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STATUTORY INSTRUMENTS

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**2013 No. 3021**

**PENSIONS**

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

*Made* - - - - 26th November 2013  
*Laid before Parliament* 2nd December 2013  
*Coming into force* - - 24th December 2013

The Secretary of State makes the following Order in exercise of the powers conferred by sections 1(2) and 10(2) to (4) of the Armed Forces (Pensions and Compensation) Act 2004(1).

**Citation and commencement**

1. This Order may be cited as the Armed Forces and Reserve Forces Compensation Scheme (Consequential Provisions: Subordinate Legislation) (Northern Ireland) Order 2013 and comes into force on 24th December 2013.

**Amendment to the Road Traffic (Northern Ireland) Order 1995**

2. In Article 25 (payments in respect of applicants for exemption from wearing seat belts) of the Road Traffic (Northern Ireland) Order 1995(2), in paragraph (2) before sub-paragraph (b) insert—

“(ab) those in receipt of armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011(3).”.

**Amendment of the Adoption Allowance Regulations (Northern Ireland) 1996**

3.—(1) The Adoption Allowance Regulations (Northern Ireland) 1996(4) are amended as follows.

(2) In regulation 1 (Citation, commencement and interpretation), in paragraph (2) after the definition of “adoption panel” insert—

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(1) 2004 c.32.  
(2) S.I. 1995/2994 (N.I. 18).  
(3) S.I. 2011/517.  
(4) S.R. 1996 No. 438.

“armed forces independence payment” means the payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011”

(3) In regulation 3(3), after “allowance” insert “ or armed forces independence payment”.

#### **Amendment of the Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 2004**

4.—(1) The Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 2004<sup>(5)</sup> are amended as follows.

(2) In regulation 2 (Interpretation), in the appropriate place insert the following—

“armed forces independence payment” means the payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011”

(3) In Schedule 1 (Modifications of the Income Support (General) Regulations (Northern Ireland) 1987<sup>(6)</sup>), Table B, in column 2 of the entry relating to Schedule 2, for the entry relating to paragraph 13A(1) substitute—

“For paragraph 13A(1) (enhanced disability premium) substitute—

“13A.—(1) Subject to sub-paragraph (2), the conditions are that—

- (a) the claimant is aged less than 60 and, where the claimant is a member of a couple, the claimant’s partner is aged less than 60; and
- (b) the claimant or, as the case may be, the claimant’s partner is—
  - (i) in receipt of employment and support allowance which includes a support component;
  - (ii) in receipt of the care component of disability living allowance at the highest rate prescribed under section 72(3) of the Contributions and Benefits Act<sup>(7)</sup> or would be in receipt of that component at that rate but for either a suspension of benefit in accordance with regulations made under section 113(2) of that Act or an abatement as a consequence of hospitalisation; or
  - (iii) in receipt of armed forces independence payment.”.

#### **Amendment of the Maternity and Parental Leave etc. Regulations (Northern Ireland) 1999**

5.—(1) The Maternity and Parental Leave etc. Regulations (Northern Ireland) 1999<sup>(8)</sup> are amended as follows.

(2) In regulation 2(1) (interpretation), after the definition of “maternity leave” insert –

“armed forces independence payment” means the payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;”.

(3) In regulation 14(1A) (extent of entitlement), after “disability living allowance” insert “or armed forces independence payment”.

(4) In regulation 15(3) (when parental leave may be taken), after “disability living allowance” insert “or armed forces independence payment”.

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(5) [S.R. 2004 No. 91](#); relevant amending Regulations are S.R. 2004 Nos. [156](#) and [162](#), S.R. 2005 Nos. [107](#) and [386](#), S.R. 2006 Nos. [136](#), [190](#) and [333](#), S.R. 2007 Nos. [264](#) and [437](#), S.R. 2008 Nos. [39](#), [292](#) and [391](#), S.R. 2009 No. [52](#), [151](#) and [329](#), S.R. 2010 Nos. [201](#) and [352](#) and S.R. 2012 Nos. [73](#) and [378](#).

(6) [S.R.1987 No. 459](#).

(7) See the definition of “the Contributions and Benefits Act” in [S.R. 1987 No.459](#) as inserted by regulation 4(2)(a) of [S.R. 1993 No. 373](#).

(8) [S.R. 1999 No. 471](#).

- (5) In Schedule 2 (default provisions in respect of parental leave) –
- (a) in paragraph 2(c) after “entitled to” to the end substitute “a disability living allowance or armed forces independence payment, the child’s entitlement to that allowance or payment.”; and
  - (b) in paragraph 7 after “disability living allowance” insert “or armed forces independence payment”.

#### **Amendment of the Flexible Working (Eligibility, Complaints and Remedies) Regulations (Northern Ireland) 2003**

6.—(1) The Flexible Working (Eligibility, Complaints and Remedies) Regulations (Northern Ireland) 2003(9) are amended as follows.

(2) In the definition of “disabled” in regulation 2(1) (interpretation), after “Benefits (Northern Ireland) Act 1992” insert “or armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011”.

#### **Amendment of the Education (Student Loans) Regulations (Northern Ireland) 1998**

7.—(1) The Education (Student Loans) Regulations (Northern Ireland) 1998(10) are amended as follows.

(2) In Schedule 2 (terms of loans), in paragraph 1, in the definition of “disability related benefits”, after “Social Security Contributions and Benefits Act 1992” insert “armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011,”.

#### **Amendment of the Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2009**

8.—(1) The Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2009(11) are amended as follows.

(2) In regulation 6 (interpretation), in the definition of “disability-related benefit” in sub-paragraph (1), after “Social Security Contributions and Benefits (Northern Ireland) Act 1992” insert “armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011,”.

#### **Amendment of the Legal Aid (Assessment of Resources) Regulations (Northern Ireland) 1981**

9.—(1) The Legal Aid (Assessment of Resources) Regulations (Northern Ireland) 1981(12) are amended as follows.

- (2) In paragraph 6 of Schedule 1 after sub-paragraph (e) insert—
- “(f) armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011.”.

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(9) S.R. 2003 No. 174.  
(10) S.R. 1998 No. 58.  
(11) S.R. 2009 No. 128.  
(12) SR 1981/189.

### **Amendment of the Legal Advice and Assistance Regulations (Northern Ireland) 1981**

**10.**—(1) The Legal Advice and Assistance Regulations (Northern Ireland) 1981(**13**) are amended as follows.

(2) In paragraph 8 of Schedule 1 after sub-paragraph 8(c)(iv) insert—

“(v) armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011.”.

### **Amendment of the Social Security (Invalid Care Allowance) Regulations (Northern Ireland) 1976**

**11.**—(1) The Social Security (Invalid Care Allowance) Regulations (Northern Ireland) 1976(**14**) are amended as follows.

(2) In regulation 9(2)(b) (conditions relating to residence and presence in Northern Ireland)(**15**) after “and where” insert “armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011(**16**)”.

### **Amendment of the Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978**

**12.**—(1) The Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978(**17**) are amended as follows.

(2) In regulation 2(1A) (modification of the Act in relation to incapacity benefit, severe disablement allowance, unemployability supplement and maternity allowance)(**18**) after “in receipt of” insert “armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011.”.

### **Amendment of the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979**

**13.**—(1) The Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979(**19**) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) after the definition of “the Welfare Reform Act”(**20**) insert—

““armed forces independence payment” means a payment under article 24A of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011(**21**)”; and

(b) after the definition of “disablement pension” insert—

““the enhanced rate” in relation to the daily living component of personal independence payment means the rate prescribed in regulation 24(1)(b) of the Social Security (Personal Independence Payment) Regulations 2013(**22**), and for this

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(13) SR 1981 No 366 relevant amending regulation are SR 2012 No 419.

(14) S.R. 1976 No. 99.

(15) Regulation 9(2)(b) was amended by S.R. 1992 No. 6.

(16) S.I. 2011/517 as amended by S.I. 2013/436.

(17) S.R. 1978 No. 114.

(18) Regulation 2(1A) was inserted by S.R. 1994 No. 45 and amended by S.R. 1995 No. 150.

(19) S.R. 1979 No. 242.

(20) The definition of “the Welfare Reform Act” was inserted by S.R. 2008 No. 286.

(21) Article 24A was inserted by S.I. 2013/436.

(22) S.I. 2013/377.

purpose “personal independence payment” means personal independence payment under Part 4 of the Welfare Reform Act 2012(23);”.

(3) In regulation 6(3) (adjustments of personal benefit under Chapters I and II of Part II of the Act by reference to industrial injuries benefits and benefits not under the Act, and adjustments of industrial injuries benefits)(24)—

- (a) after “in relation to” insert “armed forces independence payment up to the value of the daily living component of personal independence payment at the enhanced rate;”; and
- (b) for “that allowance” in both places where it appears substitute “that payment or allowance”.

(4) In regulation 16 (persons to be treated as entitled to benefit for certain purposes)(25)—

- (a) after “the Jobseekers Order” where it appears for the first time insert “, or entitled to armed forces independence payment”; and
- (b) for “or under the Jobseekers Order and regulations made under it,” substitute “, under the Jobseekers Order and regulations made under it or entitled to armed forces independence payment,”.

(5) In Schedule 1 (personal benefits which are required to be adjusted by reference to benefits not under Chapters I and II of Part II of the Act)—

- (a) in column (1), for “Personal benefit under the Act” substitute “Personal benefit”;
- (b) in column (1), for paragraph 5(26) substitute—

“5. Attendance allowance, the care component of disability living allowance or armed forces independence payment up to the value of the daily living component of personal independence payment at the enhanced rate”; and

- (c) after paragraph 9 add—

“10. Attendance allowance or disability living allowance	10. Armed forces independence payment”
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### **Amendment of the Income Support (General) Regulations (Northern Ireland) 1987**

14.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(27) are amended as follows.

(2) In regulation 2(1) (interpretation) after the definition of “the Armed Forces and Reserve Forces Compensation Scheme”(28) insert—

““armed forces independence payment” means armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;”.

(3) In regulation 4(2)(c)(v)(aa) (temporary absence from Northern Ireland)(29) after “entitled to” insert “armed forces independence payment or”.

(4) In Schedule 1B (prescribed categories of person: persons caring for another person)(30) in paragraph 4(a)—

(23) 2012 c. 5.

(24) Regulation 6(3) was amended by S.R. 1992 No. 6.

(25) Regulation 16 was amended by S.R. 1996 No. 289 and S.R. 2008 No. 286.

(26) Paragraph 5 was amended by S.R. 1992 No. 6.

(27) S.R. 1987 No. 459.

(28) The definition of “the Armed Forces and Reserve Forces Compensation Scheme” was inserted by S.R. 2005 No. 98.

(29) Paragraph (2)(c)(v) was added by S.R. 1988 No. 146, substituted by S.R. 1995 No. 67 and amended by S.R. 1996 No. 199 and S.R. 2009 No. 418.

(30) Schedule 1B was inserted by S.R. 1996 No. 199 and paragraph 4(a) was amended by S.R. 1996 No. 358.

- (a) in paragraph (i) after “in receipt of” insert “armed forces independence payment,”; and
  - (b) in paragraph (iii) after “entitlement to” insert “armed forces independence payment or”.
- (5) In Schedule 2 (applicable amounts)—
- (a) in paragraph 7(2) (premiums)(31) after “remains in receipt of” insert “armed forces independence payment,”;
  - (b) in paragraph 12(1)(a)(i) (additional condition for the higher pensioner and disability premiums)(32) after “following benefits:” insert “armed forces independence payment,”;
  - (c) in paragraph 13 (severe disability premium)—
    - (i) in sub-paragraph (2)(a)(i)(33) after “in receipt of” insert “armed forces independence payment,”;
    - (ii) in sub-paragraph (2)(b)(i)(34) after “in receipt of” insert “armed forces independence payment,”; and
    - (iii) in sub-paragraph (3)(a)(35) after “receiving” insert “armed forces independence payment,”;
  - (d) in paragraph 13A (enhanced disability premium)(36) for sub-paragraph (1) substitute—
    - “(1) Subject to sub-paragraph (2), the condition is that—
      - (a) the claimant; or
      - (b) the claimant’s partner (if any) who has not attained the qualifying age for state pension credit,
 is a person to whom sub-paragraph (1ZA) applies.
      - (1ZA) This sub-paragraph applies to the person mentioned in sub-paragraph (1) where—
        - (a) armed forces independence payment is payable to that person; or
        - (b) the care component of disability living allowance is, or would, but for a suspension of benefit in accordance with regulations under section 113(2) of the Contributions and Benefits Act or but for an abatement as a consequence of hospitalisation, be payable to that person at the highest rate prescribed under section 72(3) of the Contributions and Benefits Act.”; and
  - (e) in paragraph 14 (disabled child premium)(37)—
    - (i) before sub-paragraph (1)(a) insert—
      - “(za) in receipt of armed forces independence payment,”; and
    - (ii) in sub-paragraph (2) for “sub-paragraph (1)(a)” substitute “sub-paragraph (1)(za), (a)”.
- (6) In Schedule 3 (housing costs: non-dependant deductions)(38) in paragraph 18—
- (a) in sub-paragraph (6)(b) before paragraph (i) insert—
    - “(zi) armed forces independence payment,”; and

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(31) Paragraph 7(2) was inserted by S.R. 1990 No. 346 and amended by S.R. 1992 No. 6 and S.R. 2002 No. 323.

(32) Paragraph 12(1)(a)(i) was amended by S.R. 1988 No. 146, S.R. 1992 No. 6, S.R. 1994 No. 327, S.R. 1995 No. 67 and S.R. 2003 No. 195.

(33) Paragraph 13(2)(a)(i) was amended by S.R. 1992 No. 6.

(34) Paragraph 13(2)(b)(i) was amended by S.R. 1992 No. 6.

(35) Paragraph 13(3)(a) was amended by S.R. 1992 No. 6.

(36) Paragraph 13A was inserted by S.R. 2000 No. 367 and sub-paragraph (1) was amended by S.R. 2003 Nos. 191 and 195 and S.R. 2010 No. 103.

(37) Paragraph 14 was substituted by S.R. 2007 No. 154 and amended by S.R. 2011 No. 135.

(38) Schedule 3 was substituted by S.R. 1995 No. 301 and paragraph 18(8) was amended by S.R. 1995 No. 434.

(b) in sub-paragraph (8)(a) after “any” insert “armed forces independence payment.”.

(7) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings) after paragraph 72(39) insert—

“72A. Armed forces independence payment.”.

### **Amendment of the Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992**

15.—(1) The Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992(40) are amended as follows.

(2) In Schedule 2 (amounts to be disregarded when calculating or estimating n and m)—

(a) for paragraph 8 substitute—

“8. Any armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011, disability living allowance, mobility supplement or any payment intended to compensate for the non-payment of any such payment, allowance or supplement.”; and

(b) in paragraph 15(41) after “disability living allowance,” insert “armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011.”.

(3) In Schedule 4 (cases where child support maintenance is not to be payable)—

(a) omit “and” at the end of sub-paragraph (b)(42); and

(b) after sub-paragraph (c) insert—

“and

(d) armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011.”.

### **Amendment of the Social Security (Incapacity Benefit) Regulations (Northern Ireland) 1994**

16.—(1) The Social Security (Incapacity Benefit) Regulations (Northern Ireland) 1994(43) are amended as follows.

(2) In regulation 25 (person whose benefit is not to be reduced under section 30DD(1))(44) at the end insert “or armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011”.

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

17.—(1) The Jobseeker’s Allowance Regulations (Northern Ireland) 1996(45) are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation) after the definition of “the Armed Forces and Reserve Forces Compensation Scheme”(46) insert—

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(39) Paragraph 72 was added by S.R. 2003 No. 154 and substituted by S.R. 2003 No. 417.

(40) S.R. 1992 No. 341.

(41) Paragraph 15 was amended by S.R. 1996 No. 289 and S.R. 2003 No. 469.

(42) Sub-paragraph (b) was amended by S.R. 2005 No. 125.

(43) S.R. 1994 No. 461.

(44) Regulation 25 was added by S.R. 2000 No. 404.

(45) S.R. 1996 No. 198.

(46) The definition of “the Armed Forces and Reserve Forces Compensation Scheme” was inserted by S.R. 2005 No. 98.



““armed forces independence payment” means armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;”.

(3) In regulation 51(3)(c) (remunerative work)(**47**)—

- (a) in paragraph (i) after “in receipt of” insert “armed forces independence payment;”;
- (b) in paragraph (ii) after “claimed” insert “armed forces independence payment;”;
- (c) after paragraph (iii) insert—

“(iii) a person who has claimed and has an award of armed forces independence payment 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”)(**48**)—

- (a) in paragraph (i) after “in receipt of” insert “armed forces independence payment;”;
- (b) in paragraph (ii) for “claimed either” substitute “claimed armed forces independence payment;”;
- (c) omit “or” at the end of paragraph (ii); and
- (d) after paragraph (ii) insert—

“(ii) has claimed and has an award of armed forces independence payment 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”)(**49**)—

- (a) in paragraph (i) after “in receipt of” insert “armed forces independence payment;”;
- (b) in paragraph (ii) for “claimed either” substitute “claimed armed forces independence payment;”;
- (c) omit “or” at the end of paragraph (ii); and
- (d) after paragraph (ii) insert—

“(ii) has claimed and has an award of armed forces independence payment 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 Article 3(2B)(b) of the Order: member caring for another person)(**50**) in paragraph 3(a)—

- (a) in paragraph (i) after “in receipt of” insert “armed forces independence payment;”;
- (b) after paragraph (ii) insert—

“(ii) the person being cared for has claimed entitlement to armed forces independence payment and an award 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”;

- (c) in paragraph (iv) after “entitlement to” insert “armed forces independence payment or”.

(7) In Schedule 1 (applicable amounts)—

- (a) in paragraph 8(2) (premiums)(**51**) after “remains in receipt of” insert “armed forces independence payment;”;

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(47) Regulation 51(3)(c) was amended by [S.R. 1996 No. 356](#) and [S.R. 2002 No. 323](#).

(48) Regulation 140(1)(h) was amended by [S.R. 1996 No. 356](#) and [S.R. 1999 No. 428 \(C. 32\)](#).

(49) Regulation 146A was inserted by [S.R. 2000 No. 350](#).

(50) Schedule A1 was inserted by [S.R. 2000 No. 350](#) and paragraph 3 was amended by [S.R. 2002 No. 323](#).

(51) Paragraph 8(2) was amended by [S.R. 2002 No. 323](#).



(b) after paragraph 14(1)(b) (additional conditions for higher pensioner and disability premium)(52) insert—

“(ba) the claimant or, as the case may be, the claimant’s partner, is in receipt of armed forces independence payment or is a person whose armed forces independence payment is payable, in whole or in part, to another in accordance with article 24D of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011(53);”;

(c) in paragraph 15 (severe disability premium)—

(i) in sub-paragraph (1)(a) after “in receipt of” insert “armed forces independence payment,”;

(ii) in sub-paragraph (2)(a) after “in receipt of” insert “armed forces independence payment,”; and

(iii) in sub-paragraph (4)(a) after “in receipt of” insert “armed forces independence payment,”;

(d) in paragraph 15A (enhanced disability premium)(54) for sub-paragraph (1) substitute—

“15A.—(1) Subject to sub-paragraph (2), the condition is that—

(a) the claimant; or

(b) the claimant’s partner (if any),

is a person who has not attained the qualifying age for state pension credit and is a person to whom sub-paragraph (1ZA) applies.

(1ZA) This sub-paragraph applies to the person mentioned in sub-paragraph (1) where—

(a) armed forces independence payment is payable to that person; or

(b) the care component of disability living allowance is, or would, but for a suspension of benefit in accordance with regulations under section 113(2) of the Benefits Act or but for an abatement as a consequence of hospitalisation, be payable to that person at the highest rate prescribed under section 72(3) of the Benefits Act.”;

(e) in paragraph 16 (disabled child premium)(55)—

(i) before sub-paragraph (1)(a) insert—

“(za) a young person who is in receipt of armed forces independence payment;”;

(ii) in sub-paragraph (2) for “sub-paragraph (1)(a)” substitute “sub-paragraph (1)(za), (a)”;

(f) in paragraph 20D(2) (premiums)(56) after “remains in receipt of” insert “armed forces independence payment,”;

(g) in paragraph 20H(1) (additional conditions for higher pensioner and disability premium)(57) after paragraph (b) insert—

(52) Paragraph 14 was amended by S.R. 1996 No. 503 and S.R. 2003 No. 195.

(53) Article 24D was inserted by S.I. 2013/436.

(54) Paragraph 15A was inserted by S.R. 2000 No. 367 and amended by S.R. 2003 No. 195, S.R. 2007 No. 154, S.R. 2010 No. 103 and S.R. 2011 Nos. 135 and 357.

(55) Paragraph 16 was amended by S.R. 2007 No. 154 and S.R. 2011 No. 135.

(56) Paragraph 20D was inserted by S.R. 2000 No. 350 and amended by S.R. 2002 No. 323.

(57) Paragraph 20H was inserted by S.R. 2000 No. 350 and amended by S.R. 2003 No. 195, S.R. 2008 No. 286 and S.R. 2010 No. 347.

- “(ba) is in receipt of armed forces independence payment or is a person whose armed forces independence payment is payable, in whole or in part, to another in accordance with article 24D of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;”;
- (h) in paragraph 20I (severe disability premium)(**58**)—
- (i) in sub-paragraph (1)(a) after “in receipt of” insert “armed forces independence payment;”;
- (ii) in sub-paragraph (3)(a) after “in receipt of” insert “armed forces independence payment;”;
- (i) in paragraph 20IA(1) (enhanced disability premium)(**59**) after “Benefits Act” where it appears for the second time insert “or armed forces independence payment is payable”.
- (8) In Schedule 2 (housing costs) in paragraph 17 (non-dependant deductions)—
- (a) omit “either” in sub-paragraph (6)(b);
- (b) before sub-paragraph (6)(b)(i) insert—
- “(zi) armed forces independence payment;”;
- (c) in sub-paragraph (8)(a) after “any” insert “armed forces independence payment;”.
- (9) In Schedule 6 (sums to be disregarded in the calculation of income other than earnings) after paragraph 68(**60**) insert—
- “**68A.** Armed forces independence payment.”.

### **Amendment of the Social Security Benefit (Computation of Earnings) Regulations (Northern Ireland) 1996**

- 18.**—(1) The Social Security Benefit (Computation of Earnings) Regulations (Northern Ireland) 1996(**61**) are amended as follows.
- (2) In Schedule 2 (child care charges to be deducted in the calculation of earnings) after paragraph 8(b)(vi) insert—
- “(vii) armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;”.

### **Amendment of the Child Support Departure Direction and Consequential Amendments Regulations (Northern Ireland) 1996**

- 19.**—(1) The Child Support Departure Direction and Consequential Amendments Regulations (Northern Ireland) 1996(**62**) are amended as follows.
- (2) In regulation 15 (illness or disability)(**63**)—
- (a) in paragraph (3)—
- (i) in sub-paragraph (b) after “eligible for” insert “the payment or”; and
- (ii) after “where applicable, the” insert “payment or”;

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(58) Paragraph 20I was inserted by S.R. 2000 No. 350 and amended by S.R. 2002 Nos. 80 and 323, S.R. 2007 No. 154 and S.R. 2011 No. 291.

(59) Paragraph 20IA was inserted by S.R. 2000 No. 367 and amended by S.R. 2007 No. 154 and S.R. 2010 No. 103.

(60) Paragraph 68 was added by S.R. 2003 No. 154 and substituted by S.R. 2003 No. 417.

(61) S.R. 1996 No. 520.

(62) S.R. 1996 No. 541.

(63) Regulation 15 was amended by S.R. 1998 No. 8 and S.R. 1999 No. 167.

- (b) in paragraph (4) after “entitled to” insert “armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011,”;
- (c) in paragraph (4)(a)—
  - (i) after “entitlement to” insert “that payment or”;
  - (ii) after “applied for” insert “that payment or”; and
  - (iii) for the words from “the Department” to the end substitute—
    - “—
    - (i) the Secretary of State on the eligibility for that payment, or
    - (ii) the Department on the eligibility for that allowance, of that applicant or that dependant;”;
- (d) in paragraph (4)(b)—
  - (i) after “apply for” insert “that payment or”; and
  - (ii) after “in respect of that” insert “payment or”; and
- (e) in paragraph (4A) after “eligible for” insert “the payment or”.

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

**20.**—(1) The Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999<sup>(64)</sup> are amended as follows.

(2) In Schedule 2B (date on which change of circumstances takes effect where a claimant is entitled to state pension credit)<sup>(65)</sup> in paragraph 2—

- (a) in sub-paragraph (b) before paragraph (i) insert—
  - “(zi) armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;”;
- (b) in sub-paragraph (c) after “again receives” insert “that payment or”.

#### **Amendment of the Child Support (Variations) Regulations (Northern Ireland) 2001**

**21.**—(1) The Child Support (Variations) Regulations (Northern Ireland) 2001<sup>(66)</sup> are amended as follows.

- (2) In regulation 11 (special expenses – illness or disability of relevant other child)<sup>(67)</sup>—
  - (a) in paragraph (2)(a)(i) for “either” substitute “armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011,”;
  - (b) in paragraph (3)(b) at the beginning insert “armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011 or”; and
  - (c) in paragraph (3) after “amount of the” insert “payment or”.

#### **Amendment of the Social Security (Loss of Benefit) Regulations (Northern Ireland) 2002**

**22.**—(1) The Social Security (Loss of Benefit) Regulations (Northern Ireland) 2002<sup>(68)</sup> are amended as follows.

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<sup>(64)</sup> S.R. 1999 No. 162.

<sup>(65)</sup> Schedule 2B was inserted by S.R. 2003 No. 191 and paragraph 2 was substituted by S.R. 2013 No. 67.

<sup>(66)</sup> S.R. 2001 No. 20.

<sup>(67)</sup> Regulation 11 was amended by S.R. 2005 No. 125.

<sup>(68)</sup> S.R. 2002 No. 79.

- (2) In regulation 1(2) (interpretation) after the definition of “the Jobseekers Order” insert—  
 ““armed forces independence payment” means armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;”.
- (3) In regulation 5(1)(h) (meaning of “person in hardship”)—
- (a) in paragraph (i) after “in receipt of” insert “armed forces independence payment;”;
  - (b) in paragraph (ii) for “claimed either” substitute “claimed armed forces independence payment;”;
  - (c) omit “or” after paragraph (ii); and
  - (d) after paragraph (ii) insert—  
 “(ia) has claimed armed forces independence payment and has an award for a period commencing after the date on which that claim was made, or”.
- (4) In regulation 11(2)(e) (application of Part and meaning of “couple in hardship”)—
- (a) in paragraph (i) after “in receipt of” insert “armed forces independence payment;”;
  - (b) in paragraph (ii) for “claimed either” substitute “claimed armed forces independence payment;”;
  - (c) omit “or” after paragraph (ii); and
  - (d) after paragraph (ii) insert—  
 “(ia) has claimed armed forces independence payment and has an award for a period commencing after the date on which that claim was made, or”.

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

**23.**—(1) The State Pension Credit Regulations (Northern Ireland) 2003(**69**) are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation) after the definition of “the appointed day” insert—

““armed forces independence payment” means armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;”.

(3) In regulation 15(1) (income for the purposes of the Act) after sub-paragraph (a) insert—

“(aa) armed forces independence payment;”.

(4) In Schedule 1 (circumstances in which persons are treated as being or not being severely disabled)—

(a) in paragraph 1 (severe disablement)(**70**)—

- (i) in sub-paragraph (1)(a)(i) after “in receipt of” insert “armed forces independence payment;”;
- (ii) in sub-paragraph (1)(b)(i) after “in receipt of” insert “armed forces independence payment;”;
- (iii) in sub-paragraph (1)(c)(i) after “in receipt of” insert “armed forces independence payment;”;
- (iv) in sub-paragraph (2)(a) after “in receipt of” insert “armed forces independence payment;” and
- (v) in sub-paragraph (2)(a)(i) after “of which the” insert “payment or”; and

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(69) S.R. 2003 No. 28.

(70) Paragraph 1 was amended by S.R. 2007 No. 154.

- (b) in paragraph 2(2)(a) (persons residing with the claimant whose presence is ignored)(71) after “in receipt of” insert “armed forces independence payment,”.
- (5) In Schedule 2 (housing costs)—
  - (a) in paragraph 1(2) in paragraph (b) of the definition of “disabled person”(72) after sub-paragraph (i) insert—
    - “(ia) is a person in respect of whom armed forces independence payment is payable; or”;
    - (b) omit “either” in paragraph 14(6)(b);
    - (c) before paragraph 14(6)(b)(i) insert—
      - “(zi) armed forces independence payment,”; and
    - (d) in paragraph 14(8)(a) after “any” insert “armed forces independence payment,”.
  - (6) In Schedule 3 (special groups: polygamous marriages) in paragraph 1(9) after “in receipt of” insert “armed forces independence payment,”.
  - (7) In Schedule 5 (income from capital) after paragraph 20(2)(b) insert—
    - “(ba) armed forces independence payment;”.
  - (8) In Schedule 6 (sums disregarded from claimant’s earnings) in paragraph 4(1)(a) after paragraph (iv) insert—
    - “(iva) armed forces independence payment;”.

#### **Amendment of the Housing Renewal Grants (Reduction of Grant) Regulations (Northern Ireland) 2004**

- 24.**—(1) The Housing Renewal Grants (Reduction of Grant) Regulations (Northern Ireland) 2004(73) are amended as follows.
- (2) In regulation 2(1) (interpretation) after the definition of “application” insert—
    - ““armed forces independence payment” means armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;”.
  - (3) In regulation 20 (treatment of child care charges)(74)—
    - (a) after paragraph (3)(d)(vi) insert—
      - “(vii) armed forces independence payment;” and
    - (b) after paragraph (8)(b)(iii) insert—
      - “(iv) in respect of whom armed forces independence payment is payable.”.
  - (4) In Schedule 1 (applicable amounts)—
    - (a) in paragraph 12(1)(a)(i) (additional condition for the higher pensioner and disability premiums) after “following benefits:” insert “armed forces independence payment,”;
    - (b) in paragraph 13 (severe disability premium)—
      - (i) in sub-paragraph (2)(a)(i) after “in receipt of” insert “armed forces independence payment,”;
      - (ii) in sub-paragraph (2)(b)(i) after “in receipt of” insert “armed forces independence payment,”;

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(71) Paragraph 2 was amended by S.R. 2006 No. 128.

(72) The definition of “disabled person” was amended by S.R. 2005 No. 580, S.R. 2006 Nos. 97 and 128 and S.R. 2008 No. 286.

(73) S.R. 2004 No. 8.

(74) Regulation 20 was amended by S.R. 2006 No. 452.

- (iii) in sub-paragraph (2)(b)(ii)—
    - (aa) after “also in receipt of such” insert “payment or”; and
    - (bb) after “are in receipt of such” insert “a payment or”; and
  - (iv) in sub-paragraph (5) before paragraph (a) insert—
    - “(za) a person receiving armed forces independence payment;”;
  - (c) in paragraph 14(1) (enhanced disability premium) after “the 1992 Act” where it appears for the second time insert “or armed forces independence payment is payable”;
  - (d) in paragraph 15(1) (disabled child premium) after sub-paragraph (a) insert—
    - “(aa) is a young person who is in receipt of armed forces independence payment; or”; and
  - (e) in paragraph 16(2)(b) (carer premium) after “in receipt of” insert “armed forces independence payment.”.
- (5) In Schedule 1A (applicable amounts for persons who have attained or whose partner has attained the qualifying age for state pension credit)(75)—
- (a) in paragraph 7 (severe disability premium)—
    - (i) in sub-paragraph (2)(a)(i) after “in receipt of” insert “armed forces independence payment.”;
    - (ii) in sub-paragraph (2)(b)(i) after “in receipt of” insert “armed forces independence payment.”;
    - (iii) in sub-paragraph (2)(b)(ii)—
      - (aa) after “also in receipt of such” insert “payment or”; and
      - (bb) after “are in receipt of such” insert “a payment or”; and
    - (iv) in sub-paragraph (5) before paragraph (a) insert—
      - “(za) a person receiving armed forces independence payment;”;
  - (b) in paragraph 8 (enhanced disability premium) after “family” insert “or armed forces independence payment is payable in respect of a young person who is a member of the relevant person’s family”; and
  - (c) in paragraph 9 (disabled child premium) before sub-paragraph (a) insert—
    - “(za) is a young person in receipt of armed forces independence payment; or”.
- (6) In Schedule 3 (sums to be disregarded in the determination of income other than earnings) in paragraph 5 after “any” insert “armed forces independence payment or”.

### **Amendment of the Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005**

**25.**—(1) The Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005(76) are amended as follows.

(2) In regulation 10(1A) (deductions from an award of a funeral payment)(77) before sub-paragraph (a) insert—

- “(za) armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;”.

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(75) Schedule 1A was inserted by [S.R. 2006 No. 452](#).

(76) [S.R. 2005 No. 506](#).

(77) Paragraph (1A) was inserted by [S.R. 2013 No. 58](#).

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

- 26.—(1) The Housing Benefit Regulations (Northern Ireland) 2006<sup>(78)</sup> are amended as follows.
- (2) In regulation 2(1) (interpretation)<sup>(79)</sup>—
- (a) after the definition of “appropriate office” insert—
- ““armed forces independence payment” means armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;”;
- (b) in the definition of “the benefit Acts” for “and the Welfare Reform Act” substitute “, the Welfare Reform Act and the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011”; and
- (c) in the definition of “person who requires overnight care”—
- (i) in paragraph (a) before sub-paragraph (i) insert—
- “(zi) is in receipt of armed forces independence payment;” and
- (ii) in paragraph (a)(iii) for “either sub-paragraph (i) or (ii)” substitute “sub-paragraph (zi), (i) or (ii)”.
- (3) In regulation 25 (treatment of child care charges)—
- (a) in paragraph (11)(d) after “following” insert “payments;”;
- (b) after paragraph (11)(d)(i) insert—
- “(ia) armed forces independence payment;” and
- (c) in paragraph (13) before sub-paragraph (a) insert—
- “(za) in respect of whom armed forces independence payment is payable;”.
- (4) In regulation 72 (non-dependant deductions)—
- (a) in paragraph (6)(b) before paragraph (i) insert—
- “(zi) armed forces independence payment;” and
- (b) in paragraph (9)(a) after “any” insert “armed forces independence payment;”.
- (5) In regulation 77(8) (date on which change of circumstances is to take effect) after “the Act” insert “or article 24A of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011”.
- (6) In Schedule 4 (applicable amounts)—
- (a) in paragraph 7(2) (premiums) after “remains in receipt of” insert “armed forces independence payment;”;
- (b) in paragraph 13(1)(a)(i) (additional condition for the disability premium)<sup>(80)</sup> after “following benefits:” insert “armed forces independence payment;”;
- (c) in paragraph 14 (severe disability premium)<sup>(81)</sup>—
- (i) in sub-paragraph (2)(a)(i) after “in receipt of” insert “armed forces independence payment;”;
- (ii) in sub-paragraph (2)(b)(i) after “in receipt of” insert “armed forces independence payment;” and
- (iii) in sub-paragraph (4)(a) after “receiving” insert “armed forces independence payment;”;

<sup>(78)</sup> S.R. 2006 No. 405.

<sup>(79)</sup> Regulation 2(1) was amended by S.R. 2008 No. 378 and S.R. 2011 No. 51. There are other amendments to regulation 2 not relevant to this Order.

<sup>(80)</sup> Paragraph 13 was amended by S.R. 2008 Nos. 179 and 378.

<sup>(81)</sup> Paragraph 14 was amended by S.R. 2007 No. 154, S.R. 2009 No. 92 and S.R. 2011 No. 291.



- (d) in paragraph 15 (enhanced disability premium)(**82**)—
- (i) omit “or” after sub-paragraph (1)(a); and
  - (ii) after sub-paragraph (1)(a) insert—
    - “(aa) armed forces independence payment is payable 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”; and
- (e) in paragraph 16 (disabled child premium)(**83**) before sub-paragraph (a) insert—
- “(za) is a young person who is in receipt of armed forces independence payment;”.
- (7) In Schedule 6 (sums to be disregarded in the calculation of income other than earnings) in paragraph 7 after “any” insert “armed forces independence payment or”.

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

**27.**—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(**84**) are amended as follows.

- (2) In regulation 2(1) (interpretation)(**85**)—
- (a) after the definition of “appropriate office” insert—
    - ““armed forces independence payment” means armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;”;
  - (b) in the definition of “the benefit Acts” for “and the Welfare Reform Act” substitute “, the Welfare Reform Act and the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011”; and
  - (c) in the definition of “person who requires overnight care”—
    - (i) in paragraph (a) before sub-paragraph (i) insert—
      - “(zi) is in receipt of armed forces independence payment;”;
    - (ii) in paragraph (a)(iii) for “either sub-paragraph (i) or (ii)” substitute “sub-paragraph (zi), (i) or (ii)”.
- (3) In regulation 27(1)(h) (meaning of “income”) after paragraph (i) insert—
- “(ia) armed forces independence payment;”.
- (4) In regulation 29 (treatment of child care charges)—
- (a) after paragraph (11)(d)(i) insert—
    - “(ia) armed forces independence payment;”;
  - (b) in paragraph (13) before sub-paragraph (a) insert—
    - “(za) in respect of whom armed forces independence payment is payable;”.
- (5) In regulation 53 (non-dependant deductions)—
- (a) in paragraph (6)(b) before paragraph (i) insert—
    - “(zi) armed forces independence payment;”;

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(82) Paragraph 15(1) was amended by [S.R. 2008 No. 378](#) and [S.R. 2010 No. 103](#).

(83) Paragraph 16 was amended by [S.R. 2011 No. 135](#).

(84) [S.R. 2006 No. 406](#).

(85) Regulation 2(1) was amended by [S.R. 2008 No. 378](#) and [S.R. 2011 No. 51](#). There are other amendments to regulation 2(1) not relevant to this Order.

- (b) in paragraph (10)(a) after “any” insert “armed forces independence payment,”.
- (6) In regulation 57(8) (date on which change of circumstances is to take effect) after “the Act” insert “or article 24A of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011”.
- (7) In Schedule 4 (applicable amounts)—
  - (a) in sub-paragraph 5(2) (premiums) after “remains in receipt of” insert “armed forces independence payment,”;
  - (b) in paragraph 6 (severe disability premium)—
    - (i) in sub-paragraph (2)(a)(i) after “in receipt of” insert “armed forces independence payment,”;
    - (ii) in sub-paragraph (2)(b)(i) after “in receipt of” insert “armed forces independence payment,”; and
    - (iii) in sub-paragraph (6)(a) after “receiving” insert “armed forces independence payment,”;
  - (c) in paragraph 7(1) (enhanced disability premium)(86) after “the Act” where it appears for the second time insert “or armed forces independence payment is payable”; and
  - (d) in paragraph 8 (disabled child premium)(87) before sub-paragraph (a) insert—
    - “(za) is a young person who is in receipt of armed forces independence payment,”.
- (8) In Schedule 5 (sums disregarded from claimant’s earnings)(88) in paragraph 5(1)(a) after sub-paragraph (iv) insert—
  - “(iva) armed forces independence payment,”.
- (9) In Schedule 7 (capital to be disregarded) in paragraph 21(2) before paragraph (a) insert—
  - “(za) armed forces independence payment,”.

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

**28.**—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008(89) are amended as follows.

- (2) In regulation 2(1) (interpretation) after the definition of “the Armed Forces and Reserve Forces Compensation Scheme” insert—
  - ““armed forces independence payment” means armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;”.
- (3) In regulation 18 (circumstances in which the condition that the claimant is not receiving education does not apply) after “entitled to” insert “armed forces independence payment or”.
- (4) In regulation 158(3) (meaning of “person in hardship”)—
  - (a) in sub-paragraph (b) after “awarded” insert “armed forces independence payment,”;
  - (b) in sub-paragraph (c) for “claimed either” substitute “claimed armed forces independence payment,”;
  - (c) in sub-paragraph (d)(i) after “awarded” insert “armed forces independence payment,”; and
  - (d) in sub-paragraph (d)(ii) for “claimed either” substitute “claimed armed forces independence payment,”.

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(86) Paragraph 7(1) was amended by [S.R. 2011 No. 135](#).

(87) Paragraph 8 was amended by [S.R. 2011 No. 135](#).

(88) Paragraph 5(1)(a) was amended by [S.R. 2008 No. 378](#).

(89) [S.R. 2008 No. 280](#).

- (5) In Schedule 4 (amounts)—
- (a) in paragraph 4(2) (premiums) after “remains in receipt of” insert “armed forces independence payment,”;
  - (b) in paragraph 6 (severe disability premium)—
    - (i) in sub-paragraph (2)(a)(i)(90) after “in receipt of” insert “armed forces independence payment,”;
    - (ii) in sub-paragraph (2)(b)(i)(91) after “in receipt of” insert “armed forces independence payment,”;
    - (iii) in sub-paragraph (2)(b)(ii) after “in receipt of” each place it appears insert “armed forces independence payment,”; and
    - (iv) in sub-paragraph (4)(a) after “receiving” insert “armed forces independence payment,”;
  - (c) in paragraph 7(1) (enhanced disability premium)—
    - (i) omit “or” after paragraph (a); and
    - (ii) after paragraph (a) insert—
      - “(aa) armed forces independence payment in respect of—
        - (i) the claimant, or
        - (ii) the claimant’s partner (if any) who is aged less than the qualifying age for state pension credit; or”.
- (6) In Schedule 6 (housing costs)—
- (a) in paragraph 15(11)(b) (linking rules)(92) after “in receipt of” insert “armed forces independence payment or”; and
  - (b) in paragraph 19 (non-dependant deductions)—
    - (i) in sub-paragraph (6)(b) before sub-paragraph (i) insert—
      - “(zi) armed forces independence payment,”; and
    - (ii) in sub-paragraph (8)(a) after “any” insert “armed forces independence payment,”.
- (7) In Schedule 8 (sums to be disregarded in the calculation of income other than earnings) after paragraph 61 insert—
- “62. Any armed forces independence payment.”.

### **Amendment of the Domestic Energy Efficiency Grants Regulations (Northern Ireland) 2009**

**29.**—(1) The Domestic Energy Efficiency Grants Regulations (Northern Ireland) 2009(93) are amended as follows.

- (2) In regulation 5 (persons to whom a grant may be made)—
- (a) in paragraph (1) after “benefit” insert “, payment”; and
  - (b) in paragraph (4) after sub-paragraph (c) insert—
    - “(d) armed forces independence payment under article 24A of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011.”.

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

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

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

(93) [S.R. 2009 No. 195](#).

### **Amendment of the Social Security (Contributions Credits for Parents and Carers) Regulations (Northern Ireland) 2010**

**30.**—(1) The Social Security (Contributions Credits for Parents and Carers) Regulations (Northern Ireland) 2010<sup>(94)</sup> are amended as follows.

(2) In regulation 2(1) (interpretation) in the definition of “relevant benefit” before paragraph (a) insert—

“(za) armed forces independence payment in accordance with the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;”.

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

**31.**—(1) The Child Support Maintenance Calculation Regulations (Northern Ireland) 2012<sup>(95)</sup> are amended as follows.

(2) In regulation 63 (illness or disability of relevant other child)—

(a) in paragraph (2)(a)(i) at the beginning insert “armed forces independence payment or”;

(b) after paragraph (2)(a) insert—

“(aa) “armed forces independence payment” means armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;”;

(c) in paragraph (3)—

(i) in sub-paragraph (b) at the beginning insert “armed forces independence payment or”; and

(ii) after “the amount of the” insert “payment or”.

### **Amendment of the Representation of the People (Northern Ireland) Regulations 2008**

**32.** In regulation 57 of the Representation of the People (Northern Ireland) Regulations 2008<sup>(96)</sup> (additional requirements for applications on grounds of blindness or other disability), in paragraph (4)(b), after paragraph (ii) insert—

“; or

(iii) armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011<sup>(97)</sup>.”.

### **Amendment of the Local Elections (Northern Ireland) Order 1985**

**33.** In paragraph 6 of Part 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985<sup>(98)</sup> (additional requirements for applications on grounds of blindness or other disability), in sub-paragraph (4)(b), after sub-paragraph (ii) insert—

“; or

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<sup>(94)</sup> S.R. 2010 No. 82.

<sup>(95)</sup> S.R. 2012 No. 427.

<sup>(96)</sup> S.I. 2008/1741; regulation 57 was amended by S.I. 2010/278.

<sup>(97)</sup> S.I. 2011/517; article 24A was inserted by S.I. 2013/436.

<sup>(98)</sup> S.I. 1985/454; Part 1 of Schedule 2 was substituted by S.I. 1987/168. Paragraph 6 of Part 1 of Schedule 2 was amended by S.I. 1990/595; S.I. 1992/809, S.I. 1997/867 and S.I. 2010/2977. Note that a person who applies for an absent vote in accordance with paragraph 6 of Part 1 of Schedule 2, and whose application is granted in accordance with paragraph 1 of that Part, will also be included in the absent voters list for elections to the Northern Ireland Assembly (see the entry relating to section 7 of the Representation of the People Act 1985 (c. 50) in Schedule 1 to S.I. 2001/2599).

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(iii) armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011,”.

**Amendment of the European Parliamentary Elections (Northern Ireland) Regulations 2004**

**34.** In paragraph 4 of Schedule 2 to the European Parliamentary Elections (Northern Ireland) Regulations 2004<sup>(99)</sup>(additional requirements for applications on grounds of blindness or other disability), in sub-paragraph (4), after paragraph (a) insert—

“(aa) the application states that the applicant is in receipt of armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011 because of the disability specified in the application; or”.

Signed by authority of the Secretary of State for Defence

26th November 2013

*Anna Soubry*  
Parliamentary Under Secretary of State

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<sup>(99)</sup> S.I. 2004/1267; Schedule 2 was substituted by S.I. 2009/813. Note that paragraph 4(4)(b) is likely to be substituted by the European Parliamentary Elections (Northern Ireland) (Amendment) Regulations 2013, laid in draft before Parliament on 18 July 2013 but not yet made.

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## EXPLANATORY NOTE

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

The provisions contained in this Order are made to give full effect to section 1(2) of the Armed Forces (Pensions and Compensation Scheme) Act 2004 (c.32) consequential upon the Armed Forces and Reserve Forces (Compensation Scheme) (Amendment) Order 2013 (S.I. 2013/436) (“the 2013 Order”) which amends the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011 (S.I. 2011/517) (“the 2011 Order”). Both Orders are made under that section. The 2011 Order provides for a scheme of compensation payments to be payable to, or in respect of, a person by reason of illness or injury (whether physical or mental), or death, which is caused (wholly or partly) by service in the armed forces or the reserve forces. The 2013 Order provides for a new payment called the armed forces independence payment under the scheme.

Article 2 of the Order amends Article 25 (payments in respect of applications for exemption from wearing seat belts) of the Road Traffic (Northern Ireland) Order 1995 (S.I. 1995/2994 (N.I. 18)). The amendment provides for those in receipt of armed forces independence payment to be a class mentioned in Article 25 to whom the Department of the Environment for Northern Ireland may make payments in respect of examination for medical certificates required as a condition of any exemption relating to the wearing of seat belts.

Article 3 of the Order amends the Adoption Allowance Regulations (Northern Ireland) 1996 so that armed forced independence payment is disregarded in certain circumstances by adoption agencies in assessing the income available to adopters.

Article 4 of the Order amends the Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 2004 so that armed forces independence payment is included as income and taken into account when determining entitlement under these Regulations.

Article 5 of the Order amends the Maternity and Parental Leave etc Regulations (Northern Ireland) 1999. These amendments provide that where an employee is a parent of a person in receipt of armed forces independence payment, they are entitled to certain additional rights in respect of parental leave.

Article 6 of the Order amends the Flexible Working (Eligibility, Complaints and Remedies) Regulations (Northern Ireland) 2003 so that the definition of “disabled” for the purposes of those Regulations includes someone entitled to armed forces independence payment.

Article 7 of the Order amends the Education (Student Loans) Regulations (Northern Ireland) 1998. The amendment adds the armed forces independence payment to the definition of “disability related benefits” for the purposes of those Regulations.

Article 8 of the Order amends the Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2009 to include armed forces independence payment in the definition of “disability related benefits” for the purposes of those Regulations.

Article 9 of the Order amends the Legal Aid (Assessment of Resources) Regulations (Northern Ireland) 1981 so that armed forces independence payment is disregarded in the calculation of disposable income of an applicant for legal aid in those Regulations.

Article 10 of the Order amends the Legal Advice and Assistance Regulations (Northern Ireland) 1981 so that armed forces independence payment is disregarded in the calculation of income of an applicant for legal aid under those Regulations.

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Article 11 of the Order amends the Social Security (Invalid Care Allowance) Regulations (Northern Ireland) 1976 to provide that entitlement to Carer's Allowance can continue where the claimant is not present in Northern Ireland provided the absence is temporary and for the purpose of caring for a severely disabled person in receipt of (amongst other payments) armed forces independence payment.

Article 12 of the Order amends the Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978. This amendment provides that persons in receipt of armed forces independence payment will not be disqualified from receiving a benefit in respect of incapacity by reason of temporary absence from Northern Ireland in certain circumstances.

Article 13 of the Order amends the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979. Regulation 6 is amended to allow for adjustment under Schedule 1 where both armed forces independence payment and any benefit to be adjusted by reference to armed forces independence payment are payable in respect of the same person (whether or not one or both of them are payable to that person). Paragraph 5 of Schedule 1 is amended to allow for the adjustment of armed forces independence payment where certain other benefits are payable in respect of the same person. Schedule 1 is also amended to allow for the adjustment of certain benefits where armed forces independence payment is payable in respect of the same person.

Article 14 of the Order makes a number of consequential amendments to the Income Support (General) Regulations (Northern Ireland) 1987, including amendments to the entitlement conditions for certain premiums so that those premiums may be awarded to certain persons in receipt of armed forces independence payment. The Regulations are also amended so that armed forces independence payment is disregarded when calculating income for the purposes of those Regulations in certain circumstances.

Article 15 of the Order amends the Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992. Amendments to Schedule 2 of those Regulations provide that armed forces independence payment, or any other payment (whether concessionary or otherwise) to compensate for the non-payment of armed forces independence payment, is disregarded when calculating the net income of a non-resident parent and parent with care. An amendment to Schedule 4 provides that child maintenance is not payable by a non-resident parent who is in receipt of armed forces independence payment.

Article 16 of the Order amends the Social Security (Incapacity Benefit) Regulations (Northern Ireland) 1994. The amendment provides that persons in receipt of armed forces independence payment shall not have their incapacity benefit reduced under section 30DD(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992.

Article 17 of the Order makes a number of consequential amendments to the Jobseeker's Allowance Regulations (Northern Ireland) 1996, including amendments to the entitlement conditions for certain premiums so that those premiums may be awarded to certain persons in receipt of armed forces independence payment. The Regulations are also amended so that armed forces independence payment is disregarded when calculating income for the purposes of those Regulations in certain circumstances.

Article 18 of the Order amends the Social Security Benefit (Computation of Earnings) Regulations (Northern Ireland) 1996. The amendment provides that a member of a couple is deemed to be incapacitated if they are in receipt of armed forces independence payment.

Article 19 of the Order amends the Child Support Departure Direction and Consequential Amendments Regulations (Northern Ireland) 1996. The amendments make provision for payments of armed forces independence payment to be taken into account in the determination of applications for departures from the standard child maintenance formula under the 1993 statutory scheme.

Article 20 of the Order amends the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999. The amendments make provision for the date upon which



certain decisions regarding entitlement to armed forces independence payment take effect for the purposes of those Regulations.

Article 21 of the Order amends the Child Support (Variations) Regulations (Northern Ireland) 2001. The amendments provide that a person receiving armed forces independence payment comes within the definition of a “disabled person” for the purposes of those Regulations. The Regulations are also amended to allow armed forces independence payment to be taken into account when calculating special expenses for the purposes of the Child Support (Northern Ireland) Order 1991.

Article 22 of the Order amends the Social Security (Loss of Benefit) Regulations (Northern Ireland) 2002 to provide that the definition of a “person in hardship” and a “couple in hardship”, for the purposes of those Regulations, includes persons in receipt of armed forces independence payment.

Article 23 of the Order makes a number of consequential amendments to the State Pension Credit Regulations (Northern Ireland) 2003, including amendments to the entitlement conditions for the additional amount of pension credit which can be awarded to persons who are severely disabled. The Regulations are also amended so that armed forces independence payment is disregarded when calculating income for the purposes of those Regulations in certain circumstances.

Article 24 of the Order makes consequential amendments to the Housing Renewal Grants (Reduction of Grant) Regulations (Northern Ireland) 2004 to deal with the impact of armed forces independence payment on means testing for receipt of disabled facilities grants. These include: amendments concerning the reduction of assessed income to take account of child care payments, amendments concerning the entitlement to certain premiums where disabled persons or members of their household are in receipt of armed forces independence payment, and an amendment to disregard armed forces independence payment in calculating income other than earnings.

Article 25 of the Order amends the Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005 to include armed forces independence payment in the definition of “arrears of benefits excluded” from a deceased person’s assets for the purposes of those Regulations.

Article 26 of the Order makes a number of consequential amendments to the Housing Benefit Regulations (Northern Ireland) 2006, including amendments to the entitlement conditions for certain premiums so that those premiums may be awarded to certain persons in receipt of armed forces independence payment. The Regulations are also amended so that armed forces independence payment is disregarded when calculating income for the purposes of those Regulations in certain circumstances.

Article 27 of the Order makes a number of consequential amendments to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006, including amendments to the entitlement conditions for certain premiums so that those premiums may be awarded to certain persons in receipt of armed forces independence payment. The Regulations are also amended so that armed forces independence payment is disregarded when calculating income for the purposes of those Regulations in certain circumstances.

Article 28 of the Order makes a number of amendments to the Employment and Support Allowance Regulations (Northern Ireland) 2008, including amendments to the entitlement conditions for certain premiums so that those premiums may be awarded to certain persons in receipt of armed forces independence payment. The Regulations are also amended so that armed forces independence payment is disregarded when calculating income for the purposes of those Regulations in certain circumstances.

Article 29 of the Order amends the Domestic Energy Efficiency Grants Regulations (Northern Ireland) 2009 to provide that an application for a Warm Homes grant may be entertained from certain persons in receipt of armed forces independence payment.

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

Article 30 of the Order amends the Social Security (Contributions Credits for Parents and Carers) Regulations (Northern Ireland) 2010 to include armed forces independence payment in the definition of “relevant benefit” for the purposes of those Regulations.

Article 31 of the Order amends the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012 to provide that the definition of a “disabled person”, for the purposes of those Regulations, includes persons in receipt of armed forces independence payment.

Articles 32, 33 and 34 make amendments to the law governing elections in Northern Ireland to the UK parliament, district councils, the Northern Ireland Assembly and the European Parliament. Generally, an applicant for a postal or proxy vote for an indefinite period on the grounds of blindness or disability must provide an attestation from a registered medical practitioner or similar person about whether that person could reasonably be expected to go in person to the polling station or to vote unaided there and for how long the disability is likely to continue. These amendments provide that persons in receipt of armed forces independence payment are not required to provide such an attestation.