
STATUTORY INSTRUMENTS

2022 No. 177

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

PART 2

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

Amendment of the Jobseeker's Allowance Regulations 1996

5.—(1) The Jobseeker's Allowance Regulations 1996⁽¹⁾ 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)—

(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 “,”;

⁽¹⁾ [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.

- (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 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 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”.