

SCHEDULE

ARMED FORCES INDEPENDENCE PAYMENTS: CONSEQUENTIAL AMENDMENTS AND SUPPLEMENTARY PROVISIONS

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

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

(2) In regulation 2(1) (interpretation)⁽²⁾—

(a) at the appropriate place 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” after “part 4 of the 2012 Act” insert “, the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011”;

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

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

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

“(iib) is in receipt of armed forces independence payment; or”; and

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

(3) In regulation 29(1)(j)(i) (meaning of “income”) after paragraph (1)(j)(ia) insert—

“(ib) armed forces independence payment;”.

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

(a) after paragraph (11)(d)(viii) insert—

“(ix) armed forces independence payment;”;

(b) after paragraph (13)(d) insert—

“; or

(e) in respect of whom armed forces independence payment is payable.”.

(5) In regulation 55 (non-dependant deductions)—

(a) omit “or” after sub-paragraph (6)(b)(ii);

(b) after sub-paragraph (6)(b)(iii) insert—

“; or

(iv) armed forces independence payment;” and

(c) in paragraph (10)(a) after “disability living allowance” insert “, armed forces independence payment”.

(6) In regulation 59(6) (date on which change of circumstances is to take effect) after “Part 4 of the 2012 Act” insert “or the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011”.

(7) In Schedule 3 (applicable amounts)—

(a) in paragraph 5(2)—

(i) omit “or” after sub-paragraph (b); and

(1) [S.I. 2006/214](#) as amended by [S.I. 2013/388](#).

(2) There are amendments to regulation 2(1) which are not relevant to this Order.

Status: This is the original version (as it was originally made).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

- (ii) after sub-paragraph (c) insert—
 - “; or
 - (d) armed forces independence payment.”;
- (b) in paragraph 6 (severe disability premium)—
 - (i) in sub-paragraph (2)(a)(i) after “section 78(3) of the 2012 Act” insert “or armed forces independence payment”;
 - (ii) in sub-paragraph (2)(b)(i) after “section 78(3) of the 2012 Act” insert “or armed forces independence payment”;
 - (iii) in sub-paragraph (6)(a) after “section 78(3) of the 2012 Act” insert “or armed forces independence payment”;
- (c) in paragraph 7 (enhanced disability premium) after sub-paragraph (1)(b) insert—
 - “or
 - (c) armed forces independence payment is payable,”;
- (d) in paragraph 8 (disabled child premium) after sub-paragraph (d) insert—
 - “; or
 - (e) is a young person who is in receipt of armed forces independence payment.”.
- (8) In Schedule 4 (sums disregarded from claimant’s earnings), in paragraph 5(1)(a)—
 - (a) omit “or” at the end of paragraph (viii); and
 - (b) after paragraph (viii) insert—
 - “(ix) armed forces independence payment; or”.
- (9) In Schedule 6 (capital to be disregarded), in paragraph 21(2)(3), after paragraph (ba) insert—
 - “(bb) armed forces independence payment.”.

(3) Schedule 6, paragraph 21 was amended by [S.I. 2013/443](#).