

## SCHEDULE

### ARMED FORCES INDEPENDENCE PAYMENTS: CONSEQUENTIAL AMENDMENTS AND SUPPLEMENTARY PROVISIONS

#### **Amendment of the Employment and Support Allowance Regulations 2008**

**37.**—(1) The Employment and Support Allowance Regulations 2008<sup>(1)</sup> are amended as follows.

(2) In regulation 2(1) (interpretation)<sup>(2)</sup>, 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;”.

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

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

(a) in sub-paragraph (b), after “the care component” insert “, armed forces independence payment”;

(b) in sub-paragraph (c), after “disability living allowance” insert “, armed forces independence payment”;

(c) in sub-paragraph (d)(i), after “the care component” insert “, armed forces independence payment”; and

(d) in sub-paragraph (d)(ii), after “disability living allowance” insert “, armed forces independence payment”.

(5) In Schedule 4 (amounts)—

(a) in paragraph 4(2)—

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

(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)<sup>(3)</sup>, after “daily living component” insert “, armed forces independence payment”;

(ii) in sub-paragraph (2)(b)(i)<sup>(4)</sup>, after “daily living component” insert “, armed forces independence payment”;

(iii) in sub-paragraph (2)(b)(ii), after each place “daily living component” appears, insert “, armed forces independence payment”; and

(iv) in sub-paragraph (4)(a), after “daily living component” insert “, armed forces independence payment”;

(c) in paragraph 7 (enhanced disability premium)—

(i) omit “or” after sub-paragraph (1)(b)(ii); and

(ii) after sub-paragraph (1)(c) insert—

<sup>(1)</sup> [S.I. 2008/794](#) as amended by [S.I. 2013/388](#).

<sup>(2)</sup> There are amendments to regulation 2(1) which are not relevant to these Regulations.

<sup>(3)</sup> Paragraph 6(2)(a)(i) was amended by [S.I. 2011/2425](#) and [2013/388](#).

<sup>(4)</sup> Paragraph 6(2)(b)(i) was amended by [S.I. 2011/2425](#) and [2013/388](#).

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“; or

(d) armed forces independence payment is payable 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(11)(b) (linking rule)(5), after “disability living allowance” insert “, armed forces independence payment”; and

(b) in paragraph 19 (non-dependant deductions)—

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

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

“; or

(iv) armed forces independence payment.”;

(iii) in sub-paragraph (8)(a), after “disability living allowance” insert “, armed forces independence payment”.

(7) In Schedule 8 (sums to be disregarded in the calculation of income other than earnings), insert—

“66. Any armed forces independence payment.”.

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