

## SCHEDULE

### PERSONAL INDEPENDENCE PAYMENT: SUPPLEMENTARY PROVISIONS AND CONSEQUENTIAL AMENDMENTS

#### PART 2

#### CONSEQUENTIAL AMENDMENTS

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

- 16.**—(1) The Jobseeker's Allowance Regulations 1996(1) are amended as follows.
- (2) In regulation 1 (citation, commencement and interpretation), in paragraph (3)(2)—
- (a) in the appropriate place insert—
- ““the 2012 Act” means the Welfare Reform Act 2012;”;
- ““personal independence payment” means personal independence payment under Part 4 of the 2012 Act;”;
- ““the Universal Credit etc. Claims and Payments Regulations” means the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013;”;
- and
- (b) in the definition of “the benefits Acts” for “and Part 1 of the Welfare Reform Act 2007” substitute “, Part 1 of the Welfare Reform Act 2007 and Part 4 of the 2012 Act”.
- (3) In regulation 51 (remunerative work), in paragraph (3)(c)(3)—
- (a) in paragraph (i) for “or the care component of disability living allowance at the highest or middle rate” substitute “, the care component of disability living allowance at the highest or middle rate or the daily living component of personal independence payment at the standard or enhanced rate”;
- (b) in paragraph (ii) for “or a disability living allowance” substitute “, disability living allowance or personal independence payment”; and
- (c) after paragraph (iv) insert—
- “; or
- (v) a person who has claimed personal independence payment and has an award of the daily living component at the standard or enhanced rate under section 78 of the 2012 Act for a period commencing after the date on which that claim was made”.
- (4) In regulation 140 (meaning of “person in hardship”), in paragraph (1)(h)(4)—
- (a) in paragraph (i) for “or the care component of disability living allowance at one of the two higher rates prescribed under section 72(4) of the Benefits Act” substitute “, the care component of disability living allowance at one of the two higher rates prescribed under section 72(4) of the Benefits Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78 of the 2012 Act”;

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(1) [S.I. 1996/207](#).

(2) The definition of the “the benefits Acts” was inserted by [S.I. 2008/3157](#). There are other amendments to regulation 1(3) which are not relevant to these Regulations.

(3) Regulation 51(3)(c) was amended by [S.I. 1996/1516](#) and [2003/511](#).

(4) Regulation 140(1)(h) was amended by [S.I. 1996/1516](#).

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- (b) in paragraph (ii) for “or disability living allowance” substitute “, disability living allowance or personal independence payment”; and
  - (c) after paragraph (iii) insert—
    - “or
    - (iv) has claimed personal independence payment and has an award of the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78 of the 2012 Act for a period commencing after the date on which that claim was made.”.
- (5) In regulation 146A (meaning of “couple in hardship”)(**5**), in paragraph (1)(e)—
- (a) in paragraph (i) for “or the care component of disability living allowance at one of the two higher rates prescribed under section 72(4) of the Benefits Act” substitute “, the care component of disability living allowance at one of the two higher rates prescribed under section 72(4) of the Benefits Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78 of the 2012 Act”;
  - (b) in paragraph (ii) for “or disability living allowance” substitute “, disability living allowance or personal independence payment”; and
  - (c) after paragraph (iii) insert—
    - “; or
    - (iv) has claimed personal independence payment and has an award of the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78 of the 2012 Act for a period commencing after the date on which that claim was made”.
- (6) In paragraph 3 of Schedule A1 (categories of members of a joint-claim couple who are not required to satisfy the conditions in section 1(2B)(b): member caring for another person)(**6**), in sub-paragraph (a)—
- (a) in paragraph (i) for “or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act” substitute “, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act”;
  - (b) in paragraph (iv) after “disability living allowance” insert “or personal independence payment”; and
  - (c) after paragraph (v) insert—
    - “or
    - (vi) the person being cared for has claimed entitlement to the daily living component of personal independence payment in accordance with regulation 33 of the Universal Credit etc. Claims and Payments Regulations (advance claim for and award of personal independence payment), 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;”.
- (7) In Schedule 1 (applicable amounts)—

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(5) Regulation 146A was inserted by [S.I. 2000/1978](#). There are amendments to regulation 146A which are not relevant to these Regulations.

(6) Schedule A1 was inserted by [S.I. 2000/1978](#). There is an amendment to paragraph 3 which is not relevant to these Regulations.

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- (a) in paragraph 8(2)(7) for “or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act” substitute “the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act or the daily living component of personal independence payment at the standard or enhanced rate prescribed in accordance with section 78(3) of the 2012 Act”;
- (b) in paragraph 14 (additional conditions for higher pensioner and disability premium), in sub-paragraph (1)—
  - (i) after paragraph (c) insert—
    - “(ca) the claimant or, as the case may be, his partner, is in receipt of personal independence payment or is a person whose personal independence payment is payable, in whole or in part, to another in accordance with regulation 58(2) of the Universal Credit etc. Claims and Payments Regulations (payment to another person on the claimant’s behalf);”;
  - (ii) after paragraph (f) insert—
    - “(fa) the claimant or, as the case may be, his partner, is a person who is entitled to the mobility component of personal independence payment but to whom the component is not payable in accordance with regulation 61 of the Universal Credit etc. Claims and Payments Regulations (cases where mobility component of personal independence payment not payable);”;
  - (iii) omit “or” at the end of paragraph (g)(i); and
  - (iv) after paragraph (g)(ii)(8) insert—
    - “; or
    - (iii) entitled to personal independence payment but no amount is payable in accordance with regulations made under section 86(1) (hospital in-patients) of the 2012 Act”;
- (c) in paragraph 15 (severe disability premium)(9)—
  - (i) in sub-paragraph (1)(a) for “or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act” substitute “, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act”;
  - (ii) in sub-paragraph (2)(a) for “or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act” substitute “, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act”;
  - (iii) in sub-paragraph (4)(a) for “or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act” substitute “, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act or

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(7) There are amendments to paragraph 8(2) which are not relevant to these Regulations.

(8) There are amendments to paragraph 14(1)(g)(ii) which are not relevant to these Regulations.

(9) There are amendments to paragraph 15 which are not relevant to these Regulations.

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the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act”; and

(iv) after sub-paragraph (5)(a) insert—

“(aa) as being in receipt of the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78 of the 2012 Act if he would, but for regulations made under section 86(1) (hospital in-patients) of the 2012 Act, be so in receipt;”;

(d) in paragraph 15A (enhanced disability premium)(10) 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),

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) 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; or
- (b) the daily living component of personal independence payment is, or would, but for a suspension of benefits in accordance with regulations under section 86(1) (hospital in-patients) of the 2012 Act, be payable to that person at the enhanced rate in accordance with section 78(2) of the 2012 Act.”;

(e) in paragraph 16 (disabled child premium)(11)—

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

“(aa) a young person who is in receipt of personal independence payment or who would, but for regulations made under section 86(1) (hospital in-patients) of the 2012 Act, be so in receipt, provided that the young person continues to be a member of the family;”;

(ii) in sub-paragraph (2) after “sub-paragraph (1)(a)” insert “, (aa)”;

(f) in paragraph 20D(2)(12) for “or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act” substitute “the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act”;

(g) in paragraph 20H (additional conditions for higher pensioner and disability premium)(13), in sub-paragraph (1)—

(10) Paragraph 15A was inserted by [S.I. 2000/2629](#). There are amendments to paragraph 15A which are not relevant to these Regulations.

(11) Paragraph 16 was substituted by [S.I. 2007/719](#) and paragraph (2) was amended by 2011/674. There are other amendments which are not relevant to these Regulations.

(12) Paragraph 20D was inserted by [S.I. 2000/1978](#) and paragraph (2) was amended by [S.I. 2003/511](#). There are other amendments to paragraph 20D which are not relevant to these Regulations.

(13) Paragraph 20H was inserted by [S.I. 2000/1978](#). There are amendments to paragraph 20H which are not relevant to these Regulations.

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- (i) after sub-paragraph (c) insert—
  - “(ca) is in receipt of personal independence payment or is a person whose personal independence payment is payable, in whole or in part, to another in accordance with regulation 58(2) of the Universal Credit etc. Claims and Payments Regulations (payment to another person on the claimant’s behalf);”;
- (ii) after paragraph (g) insert—
  - “(ga) is a person who is entitled to the mobility component of personal independence payment but to whom the component is not payable in accordance with regulation 61 of the Universal Credit etc. Claims and Payments Regulations (cases where mobility component of personal independence payment not payable);”;
- (iii) after paragraph (h)(ii) insert—
  - “or
  - (iii) entitled to personal independence payment but no amount is payable in accordance with regulations under section 86(1) (hospital in-patients) of the 2012 Act.”;
- (h) in paragraph 20I (severe disability premium)(14)—
  - (i) in sub-paragraph (1)(a) for “or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act” substitute “, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act”;
  - (ii) in sub-paragraph (3)(a) for “or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act” substitute “, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act”; and
  - (iii) after sub-paragraph (4)(b) insert—
    - “(c) as being in receipt of the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78 of the 2012 Act if he would, but for regulations made under section 86(1) (hospital in-patients) of the 2012 Act, be so in receipt.”;
- (i) in paragraph 20IA (enhanced disability premium)(15), for sub-paragraph (1) substitute—
  - “(1) Subject to sub-paragraph (2), the condition is that in respect of a member of a joint-claim couple who has not attained the qualifying age for state pension credit—
    - (a) 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 at the highest rate prescribed under section 72(3) of the Benefits Act; or

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(14) Paragraph 20I was inserted by [S.I. 2000/1978](#). There are amendments to paragraph 20I which are not relevant to these Regulations.

(15) Paragraph 20IA was inserted by [S.I. 2000/2629](#). There are amendments to paragraph 20IA which are not relevant to these Regulations.

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- (b) the daily living component of personal independence payment is, or would, but for regulations made under section 86(1) (hospital in-patients) of the 2012 Act, be payable at the enhanced rate in accordance with section 78(2) of the 2012 Act.”.
- (8) In paragraph 17(**16**) of Schedule 2 (housing costs: non-dependant deductions)—
  - (a) after sub-paragraph (6)(b)(ii) insert—
    - “, or
    - (iii) the daily living component of personal independence payment”; and
  - (b) in sub-paragraph (8)(a) for “or disability living allowance” substitute “, disability living allowance or personal independence payment”.
- (9) In Schedule 7 (sums to be disregarded in the calculation of income other than earnings)—
  - (a) in paragraph 7(**17**) after “disability living allowance” insert “or the mobility component of personal independence payment”; and
  - (b) in paragraph 10(**18**) for “or the care component of disability living allowance” substitute “, the care component of disability living allowance or the daily living component of personal independence payment”.

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(16) There are amendments to paragraph 17 which are not relevant to these Regulations.

(17) Paragraph 7 was substituted by [S.I. 2008/3157](#).

(18) Paragraph 10 was amended by [S.I. 2001/3767](#).