
STATUTORY INSTRUMENTS

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 Income Support (General) Regulations 1987

- 2.—(1) The Income Support (General) Regulations 1987(1) are amended as follows.
- (2) In regulation 2(1) (interpretation), after the definition of “adoption leave” insert—
- ““adult disability payment” has the meaning given in regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022(2);”.
- (3) In regulation 4(2)(c)(v)(aa) (temporary absence from Great Britain)—
- (a) for “or” after “armed forces independence payment” substitute “,”;
- (b) after “personal independence payment” insert “or the enhanced rate of the daily living component of adult disability payment”.
- (4) In paragraph 4(a) (persons caring for another person) of Schedule 1B (prescribed categories of person)—
- (a) in sub-paragraph (i)—
- (i) for “or” after “(see regulation 11(5) of those Regulations),” substitute “,”;
- (ii) after “2012 Act” insert “or the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022”;
- (b) in sub-paragraph (iii)—
- (i) for “or” after “armed forces independence payment” substitute “,”;
- (ii) after “personal independence payment” insert “or adult disability payment”;
- (c) after sub-paragraph (iv) insert—
- “(v) the person being cared for has claimed entitlement to the daily living component of adult disability payment in accordance with regulation 35 (when an application is to be treated as made and beginning of entitlement to assistance) of the Disability Assistance for Working Age People (Scotland) Regulations 2022, an award at the standard or enhanced rate has been made in respect of that claim and, where the period for which the award is payable has begun, that person is in receipt of the payment;”.

(1) S.I. 1987/1967, as amended by S.I. 1990/1776, 1991/2742, 1993/2119, 1994/2139, 1995/482, 1996/206 and 1517, 2003/455, 2005/2687, 2007/719, 2011/674 and 2013/388 and 591, and 2021/786 There are other amendments not relevant to this instrument.

(2) S.S.I. 2022/54.

- (5) In paragraph 7A (certain persons in receipt of the daily living component of personal independence payment) of Schedule 1B—
- (a) in the heading, after “personal independence payment” insert “or adult disability payment”;
 - (b) after “at the enhanced rate” insert “or the daily living component of adult disability payment at the enhanced rate”.
- (6) In Schedule 2 (applicable amounts)—
- (a) in paragraph 7(2) after “the 2012 Act” insert “, the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022”;
 - (b) in paragraph 12 (additional condition for the Higher Pensioner and Disability Premiums)—
 - (i) in sub-paragraph (1)(a)(i), after “personal independence payment,” insert “adult disability payment.”;
 - (ii) in sub-paragraph (1)(d), for “or personal independence payment” substitute “, personal independence payment or adult disability payment”;
 - (c) in paragraph 13 (severe disability premium)—
 - (i) in sub-paragraph (2)(a)(i), after “the 2012 Act” insert “, the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022”;
 - (ii) in sub-paragraph (2)(b)(i), after “the 2012 Act” insert “, the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022”;
 - (iii) in sub-paragraph (3)(a), after “the 2012 Act” insert “, the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022”;
 - (iv) after sub-paragraph (3A)(c) insert—
 - “,
 - (d) as being in receipt of the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the Disability for Working Age People (Scotland) Regulations 2022, if they would, but for regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of those Regulations, be so in receipt”;
 - (d) in paragraph 13A(1ZA) (enhanced disability premium)—
 - (i) omit “or” at the end of paragraph (ba);
 - (ii) after paragraph (c) insert—
 - “or
 - (d) the daily living component of adult disability payment is, or would, but for regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the Disability for Working Age People (Scotland) Regulations 2022, be payable to that person at the enhanced rate in accordance with regulation 5 of those Regulations”;

- (e) in paragraph 14(1) (disabled child premium)—
 - (i) after paragraph (d) insert—
 - “(da) a young person who is in receipt of adult disability payment or who would, but for 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, be so in receipt provided that the young person continues to be a member of the family; or”;
 - (ii) in sub-paragraph (2), after “(d)” insert “, (da)”.
- (7) In Schedule 3 (housing costs)—
 - (a) in paragraph 18(6)(b)(iii) (non-dependant deductions) omit “or” at the end; and
 - (b) after paragraph 18(6)(b)(iii) insert—
 - “(iia) the daily living component of adult disability payment; or”;
 - (c) in paragraph 18(8)(a), for “or personal independence payment” substitute “, personal independence payment, adult disability payment”.
- (8) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings)—
 - (a) in paragraph 6—
 - (i) after “disability living allowance” for “or” substitute “,”; and
 - (ii) after “personal independence payment” insert “or the mobility component of adult disability payment”;
 - (b) in paragraph 9—
 - (i) after “disability living allowance” for “or” substitute “,”; and
 - (ii) after “personal independence payment” insert “or the daily living component of adult disability payment”.