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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 3**

**Amendment of legislation applying in relation to Northern Ireland**

**Amendment of the Universal Credit Regulations (Northern Ireland) 2016**

- 28.**—(1) The Universal Credit Regulations (Northern Ireland) 2016<sup>(1)</sup> are amended as follows.
- (2) In regulation 2, 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 25 (the child element)—
- (a) in paragraph (2)(a) after “child disability payment” insert “, adult disability payment”;
- (b) in paragraph (2)(b)(i) after “the DAYCP 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 42(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 (i), for “and (ia)” substitute “, (ia) and (ib)”;
- (b) at the end of sub-paragraph (i)(iii) omit “or”;
- (c) after sub-paragraph (i)(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 (ia) insert—
- “(ib) 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 4(3)(b)(ii) (moving home: adaptations to new home for disabled person), omit “or”;

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(1) [S.R. 2016 No. 216](#).

(b) after paragraph 4(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 11(3)(a) (additional room)—

(i) at the end of sub-head (ii) omit “or”;

(ii) after sub-head (iii) insert

“or

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

(b) in paragraph 11(6A)(a)—

(i) at the end of sub-head (iii) omit “and”;

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

“(iv) the daily living component of adult disability payment at the standard or enhanced rate; and”;

(c) after paragraph 14(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 14(2)(e)—

(i) in the opening words for “or (d)” substitute “, (d) or (da)”;

(ii) at the end of sub-head (iii) omit “or”;

(iii) after sub-head (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 15(2)(e) (no deduction for 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 15(2)(f)—

(i) in the opening words for “or (e)” substitute “, (e) or (ea)”;

(ii) after sub-paragraph (iii) omit “or”;

(iii) after sub-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) after paragraph 28(4) (renters exempted from shared accommodation)—

(i) at the end of head (b) omit “or”;

(ii) after head (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 the 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”.