) after paragraph 19(6)(b)(iii) insert—
    - “(iia) the daily living component of adult disability payment; or”.
- (7) In Schedule 8 (sums to be disregarded in the calculation of income other than earnings)—
- (a) in paragraph 8, after “disability living allowance” insert “, the mobility component of adult disability payment”;

- (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”.

### **Amendment of the Child Support Maintenance Calculation Regulations 2012**

**12.**—(1) The Child Support Maintenance Calculation Regulations 2012(15) are amended as follows.

- (2) In regulation 64 (illness or disability of relevant other child)—
  - (a) in paragraph (2)(a)(i)—
    - (i) after “armed forces independence payment” for “or” substitute “,”;
    - (ii) after “personal independence payment”, insert “or adult disability payment”;
  - (b) at the end of paragraph (2)(a)(iii) omit “or”;
  - (c) after paragraph (2)(a)(iv) insert—
    - “or
    - (v) that person would receive adult disability payment but for regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the Disability for Working Age People (Scotland) Regulations 2022, and remains part of the applicant’s family.”
  - (d) after paragraph (2)(g) insert—
    - “(ga) “adult disability payment” means the daily living component of adult disability payment under regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022;”;
  - (e) in paragraph (3)(b)—
    - (i) after “armed forces independence payment” for “or” substitute “,”;
    - (ii) after “personal independence payment”, insert “or adult disability payment”.

### **Amendment of the Universal Credit Regulations 2013**

**13.**—(1) The Universal Credit Regulations 2013(16) are amended as follows.

- (2) In regulation 2(1), after the definition of “adopter” 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 14(1)(b) (exceptions to the requirement not to be receiving education), after “child disability payment” insert “, adult disability payment”.
- (4) In regulation 24 (the child element)—
  - (a) in paragraph (2)(a), after “child disability payment” insert “, adult disability payment”;
  - (b) in paragraph (2)(b)(i), after “the DACYP Regulations” insert “, the daily living component of adult disability payment at the enhanced rate in accordance with regulation 5(3) of the Disability Assistance for Working Age People (Scotland) Regulations 2022”.
- (5) In regulation 41(2)(a) (when an assessment may be carried out), after “child disability payment” insert “, adult disability payment”.

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(15) S.I. 2012/2677, as amended by S.I. 2013/388, 591 and 2021/786. There are other amendments not relevant to this instrument.  
(16) S.I. 2013/376.

- (6) In regulation 83(1) (exceptions – entitlement or receipt of certain benefits)—
- (a) in the opening words of sub-paragraph (h), for “and (ha)” substitute “, (ha) or (hb)”;
  - (b) at the end of sub-paragraph (h)(iii) omit “or”;
  - (c) after paragraph (h)(iv) insert—
    - “(iva) in the case of adult disability payment, is not receiving it by virtue of regulation 27 (effect of admission to a care home on ongoing entitlement to daily living component) or 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the Disability Assistance for Working Age People (Scotland) Regulations 2022, or”;
  - (d) after sub-paragraph (ha) insert—
    - “(hb) a claimant, or qualifying young person for whom a claimant is responsible, is receiving adult disability payment.”
- (7) In Schedule 3 (claimant treated as occupying or not occupying accommodation)—
- (a) at the end of paragraph 5(3)(b)(ii) (moving home: adaptations to new home for disabled person), omit “or”;
  - (b) after paragraph 5(3)(b)(iii) insert—
    - “or
    - (iv) the daily living component of adult disability payment at the standard or enhanced rate”.
- (8) In Schedule 4 (housing costs element for renters)—
- (a) in paragraph 12(3)(a) (additional room)—
    - (i) at the end of paragraph (ii) omit “or”;
    - (ii) after paragraph (iii) insert—
      - “or
      - (iv) the daily living component of adult disability payment at the standard or enhanced rate.”;
  - (b) in paragraph 12(6A)(a)—
    - (i) at the end of paragraph (iii) omit “and”;
    - (ii) after paragraph (iii) insert—
      - “(iv) the daily living component of adult disability payment at the standard or enhanced rate; and”;
  - (c) after paragraph 15(2)(d) (exempt renters), insert—
    - “(da) a person in receipt of the daily living component of adult disability payment at the standard or enhanced rate.”;
  - (d) in paragraph 15(2)(e)—
    - (i) in the opening words for “or (d)” substitute “, (d) or (da)”;
    - (ii) at the end of paragraph (iii) omit “or”;
    - (iii) after paragraph (iv), insert—
      - “or
      - (v) 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”;

- (e) after paragraph 16(2)(e) (no deduction of housing cost contributions in respect of certain non-dependants) insert—
  - “(ea) a person in receipt of the daily living component of adult disability payment at the standard or enhanced rate;”;
- (f) in paragraph 16(2)(f)—
  - (i) in the opening words for “or (e)” substitute “, (e) or (ea)”;
  - (ii) at the end of paragraph (iii) omit “or”;
  - (iii) after paragraph (iv), insert—
    - “or
    - (v) 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”;
- (g) in paragraph 29(5) (renters excepted from shared accommodation)—
  - (i) at the end of sub-paragraph (b) omit “or”;
  - (ii) after sub-paragraph (c) insert—
    - “or
    - (d) the daily living component of adult disability payment at the standard or enhanced rate”.

(9) In Schedule 8 (circumstances in which a claimant is to be treated as having limited capability for work), in paragraph 6 (disabled and over age for state pension credit), for “or personal independence payment” substitute “, personal independence payment or adult disability payment”.

(10) In Schedule 9 (circumstances in which a claimant is to be treated as having limited capability for work and work-related activity), in paragraph 5 (disabled and over the age for state pension credit), after “personal independence payment at the enhanced rate” insert “or the daily living component of adult disability payment at the enhanced rate in accordance with regulation 5(3) of the Disability Assistance for Working Age People (Scotland) Regulations 2022”.

### **Amendment of the Social Security (Personal Independence Payment) Regulations 2013**

**14.—(1)** The Social Security (Personal Independence Payment) Regulations 2013<sup>(17)</sup> are amended as follows.

- (2) In regulation 2 (interpretation)—
  - (a) in the appropriate places insert—
    - ““adult disability payment” has the meaning given in regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022;”;
    - and
    - ““child disability payment” has the meaning given in regulation 2 of the Disability Assistance for Children and Young People (Scotland) Regulations 2021;”;
  - (b) in the definition of “prescribed date” replace “14 or 15” with “14, 15 or 15A”;
- (3) In regulation 7(3) (scoring: further provision), in paragraphs (a)(i) and (b)(i), after “regulation 15” insert “or 15A”.
- (4) In regulation 14 (the prescribed date) after “regulation 15” insert “or paragraph (2) or (3) of regulation 15A”.
- (5) In regulation 15 (the prescribed date: claims for personal independence payment after an interval)—

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<sup>(17)</sup> [S.I. 2013/377](#); there are amendments to that instrument but none is relevant.

- (a) in paragraph (1)(b), after “a previous award” insert “for personal independence payment or adult disability payment”;
  - (b) in paragraph (1)(c) after “referred to in sub-paragraph (b)” insert “, where that award was in respect of personal independence payment or adult disability payment.”;
  - (c) in paragraph (2)(a) and 3(a) after “previous award ended” insert “where that award was in respect of personal independence payment or adult disability payment”.
- (6) After regulation 15 insert—

**“The prescribed date: claims for personal independence payment after award of Child Disability Payment**

**15A.**—(1) Paragraphs (2), (3) and (4) apply where—

- (a) C makes a claim for personal independence payment (“the new claim”);
- (b) C had a previous award of child disability payment which ended not more than 2 years before the date on which the new claim is made; and
- (c) C is aged 16 years or over at the date of the new claim.

(2) In relation to determination of entitlement under the new claim—

- (a) the prescribed date for the purposes of regulations 12(1)(a) and (2)(a) and 13(1)(a) and (2)(a) is the date on which the previous award ended where that award was in respect of child disability payment; and
- (b) regulations 12(1)(b) and (2)(b) and 13(1)(b) and (2)(b) have effect in relation to the new claim as if, for the words “the prescribed date” there were substituted “the date on which the new claim for personal independence payment is made”.

(3) Where C is awarded either or both components under the new claim, in relation to entitlement to that component or, as the case may be, those components, for the period of 3 months following the date of the new claim—

- (a) the prescribed date for the purposes of regulations 12(1)(a) and (2)(a) and 13(1)(a) and (2)(a) is the date on which the previous award ended where that award was in respect of child disability payment; and
- (b) regulations 12(1)(b) and (2)(b) and 13(1)(b) and (2)(b) have effect in relation to that award as if, for the words “the prescribed date” there were substituted “each day of the award”.

(4) C is to be regarded as meeting such of the conditions contained in the following provisions of these Regulations (as modified by paragraphs (2) and (3) above) as are relevant to C’s new claim, regardless of whether those conditions have been met—

- (a) in regulation 12 (required period condition: daily living component), paragraph (1)(a) or (2)(a);
- (b) in regulation 13 (required period condition: mobility component), paragraph (1)(a) or (2)(a).”.

(7) In regulation 26 (claim for personal independence payment after an interval and after reaching the relevant age) in each of paragraphs (2)(c)(i), (2)(c)(ii) and (2)(d), after “the previous award” insert “of personal independence payment or adult disability payment”.

**Amendment of the Jobseeker’s Allowance Regulations 2013**

**15.**—(1) The Jobseeker’s Allowance Regulations 2013(18) are amended as follows.

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(18) S.I. 2013/378, as amended by S.I. 2013/591. There are other amendments not relevant to this instrument.

- (2) In regulation 42 (remunerative work)—
  - (a) in paragraph (3)(c)—
    - (i) in paragraph (ii)—
      - (aa) after “child disability payment”, for “or” substitute “,”;
      - (bb) insert after “personal independence payment” insert “or adult disability payment”;
    - (ii) in paragraph (iv)—
      - (aa) after “child disability payment”, for “or” substitute “,”;
      - (bb) after “personal independence payment” insert “or adult disability payment”;
  - (b) in paragraph (4)—
    - (i) before the definition of “armed forces independence payment” insert—

““adult disability payment” has the meaning given in regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022,”;
    - (ii) for the definition of “daily living component” substitute—

““daily living component” means—

      - (a) in respect of personal independence payment, the daily living component of that payment at the standard or enhanced rate referred to in section 78 of the Welfare Reform Act 2012;
      - (b) in respect of adult disability payment, the daily living component of that payment at the standard or enhanced rate referred to in regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022.”.

### **Amendment of the Employment and Support Allowance Regulations 2013**

**16.**—(1) The Employment and Support Allowances Regulations 2013<sup>(19)</sup> are amended as follows.

- (2) In regulation 94 (meaning of “person in hardship”)—
  - (a) in paragraph (3)(b)—
    - (i) after “child disability payment” for “or” substitute “,”;
    - (ii) after “personal independence payment”, insert “or adult disability payment”;
  - (b) in paragraph (3)(c)(ii)—
    - (i) after “child disability payment” for “or” substitute “,”;
    - (ii) after “personal independence payment”, insert “or adult disability payment”;
  - (c) in paragraph (7)—
    - (i) before the definition of “armed forces independence payment” insert—

““adult disability payment” has the meaning given in regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022,”;
    - (ii) for the definition of “daily living component” substitute—

““daily living component” means—

<sup>(19)</sup> S.I. 2013/379, as amended by S.I. 2013/591, 1508 and 2021/786; there are other amendments to this instrument but none is relevant.

- (a) in respect of personal independence payment, the daily living component of that payment at the standard or enhanced rate referred to in section 78 of the Welfare Reform Act 2012;
- (b) in respect of adult disability payment, the daily living component of that payment at the standard or enhanced rate referred to in regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022.”.

**Amendment of the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2013**

17.—(1) The Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2013<sup>(20)</sup> are amended as follows.

(2) In regulation 2(1) (interpretation)—

- (a) omit the definition of “child disability payment”;
- (b) after the definition of “the Rent Officers Order 2013” insert—

““Scottish disability benefit” means, as the context requires, either of the following benefits—

- (a) adult disability payment within the meaning given in regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022; and
- (b) child disability payment within the meaning given in regulation 2 of the Disability Assistance for Children and Young People (Scotland) Regulations 2021;”.

(3) In regulation 12(b) (award of another benefit), for each occurrence of “child disability payment” substitute “Scottish disability benefit”.

(4) In paragraph 31 of Schedule 1 (effective dates for superseding decisions made on the ground of a change of circumstances), in sub-paragraphs (1), (2)(a)(i), (2)(a)(ii) and (2)(a)(iii), for each occurrence of “child disability payment” substitute “Scottish disability payment”.

## PART 3

### Amendment of legislation applying in relation to Northern Ireland

**Amendment of the Income Support (General) Regulations (Northern Ireland) 1987**

18.—(1) The Income Support (General) Regulations (Northern Ireland) 1987<sup>(21)</sup> 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 4(2)(c)(v)(aa) (temporary absence from Northern Ireland)—

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<sup>(20)</sup> S.I. 2013/381, as amended by S.I. 2021/786. There are other amendments not relevant to this instrument.

<sup>(21)</sup> S.R. 1987 No. 459, as amended by S.R. 1988 No. 146, S.R. 1990 No. 346, S.R. 1992 No. 6, S.R. 1993 No. 165, S.R. 1994 No. 327, S.R. 1995 No. 67, S.R. 2002 Nos. 132, 323 and 363, S.R. 2003 No. 195, S.R. 2008 No. 498, S.I. 2013/3021, S.R. 2016 No. 228, S.R. 2017 No. 242 and S.I. 2021/786. There are other amendments not relevant to this instrument.



- (a) for “or” after “those Regulations)” substitute “,”;
  - (b) after “personal independence payment” insert “or the enhanced rate of the daily living component of adult disability payment”.
- (4) In paragraph 4(a) (persons caring for another person) of Schedule 1B (prescribed categories of person)—
- (a) in head (i)—
    - (i) for “,” after “those Regulations)” substitute “,”;
    - (ii) after “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 head (iii)—
    - (i) for “or” after “child disability payment” substitute “,”;
    - (ii) after “personal independence payment” insert “or adult disability payment”;
  - (c) after head (iv) insert—
    - (v) the person being cared for has claimed entitlement to the daily living component of adult disability payment in accordance with regulation 35 (when an application is to be treated as made and beginning of entitlement to assistance) of the Disability Assistance for Working Age People (Scotland) Regulations 2022, an award at the standard or enhanced rate has been made in respect of that claim and, where the period for which the award is payable has begun, that person is in receipt of the payment;”;
- (5) In paragraph 7A of Schedule 1B (certain persons in receipt of the daily living component of personal independence payment)—
- (a) in the heading, after “personal independence payment” insert “or adult disability payment”;
  - (b) after “at the enhanced rate” insert “or the daily living component of adult disability payment at the enhanced rate”.
- (6) In Schedule 2 (applicable amounts)—
- (a) in paragraph 7(2) after “the principal 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 12 (additional condition for the higher pensioner and disability premiums)—
    - (i) in sub-paragraph (1)(a)(i), after “personal independence payment,” insert “adult disability payment,”;
    - (ii) in sub-paragraph (1)(d), for “or personal independence payment” substitute “, personal independence payment or adult disability payment”;
  - (c) in paragraph 13 (severe disability premium)—
    - (i) in sub-paragraph (2)(a)(i), after “principal 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”;
    - (ii) in sub-paragraph (2)(b)(i), after “principal 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”;

- (iii) in sub-paragraph (3)(a), after “principal 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”;
- (iv) after sub-paragraph (3A)(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 regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of those Regulations, be so in receipt”;
- (d) in paragraph 13A(1ZA) (enhanced disability premium)—
  - (i) at the end of head (ba) omit “or”;
  - (ii) after head (c) insert—
    - “or
    - (d) 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 for Working Age People (Scotland) Regulations 2022, be payable to that person at the enhanced rate in accordance with regulation 5 of those Regulations”.
- (e) in paragraph 14(1) (disabled child premium)—
  - (i) at the end of head (b) omit “or”;
  - (ii) after head (c) insert—
    - “or
    - (d) a young person who is in receipt of adult disability payment or who 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 provided that the young person continues to be a member of the family; or”;
- (f) in paragraph 14(2), after “(b)” insert “, (d)”.
- (7) In Schedule 3 (housing costs)—
  - (a) in paragraph 18(6)(b) (non-dependant deductions)—
    - (i) at the end of sub-head (ii) omit “or”;
    - (ii) at the end of sub-head (iia) omit “or”;
    - (iii) at the end of sub-head (iii) insert “, or”;
    - (iv) after sub-head (iii) insert—
      - “(iv) the daily living component of adult disability payment”;
  - (b) in paragraph 18(8)(a), after “child disability payment” insert “, adult disability payment”.
- (8) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings)—
  - (a) in paragraph 6, after “disability living allowance” insert “, the mobility component of adult disability payment”;

- (b) in paragraph 9, after “disability living allowance” insert “, the daily living component of adult disability payment”.

### **Amendment of the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992**

**19.**—(1) The Social Security (Disability Living Allowance) Regulations Northern Ireland) 1992<sup>(22)</sup> are amended as follows.

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

““child disability payment” has the meaning given in regulation 2 of the Disability Assistance for Children and Young People (Scotland) Regulations 2021;”;

(3) In regulation 6(1) (qualifying period for care component after an interval), after the first reference to “care component” insert “of Disability Living allowance or the care component of the child disability payment,”.

(4) In regulation 11 (qualifying period for mobility component after an interval), after the first reference to “mobility component” insert “of Disability Living allowance or the mobility component of the child disability payment,”.

### **Amendment of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996**

**20.**—(1) The Jobseeker’s Allowance Regulations (Northern Ireland) 1996<sup>(23)</sup> are amended as follows.

(2) In regulation 1(2) (citation, commencement, interpretation and application), 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 51(3)(c) (remunerative work)—

(a) in head (i)—

(i) after “DACYP Regulations” omit “or”;

(ii) after “enhanced rate” insert “, or the daily living component of adult disability payment at the standard or enhanced rate”;

(b) in head (ii)—

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

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

(c) after head (v) insert—

“(va) a person who has claimed adult disability payment and has an award of the daily living component at the standard or enhanced rate under regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022 for a period commencing after the date on which that claim was made.”.

(4) In regulation 140(1)(h) (meaning of “person in hardship”)—

(a) in head (i)—

(i) after “DACYP Regulations” for “or” substitute “, ”;

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<sup>(22)</sup> S.R. 1992 No. 32, as amended by S.R. 1993 No. 340. There are other amendments not relevant to this Order.

<sup>(23)</sup> S.R. 1996 No. 198, as amended by S.R. 1996 No. 356, S.R. 2002 Nos. 132 and 363, S.R. 2008 No. 498, S.I. 2013/3021, S.R. 2016 No. 228 and S.I. 2021/786. There are other amendments not relevant to this instrument.

- (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”;
- (b) in head (ii)—
  - (i) after “child disability payment” for “or” substitute “,”;
  - (ii) after “personal independence payment” insert “or adult disability payment”;
- (c) omit the “or” following head (iia);
- (d) after head (iv) insert—
  - “or
  - (iva) has claimed adult disability payment and has an award of the daily living component at the standard or enhanced rate under regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022 for a period commencing after the date on which that claim was made,”.
- (5) In regulation 146A(1)(e) (meaning of “couple in hardship”)—
  - (a) in head (i)—
    - (i) for “or” after “DACYP Regulations” 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”;
  - (b) in head (ii)—
    - (i) for “or” after “child disability payment” substitute “,”;
    - (ii) for “personal independence payment,” substitute “personal independence payment or adult disability payment”;
  - (c) omit the “or” following head (iia);
  - (d) after head (iv) insert—
    - “or
    - (iva) has claimed adult disability payment and has an award of the daily living component at the standard or enhanced rate under regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022 for a period commencing after the date on which that claim was made,”.
- (6) In Schedule A1 (categories of members of a joint-claim couple who are not required to satisfy the conditions in Article 3(2B)(b) of the Order)—
  - (a) in paragraph 3(a)(i) (member caring for another person)—
    - (i) for “or” after “DACYP Regulations” 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”;
  - (b) in paragraph 3(a)(iv)—
    - (i) for “or” after “child disability payment” substitute “,”;
    - (ii) after “personal independence payment” insert “or adult disability payment”.
  - (c) after paragraph 3(a)(vi) insert—
    - “(via) the person being cared for has claimed entitlement to the daily living component of adult disability payment in accordance with regulation 35 (when an application

is to be treated as made and beginning of entitlement to assistance) of the Disability Assistance for Working Age People (Scotland) Regulations 2022, an award at the standard or enhanced rate has been made in respect of that claim and, where the period for which the award is payable has begun, that person is in receipt of the payment.”.

- (7) In Schedule 1 (applicable amounts)—
- (a) in paragraph 8(2), 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”;
  - (b) after paragraph 14(1)(ca) insert—
    - “(caa) the claimant or, as the case may be, the claimant’s partner, is in receipt of adult disability payment or is a person whose adult disability payment is payable, in whole or in part, to another in accordance with regulation 34 of the Disability Assistance for Working Age People (Scotland) Regulations 2022 (making payments);”;
  - (c) after paragraph 14(1)(fa) insert—
    - “(fb) the claimant or, as the case may be, the claimant’s partner, is a person who is entitled to the mobility component of adult disability payment but to whom the component is not payable in accordance with regulation 6 of the Disability Assistance for Working Age People (Scotland) Regulations 2022 (mobility component);”;
  - (d) at the end of paragraph 14(1)(g)(ii) omit “or”;
  - (e) after paragraph 14(1)(g)(iii) insert—
    - “or
    - (iv) entitled to adult disability payment but no amount is payable in accordance with 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,”;
  - (f) for “in either case” in the words following new paragraph 14(1)(g)(iv), as inserted by subparagraph (e) above, substitute “in any of the cases described in any of sub-heads (i) to (iv)”;
  - (g) in paragraph 15(1)(a) (severe disability premium)—
    - (i) after “Benefits 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”;
  - (h) in paragraph 15(2)(a)—
    - (i) after (the “qualifying benefit”) 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 (the “qualifying benefit”)”;
  - (i) in paragraph 15(4)(a)—
    - (i) after “Benefits 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”;
- (j) after paragraph 15(5)(aa) insert—
  - “(ab) 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 they would, but for regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of those Regulations be in so in receipt;”;
- (k) in paragraph 15A(1ZA) (enhanced disability premium)—
  - (i) at the end of head (b) omit “or”;
  - (ii) after head (b) insert—
    - “(ba) 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 to that person at the enhanced rate in accordance with regulation 5 of those Regulations; or”;
- (l) after paragraph 16(1)(aa) (child disability premium) insert—
  - “(ab) a young person who is in receipt of adult disability payment, or who 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, provided that the young person continues to be a member of the family;”;
- (m) in paragraph 16(2) after “(aa)” insert “, (ab)”;
- (n) in paragraph 20D(2), after “the DACYP Regulations” 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”;
- (o) after paragraph 20H(1)(ca) (additional conditions for higher pensioner and disability premiums) insert—
  - “(caa) is in receipt of adult disability payment or is a person whose adult disability payment is payable, in whole or in part, to another in accordance with regulation 33 of the Disability Assistance for Working Age People (Scotland) Regulations 2022 (making payments);”;
- (p) after paragraph 20H(1)(ga) insert—
  - “(gb) is a person who is entitled to the mobility component of adult disability payment but to whom the component is not payable in accordance with regulation 34(6) of the Disability Assistance for Working Age People (Scotland) Regulations 2022 (amount and form of adult disability payment);”;
- (q) in paragraph 20H(1)(h)—
  - (i) after head (ii) omit “or”;
  - (ii) after head (iii) insert—
    - “or
    - (iv) entitled to adult disability payment but no amount is payable in accordance with 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”;
- (iii) in the words following new sub-head (iv) for “in either case” substitute “in any of the cases described in paragraphs (i) to (iv)”;
- (r) in paragraph 20I(1)(a) (severe disability premium)—
- (i) after “(the “qualifying benefit”)” for “or” substitute “,”;
- (ii) after “carer element” for “or” substitute “,”;
- (iii) 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 (the “qualifying benefit”)”;
- (s) in paragraph 20I(3)(a)—
- (i) after “Benefits 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”;
- (t) after paragraph 20I(4)(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 regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of those Regulations, be so in receipt;”;
- (u) in paragraph 20IA(1)(b), after “Article 83(2) of the 2015 Order” insert “, 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 for Working Age People (Scotland) Regulations 2022, be payable under those Regulations.”.
- (8) In Schedule 2 (housing costs)—
- (a) in paragraph 17(6)(b) (non-dependant deductions), after sub-head (iii) add—
- “or
- (iia) the daily living component of adult disability payment.”;
- (b) in paragraph 17(8)(a) after “child disability payment” insert “, adult disability payment”.
- (9) In Schedule 6 (sums to be disregarded in the calculation of income other than earnings)—
- (a) In paragraph 7—
- (i) for “or” substitute “,”;
- (ii) after “personal independence payment” insert “or the mobility component of adult disability payment”;
- (b) in paragraph 10—
- (i) for “or” substitute “,”;
- (ii) after “personal independence payment” insert “or the daily living component of adult disability payment”.

### **Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999**

**21.**—(1) The Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999<sup>(24)</sup> are amended as follows.

(2) In regulation 1(2) (interpretation)—

- (a) omit the definition of “child disability payment”;
- (b) after the definition of “relevant person” insert—

““Scottish disability benefit” means, as the context requires, either of the following benefits—

- (a) adult disability payment within the meaning given in regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022 in circumstances where regulation 53(1) of those Regulations applies;
- (b) child disability payment within the meaning given in regulation 2 of the Disability Assistance for Children and Young People (Scotland) Regulations 2021 in circumstances where regulation 36(1) of those Regulations applies;”.

(3) In regulation 3(7)(b) (revision of decisions), for each occurrence of “child disability payment”, substitute “Scottish disability benefit”.

(4) In regulation 6(2)(e)(ii) (supersession of decisions), for each occurrence of “child disability payment”, substitute “Scottish disability benefit”.

(5) In regulation 7(7)(a) (date from which a decision superseded under Article 11 takes effect), for each occurrence of “child disability payment”, substitute “Scottish disability benefit”.

### **Amendment of the Housing Benefit (Decisions and Appeals) Regulations (Northern Ireland) 2001**

**22.**—(1) The Housing Benefit (Decisions and Appeals) Regulations (Northern Ireland) 2001<sup>(25)</sup> are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation)—

- (a) omit the definition of “child disability payment”;
- (b) after the definition of “relevant decision” insert—

““Scottish disability benefit” means, as the context requires, either of the following benefits—

- (a) adult disability payment within the meaning given in regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022; and
- (b) child disability payment within the meaning given in regulation 2 of the Disability Assistance for Children and Young People (Scotland) Regulations 2021;”.

(3) In regulation 4(6B)(b) (revision of decisions), for each occurrence of “child disability payment” substitute “Scottish disability benefit”.

(4) In regulation 7(2)(h)(ii) (decisions superseding earlier decisions), for each occurrence of “child disability payment” substitute “Scottish disability benefit”.

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<sup>(24)</sup> S.R. 1999 No. 162; relevant amending Regulations are S.R. 2000 No. 215, S.R. 2002 No. 67, S.R. 2005 No. 46 and S.R. 2006 No. 168.

<sup>(25)</sup> S.R. 2001 No. 213 relevant amending Regulations are S.R. 2003 No. 418 and S.I. 2021/786.



(5) In regulation 8(12) (date from which a decision superseding an earlier decision takes effect), for each occurrence of “child disability payment” substitute “Scottish disability benefit”.

### **Amendment of the State Pension Credit Regulations (Northern Ireland) 2003**

**23.**—(1) The State Pension Credit Regulations (Northern Ireland) 2003<sup>(26)</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 (circumstances in which persons are treated as being or not being severely disabled)—

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

(i) for “or” after “Benefits Act” substitute “,”;

(ii) after “the 2015 Order” insert “or the daily living component of the 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) for “or” after “Benefits Act” substitute “,”;

(ii) after “the 2015 Order” insert “or the daily living component of the 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) for “or” after “Benefits Act” substitute “,”;

(ii) after “the 2015 Order” insert “or the daily living component of the 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) for “or” after “Benefits Act” substitute “,”;

(ii) after “the 2015 Order” insert “or the daily living component of the 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 for Working Age People (Scotland) Regulations 2022, if they 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) for “or” after “Benefits Act” substitute “,”;

<sup>(26)</sup> S.R. 2003 No. 28, as amended by S.R. 2003 No. 421, S.R. 2008 No. 286, S.I. 2013/3021, S.R. 2014 No. 275, S.R. 2016 No. 228, S.R. 2018 No. 135 and S.I. 2021/786. There are other amendments not relevant to this instrument.

- (ii) after “the 2015 Order” insert “or the daily living component of the 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)—
    - (i) omit “or” following sub-head (ii);
    - (ii) after sub-head (ii) insert—
      - “(iia) the daily living component of adult disability payment; or”;
  - (b) for paragraph 14(8)(a) substitute—
    - “(a) any armed forces independence payment, attendance allowance, disability living allowance, 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)—
  - (a) in paragraph 1(9) (polygamous marriages)—
    - (i) for “or” after “Benefits Act” substitute “;”;
    - (ii) after “the 2015 Order” insert “or the daily living component of the 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)(vii) insert—
  - “(viii) adult disability payment,”.

### **Amendment of the Housing Benefit Regulations (Northern Ireland) 2006**

- 24.—**(1) The Housing Benefit Regulations (Northern Ireland) 2006<sup>(27)</sup> 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—
      - “(iiia) 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”—

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

- (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”;
    - (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”.

### **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(**28**) 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—
      - “(iiaa) 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 (11)(d)(viii) insert—
    - “(ix) adult disability payment;”;

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(28) S.R. 2006 No. 406; relevant amending Regulations are S.R. 2016 Nos. 224 and 228.

- (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”.

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

**26.**—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008(29) 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 “;”;
  - (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 “,”;
    - (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 in 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”.

### **Amendment of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012**

**27.**—(1) The Child Support Maintenance Calculation Regulations (Northern Ireland) 2012(30) are amended as follows.

- (2) In regulation 63 (illness or disability of relevant other child)—
  - (a) in paragraph (2)(a)(i) before “armed forces independence payment” insert “adult disability payment,”;
  - (b) at the end of paragraph 2(a)(iii) omit “or”;
  - (c) after paragraph (2)(a)(iv) insert—
    - “or
    - (v) that person would receive adult disability payment but for regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the Disability for Working Age People (Scotland) Regulations 2022, and remains part of the applicant’s family,”.
  - (d) after paragraph (2)(f) insert—
    - “(g) “adult disability payment” means the daily living component of adult disability payment under regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022;”;
  - (e) in paragraph (3)(b) before “armed forces independence payment” insert “adult disability payment,”.

## **Amendment of the Universal Credit Regulations (Northern Ireland) 2016**

- 28.**—(1) The Universal Credit Regulations (Northern Ireland) 2016(31) are amended as follows.
- (2) In regulation 2, after the definition of “adopter” 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 14(1)(b) (exceptions to the requirement not to be receiving education), after “child disability payment” insert “, adult disability payment”.
- (4) In regulation 25 (the child element)—
- (a) in paragraph (2)(a) after “child disability payment” insert “, adult disability payment”;
- (b) in paragraph (2)(b)(i) after “the DAYCP Regulations” insert “, the daily living component of adult disability payment at the enhanced rate in accordance with regulation 5(3) of the Disability Assistance for Working Age People (Scotland) Regulations 2022”.
- (5) In regulation 42(2)(a) (when an assessment may be carried out), after “child disability payment” insert “, adult disability payment”.
- (6) In regulation 83(1) (exceptions – entitlement or receipt of certain benefits)—
- (a) in the opening words of sub-paragraph (i), for “and (ia)” substitute “, (ia) and (ib)”;
- (b) at the end of sub-paragraph (i)(iii) omit “or”;
- (c) after sub-paragraph (i)(iv) insert—
- “(iva) in the case of adult disability payment, is not receiving it by virtue of regulation 27 (effect of admission to a care home on ongoing entitlement to daily living component) or 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the Disability Assistance for Working Age People (Scotland) Regulations 2022, or”;
- (d) after sub-paragraph (ia) insert—
- “(ib) a claimant, or qualifying young person for whom a claimant is responsible, is receiving adult disability payment;”.
- (7) In Schedule 3 (claimant treated as occupying or not occupying accommodation)—
- (a) at the end of paragraph 4(3)(b)(ii) (moving home: adaptations to new home for disabled person), omit “or”;
- (b) after paragraph 4(3)(b)(iii) insert—
- “or
- (iv) the daily living component of adult disability payment at the standard or enhanced rate”.
- (8) In Schedule 4 (housing costs element for renters)—
- (a) in paragraph 11(3)(a) (additional room)—
- (i) at the end of sub-head (ii) omit “or”;
- (ii) after sub-head (iii) insert
- “or
- (iv) the daily living component of adult disability payment at the standard or enhanced rate”;
- (b) in paragraph 11(6A)(a)—

- (i) at the end of sub-head (iii) omit “and”;
- (ii) after sub-paragraph (iii) insert—
  - “(iv) the daily living component of adult disability payment at the standard or enhanced rate; and”;
- (c) after paragraph 14(2)(d) (exempt renters), insert—
  - “(da) a person in receipt of the daily living component of adult disability payment at the standard or enhanced rate;”;
- (d) in paragraph 14(2)(e)—
  - (i) in the opening words for “or (d)” substitute “, (d) or (da)”;
  - (ii) at the end of sub-head (iii) omit “or”;
  - (iii) after sub-head (iv), insert—
    - “or
    - (v) 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”;
- (e) after paragraph 15(2)(e) (no deduction for housing cost contributions in respect of certain non-dependants) insert—
  - “(ea) a person in receipt of the daily living component of adult disability payment at the standard or enhanced rate;”;
- (f) in paragraph 15(2)(f)—
  - (i) in the opening words for “or (e)” substitute “, (e) or (ea)”;
  - (ii) after sub-paragraph (iii) omit “or”;
  - (iii) after sub-paragraph (iv), insert—
    - “or
    - (v) 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”;
- (g) after paragraph 28(4) (renters exempted from shared accommodation)—
  - (i) at the end of head (b) omit “or”;
  - (ii) after head (c) insert—
    - “or
    - (d) the daily living component of adult disability payment at the standard or enhanced rate”.

(9) In Schedule 8 (circumstances in which a claimant is to be treated as having limited capability for work), in paragraph 6 (disabled and over the age for state pension credit), for “or personal independence payment” substitute “, personal independence payment or adult disability payment”.

(10) In Schedule 9 (circumstances in which a claimant is to be treated as having limited capability for work and work-related activity), in paragraph 5 (disabled and over the age for state pension credit), after “personal independence payment at the enhanced rate” insert “or, the daily living component of adult disability payment at the enhanced rate in accordance with regulation 5(3) of the Disability Assistance for Working Age People (Scotland) Regulations 2022”.

### **Amendment of the Jobseeker’s Allowance Regulations (Northern Ireland) 2016**

**29.**—(1) The Jobseeker’s Allowance Regulations (Northern Ireland) 2016<sup>(32)</sup> are amended as follows.

- (2) In regulation 41 (remunerative work)—
- (a) in paragraph (3)(c)—
- (i) in head (ii)—
- (aa) for “or” after “child disability payment” substitute “,”;
- (bb) after “personal independence payment” insert “or adult disability payment”;
- (ii) in head (iv)—
- (aa) for “or” after “child disability payment” substitute “,”
- (bb) after “personal independence payment” insert “or adult disability payment”;
- (b) in paragraph (4)—
- (i) before the definition of “armed forces independence payment” insert—
- ““adult disability payment” has the meaning given in regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022;”;
- (ii) for the definition of “daily living component” substitute—
- ““daily living component” means—
- (a) in respect of personal independence payment, the daily living component of that payment at the standard or enhanced rate referred to in Article 83 of the Welfare Reform (Northern Ireland) Order 2015;
- (b) in respect of adult disability payment, the daily living component of that payment at the standard or enhanced rate referred to in regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022.”.

### **Amendment of the Personal Independence Payment Regulations (Northern Ireland) 2016**

**30.**—(1) The Personal Independence Payment Regulations (Northern Ireland) 2016<sup>(33)</sup> are amended as follows.

- (2) In regulation 2(1) (interpretation)—
- (a) before the definition of “aid or appliance” insert—
- ““adult disability payment has the meaning given in regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022;”;
- (b) after the definition of “C” insert—
- ““child disability payment” has the meaning given in regulation 2 of the Disability Assistance for Children and Young People (Scotland) Regulations 2021;”;
- (c) in the definition of “prescribed date” after “regulation 15” insert “or 15A”.
- (3) In regulations 7(3)(a)(i) and 7(3)(b)(i) (scoring: further provision), after “regulation 15” insert “or 15A”.
- (4) In regulation 14 (the prescribed date) after “regulation 15(2) or (3)” insert “or regulation 15A(2) or (3)”.

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<sup>(32)</sup> S.R. 2016 No. 218, as amended by S.I. 2021/786.

<sup>(33)</sup> S.R. 2016 No. 217.

(5) In regulation 15 (the prescribed date: claims for personal independence payment after an interval)—

- (a) in paragraph (1)(b), after “a previous award” insert “for personal independence payment or adult disability payment”;
  - (b) in paragraph (1)(c) after “referred to in sub-paragraph (b)” insert “where that award was in respect of personal independence payment or adult disability payment”; and
  - (c) in paragraph (2)(a) and (3)(a) after “previous award ended” insert “where that award was in respect of personal independence payment or adult disability payment”;
- (6) After regulation 15 insert—

**“The prescribed date: claims for personal independence payment after award of child disability payment**

**15A.**—(1) Where C makes a claim for personal independence payment (“the new claim”) and had a previous award of child disability payment, which ended not more than 2 years before the date on which the new claim is made, and is aged 16 years or over at the date of the new claim, paragraphs (2), (3) and (4) apply.

(2) In relation to determination of entitlement under the new claim—

- (a) the prescribed date for the purposes of regulations 12(1)(a) and (2)(a) and 13(1)(a) and (2)(a) is the date on which the previous award ended, where that award was in respect of child disability payment;
- (b) regulations 12(1)(b) and (2)(b) and 13(1)(b) and (2)(b) have effect in relation to the new claim as if, for the words “the prescribed date” there were substituted “the date on which the new claim for personal independence payment is made”.

(3) Where C is awarded either or both components under the new claim, in relation to entitlement to that component or, as the case may be, those components, for the period of 3 months following the date of the new claim—

- (a) the prescribed date for the purposes of regulations 12(1)(a) and (2)(a) and 13(1)(a) and (2)(a) is the date on which the previous award ended, where that award was in respect of child disability payment; and
- (b) regulations 12(1)(b) and (2)(b) and 13(1)(b) and (2)(b) have effect in relation to that award as if for the words “the prescribed date” there were substituted “each day of the award”.

(4) C is to be regarded as meeting such of the conditions (as modified by paragraphs (2) and (3) above) in—

- (a) regulation 12(1)(a) or (2)(a) (required period condition: daily living component);
- (b) regulation 13(1)(a) or (2)(a) (required period condition: mobility component),

as are relevant to C’s new claim, regardless of whether those conditions have been met.”.

(7) In regulation 26 (claim for personal independence payment after an interval and after reaching the relevant age) in paragraphs (2)(c)(i), (2)(c)(ii) and (2)(d) after “previous award” insert “of personal independence payment or adult disability payment”.

## **Amendment of the Employment and Support Allowance Regulations (Northern Ireland) 2016**

**31.**—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2016<sup>(34)</sup> are amended as follows.

- (2) In regulation 94 (meaning of person in hardship)—
- (a) in paragraph (3)(b)—
    - (i) for “or” after “child disability payment” substitute “;”;
    - (ii) after “personal independence payment”, insert “or adult disability payment”;
  - (b) in paragraph (3)(c)(ii)—
    - (i) for “or” after “child disability payment” substitute “;”;
    - (ii) after “personal independence payment”, insert “or adult disability payment”; and
  - (c) in paragraph (7)—
    - (i) before the definition of “armed forces independence payment” insert—
      - ““adult disability payment” has the meaning given in regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022;”;
    - (ii) for the definition of “daily living component” substitute—
      - ““daily living component” means—
      - (a) in respect of personal independence payment, the daily living component of that payment at the standard or enhanced rate referred to in Article 83 of the Welfare Reform (Northern Ireland) Order 2015;
      - (b) in respect of adult disability payment, the daily living component of that payment at the standard or enhanced rate referred to in regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022.”.

## **Amendment of the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations (Northern Ireland) 2016**

**32.**—(1) The Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations (Northern Ireland) 2016<sup>(35)</sup> are amended as follows.

- (2) In regulation 2(1) (interpretation)—
- (a) omit the definition of “child disability payment”;
  - (b) after the definition of “relevant benefit” insert—
    - ““Scottish disability benefit” means, as the context requires, either of the following benefits—
    - (a) adult disability payment within the meaning given in regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022 in circumstances where regulation 53(1) of those Regulations applies; and
    - (b) child disability payment within the meaning given in regulation 2 of the Disability Assistance for Children and Young People (Scotland) Regulations 2021 in circumstances where regulation 36(1) of those Regulations applies;”.

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<sup>(34)</sup> S.R. 2016 No. 219, as amended by S.I. 2021/786.

<sup>(35)</sup> S.R. 2016 No. 221, as amended by S.I. 2021/786. There are other amendments not relevant to this instrument.

(3) In regulation 12(b) (award of another benefit), for each occurrence of “child disability payment” substitute “Scottish disability benefit”.

(4) In paragraph 31 of Schedule 1 (effective dates for superseding decisions made on the ground of a change of circumstances), in sub-paragraphs (1) and (2)(a), for each occurrence of “child disability payment”, substitute “Scottish disability benefit”.

23rd February 2022

*Chloe Smith*  
Minister of State  
Department for Work and Pensions

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

The Disability Assistance for Working Age People (Scotland) Regulations 2022 ([S.S.I. 2022/54](#)) introduce arrangements for the payment of disability assistance for working-age adults in the form of the adult disability payment. The adult disability payment replaces the personal independence payment for adults in Scotland.

This instrument makes consequential amendments to social security legislation in England and Wales and Northern Ireland governing entitlement to certain benefits.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.