

SCHEDULE

PERSONAL INDEPENDENCE PAYMENT: SUPPLEMENTARY PROVISIONS AND CONSEQUENTIAL AMENDMENTS

PART 2

CONSEQUENTIAL AMENDMENTS

Amendment of the Employment and Support Allowance Regulations 2008

40.—(1) The Employment and Support Allowance Regulations 2008⁽¹⁾ are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1)⁽²⁾ in the appropriate places insert—

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

““daily living component” means the daily living component of personal independence payment under section 78 of the 2012 Act;”;

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

(3) In regulation 18 (circumstances in which the condition that the claimant is not receiving education does not apply) after “disability living allowance” insert “or personal independence payment”.

(4) In regulation 158 (meaning of “person in hardship”), in paragraph (3)—

(a) in sub-paragraph (b) for “or the care component” substitute “, the care component or the daily living component”;

(b) in sub-paragraph (c) for “or disability living allowance” substitute “, disability living allowance or personal independence payment”;

(c) in sub-paragraph (d)(i) for “or the care component” substitute “, the care component or the daily living component”; and

(d) in sub-paragraph (d)(ii) for “or disability living allowance” substitute “, disability living allowance or personal independence payment”.

(5) In Schedule 4 (amounts)—

(a) for paragraph 4(2) substitute—

“(2) For the purposes of the carer premium under paragraph 8, a claimant is to be treated as being in receipt of a carer’s allowance 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 Contributions and Benefits 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)—

(1) [S.I. 2008/794](#).

(2) There are amendments to regulation 2(1) 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Status: This is the original version (as it was originally made).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.

- (i) in sub-paragraph (2)(a)(i)(3) after “the care component” insert “, the daily living component”;
- (ii) in sub-paragraph (2)(b)(i)(4) after “the care component” insert “, the daily living component”;
- (iii) in sub-paragraph (2)(b)(ii) after “care component” in each place where it appears insert “, the daily living component”;
- (iv) in sub-paragraph (4)(a) after “attendance allowance,” insert “the daily living component”; and
- (v) after sub-paragraph (5)(b) insert—
 - “(c) as being in entitled to, and in receipt of, the daily living component if the person would, but for regulations under section 86(1) (hospital in-patients) of the 2012 Act, be so entitled and in receipt.”; and
- (c) in paragraph 7 (enhanced disability premium)—
 - (i) omit “or” at the end of sub-paragraph (1)(a); and
 - (ii) after sub-paragraph (1)(b)(ii) insert—
 - “; or
 - (c) the daily living component 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 that Act 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”.
- (6) In Schedule 6 (housing costs)—
 - (a) in paragraph 15 (linking rule), in sub-paragraph (11)(b)(5), after “disability living allowance” insert “or personal independence payment”; and
 - (b) in paragraph 19 (non-dependant deductions)—
 - (i) omit “or” at the end of sub-paragraph (6)(b)(i);
 - (ii) after sub-paragraph (6)(b)(ii) insert—
 - “; or
 - (iii) the daily living component”; and
 - (iii) in sub-paragraph (8)(a) for “or disability living allowance” substitute “, disability living allowance or personal independence payment”.
- (7) In Schedule 8 (sums to be disregarded in the calculation of income other than earnings)—
 - (a) in paragraph 8 after “disability living allowance” insert “or the mobility component of personal independence payment”; and
 - (b) in paragraph 11 for “or the care component of disability living allowance” substitute “, the care component of disability living allowance or the daily living component”.

(3) Paragraph 6(2)(a)(i) was amended by [S.I. 2011/2425](#).

(4) Paragraph 6(2)(b)(i) was amended by [S.I. 2011/2425](#).

(5) Paragraph 15(11)(b) was substituted by [S.I. 2011/2428](#).