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STATUTORY INSTRUMENTS

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**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 Universal Credit Regulations 2013**

- 13.**—(1) The Universal Credit Regulations 2013<sup>(1)</sup> are amended as follows.
- (2) In regulation 2(1), after the definition of “adopter” 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 14(1)(b) (exceptions to the requirement not to be receiving education), after “child disability payment” insert “, adult disability payment”.
- (4) In regulation 24 (the child element)—
- (a) in paragraph (2)(a), after “child disability payment” insert “, adult disability payment”;
- (b) in paragraph (2)(b)(i), after “the DACYP Regulations” insert “, the daily living component of adult disability payment at the enhanced rate in accordance with regulation 5(3) of the Disability Assistance for Working Age People (Scotland) Regulations 2022”.
- (5) In regulation 41(2)(a) (when an assessment may be carried out), after “child disability payment” insert “, adult disability payment”.
- (6) In regulation 83(1) (exceptions – entitlement or receipt of certain benefits)—
- (a) in the opening words of sub-paragraph (h), for “and (ha)” substitute “, (ha) or (hb)”;
- (b) at the end of sub-paragraph (h)(iii) omit “or”;
- (c) after paragraph (h)(iv) insert—
- “(iva) in the case of adult disability payment, is not receiving it by virtue of regulation 27 (effect of admission to a care home on ongoing entitlement to daily living component) or 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the Disability Assistance for Working Age People (Scotland) Regulations 2022, or”;
- (d) after sub-paragraph (ha) insert—
- “(hb) a claimant, or qualifying young person for whom a claimant is responsible, is receiving adult disability payment;”.
- (7) In Schedule 3 (claimant treated as occupying or not occupying accommodation)—
- (a) at the end of paragraph 5(3)(b)(ii) (moving home: adaptations to new home for disabled person), omit “or”;

- (b) after paragraph 5(3)(b)(iii) insert—
  - “or
  - (iv) the daily living component of adult disability payment at the standard or enhanced rate”.
- (8) In Schedule 4 (housing costs element for renters)—
  - (a) in paragraph 12(3)(a) (additional room)—
    - (i) at the end of paragraph (ii) omit “or”;
    - (ii) after paragraph (iii) insert—
      - “or
      - (iv) the daily living component of adult disability payment at the standard or enhanced rate;”;
  - (b) in paragraph 12(6A)(a)—
    - (i) at the end of paragraph (iii) omit “and”;
    - (ii) after paragraph (iii) insert—
      - “(iv) the daily living component of adult disability payment at the standard or enhanced rate; and”;
  - (c) after paragraph 15(2)(d) (exempt renters), insert—
    - “(da) a person in receipt of the daily living component of adult disability payment at the standard or enhanced rate;”;
  - (d) in paragraph 15(2)(e)—
    - (i) in the opening words for “or (d)” substitute “, (d) or (da)”;
    - (ii) at the end of paragraph (iii) omit “or”;
    - (iii) after paragraph (iv), insert—
      - “or
      - (v) 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”;
  - (e) after paragraph 16(2)(e) (no deduction of housing cost contributions in respect of certain non-dependants) insert—
    - “(ea) a person in receipt of the daily living component of adult disability payment at the standard or enhanced rate;”;
  - (f) in paragraph 16(2)(f)—
    - (i) in the opening words for “or (e)” substitute “, (e) or (ea)”;
    - (ii) at the end of paragraph (iii) omit “or”;
    - (iii) after paragraph (iv), insert—
      - “or
      - (v) 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”;
  - (g) in paragraph 29(5) (renters excepted from shared accommodation)—
    - (i) at the end of sub-paragraph (b) omit “or”;
    - (ii) after sub-paragraph (c) insert—

“or

(d) the daily living component of adult disability payment at the standard or enhanced rate”.

(9) In Schedule 8 (circumstances in which a claimant is to be treated as having limited capability for work), in paragraph 6 (disabled and over age for state pension credit), for “or personal independence payment” substitute “, personal independence payment or adult disability payment”.

(10) In Schedule 9 (circumstances in which a claimant is to be treated as having limited capability for work and work-related activity), in paragraph 5 (disabled and over the age for state pension credit), after “personal independence payment at the enhanced rate” insert “or the daily living component of adult disability payment at the enhanced rate in accordance with regulation 5(3) of the Disability Assistance for Working Age People (Scotland) Regulations 2022”.