
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 Housing Benefit Regulations 2006

9.—(1) The Housing Benefit Regulations 2006⁽¹⁾ are amended as follows.

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

(a) after the definition of “the Administration Act”, insert—

““adult disability payment” has the meaning given in regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022;”;

(b) in the definition of “member of a couple who cannot share a bedroom”—

(i) at the end of paragraph (a)(iii) omit “or”;

(ii) after paragraph (a)(iii) insert—

“(iia) 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; or”;

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

(i) after paragraph (a)(iia) insert—

“(iia) is 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 Assistance for Working Age People (Scotland) Regulations 2022;”;

(ii) for sub-paragraph (iii) substitute—

“(iii) although not satisfying either paragraph (i), (ii), (iia), (iia), (iiaa) or (iib) above has provided or, where P is a child, the claimant has provided the relevant authority with such certificates, documents, information or evidence as are sufficient to satisfy the authority that P requires overnight care; and”.

(3) In regulation 28 (treatment of child care charges)—

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

“(viiiia) adult disability payment;”;

(b) after paragraph (13)(d) insert—

⁽¹⁾ S.I. 2006/213, as amended by S.I. 2005/2502 and 3360, 2007/2868, 2008/1042, 1082, and 3157, 2009/1488, 2010/641 and 2835, 2012/2994, 2013/388, 591, 630 and 2828, 2014/213 and 2888, 2016/909, 2017/204, 213 and 2021/786. There are other amendments not relevant to this instrument.

- “(da) in respect of whom adult disability payment is payable, or has ceased to be payable solely by virtue of 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”;
- (4) In regulation 74 (non-dependant deductions)—
- (a) in paragraph (6)(b)—
- (i) at the end of sub-paragraph (iii) omit “or”;
- (ii) after sub-paragraph (iii) insert—
- “(iiia) the daily living component of adult disability payment; or”;
- (b) in paragraph (9)(a)—
- (i) after “armed forces independence payment” for “or” substitute “,”;
- (ii) after “personal independence payment” insert “or adult disability payment”.
- (5) In regulation 75F(1) (exception to the benefit cap: receipt of specified benefit)—
- (a) in sub-paragraph (ea) after “personal independence payment” insert “, adult disability payment”;
- (b) after sub-paragraph (f)(iv) insert—
- “(iva) in the case of adult disability payment, that payment is not payable in accordance with regulation 27 (effect of admission to a care home on ongoing entitlement to daily living component) or regulations 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the Disability Assistance for Working Age People (Scotland) Regulations 2022.”.
- (6) In regulation 105 (recovery of overpayments from prescribed benefits)—
- (a) after paragraph (1)(g) insert—
- “(ga) adult disability payment;”;
- (b) at the end of paragraph (1B)(e) omit “and”;
- (c) after paragraph (1B)(e) insert—
- “(ea) adult disability payment; and”.
- (7) In Schedule 3 (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 13(1)(a)(i) (additional condition for the disability premium), after “personal independence payment,” insert “adult disability payment,”;
- (c) after paragraph 13(1)(a)(iiia) insert—
- “(iiib) was in receipt of adult disability payment that is no longer payable by virtue of 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;”;
- (d) in paragraph 14(2)(a)(i) (severe disability premium)—
- (i) after “DACYP Regulations” for “or” substitute “,”;
- (ii) 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”;

- (e) in paragraph 14(2)(b)(i)—
 - (i) after “DACYP Regulations” for “or” substitute “;”;
 - (ii) 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”;
- (f) in paragraph 14(4)(a)—
 - (i) after “DACYP Regulations” for “or” substitute “;”;
 - (ii) 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”;
- (g) after paragraph 14(5)(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 Assistance for Working Age People (Scotland) Regulations 2022, if he would, but for payment ceasing by virtue of regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of those Regulations, be so in receipt”;
- (h) in paragraph 15(1)(c) (enhanced disability premium) at the end omit “or”;
- (i) after paragraph 15(1)(c) insert—
 - “(ca) the enhanced rate of the daily living component of adult disability payment is payable, or has ceased to be payable by virtue of 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 in respect of—
 - (i) the claimant; or
 - (ii) a member of the claimant’s family,who has not attained the qualifying age for state pension credit; or”;
- (j) after paragraph 16(d) (disabled child premium) insert—
 - “(da) is a young person who is in receipt of adult disability payment or who would, but for payment ceasing by virtue of 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”.