

## SCHEDULE

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

#### PART 2

#### CONSEQUENTIAL AMENDMENTS

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

**37.**—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006<sup>(1)</sup> are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1)<sup>(2)</sup>—

(a) in the appropriate places insert—

““the 2012 Act” means the Welfare Reform Act 2012;”;

““personal independence payment” means personal independence payment under Part 4 of the 2012 Act;”;

(b) in the definition of “the benefit Acts” after “Welfare Reform Act” insert “, Part 4 of the 2012 Act”;

(c) in the definition of “person who requires overnight care”—

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

(ii) after sub-paragraph (a)(ii) insert—

“(iia) is in receipt of the daily living component of personal independence payment in accordance with section 78 of the 2012 Act; or”; and

(iii) in sub-paragraph (a)(iii) for “or (ii)” substitute “, (ii) or (iia)”.

(3) In regulation 29 (meaning of “income”) after paragraph (1)(j)(i)<sup>(3)</sup> insert—

“(ia) personal independence payment;”.

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

(a) after paragraph (11)(d)(vii)<sup>(4)</sup> insert—

“(viii) personal independence payment;”;

(b) omit “or” at the end of paragraph (13)(b); and

(c) after paragraph (13)(c) insert—

“; or

(d) in respect of whom personal independence payment is payable, or would be payable but for regulations made under section 86(1) (hospital in-patients) of the 2012 Act”.

(5) In regulation 55 (non-dependant deductions)<sup>(5)</sup>—

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(1) [S.I. 2006/214](#).

(2) There are amendments to regulation 2(1) which are not relevant to these Regulations.

(3) There are amendments to regulation 13(1)(j)(i) which are not relevant to these Regulations.

(4) Regulation 31(11)(d)(vii) was inserted by [S.I. 2008/1082](#).

(5) Regulation 55 was substituted by [S.I. 2007/2869](#). There are amendments to regulation 55 which are not relevant to these Regulations.

*Status: This is the original version (as it was originally made).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

- (a) omit “or” at the end of paragraph (6)(b)(i);
  - (b) after paragraph (6)(b)(ii) insert—
    - “; or
    - (iii) the daily living component of personal independence payment”; and
  - (c) in paragraph (10)(a) for “or disability living allowance” substitute “, disability living allowance or personal independence payment”.
- (6) In regulation 59 (date on which change of circumstances is to take effect), in paragraph (6), after “the Act” insert “or Part 4 of the 2012 Act”.
- (7) In Schedule 3 (applicable amounts)—
- (a) for paragraph 5(2) substitute—
    - “(2) For the purposes of the carer premium under paragraph 9, a person shall be treated as being in receipt of a carer’s allowance under section 70 of the Act by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of—
    - (a) attendance allowance;
    - (b) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act; or
    - (c) 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 6 (severe disability premium)—
    - (i) in sub-paragraph (2)(a)(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 Act” substitute “, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 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)(b)(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 Act” substitute “, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 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 (2)(b)(ii) after “allowance” in each place where it appears insert “or payment”;
    - (iv) in sub-paragraph (6)(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 Act” substitute “, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 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”;
    - (v) after sub-paragraph (7)(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.”;

- (c) in paragraph 7 (enhanced disability premium) for sub-paragraph (1)(6) substitute—
- “(1) Subject to sub-paragraph (2), the condition is that—
- (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 Act or but for an abatement as a consequence of hospitalisation, be payable at the highest rate prescribed under section 72(3) of the Act; or
  - (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 under section 78(2) of the 2012 Act; in respect of a child or young person who is a member of the claimant’s family.”; and
- (d) in paragraph 8 (disabled child premium), after sub-paragraph (c)(7) insert—
- “; or
- (d) is 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”.
- (8) In paragraph 5(1)(a) of Schedule 4 (sums disregarded from claimant’s earnings)—
- (a) omit “or” at the end of paragraph (vii)(8); and
  - (b) after paragraph (vii) insert—
- “(viii) personal independence payment; or”.
- (9) After paragraph 21(2)(b) of Schedule 6 (capital to be disregarded) insert—
- “(ba) personal independence payment;”.

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(6) Paragraph 7(1) was substituted by [S.I. 2011/674](#).

(7) Paragraph 8(c) was substituted by [S.I. 2011/674](#).

(8) Paragraph 5(1)(a)(vii) was inserted by [S.I. 2008/1082](#).