EXPLANATORY MEMORANDUM TO

THE ARMED FORCES AND RESERVE FORCES (COMPENSATION SCHEME) (CONSEQUENTIAL PROVISIONS: PRIMARY LEGISLATION) ORDER 2013

2013 No. [XXXX]

1. 1.1 This explanatory memorandum has been prepared by the Ministry of Defence (MOD) and is laid before Parliament by Command of Her Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the Instrument

The Instrument provides access to additional benefits made under primary legislation for recipients of a new benefit to be known as armed forces independence payment (AFIP) from 8 April 2013.

3. Matters of special interest to the Joint Committee on Statutory Instruments

Appended to this memorandum is the draft of an Order (the Armed Forces and Reserve Forces (Compensation Scheme) (Amendment) Order 2013 (''Draft Amendment Order'')). The Draft Amendment Order will be made and laid before Parliament to be subject to the negative procedure provided that the Social Security Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations 2013 ('PIP Regulations'), are made by the Secretary of State for Work and Pensions. Those Regulations will only be made if other legislation relating to personal independence payment is approved by Parliament. A draft of the PIP Regulations is also appended to this memorandum.. The Draft Amendment Order will amend the Armed Forces Compensation Scheme provided for under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011(S.I.2011/517) to provide for a new benefit to be known as armed forces independence payment (''AFIP'') which is to be made available to seriously injured members of the armed forces and ex-Service personnel who meet the eligibility criteria. Recipients of AFIP will not also be able to claim personal independence payment, disability living allowance or attendance allowance. It is proposed that the Draft Amendment Order and this Instrument should come into force at the same time as the PIP Regulations on 8 April 2013. This Instrument will not be made in the event that the PIP Regulations and the Draft Amendment Order are not made. It is the intention of the Department to make other Orders relating to consequential provision in subordinate legislation and in legislation relating to Northern Ireland which will be laid before Parliament in due course. Other Government Departments' legislation is dependent on the Draft Amendment Order being made as soon as possible. It is the intention that the Draft Amendment Order will be made and laid before Parliament on or about

26 February 2013 once the PIP Regulations have been made and laid before Parliament.

4. Legislative Context

This Instrument contains provisions to give full effect to section 1(2) of the Armed Forces and Reserve Forces (Compensation Scheme) Act 2004 (c.32) consequential on the provision of AFIP in order to give seriously injured Service and ex-Service personnel who qualify for AFIP the same access as those who qualify for PIP to additional benefits. In this case payments for medical examination of applicants for an exemption from the wearing of seatbelts under s70 of the Transport Act 1982 (c.49) and allowances for carers and entitlement to Christmas bonus for pensioners under respectively s70 and s148 of the Social Security Contributions and Benefits Act 1992 (c.4) (‘‘1992 Act’’). It is proposed that s70 of the 1992 Act will be amended by the PIP Regulations (on or about 25 February 2013) and before this Instrument is made It is proposed that the amendment made to s70 of the 1992 Act by the PIP Regulations will also come into force at the same time as this Instrument on 8 April 2013.

5. Territorial Extent and Application

This Instrument extends to the United Kingdom.

6. European Convention on Human Rights

The Minister of State for Defence has made the following statement regarding Human Rights: In my view the provisions of The Armed Forces and Reserve Forces (Compensation Scheme)(Consequential Provisions: Primary Legislation) Order 2013 are compatible with the Convention rights.

7. Policy background

7.1 In 2010, the DWP announced, as part of a package of Welfare Reform, that Disability Living Allowance (DLA) would be reformed and a new benefit, PIP, introduced from April 2013. The PIP eligibility criteria are different from DLA.

7.2 During the PIP public consultations, concerns were raised by Service and veterans’ organisations about how PIP would impact financially upon injured Service and ex-Service personnel, and in particular those that have been seriously injured as a result of service.

7.3 In order to provide ongoing support to the most severely injured Service and ex-Service personnel a new benefit, AFIP, will be established as an alternative to PIP. This upholds Armed Forces Covenant commitments. AFIP was announced by the Prime Minister in July 2012.

7.4 MOD will legislate under the Armed Forces (Pensions and Compensation) Act 2004 (c.32) to create AFIP as part of the Armed Forces Compensation

Scheme and to make the consequential legislative amendments that will provide passports to other benefits in a similar way to PIP. DWP will administer and pay AFIP on an ongoing basis.

8. Consultation Outcome

8.1 The Central Advisory Committee (CAC) on Pensions and Compensation were consulted on the design of AFIP. The consultation exercise began on 8 October 2012 and closed 30 November 2012. This external advisory body advises the Minister of State for Deployed Personnel, Welfare and Veterans on matters of pensions and compensation relevant to the Armed Forces. Membership consists of representatives of key ex-Service organisations, including The Royal British Legion, the War Widows Association, the British Limbless Ex-Service Men's Association (BLESMA) and Combat Stress as well as Service members and MOD officials. All groups welcomed the proposals in principle. Four responses were received.

8.2 The organisations that responded to the consultation recommended change to only the eligibility criteria. Furthermore, the organisations disagreed with each other, some considering the eligibility criteria too narrow, others too broad. Setting criteria for injured Service and ex-Service personnel was not straightforward and it was recognised there would always be 'cliff-edges', close to which occur individual cases that call the criteria into question. However, the agreed eligibility criteria were deemed to be the most appropriate in order to ensure that support was targeted on the most severely injured Service and ex-Service personnel. The Minister agreed the design of AFIP should remain unchanged following consultation.

9. Guidance

Information about the new provisions will be made available by means of placing a copy of the Instrument on the Gov.UK website. In addition information will be available externally via Armed Forces magazines and other publications and internally through the Armed Forces Chain of Command and intranet sites. Those eligible for AFIP will be sent a letter setting out the changes explaining next steps. CAC members consulted will also receive a copy of the Instrument with an explanatory paper.

10. Impact

10.1 The impact on business, charities and voluntary bodies is not significant.

10.2 The impact on the public sector is not significant.

10.3 An Impact Assessment has not been prepared for this instrument.

10.4 An Equality Assessment has been prepared for AFIP.

11. Regulating small business

The legislation does not apply to small business.

12. Monitoring and Review

The MOD will continue to review the Armed Forces Compensation Scheme as part of its day-to-day management and to liaise with members of the CAC. This will include monitoring the impact of the changes made in this Instrument.

13. Contact

Tracy Sexton at the Ministry of Defence Tel: 0207 218 0564 can answer any queries regarding this Instrument.

STATUTORY INSTRUMENTS

2013 No. 000

PENSIONS

The Armed Forces and Reserve Forces (Compensation Scheme) (Amendment) Order 2013

Made - - - -	*February 2013*
Laid before Parliament	*February 2013*
Coming into force - -	*8th April 2013*

The Secretary of State, in exercise of the powers conferred by section 1(2) of the Armed Forces (Pensions and Compensation) Act 2004(**a**), makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Armed Forces and Reserve Forces (Compensation Scheme) (Amendment) Order 2013 and comes into force on 8th April 2013.

(2) In this Order "the principal Order" means the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011(**b**) and, except where the context otherwise requires, a reference to a numbered article is a reference to the article in the principal Order which bears that number.

Amendment of the principal Order

2.—(1) The principal Order is amended as follows.

(2) In article 2(1) (interpretation), insert at the appropriate place—

""armed forces independence payment" is the benefit referred to in article 24A;"

""extra-costs disability benefit" means personal independence payment under the Welfare Reform Act 2012, disability living allowance or attendance allowance under the Social Security Contributions and Benefits Act 1992, or any equivalent benefit awarded under corresponding Northern Ireland legislation or under the legislation of another country or dependent territory;"; and

""Motability" means the company set up under that name as a charity and originally incorporated under the Companies Act 1985 and subsequently incorporated by Royal Charter;".

(3) In article 15(1) (description of benefits-injury), after paragraph (c) insert—

"(ca) armed forces independence payment;".

(4) After article 24 (amount of guaranteed income payment), insert—

(**a**) 2004 c. 32.
(**b**) S.I.2011/517 as amended by S.I. 2011/2552 and S.I. 2012/1573.

"Award of armed forces independence payment

24A.—(1) This article applies where the following conditions are satisfied—

(a) the person has made a valid claim for an award under this article in accordance with Part 6;

(b) the person becomes and remains entitled to an annual amount of guaranteed income payment in respect of which the relevant percentage under article 24(3) or (4) is 50% or greater; and

(c) at all times on or after the date of an award of guaranteed income payment, the person has no outstanding claim or appeal for, nor is in receipt of, an extra-costs disability benefit.

(2) The Secretary of State is to award an allowance to be known as armed forces independence payment.

(3) The amount of the allowance is to be £134.40 per week.

Cessation of entitlement to armed forces independence payment

24B. Entitlement of a person to armed forces independent payment will cease upon either of the conditions in article 24A(1)(b) or (c) failing to remain satisfied, but the person may make another claim.

Overlapping benefits

24C. Where there is payable to a person in respect of a period armed forces independence payment and an extra-costs disability benefit, there shall be deducted from the armed forces independence payment the aggregate amount of such benefit and only the balance, if any, is to be paid.

Payment of armed forces independence payment in respect of Motability

24D.—(1) This article applies where—

(a) armed forces independence payment is payable in respect of a claimant, and

(b) under arrangements made or negotiated by Motability, an agreement has been entered into by, or on behalf of, the claimant for the hire or hire-purchase of a vehicle.

(2) Where this article applies the Secretary of State may arrange that out of any armed forces independence payment an amount of up to £55.25 per week be paid on behalf of the claimant in settlement of liability for payments due under the agreement.

(3) Subject to articles 24E and 24F, an arrangement made by the Secretary of State under paragraph (2) terminates at the end of the relevant period specified in paragraph (4), in the case of hire, or paragraph (5), in the case of a hire-purchase agreement.

(4) In the case of hire, the relevant period is—

(a) where the vehicle is returned to the owner at or before expiry of the term of hire, the period of the term; or

(b) where the vehicle is retained by, or on behalf of, the claimant with the owner's consent after expiry of the term of hire, the period of the term; or

(c) where the vehicle is retained by, or on behalf of, the claimant otherwise than with the owner's consent after the expiry of the term of hire or its earlier termination, whichever is the longer of the following periods—

(i) the period ending with the return of the vehicle to the owner; or

(ii) the period of the term of hire.

(5) In the case of a hire-purchase agreement, the relevant period is—

(a) the period ending with the purchase of the vehicle; or

(b) where the vehicle is returned to, or repossessed by, the owner before the completion of the purchase, the original period of the agreement.

Power for the Secretary of State to terminate a Motability arrangement

24E. The Secretary of State may terminate an arrangement under article 24D(2) on such date as the Secretary of State decides—

(a) if requested to do so by the owner of the vehicle, or

(b) if it appears to the Secretary of State that the arrangement is causing undue hardship to the claimant and that it should be terminated earlier than provided for by article 24D(3).

Restriction on duration of Motability arrangements by the Secretary of State

24F. The Secretary of State must terminate an arrangement under article 24D(2) where the Secretary of State is satisfied that—

(a) the vehicle has been returned to the owner, and

(b) the expenses of the owner arising out of the hire or hire–purchase agreement have been recovered following the return of the vehicle.".

(5) In article 40(3) (adjustment to take account of awards of damages)—

(a) at the end of paragraph (b), for the full stop substitute ", or"; and

(b) after paragraph (b) insert—

"(c) take the damages into account to withhold or reduce armed forces independence payment.".

(6) In article 41 (negligence or misconduct), after "benefit" insert "(except for armed forces independence payment)".

(7) In article 42 (cessation of guaranteed income payment and survivor's guaranteed income payment on admission to the Royal Hospital, Chelsea), after "guaranteed income payment" insert ", armed forces independence payment".

(8) In article 64 (date on which awards of benefit become payable), after paragraph (2) insert—

"(2A) Subject to paragraph (2B) and notwithstanding paragraph (8), where a person becomes entitled to armed forces independence payment, that allowance becomes payable on—

(a) subject to paragraph (b), the date of claim; or

(b) where the date of claim is no later than 3 months after the date an award of guaranteed income payment has been determined or revised—

(i) the date of claim for that award; or

(ii) where paragraph (5) applies, the date on which the guaranteed income payment becomes payable or, notwithstanding article 16(10), would have become payable.

(2B) Where the date of payment would, in accordance with paragraph 2A, be before 8th April 2013, the allowance will become payable on that date.".

(9) After article 65 (time of payment) insert—

"**Time of payment for armed forces independence payment**

65A. Armed forces independence payment is paid every 4 weeks in arrears, unless in any particular case the Secretary of State arranges otherwise.".

Name
Minister of State
Ministry of Defence

Date

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011 (S.I. 2011/517) ("the principal Order") to provide for a new benefit known as armed forces independence payment ("AFIP") in the amount of £134.40 per week.

Article 2(4) inserts new articles 24A to 24F into the principal Order.

New article 24A sets out the conditions for an award of AFIP to be made.

New article 24B provides that entitlement to AFIP will cease upon conditions under article 24A failing to remain satisfied.

New article 24C provides that, where AFIP is payable in respect of the same period as certain social security benefits, a set-off will be made between them and only the balance (if any) of AFIP will be paid.

New article 24D provides for the Secretary of State to make arrangements for an amount of up to £55.25 per week to be paid out of AFIP on behalf of a claimant in settlement of liabilities under Motability arrangements. New articles 24E and 24F provide for the circumstances when the Secretary of State has, respectively, the power and the duty to terminate those arrangements.

Article 2(5) amends article 40(3) of the principal Order, relating to awards of damages, so that AFIP may not be withheld or reduced on account of damages.

Article 2(6) amends article 41 of the principal Order to provide that the Secretary of State may not withhold a proportion of AFIP on account of contributory negligence or misconduct.

Article 2(7) amends article 42 of the principal Order to provide that AFIP will cease to be paid on admission to the Royal Hospital, Chelsea.

Article 2(8) amends article 64 of the principal Order to provide for the date on which AFIP will become payable.

Article 2(9) inserts new article 65A into the principal Order to provide for AFIP to be payable every 4 weeks in arrears.

STATUTORY INSTRUMENTS

2013 No. xxxx

SOCIAL SECURITY

Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations 2013

Made - - - -	***
Laid before Parliament	***
Coming into force - -	-in accordance with regulations 2 and 3

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 92(1) and (2) and 94(1) of the Welfare Reform Act 2012(**a**).

These Regulations contain only regulations made by virtue of, or consequential upon, Part 4 of the Welfare Reform Act 2012 and are made before the end of the period of 6 months beginning with the coming into force of those provisions(**b**).

Citation and commencement

1. These Regulations may be cited as the Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations 2013.

2. Except as specified in regulation 3, they These Regulations come into force as follows–

3.regulations 5 to 0 come into force on 8th April 2013.

4. Paragraphs 25, 26, 34, 39 and 49 of the Schedule, and regulation 9 in so far as it relates to those paragraphs, come into force on 6th May 2013.

Extent and application

5. Subject to regulations 6 to 7, these Regulations extend and apply to the England and Wales, Scotland and Northern Ireland.

6. The amendments made by paragraphs 3 to 9, 12, 14 to 16 and 18 to 51 of the Schedule have the same extent and application as the provisions amended by those paragraphs.

7. Paragraph 19 of the Schedule extends and applies to England and Wales only.

8. Paragraphs 11, 13, 17 and 17 of the Schedule extend to England and Wales but apply in relation to England only.

.5.
"). Part 4 of the Welfare Reform Act 2012 ("the 2012 Act") is a relevant enactment for the purpose of section 170(5) of the 1992 Act by virtue of an amendment made by paragraph 26(a) of Schedule 9 to the 2012 Act. (**c**) S.I. 1983/686. Article 25B was substituted by the Personal Injuries (Civilians) Scheme 1999 (S.I. 1999/262).

Deleted: ¶

Supplementary provisions and consequential amendments

9. The Schedule has effect.

Name XXXX
Address XXXX
Parliamentary Under Secretary of State XXXX
Date XXXX
Department XXXX

SCHEDULE

Regulation 0

PERSONAL INDEPENDENCE PAYMENT: SUPPLEMENTARY PROVISIONS AND CONSEQUENTIAL AMENDMENTS

PART 1

SUPPLEMENTARY PROVISIONS

Adjustment of personal independence payment where medical expenses are paid from public funds under war pensions instruments

1.—(1) Sub-paragraph (2) applies where a person ("P") is provided with relevant accommodation.

(2) Subject to paragraph 2, where there are payable in respect of P both a payment under article 25B or article 21 and personal independence payment which is attributable to the daily living component in accordance with section 78 of the Welfare Reform Act 2012, the personal independence payment, in so far as it is so attributable, is to be adjusted by deducting from it the amount of the payment under article 25B or article 21, as the case may be, and only the balance is payable.

(3) In sub-paragraph (2)—

"article 25B" means article 25B of the Personal Injuries (Civilians) Scheme 1983 (medical expenses)(**c**) and includes that article as applied by article 48B of that Scheme;

"article 21" means article 21 of the Service Pensions Order 2006 (medical expenses)(**a**);

and in both this paragraph and paragraph 2 "relevant accommodation" means accommodation provided as necessary ancillary to nursing care where the medical expenses involved are wholly borne by the Secretary of State pursuant to article 25B or article 21.

(4) This paragraph applies where a person ('P') is provided with relevant accommodation.

Subject to paragraph 2, where this paragraph applies and there are payable in respect of P both a payment under article 25B or article 21 and personal independence payment which is attributable to the daily living component in accordance with section 78 of the Welfare Reform Act 2012, the personal independence payment, in so far as it is so attributable, is to be adjusted by deducting from it the amount of the payment under article 25B or article 21, as the case may be, and only the balance is payable.

Exemption from paragraph 1

2.—(1) Paragraph 1 does not apply to P in respect of the first 28 days of any period during which the amount of any personal independence payment attributable to the daily living component in accordance with section 78 of the Welfare Reform Act 2012 would be liable to be adjusted by virtue of paragraph 1.

(**a**) S.I. 2006/606. Paragraph (1) was amended by S.I. 2006/1455.

(2) For the purposes of sub-paragraph (1), two or more distinct periods separated by an interval not exceeding 28 days, or by two such intervals, are to be treated as a continuous period equal in duration to the aggregate of such distinct periods and ending on the last day of the later or last such period.

(3) For the purposes of this paragraph a day is a relevant day in relation to P if it fell not earlier than 28 days before the first day on which P was provided with relevant accommodation and either—

(a) was a day when P was undergoing medical treatment in a hospital or similar institution in any of the circumstances mentioned in regulation 29 of the Social Security (Personal Independence Payment) Regulations 2013(**a**); or

(b) was a day when P was, or would but for regulation 30 of those Regulations have been, prevented from receiving personal independence payment attributable to the daily living component by virtue of regulation 29(1) of those Regulations;

and where there is in relation to P a relevant day, sub-paragraph (1) has effect as if for "28 days" there was substituted such lesser number of days as is produced by subtracting from 28 the number of relevant days in that case.

PART 2

CONSEQUENTIAL AMENDMENTS

Amendment of the Social Security Contributions and Benefits Act 1992

3. In section 70 (carer's allowance), in subsection (2), of the Social Security Contributions and Benefits Act 1992(**b**) after "middle rate" insert "or personal independence payment by virtue of entitlement to the daily living component at the standard or enhanced rate".

Amendment of the Social Security Administration Act 1992

4. After section 159D(**c**) of the Social Security Administration Act 1992(**d**) insert—

"**159E. Effect of alteration of rates of personal independence payment**

(1) Subject to such exceptions and conditions as may be prescribed, subsection (2) or (3) shall have effect where—

(a) an award of personal independence payment is in force in favour of any person ("the recipient"), and

(b) an alteration in the rate of any component of personal independence payment affects the amount of personal independence payment to which he is entitled.

(2) Where, as a result of the alteration, the amount of personal independence payment to which the recipient is entitled is increased or reduced, then, as from the commencing date, the amount of personal independence payment in the case of the recipient under the award shall be the increased or reduced amount, without any further decision of the Secretary of State; and the award shall have effect accordingly.

(3) Where, notwithstanding the alteration, the recipient continues on and after the commencing date to be entitled to the same amount by way of personal independence payment as before, the award shall continue in force accordingly.

(4) Subsection (5) applies where a statement is made in the House of Commons by or on behalf of the Secretary of State which specifies—

(**a**) S.I. 2013/XXXX.
(**b**) 1992 c.4.
(**c**) Section 159D was inserted by the Welfare Reform Act 2012, Schedule.2, paragraph 23.
(**d**) 1992 c.5.

(a) the amount of the alteration in the rate of any component of personal independence payment which he proposes to make by an order under section 150 or 152 or by or under any other enactment, and

(b) the date on which he proposes to bring the alteration in force ("the proposed commencing date").

(5) If, in a case where this subsection applies, an award of personal independence payment is made in favour of a person before the proposed commencing date and after the date on which the statement is made, the award—

(a) may provide for personal independence payment to be paid as from the proposed commencing date by reference to the rates of the component of personal independence payment which will be in force on that date, or

(b) may be expressed in terms of the rates of those components in force at the date of the award.

(6) In this section—

"alteration" means alteration by or under any enactment;

"the commencing date", in relation to an alteration, means the date on which the alteration comes into force in relation to the recipient;

"component", in relation to personal independence payment, means the daily living component or mobility component (see sections 78 and 79 of the Welfare Reform Act 2012).".

Amendment of the Local Government Finance Act 1992

5.—(1) The Local Government Finance Act 1992(**a**) is amended as follows.

(2) In section 13 (reduced amounts), in subsection (10)—

(a) the text from "an order" to the end becomes paragraph (a); and

(b) after that paragraph insert—

"; or

(b) regulations made, or falling to be made, under Part 4 of the Welfare Reform Act 2012.".

(3) In section 80 (reduced amounts), in subsection (10)—

(a) the text from "an order" to the end becomes paragraph (a); and

(b) after that paragraph insert—

"; or

(b) regulations made, or falling to be made, under Part 4 of the Welfare Reform Act 2012.".

(4) In paragraph 15 of Schedule 2 (administration: supply of information to authorities), in sub-paragraph (2)(a), after "the Social Security Acts" insert "or Part 4 of the Welfare Reform Act 2012".

Amendment of the Social Security Benefit (Persons Abroad) Regulations 1975

6. In regulation 2 (modification of the Act in relation to incapacity benefit, severe disablement allowance, unemployability supplement and maternity allowance), in paragraph (1A), of the Social Security Benefit (Persons Abroad) Regulations 1975(**b**) for "or disability living allowance" substitute ", disability living allowance or personal independence payment under Part 4 of the Welfare Reform Act 2012".

(**a**) 1992 c.14. Regulation 2(1A) was inserted by S.I. 1994/268. There are amendments not relevant to these Regulations.
(**b**) S.I. 1975/563.

Amendment of the Social Security (Invalid Care Allowance) Regulations 1976

7. In regulation 9 (conditions relating to residence and presence in Great Britain), for paragraph (2)(b), of the Social Security (Invalid Care Allowance) Regulations 1976(**a**) substitute the following sub-paragraph—

"(b) if his absence is temporary and for the specific purpose of caring for the severely disabled person who is also absent from Great Britain and where any of the following is payable in respect of that disabled person for that day—

(i) attendance allowance;

(ii) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Contributions and Benefits Act;

(iii) the daily living component of personal independence payment at the standard or enhanced rate prescribed in accordance with section 78(3) of the Welfare Reform Act 2012; or

(iv) a payment specified in regulation 3(1) of these Regulations.".

Amendment of the Social Security (Overlapping Benefits) Regulations 1979

8.—(1) The Social Security (Overlapping Benefits) Regulations 1979(**b**) are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1)(**c**), at the appropriate places insert—

""the 2012 Act" means the Welfare Reform Act 2012;";

""the daily living component of personal independence payment" means a payment in accordance with section 78 of the 2012 Act;"; and

""personal independence payment" means a payment under Part 4 of the 2012 Act;".

(3) In regulation 6 (adjustments of personal benefit under Chapters I and II of Part II of the Act by reference to industrial injuries benefits and benefits not under the Act, and adjustment of industrial injuries benefits), for paragraph (3)(**d**) substitute the following—

"(3) Paragraph (1) and Schedule 1 to these regulations shall have effect in relation to—

(a) the following allowances or payments—

(i) an attendance allowance;

(ii) the care component of disability living allowance;

(iii) the daily living component of personal independence payment; and

(b) any benefit by reference to which an allowance or payment under paragraph (a) above is to be adjusted;

as requiring adjustment where both that allowance or payment and the benefit are payable in respect of the same person (whether or not one or both of them are payable to that person).".

(4) In regulation 16 (persons to be treated as entitled to benefit for certain purposes)(**e**)—

(a) after "Part 1 of the Welfare Reform Act" where it appears for the first time insert ", under Part 4 of the 2012 Act"; and

(b) after "Part 1 of the Welfare Reform Act and regulations made under it" insert ", Part 4 of the 2012 Act and regulations made under it".

(**a**) S.I. 1976/409. Regulation 9(2)(b) was amended by S.I. 1991/2742 and 1996/2744.
(**b**) S.I. 1979/597.
(**c**) There are amendments to regulation 2(1) not relevant to these Regulations.
(**d**) Regulation 6(3) was amended by S.I. 1991/2742.
(**e**) Regulation 16 was amended by S.I. 1996/1345 and 2008/1554.

(5) In regulation 17 (prevention of double adjustments) for "or Part 1 of the Welfare Reform Act" substitute ", Part 1 of the Welfare Reform Act or Part 4 of the 2012 Act".

(6) In Schedule 1 (personal benefits which are required to be adjusted by reference to benefits not under chapters I and II of Part II of the Act)—

(a) in column (1) for "Personal benefit under the Act" substitute "Personal benefit";

(b) in column (1), in paragraph 5(**a**), for "or the care component of disability living allowance" substitute ", the care component of disability living allowance or the daily living component of personal independence payment".

Amendment of the Income Support (General) Regulations 1987

9.—(1) The Income Support (General) Regulations 1987(**b**) are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1)(**c**)—

(a) at the appropriate places insert—

""the 2012 Act" means the Welfare Reform Act 2012;";

""personal independence payment" means personal independence payment under Part 4 of the 2012 Act;"; and

(b) in the definition of "the benefits Acts" for "and Part 1 of the Welfare Reform Act" substitute ", Part 1 of the Welfare Reform Act and Part 4 of the 2012 Act".

(3) In regulation 4 (temporary absence from Great Britain), in paragraph (2)(c)(v)(aa)(**d**), after "disability living allowance" insert "or the enhanced rate of the daily living component of personal independence payment".

(4) In paragraph 4 of Schedule 1B (prescribed categories of person: persons caring for another person), in sub-paragraph (a)(**e**)—

(a) in paragraph (i)(**f**) for "or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Contributions and Benefits Act" substitute ", the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Contributions and Benefits Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act";

(b) in paragraph (iii) after "disability living allowance" insert "or personal independence payment"; and

(c) after paragraph (iiia)(**g**) insert—

"; or

(iv) the person being cared for has claimed entitlement to the daily living component of personal independence payment in accordance with regulation 33 of the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013(**h**) (advance claim for and award of personal independence payment), 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;".

(5) In Schedule 2 (applicable amounts)—

(**a**) Paragraph 5 of column 1 of Schedule 1 was amended by S.I. 1991/2742.
(**b**) S.I. 1987/1967.
(**c**) The definition of "the benefits Acts" was inserted by S.I. 1996/206 and amended by S.I. 2008/1554. There are other amendments to regulation 2(1) not relevant to these Regulations.
(**d**) Regulation 4(2)(c)(v) was inserted by S.I. 1988/663. There are amendments not relevant to these Regulations.
(**e**) Schedule 1B was inserted by S.I. 1996/206.
(**f**) There are amendments to paragraph 4(a)(i) not relevant to these Regulations.
(**g**) Paragraph 4(a)(iiia) was amended by S.I. 1996/1517.
(**h**) S.I. 2013/XXXX.

(a) in paragraph 7 (premiums), in sub-paragraph (2)(**a**), for "or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 37ZB(3) of the Social Security Act" substitute ", the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 37ZB(3) of the Social Security Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act";

(b) in paragraph 12 (additional condition for the higher pensioner and disability premiums)—

(i) in sub-paragraph (1)(a)(i)(**b**) after "disability living allowance," insert "personal independence payment,"; and

(ii) in sub-paragraph (1)(d)(**c**)—

(aa) for "or disability living allowance" substitute ", disability living allowance or personal independence payment"; and

(bb) in paragraph (i) for "or the Social Security (Disability Living Allowance) Regulations 1991" substitute ", the Social Security (Disability Living Allowance) Regulations 1991 or regulations made under section 86(1) (hospital in-patients) of the 2012 Act";

(c) in paragraph 13 (severe disability premium)—

(i) in sub-paragraph (2)(a)(i)(**d**) for "or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 37ZB(3) of the Social Security Act" substitute ", the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 37ZB(3) of the Social Security Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act";

(ii) in sub-paragraph (2)(b)(i)(**e**) for "or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 37ZB(3) of the Social Security Act" substitute ", the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 37ZB(3) of the Social Security Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act";

(iii) in sub-paragraph (3)(a)(**f**) for "or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 37ZB(3) of the Social Security Act" substitute ", the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 37ZB(3) of the Social Security Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act";

(iv) at the end of sub-paragraph (3A)(b)(**g**) for the full stop substitute a semi-colon;

(v) after sub-paragraph (3A)(b) insert—

"(c) as being in receipt of the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act if he would, but for a suspension of benefit in accordance with regulations under section 86(1) (hospital in-patients) of the 2012 Act, be so in receipt."; and

(vi) in paragraph 13A (enhanced disability premium)(**a**), for sub-paragraph (1) substitute the following—

(**a**) Paragraph 7(2) was inserted by S.I. 1990/1776 and amended by S.I. 1991/2742 and 2002/2497.
(**b**) Paragraph 12(1)(a)(i) was amended by S.I. 1991/2742. There are other amendments not relevant to these Regulations.
(**c**) Paragraph 12(1)(d) was substituted by S.I. 2002/3019 and amended by S.I. 2004/1141. There are other amendments not relevant to these Regulations.
(**d**) Paragraph 13(2)(a)(i) was amended by S.I. 1991/2742.
(**e**) Paragraph 13(2)(b)(i) was amended by S.I. 1991/2742.
(**f**) Paragraph 13(3)(a) was amended by S.I. 1991/2742.
(**g**) Paragraph 13(3A) was inserted by S.I. 1988/663 and substituted by S.I. 2000/681 and amended by S.I. 2002/2497.

"(1) Subject to sub-paragraph (2), the condition is that—

(a) the claimant; or

(b) the claimant's partner (if any) who is aged less than 60,

is a person to whom sub-paragraph (1ZA) applies.

(1ZA) This sub-paragraph applies to the person mentioned in sub-paragraph (1) where—

(a) the care component of disability living allowance is, or would, but for a suspension of benefit in accordance with regulations under section 113(2) of the Contributions and Benefits Act or but for an abatement as a consequence of hospitalisation, be payable to that person at the highest rate prescribed under section 72(3) of the Contributions and Benefits Act; or

(b) the daily living component of personal independence payment is, or would, but for regulations made under section 86(1) (hospital in-patients) of the 2012 Act, be payable to that person at the enhanced rate in accordance with section 78(2) of the 2012 Act."; and

(d) in paragraph 14 (disabled child premium)(**b**), after sub-paragraph (1)(c) insert—

"; or

(d) a young person who is in receipt of personal independence payment or who would, but for regulations made under section 86(1) (hospital in-patients) of the 2012 Act, be so in receipt provided that the young person continues to be a member of the family".

(6) In paragraph 18 of Schedule 3 (housing costs: non-dependant deductions)(**c**)—

(i) omit "or" at the end of sub-paragraph (6)(b)(i);

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

"; or

(iii) the daily living component of personal independence payment"; and

(iii) in sub-paragraph (8)(a) for "or disability living allowance" substitute ", disability living allowance or personal independence payment".

(7) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings)—

(a) in paragraph 6(**d**) after "allowance" insert "or the mobility component of personal independence payment"; and

(b) in paragraph 9(**e**) for "or the care component of disability living allowance" substitute ", the care component of disability living allowance or the daily living component of personal independence payment".

Amendment of the Council Tax (Discount Disregards) Order 1992

10. In article 3 (the severely mentally impaired) of the Council Tax (Discount Disregards) Order 1992(**f**), after paragraph (2)(k)(**g**) insert—

"(l) the standard or enhanced rate of the daily living component of personal independence payment under section 78(3) of the Welfare Reform Act 2012.".

(**a**) Paragraph 13A was inserted by S.I. 2000/2629. There are amendments not relevant to these Regulations.
(**b**) Paragraph 14 was substituted by S.I. 2007/719 and amended by S.I 2011/674.
(**c**) Schedule 3 was substituted by 1995/1613. There are amendments to paragraph 18 which are not relevant to these Regulations.
(**d**) Paragraph 6 was amended by S.I. 1991/2742 and 2008/3157.
(**e**) Paragraph 9 was substituted by S.I. 1993/518 and amended by S.I. 2003/1121.
(**f**) S.I. 1992/548.
(**g**) Paragraph (2)(k) was inserted by S.I. 1996/636.

Amendment of the Council Tax (Additional Provisions for Discount Disregards) Regulations 1992

11. In paragraph 3(a) of the Schedule(**a**) to the Council Tax (Additional Provisions for Discount Disregards) Regulations 1992(**b**)—

(a) omit "or" at the end of paragraph (iii); and

(b) after paragraph (iv) insert—

"or

(v) the standard or enhanced rate of the daily living component of personal independence payment under section 78(3) of the Welfare Reform Act 2012;".

Amendment of the Child Support (Maintenance Assessments and Special Cases) Regulations 1992

12.—(1) The Child Support (Maintenance Assessments and Special Cases) Regulations 1992(**c**) are amended as follows.

(2) In Schedule 2 (amounts to be disregarded when calculating or estimating n and m)—

(a) for paragraph 8 substitute—

"**8.** Any disability living allowance, personal independence payment, mobility supplement or any payment intended to compensate for the non-payment of any such allowance, payment or supplement."; and

(b) in paragraph 15(**d**) after "disability living allowance," insert "personal independence payment,".

(3) In Schedule 4 (cases where child support maintenance is not to be payable)—

(a) omit "and" at the end of paragraph (b)(x); and

(b) after paragraph (c) insert—

"; and

(d) personal independence payment in accordance with Part 4 of the Welfare Reform Act 2012".

Amendment of the National Assistance (Assessment of Resources) Regulations 1992

13.—(1) The National Assistance (Assessment of Resources) Regulations 1992(**e**) are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1)(**f**), after the definition of "permanent resident" insert—

""personal independence payment" means personal independence payment under Part 4 of the Welfare Reform Act 2012;".

(3) In Schedule 3 (sums to be disregarded in the calculation of income other than earnings)—

(a) in paragraph 4 after "disability living allowance" insert "or the mobility component of personal independence payment"; and

(b) in paragraph 6—

(i) omit "or" at the end of paragraph (a); and

(**a**) Paragraph 3(a) was amended by S.I. 1996/637. There are other amendments no relevant to these Regulations.
(**b**) S.I. 1992/552.
(**c**) S.I. 1992/1815.
(**d**) There are amendments to paragraph 15 not relevant to these Regulations.
(**e**) S.I. 1992/2977.
(**f**) The definition of "permanent resident" in relation to England was inserted by S.I. 2001/1066. There are other amendments to regulation 2(1) not relevant to these Regulations.

(ii) after paragraph (b) insert—

"; or

(c) the daily living component of any personal independence payment".

Amendment of the Social Security (Incapacity Benefit) Regulations 1994

14. In regulation 26 (person whose benefit is not to be reduced under section 30DD(1))(**a**) of the Social Security (Incapacity Benefit) Regulations 1994(**b**) after "Contributions and Benefits Act" where it appears the second time insert "or the enhanced rate of the daily living component of personal independence payment under section 78(2) of the Welfare Reform Act 2012".

Amendment of the Jobseeker's Allowance Regulations 1996

15.—(1) The Jobseeker's Allowance Regulations 1996(**c**) are amended as follows.

(2) In regulation 1 (citation, commencement and interpretation), in paragraph (3)(**d**)—

(a) at the appropriate place insert—

""the 2012 Act" means the Welfare Reform Act 2012;";

""personal independence payment" means personal independence payment under Part 4 of the 2012 Act;"; and

(b) in the definition of "the benefits Acts" for "and Part 1 of the Welfare Reform Act 2007" substitute ", Part 1 of the Welfare Reform Act 2007 and Part 4 of the 2012 Act".

(3) In regulation 51 (remunerative work), in paragraph (3)(c)(**e**)—

(a) in paragraph (i) for "or the care component of disability living allowance at the highest or middle rate" substitute ", the care component of disability living allowance at the highest or middle rate or the daily living component of personal independence payment at the standard or enhanced rate";

(b) in paragraph (ii) for "or a disability living allowance" substitute ", disability living allowance or personal independence payment"; and

(c) after paragraph (iv) insert—

"; or

(v) a person who has claimed personal independence payment and has an award of the daily living component at the standard or enhanced rate under section 78 of the 2012 Act for a period commencing after the date on which that claim was made".

(4) In regulation 140 (meaning of "person in hardship"), in paragraph (1)(h)(**f**)—

(a) in paragraph (i) for "or the care component of disability living allowance at one of the two higher rates prescribed under section 72(4) of the Benefits Act" substitute ", the care component of disability living allowance at one of the two higher rates prescribed under section 72(4) of the Benefits Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78 of the 2012 Act";

(b) in paragraph (ii) for "or disability living allowance" substitute ", disability living allowance or personal independence payment"; and

(c) after paragraph (iii) insert—

"or

(**a**) Regulation 26 was inserted by S.I. 2000/3120.
(**b**) S.I. 1994/2946.
(**c**) S.I. 1996/207.
(**d**) The definition of the "the benefits Acts" was inserted by S.I. 2008/3157. There are other amendments to regulation 1(3) not relevant to these Regulations.
(**e**) Regulation 51(3)(c) was amended by S.I. 1996/1516 and 2003/511.
(**f**) Regulation 140(1)(h) was amended by S.I. 1996/1516.

(iv) has claimed personal independence payment and has an award of the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78 of the 2012 Act for a period commencing after the date on which that claim was made,".

(5) In regulation 146A (meaning of "couple in hardship")(**a**), in paragraph (1)(e)—

(a) in paragraph (i) for "or the care component of disability living allowance at one of the two higher rates prescribed under section 72(4) of the Benefits Act" substitute ", the care component of disability living allowance at one of the two higher rates prescribed under section 72(4) of the Benefits Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78 of the 2012 Act";

(b) in paragraph (ii) for "or disability living allowance" substitute ", disability living allowance or personal independence payment"; and

(c) after paragraph (iii) insert—

"; or

(iv) has claimed personal independence payment and has an award of the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78 of the 2012 Act for a period commencing after the date on which that claim was made".

(6) In paragraph 3 of Schedule A1 (categories of members of a joint-claim couple who are not required to satisfy the conditions in section 1(2B)(b): member caring for another person)(**b**), in sub-paragraph (a)—

(a) in paragraph (i) for "or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act" substitute ", the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act";

(b) in paragraph (iv) after "disability living allowance" insert "or personal independence payment"; and

(c) after paragraph (v) insert—

"or

(vi) the person being cared for has claimed entitlement to the daily living component of personal independence payment in accordance with regulation 33 of the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013 (advance claim for and award of personal independence payment), an award of the standard or enhanced rate of the daily living component 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 that payment;".

(7) In Schedule 1 (applicable amounts)—

(a) in paragraph 8(2)(**c**) for "or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act" substitute "the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act or the daily living component of personal independence payment at the standard or enhanced rate prescribed in accordance with section 78(3) of the 2012 Act";

(**a**) Regulation 146A was inserted by S.I. 2000/1978. There are amendments to regulation 146A not relevant to these Regulations.
(**b**) Schedule A1 was inserted by S.I. 2000/1978. There is an amendment to paragraph 3 not relevant to these Regulations.
(**c**) There are amendments to paragraph 8(2) not relevant to these Regulations.

(b) in paragraph 14 (additional conditions for higher pensioner and disability premium), in sub-paragraph (1)—

(i) after paragraph (c) insert—

"(ca) the claimant or, as the case may be, his partner, is in receipt of personal independence payment or is a person whose personal independence payment is payable, in whole or in part, to another in accordance with regulation 58(2) of the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013 (payment to another person on the claimant's behalf);";

(ii) after paragraph (f) insert—

"(fa)the claimant or, as the case may be, his partner, is a person who is entitled to the mobility component of personal independence payment but to whom the component is not payable in accordance with regulation 61 of the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013 (cases where mobility component of personal independence payment not payable);";

(iii) omit "or" at the end of paragraph (g)(i);

(iv) omit the comma at the end of paragraph (g)(ii)(**a**); and

(v) after paragraph (g)(ii) insert—

"; or

(iii) entitled to personal independence payment but no amount is payable in accordance with regulations made under section 86(1) (hospital in-patients) of the 2012 Act,";

(c) in paragraph 15 (severe disability premium)(**b**)—

(i) in sub-paragraph (1)(a) for "or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act" substitute ", the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act";

(ii) in sub-paragraph (2)(a) for "or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act" substitute ", the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act";

(iii) in sub-paragraph (4)(a) for "or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act" substitute ", the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act"; and

(iv) after sub-paragraph (5)(a) insert—

"(aa) as being in receipt of the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78 of the 2012 Act if he would, but for regulations made under section 86(1) (hospital in-patients) of the 2012 Act, be so in receipt;";

(**a**) There are amendments to paragraph 14(1)(g)(ii) not relevant to these Regulations.
(**b**) There are amendments to paragraph 15 not relevant to these Regulations.

(d) in paragraph 15A (enhanced disability premium)(**a**) for sub-paragraph (1) substitute the following—

"(1) Subject to sub-paragraph (2), the condition is that—

(a) the claimant; or

(b) the claimant's partner (if any),

is a person who has not attained the qualifying age for state pension credit and is a person to whom sub-paragraph (1ZA) applies.

(1ZA) This sub-paragraph applies to the person mentioned in sub-paragraph (1) where—

(a) the care component of disability living allowance is, or would, but for a suspension of benefit in accordance with regulations under section 113(2) of the Benefits Act or but for an abatement as a consequence of hospitalisation, be payable to that person at the highest rate prescribed under section 72(3) of the Benefits Act; or

(b) the daily living component of personal independence payment is, or would, but for a suspension of benefits in accordance with regulations under section 86(1) (hospital in-patients) of the 2012 Act, be payable to that person at the enhanced rate in accordance with section 78(2) of the 2012 Act.";

(e) in paragraph 16 (disabled child premium)(**b**)—

(i) after sub-paragraph (1)(a) insert—

"(aa) a young person who is in receipt of personal independence payment or who would, but for regulations made under section 86(1) (hospital in-patients) of the 2012 Act, be so in receipt, provided that the young person continues to be a member of the family;"; and

(ii) in sub-paragraph (2) after "sub-paragraph (1)(a)" insert ", (aa)";

(f) in paragraph 20D(2)(**c**) for "or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act" substitute "the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act";

(g) in paragraph 20H (additional conditions for higher pensioner and disability premium)(**d**), in sub-paragraph (1)—

(i) after sub-paragraph (c) insert—

"(ca) is in receipt of personal independence payment or is a person whose personal independence payment is payable, in whole or in part, to another in accordance with regulation 58(2) of the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013 (payment to another person on the claimant's behalf);
";

(ii) after paragraph (g) insert—

"(ga) is a person who is entitled to the mobility component of personal independence payment but to whom the component is not payable in accordance with regulation 61 of the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013 (cases where mobility component of personal independence payment not payable);"; and

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(**a**) Paragraph 15A was inserted by S.I. 2000/2629. There are amendments to paragraph 15A not relevant to these Regulations.

(**b**) Paragraph 16 was substituted by S.I. 2007/719 and paragraph (2) was amended by 2011/674. There are other amendments not relevant to these Regulations.

(**c**) Paragraph 20D was inserted by S.I. 2000/1978 and paragraph (2) was amended by S.I. 2003/511. There are other amendments to paragraph 20D not relevant to these Regulations.

(**d**) Paragraph 20H was inserted by S.I. 2000/1978. There are amendments to paragraph 20H not relevant to these Regulations.

(iii) after paragraph (h)(ii) insert—

"or

(iii) entitled to personal independence payment but no amount is payable in accordance with regulations under section 86(1) (hospital in-patients) of the 2012 Act,";

(h) in paragraph 20I (severe disability premium)(**a**)—

(i) in sub-paragraph (1)(a) for "or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act" substitute ", the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act";

(ii) in sub-paragraph (3)(a) for "or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act" substitute ", the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act";

(iii) at the end of sub-paragraph (4)(b) for the full stop substitute a semi-colon; and

(iv) after sub-paragraph (4)(b) insert—

"(c) as being in receipt of the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78 of the 2012 Act if he would, but for regulations made under section 86(1) (hospital in-patients) of the 2012 Act, be so in receipt."; and

(i) in paragraph 20IA (enhanced disability premium)(**b**), for sub-paragraph (1) substitute—

"(1) Subject to sub-paragraph (2), the condition is that in respect of a member of a joint-claim couple who has not attained the qualifying age for state pension credit—

(a) the care component of disability living allowance is, or would, but for a suspension of benefit in accordance with regulations under section 113(2) of the Benefits Act or but for an abatement as a consequence of hospitalisation, be payable at the highest rate prescribed under section 72(3) of the Benefits Act; or

(b) the daily living component of personal independence payment is, or would, but for regulations made under section 86(1) (hospital in-patients) of the 2012 Act, be payable at the enhanced rate in accordance with section 78(2) of the 2012 Act;".

(8) In paragraph 17(**c**) of Schedule 2 (housing costs: non-dependant deductions)—

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

", or

(iii) the daily living component of personal independence payment"; and

(b) in sub-paragraph (8)(a) for "or disability living allowance" substitute ", disability living allowance or personal independence payment".

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

(a) in paragraph 7(**d**) after "disability living allowance" insert "or the mobility component of personal independence payment"; and

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(**a**) Paragraph 20I was inserted by S.I. 2000/1978. There are amendments to paragraph 20H not relevant to these Regulations.
(**b**) Paragraph 20IA was inserted by S.I. 2000/2629. There are amendments to paragraph 20IA not relevant to these Regulations.
(**c**) There are amendments to paragraph 17 not relevant to these Regulations.
(**d**) Paragraph 7 was substituted by S.I. 2008/3157.

(b) in paragraph 10(**a**) for "or the care component of disability living allowance" substitute ", the care component of disability living allowance or the daily living component of personal independence payment".

Amendment of the Social Security Benefit (Computation of Earnings) Regulations 1996

16. In Schedule 2 (child care charges to be deducted in the calculation of earnings) of the Social Security Benefit (Computation of Earnings) Regulations 1996(**b**)—

(a) in paragraph 8(b) after "following pensions" insert ", payments";

(b) after paragraph 8(b)(vi) insert—

"(vii) personal independence payment under Part 4 of the Welfare Reform Act 2012;"; and

(c) in paragraph 8(c)—

(i) after 'pension' insert ', payment';

(ii) for "or (vi)" substitute ", (vi) or (vii)";

(iii) the text from "in consequence of his becoming a patient" to the end becomes paragraph (i); and

(iv) after that paragraph insert—

"; or

(ii) in accordance with regulations made section 86(1) (hospital in-patients) of the Welfare Reform Act 2012".

Amendment of the Housing Renewal Grants Regulations 1996

17.—(1) The Housing Renewal Grants Regulations 1996(**c**) are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1)(**d**) at the appropriate places insert—

""the 2012 Act" means the Welfare Reform Act 2012;"; and

""personal independence payment" means personal independence payment under Part 4 of the 2012 Act;".

(3) In regulation 19 (treatment of child care charges)—

(a) after paragraph (3)(d)(vii)(**e**) insert—

"(viii) personal independence payment;";

(b) omit "or" at the end of paragraph (3)(f);

(c) after paragraph (3)(g) insert—

"; or

(h) personal independence payment would be payable but for regulations under section 85 (care home residents) or section 86(1) (hospital in-patients) of the 2012 Act";

(d) omit "or" at the end of paragraph (8)(b)(ii); and

(e) after paragraph (8)(b)(iii) insert—

"; or

(**a**) Paragraph 10 was amended by S.I. 2001/3767.
(**b**) S.I. 1996/2745.
(**c**) S.I. 1996/2890.
(**d**) There are amendments to regulation 2(1) not relevant to these Regulations.
(**e**) There is an amendment to regulation 19(3) not relevant to these Regulations.

(iv) in respect of whom personal independence payment is payable, or would, but for regulations made under section 85 (care home residents) or section 86(1) (hospital in-patients) of the 2012 Act, be payable".

(4) In Schedule 1 (applicable amounts)—

(a) in paragraph 12 (additional condition for the higher pensioner and disability premiums) after sub-paragraph (1)(a)(v) insert—

"(vi) is in receipt of personal independence payment or would but for regulations made under section 85 (care home residents) or section 86(1) (hospital in-patients) of the 2012 Act, be so in receipt; or";

(b) in paragraph 13 (severe disability premium)—

(i) in sub-paragraph (2)(a)(i) for "or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act" substitute ", the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act or the daily living component of personal independence payment at the standard or enhanced rate prescribed in accordance with section 78(3) of the 2012 Act";

(ii) in sub-paragraph (2)(b)(i) for "or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act" substitute ", the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act or the daily living component of personal independence payment at the standard or enhanced rate prescribed in accordance with section 78(3) of the 2012 Act";

(iii) in sub-paragraph (2)(b)(ii) after "allowance" in each place it appears insert "or payment";

(iv) after sub-paragraph (4)(b)(**a**) insert—

"; or

(c) the daily living component of personal independence payment if he would, but for regulations made under section 85 (care home residents) or section 86(1) (hospital in-patients) of the 2012 Act, be so in receipt"; and

(v) after sub-paragraph (5)(b) insert—

"; or

(c) a person receiving the daily living component of personal independence payment";

(c) in paragraph 13A (enhanced disability premium)(**b**) after paragraph (b) insert—

"; or

(c) the daily living component of personal independence payment is payable, or but for regulations made under section 85 (care home residents) or section 86(1) (hospital in-patients) of the 2012 Act, would be payable, at the enhanced rate prescribed under section 78(2) of the 2012 Act";

(d) in paragraph 14 (disabled child premium) after sub-paragraph (1)(c) insert—

"; or

(d) is a young person who is in receipt of personal independence payment or who would, but for regulations made under section 85 (care home residents) or section 86(1) (hospital in-patients) of the 2012 Act, be so in receipt, provided that the young person continues to be a member of the family"; and

(e) in paragraph 15 (carer premium), in sub-paragraph (2)(b)(**c**), for "or the care component of disability living allowance at the highest or middle rate prescribed in accordance with

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(**a**) There is an amendment to paragraph 13(4)(b) not relevant to these Regulations.
(**b**) Paragraph 13A was inserted in relation to England by S.I. 2009/1807.
(**c**) Paragraph 15(2) was amended in relation to England by S.I. 2003/2504.

section 72(3) of the 1992 Act" substitute ", the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act or the daily living component of personal independence payment at the standard or enhanced rate prescribed in accordance with section 78(3) of the 2012 Act".

(5) In Schedule 1A (applicable amounts for persons who have attained or whose partner has attained the qualifying age for state pension credit)(**a**)—

(a) in paragraph 7 (severe disability premium)—

(i) in sub-paragraph (2)(a)(i) for "or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act" substitute ", the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act or the daily living component of personal independence payment at the standard or enhanced rate prescribed in accordance with section 78(3) of the 2012 Act";

(ii) in sub-paragraph (2)(b)(i) for "or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act" substitute ", the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act or the daily living component of personal independence payment prescribed in accordance with section 78(3) of the 2012 Act at the standard or enhanced rate";

(iii) in sub-paragraph (2)(b)(ii) after "allowance" in each place it appears insert "or payment"; and

(iv) after sub-paragraph (5)(b) insert—

"; or

(c) a person receiving the daily living component of personal independence payment prescribed in accordance with section 78 of the 2012 Act at the standard or enhanced rate, if he would, but for regulations made under section 85 (care home residents) or section 86(1) (hospital in-patients) of the 2012 Act, be so in receipt;";

(b) for paragraph 8 (enhanced disability premium) substitute—

"**8.** The condition is that—

(a) the care component of disability living allowance is, or would, but for a suspension of benefit in accordance with regulations under section 113(2) of the 1992 Act or but for an abatement as a consequence of hospitalisation, be payable at the highest rate prescribed under section 72(3) of the 1992 Act, or

(b) the daily living component of personal independence payment is, or would, but for regulations under section 85 (care home residents) or section 86(1) (hospital in-patients) of the 2012 Act, be payable at the enhanced rate under section 78(2) of that Act,

in respect of a child or young person who is a member of the relevant person's family."; and

(c) in paragraph 9 (disabled child premium), after sub-paragraph (1)(c) insert—

"; or

(d) is a young person who is in receipt of personal independence payment or who would, but for regulations made under section 85 (care home residents) or section 86(1) (hospital in-patients) of the 2012 Act, be so in receipt, provided that the young person continues to be a member of the family".

(6) In paragraph 5 of Schedule 3 (sums to be disregarded in the determination of income other than earnings) after "disability living allowance" insert "or personal independence payment".

(**a**) Schedule 1A was inserted in relation to England by S.I. 2006/3323.

Amendment of the Child Support Departure Direction and Consequential Amendments Regulations 1996

18. In regulation 15 (illness or disability) of the Child Support Departure Direction and Consequential Amendments Regulations 1996(**a**)—

(a) in paragraph (3)—

(i) in sub-paragraph (b) for "either of the allowances" substitute "a disability benefit"';

(ii) for "the allowance" substitute "the disability benefit";

(b) for paragraph (4) substitute the following paragraph—

"(4) Subject to paragraph (4A), where the Secretary of State considers that a person who has made an application in respect of special expenses falling within paragraph (1) or his dependant may be entitled to a disability benefit—

(a) if that applicant or his dependant has at the date of that application, or within a period of six weeks beginning with the giving or sending to him of notification of the possibility of entitlement to a disability benefit, applied for a disability benefit, the application made by that applicant shall not be determined until a decision has been made by the Secretary of State on the eligibility for that disability benefit of that applicant or that dependant;

(b) if that applicant or his dependant has failed to apply for a disability benefit within the six week period specified in sub-paragraph (a), the Secretary of State shall determine the application for a departure direction made by that applicant on the basis that that applicant has income equivalent to the highest rate prescribed in respect of that disability benefit by or under those sections.";

(c) for paragraph (4A)(**b**) substitute the following paragraph—

"(4A) Paragraphs (3) and (4) shall not apply where the dependant of an applicant is adjudged eligible for a disability benefit and in all the circumstances of the case the Secretary of State considers that the costs being met by the applicant in respect of the items listed in paragraph (1) shall constitute special expenses for the purposes of paragraph 2(2) of Schedule 4B to the Act without the deductions in paragraph (3) being made.";

(d) at the end of sub-paragraph (6)(c) for the full stop substitute a semi-colon; and

(e) after paragraph (6)(c) insert—

"(d) "disability benefit" means disability living allowance under section 71 of the Contributions and Benefits Act, personal independence payment under Part 4 of the Welfare Reform Act 2012 or attendance allowance under section 64 of the Contributions and Benefits Act.".

Amendment of the Education (Student Loans) Regulations 1998

19. In Schedule 2 (terms of loans) of the Education (Student Loans) Regulations 1998(**c**), in the definition of "disability related benefits" in paragraph 1(**d**), after "Social Security Contributions and Benefits Act 1992," insert "personal independence payment under Part 4 of the Welfare Reform Act 2012,".

Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations 1999

20.—(1) The Social Security and Child Support (Decisions and Appeals) Regulations 1999(**e**) are amended as follows.

(**a**) These Regulations were revoked with savings by S.I. 2001/156, as amended by S.I. 2003/347.
(**b**) Paragraph (4A) was inserted by S.I. 1998/58.
(**c**) S.I. 1998/211.
(**d**) There are amendments to paragraph 1 not relevant to these Regulations.
(**e**) S.I. 1999/991.

(2) After paragraph 3(h) of Schedule 3A (date)(**a**) insert—

"; or

(i) regulations under section 86(1) (hospital in-patients) of the Welfare Reform Act 2012 apply, or cease to apply, to the claimant for a period of less than one week".

(3) In paragraph 2 of Schedule 3B (date on which change of circumstances takes effect where claimant entitled to state pension credit)(**b**)—

(a) omit "or" at the end of sub-paragraph (b)(i);

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

"or

(iii) personal independence payment (standard or enhanced rate daily living component under section 78 of the Welfare Reform Act 2012); or"; and

(c) in sub-paragraph (c) for "either of the allowances" substitute "any of the allowances or payments".

Amendment of the Maternity and Parental Leave etc. Regulations 1999

21.—(1) The Maternity and Parental Leave etc. Regulations 1999(**c**) are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1)(**d**), at the appropriate places insert—

""personal independence payment" means personal independence payment under Part 4 of the Welfare Reform Act 2012;".

(3) In regulation 14 (extent of entitlement), in paragraph (1A)(**e**), after "disability living allowance" insert "or personal independence payment".

(4) In regulation 15 (when parental leave may be taken)(**f**), in paragraph (3), after "disability living allowance" insert "or personal independence payment".

(5) In Schedule 2 (default provisions in respect of parental leave)—

(a) in paragraph 2(c)—

(i) after "disability living allowance" insert "or personal independence payment"; and

(ii) after "that allowance" insert "or payment"; and

(b) in paragraph 7 after "disability living allowance" insert "or personal independence payment".

Amendment of the Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000

22.—(1) The Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000(**g**) are amended as follows.

(2) In regulation 1 (citation, commencement and interpretation), in paragraph (3)(**h**), at the appropriate place insert—

""personal independence payment" means personal independence payment under Part 4 of the Welfare Reform Act 2012;".

(**a**) Schedule 3A was inserted by S.I. 2000/1596 and paragraph 3(h) was inserted by S.I. 2006/2377.
(**b**) Schedule 3B was inserted by S.I. 2002/3019 and paragraph 2 was amended by S.I. 2011/674.
(**c**) S.I. 1999/3312.
(**d**) There are amendments to Regulation 2(1) not relevant to these Regulations.
(**e**) Regulation 14(1A) was inserted by S.I. 2001/4010.
(**f**) Regulation 15 was substituted by S.I. 2001/4010.
(**g**) S.I. 2000/636.
(**h**) There are amendments to regulation 1(3) not relevant to these Regulations.

(3) In regulation 2 (persons not excluded from specified benefits under section 115 of the Immigration and Asylum Act 1999)—

(a) in paragraph (2)(**a**) after "Contributions and Benefits Act" insert "or personal independence payment"; and

(b) in paragraph (3) after "Contributions and Benefits Act" insert "or personal independence payment".

(4) In the heading to Part II of the Schedule (persons not excluded from certain benefits under section 115 of the Immigration and Asylum Act 1999)(**b**) after "disability living allowance," insert "personal independence payment,".

Amendment of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000

23.—(1) The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000(**c**) are amended as follows.

(2) In regulation 4 (descriptions of disabled persons), in paragraph (2)—

(a) at the end of sub-paragraph (f) for the full stop substitute a semi-colon; and

(b) after sub-paragraph (f) insert—

"(g) receives the mobility component of personal independence payment at either the standard rate or the enhanced rate under section 79(3) of the Welfare Reform Act 2012 by virtue of obtaining a score of at least 8 points in relation to the "moving around" activity in an assessment carried out under the Social Security (Personal Independence Payment) Regulations 2013(**d**).".

(3) In regulation 6 (fee for issue and period of issue of a badge), in paragraph (2)(b)(**e**)—

(a) for "or 4(2)(d)" substitute ", 4(2)(d) or 4(2)(g)"; and

(b) in sub-paragraph (ii) for "or the mobility supplement" substitute ", the mobility supplement or the mobility component of personal independence payment.".

Amendment of the Child Support (Variations) Regulations 2000

24. In regulation 11 (special expenses – illness or disability of relevant other child) of the Child Support (Variations) Regulations 2000(**f**)—

(a) in paragraph (2)(a)(i) after "disability living allowance" insert ", personal independence payment";

(b) omit "or" at the end of paragraph (2)(a)(ii);

(c) after paragraph (2)(a)(iii) insert—

"or

(iv) he would receive personal independence payment but for regulations under section 86(1) (hospital in-patients) of the Welfare Reform Act 2012 and he remains part of the applicant's family;";

(d) after paragraph (2)(ii) insert—

"(iia) "personal independence payment" means an allowance payable under section 78 of the Welfare Reform Act 2012 (daily living component);"; and

(e) in paragraph (3)(b)(**a**) after "disability living allowance" insert "or personal independence payment".

(**a**) There are amendments to regulation 2(2) not relevant to these Regulations.
(**b**) There are amendments to the heading to Part II of the Schedule not relevant to these Regulations.
(**c**) S.I. 2000/682.
(**d**) S.I. 2013/XXXX.
(**e**) Regulation 6(2) was substituted by S.I. 2007/2531. There is an amendment not relevant to these Regulations.
(**f**) S.I. 2001/156.

Amendment of the Representation of the People (England and Wales) Regulations 2001

25. In regulation 53(5)(b) (additional requirements for applications for a proxy vote for a definite or indefinite period on grounds of blindness or any other disability)(**b**) of the Representation of the People (England and Wales) Regulations 2001(**c**) after "Benefits Act 1992)" insert "or the enhanced rate of the mobility component of personal independence payment (payable under section 79(2) of the Welfare Reform Act 2012)".

Amendment of the Representation of the People (Scotland) Regulations 2001

26. In regulation 53(5)(b) (additional requirements for applications for a proxy vote for a definite or indefinite period on grounds of blindness or any other disability)(**d**) of the Representation of the People (Scotland) Regulations 2001(**e**) after "Benefits Act 1992)" insert "or the enhanced rate of the mobility component of personal independence payment (payable under section 79(2) of the Welfare Reform Act 2012)".

Amendment of the State Pension Credit Regulations 2002

27.—(1) The State Pension Credit Regulations 2002(**f**) are amended as follows.

(2) In regulation 1 (citation, commencement and interpretation), in paragraph (2)(**g**), at the appropriate places insert—

""the 2012 Act" means the Welfare Reform Act 2012;"; and

"personal independence payment" means personal independence payment under Part 4 of the 2012 Act;".

(3) In regulation 15 (income for the purposes of the Act), after paragraph (1)(a), insert—

"(aa) personal independence payment;".

(4) In Schedule 1—

(a) in paragraph 1 (severe disablement)—

(i) in sub-paragraph (1)(a)(i) for "or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act" substitute ", the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act";

(ii) in sub-paragraph (1)(b)(i) for "or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act" substitute ", the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act";

(iii) in sub-paragraph (1)(c)(i) for "or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act" substitute ", the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act";

(**a**) Regulation 11(3) was substituted by S.I. 2005/785.
(**b**) Regulation 53(5)(b) was amended by S.I. 2006/2910.
(**c**) S.I. 2001/341.
(**d**) Regulation 53(5)(b) was amended by S.I. 2007/925.
(**e**) S.I. 2001/497.
(**f**) S.I. 2002/1792.
(**g**) There are amendments to regulation 1(2) not relevant to these Regulations.

(iv) in sub-paragraph (2)(a) for "or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act" substitute ", the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act";

(v) in sub-paragraph (2)(a)(i) after "allowance" insert "or payment"; and

(vi) after sub-paragraph (2)(b)(**a**) insert—

"(ba) for the purposes of sub-paragraph (1)(b) as being in receipt of the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78 of the 2012 Act if he would, but for regulations made under section 86(1) (hospital in-patients) of that Act, be so in receipt;" and

(b) in paragraph 2 (persons residing with the claimant whose presence is ignored), in sub-paragraph (2)(a), for "or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act" substitute ", the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act".

(5) In Schedule 2 (housing costs)—

(a) in paragraph 1 (housing costs), after sub-paragraph (2)(a)(iii)(dd)(**b**) insert—

"or

(ee) is a person in respect of whom personal independence payment is payable or would be payable but for regulations under section 86(1) (hospital in-patients) of the 2012 Act"; and

(b) in paragraph 14 (persons residing with the claimant)—

(i) omit "or" at the end of sub-paragraph (6)(b)(i);

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

"; or

(iii) the daily living component of personal independence payment"; and

(iii) in sub-paragraph (8)(a) for "or disability living allowance" substitute ", disability living allowance or personal independence payment".

(6) In paragraph 1 of Schedule 3 (special groups: polygamous marriages), in sub-paragraph (9), for "or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act" substitute ", the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act".

(7) After paragraph 20(2)(b) of Schedule 5 (income from capital) insert—

"(ba) personal independence payment;".

(8) In paragraph 4(1)(a) of Schedule 6 (sums disregarded from claimant's earnings)(**c**)—

(a) omit "or" at the end of paragraph (vii)(**d**); and

(b) after paragraph (vii) insert—

"(viii) personal independence payment; or".

(**a**) There is an amendment to paragraph 1(2)(b) not relevant to these Regulations.
(**b**) Paragraph 1(2)(a)(iii)(dd) was inserted by S.I. 2008/1554.
(**c**) Paragraph 4(1)(a)(vii) was inserted by S.I. 2008/1554.
(**d**) Paragraph 4(1)(a)(vii) was inserted by S.I. 2008/1554.

Amendment of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002

28.—(1) The Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002(**a**) are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1)(**b**), at the appropriate place insert—

""personal independence payment" means personal independence payment under Part 4 of the Welfare Reform Act 2012;".

(3) In regulation 9 (disability element and workers who are to be treated as at a disadvantage in getting a job)(**c**), in paragraph (4)—

(a) at the end of sub-paragraph (c) for the full stop substitute a semi-colon; and

(b) after sub-paragraph (c) insert—

"(d) personal independence payment.".

(4) In regulation 13 (entitlement to child care element of working tax credit), in paragraph (6)—

(a) at the end of sub-paragraph (h)(**d**) for the full stop substitute a semi-colon; and

(b) after sub-paragraph (h) insert—

"(i) personal independence payment.".

(5) In regulation 14(4)—

(a) omit "or" at the end of sub-paragraph (b)(**e**); and

(b) after sub-paragraph (c) insert—

"; or

(d) personal independence payment is payable in respect of that child, or would be payable but for regulations under section 86(1) (hospital in-patients) of the Welfare Reform Act 2012".

(6) In regulation 17 (severe disability element)—

(a) in paragraph (1) after "paragraph (2)" insert "or (3)"; and

(b) after paragraph (2) insert—

"(3) A person satisfies this paragraph if the enhanced rate of the daily living component of personal independence payment under section 78(2) of the Welfare Reform Act 2012—

(a) is payable in respect of him; or

(b) would be so payable but for regulations made under section 86(1) (hospital in-patients) of that Act.".

Amendment of the Tax Credits (Definition and Calculation of Income) Regulations 2002

29. In regulation 7 (social security income)(**f**) of the Tax Credits (Definition and Calculation of Income) Regulations 2002(**g**), in Table 3 after the final entry insert—

"28. Personal independence payment under Part 4 of the Welfare Reform Act 2012.".

Amendment of the Child Tax Credit Regulations 2002

30.—(1) The Child Tax Credit Regulations 2002(**h**) are amended as follows.

(**a**) S.I. 2002/2005.
(**b**) There are amendments to regulation 2(1) not relevant to these Regulations.
(**c**) Regulation 9 was substituted by S.I. 2003/701. There are amendments to regulation 9 not relevant to these Regulations.
(**d**) Regulation 13(6)(h) was inserted by S.I. 2008/1879.
(**e**) There are amendments to regulation 14(4)(b) not relevant to these Regulations.
(**f**) There are amendments to regulation 7 not relevant to these Regulations.
(**g**) S.I. 2002/2006.
(**h**) S.I. 2002/2007.

(2) In regulation 2 (interpretation), in paragraph (1)(**a**), at the appropriate place insert—

""personal independence payment" means personal independence payment under Part 4 of the Welfare Reform Act 2012;".

(3) In regulation 8 (prescribed conditions for a disabled or severely disabled child or qualifying young person)—

(a) in paragraph (1)(b) after "paragraph (3)" insert "or (4)";

(b) after paragraph (2)(c) insert—

"; or

(d) personal independence payment is payable in respect of him, or would be so payable but for regulations made under section 86(1) (hospital in-patients) of the Welfare Reform Act 2012"; and

(c) after paragraph (3) insert—

"(4) A person satisfies the requirements of this paragraph if the daily living component of personal independence payment—

(a) is payable in respect of him, or

(b) would be so payable but for regulations made under section 86(1) (hospital in-patients) of the Welfare Reform Act 2012,

at the enhanced rate under section 78(2) of that Act.".

Amendment of the Tax Credits (Claims and Notifications) Regulations 2002

31.—(1) The Tax Credits (Claims and Notifications) Regulations 2002(**b**) are amended as follows.

(2) In regulation 2 (interpretation)(**c**) at the appropriate place insert—

""personal independence payment" means personal independence payment under Part 4 of the Welfare Reform Act 2012;".

(3) In regulation 26A (date of notification – disability element and severe disability element of child tax credit)(**d**) after each place where "disability living allowance" occurs insert "or personal independence payment".

Amendment of the Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002

32. In regulation 2 (interpretation)(**e**) of the Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002(**f**), in the definition of "disabled" in paragraph (1), after "Benefits Act 1992" insert "or personal independence payment under Part 4 of the Welfare Reform Act 2012".

Amendment of the Government Resources and Accounts Act 2000 (Rights of Access of Comptroller and Auditor General) Order 2003

33. In article 2 (grant payments) of the Government Resources and Accounts Act 2000 (Rights of Access of Comptroller and Auditor General) Order 2003(**g**), in paragraph (2)—

(**a**) There are amendments to regulation 2(1) not relevant to these Regulations.
(**b**) S.I. 2002/2014.
(**c**) There are amendments to regulation 2 not relevant to these Regulations.
(**d**) Regulation 26A was substituted by S.I. 2009/697. There are amendments not relevant to these Regulations.
(**e**) The definition of "disabled" was inserted by S.I. 2006/3314. There are other amendments to regulation 2 not relevant to these Regulations.
(**f**) S.I. 2002/3236.
(**g**) S.I. 2003/1325.

(a) for the word "Acts" substitute "legislation";

(b) omit "and" at the end of sub-paragraph (i); and

(c) after sub-paragraph (j) insert—

", and

(k) Part 4 of the Welfare Reform Act 2012".

Amendment of the European Parliamentary Elections Regulations 2004

34. In paragraph 23 of Schedule 2 (absent voting: additional requirements for applications for a proxy vote for a definite or indefinite period on grounds of blindness or other disability)(**a**) to the European Parliamentary Elections Regulations 2004(**b**)—

(a) omit "or" at the end of paragraph (6)(c); and

(b) after paragraph (6)(d)—

"; or

(e) the application states that the applicant is in receipt of the enhanced rate of the mobility component of personal independence payment (payable under section 79(2) of the Welfare Reform Act 2012) because of the disability specified in the application".

Amendment of the Non-Contentious Probate Fees Order 2004

35. In paragraph 1 of Schedule 1A (remissions and part remissions: interpretation)(**c**) to the Non-Contentious Probate Fees Order 2004(**d**), in the definition of "excluded benefits" in sub-paragraph (1)—

(a) omit "and" at the end of paragraph (f); and

(b) after paragraph (g) insert—

"and

(h) personal independence payment under Part 4 of the Welfare Reform Act 2012;".

Amendment of the Housing Benefit Regulations 2006

36.—(1) The Housing Benefit Regulations 2006(**e**) are amended as follows.

(2) In regulation 2 (interpretation)(**f**), in paragraph (1)—

(a) at the appropriate places insert—

""the 2012 Act" means the Welfare Reform Act 2012;";

""personal independence payment" means personal independence payment under Part 4 of the 2012 Act;";

(b) in the definition of "the benefit Acts" after "the Jobseekers Act" insert ", part 4 of the 2012 Act"; and

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

(i) omit "or" at the end of sub-paragraph (a)(ii);

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

(**a**) Schedule 2 was substituted by S.I. 2009/186. There are amendments to paragraph 23 not relevant to these Regulations.
(**b**) S.I. 2004/293.
(**c**) Schedule 1A was substituted by S.I. 2009/1497. There are amendments to paragraph 1 not relevant to these Regulations.
(**d**) S.I. 2004/3120.
(**e**) S.I. 2006/213.
(**f**) There are amendments to regulation 2 not relevant to these Regulations.

"(iia) is in receipt of the daily living component of personal independence payment in accordance with section 78 of the 2012 Act; or"; and

(iii) in sub-paragraph (a)(iii) for "or (ii)" substitute ", (ii) or (iia)".

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

(a) after paragraph (11)(d)(vii)(**a**) insert—

"(viii) personal independence payment;";

(b) omit "or" at the end of paragraph (13)(b); and

(c) after paragraph (13)(c) insert—

"; or

(d) in respect of whom personal independence payment is payable, or would be payable but for regulations made under section 86(1) (hospital in-patients) of the 2012 Act".

(4) In regulation 74 (non-dependant deductions)(**b**)—

(a) omit "or" at the end of sub-paragraph (6)(b)(i);

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

"or

(iii) the daily living component of personal independence payment;"; and

(c) in paragraph (9)(a) for "or disability living allowance" insert ", disability living allowance or personal independence payment".

(5) In regulation 79 (date on which change of circumstances is to take effect), in paragraph (6), after "the Act" insert "or Part 4 of the 2012 Act".

(6) In Schedule 3 (applicable amounts)—

(a) in paragraph 7(2) for "or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act" substitute "the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act";

(b) in paragraph 13 (additional condition for the disability premium), in sub-paragraph (1)(a)—

(i) in paragraph (i) after "disability living allowance," insert "personal independence payment,"; and

(ii) after paragraph (iii)(**c**) insert—

"(iiia) would be in receipt of personal independence payment but for regulations made under section 86(1) (hospital in-patients) of the 2012 Act; or";

(c) in paragraph 14 (severe disability premium)—

(i) in sub-paragraph (2)(a)(i) for "or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act" substitute "the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act";

(ii) in sub-paragraph (2)(b)(i) for "or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act" substitute "the care component of disability living allowance at the highest or middle

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(**a**) Regulation 28(11)(d)(vii) was inserted by S.I. 2008/1082.
(**b**) Regulation 74 was substituted by S.I. 2007/2868. There are amendments not relevant to these Regulations.
(**c**) Paragraph 13(1)(a)(iii) was amended by S.I. 2005/2502.

rate prescribed in accordance with section 72(3) of the Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act";

(iii) in sub-paragraph (2)(b)(ii) after "allowance" in each place it appears insert "or payment";

(iv) in sub-paragraph (4)(a) for "or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act" substitute "the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act";

(v) at the end of sub-paragraph (5)(b) for the full stop substitute a semi-colon; and

(vi) after sub-paragraph (5)(b) insert—

"(c) as being in receipt of the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78 of the 2012 Act, if he would, but for regulations made under section 86(1) (hospital in-patients) of the 2012 Act, be so in receipt.";

(d) in paragraph 15 (enhanced disability premium), after sub-paragraph (1)(b)(**a**) insert—

"; or

(c) the enhanced rate of the daily living component of personal independence payment is, or would, but for regulations made under section 86(1) (hospital in-patients) of the 2012 Act, be payable 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"; and

(e) in paragraph 16 (disabled child premium), after sub-paragraph (c)(**b**) insert—

"; or

(d) is a young person who is in receipt of personal independence payment or who would, but for regulations made under section 86(1) (hospital in-patients) of the 2012 Act be so in receipt, provided that the young person continues to be a member of the family".

(7) In paragraph 6 of Schedule 5 (sums to be disregarded in the calculation of income other than earnings) after "disability living allowance" insert "or personal independence payment".

Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

37.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(**c**) are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1)(**d**)—

(a) at the appropriate places insert—

""the 2012 Act" means the Welfare Reform Act 2012;";

""personal independence payment" means personal independence payment under Part 4 of the 2012 Act;";

(**a**) Paragraph 15(1) was substituted by 2008/1082. There is an amendment to paragraph 15(1)(b) not relevant to these Regulations.
(**b**) Paragraph 16(c) was substituted by S.I. 2011/674.
(**c**) S.I. 2006/214.
(**d**) There are amendments to regulation 2(1) not relevant to these Regulations.

(b) in the definition of "the benefit Acts" after "Welfare Reform Act" insert ", part 4 of the 2012 Act";

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

(i) omit "or" at the end of sub-paragraph (a)(ii);

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

"(iia) is in receipt of the daily living component of personal independence payment in accordance with section 78 of the 2012 Act; or"; and

(iii) in sub-paragraph (a)(iii) for "or (ii)" substitute ", (ii) or (iia)".

(3) In regulation 29 (meaning of "income") after paragraph (1)(j)(i)(**a**) insert—

"(ia) personal independence payment;".

(4) In regulation 31 (treatment of child care charges)—

(a) after paragraph (11)(d)(vii)(**b**) insert—

"(viii) personal independence payment;";

(b) omit "or" at the end of paragraph (13)(b); and

(c) after paragraph (13)(c) insert—

"; or

(d) in respect of whom personal independence payment is payable, or would be payable but for regulations made under section 86(1) (hospital in-patients) of the 2012 Act".

(5) In regulation 55 (non-dependant deductions)(**c**)—

(a) omit "or" at the end of paragraph (6)(b)(i);

(b) after paragraph (6)(b)(ii) insert—

"; or

(iii) the daily living component of personal independence payment"; and

(c) in paragraph (10)(a) for "or disability living allowance" substitute ", disability living allowance or personal independence payment".

(6) In regulation 59 (date on which change of circumstances is to take effect), in paragraph (6), after "the Act" insert "or Part 4 of the 2012 Act".

(7) In Schedule 3 (applicable amounts)—

(a) for paragraph 5(2) substitute—

"(2) For the purposes of the carer premium under paragraph 9, a person shall be treated as being in receipt of a carer's allowance under section 70 of the Act 4 by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of—

(a) attendance allowance;

(b) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act; or

(c) the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act.";

(b) in paragraph 6 (severe disability premium)—

(i) in sub-paragraph (2)(a)(i) for "or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act" substitute ", the care component of disability living allowance at the highest or middle

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(**a**) There are amendments to regulation 13(1)(j)(i) not relevant to these Regulations.
(**b**) Regulation 31(11)(d)(viii) was inserted by S.I. 2008/1082.
(**c**) Regulation 55 was substituted by S.I. 2007/2869. There are amendments to regulation 55 not relevant to these Regulations.

rate prescribed in accordance with section 72(3) of the Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act";

(ii) in sub-paragraph (2)(b)(i) for "or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act" substitute ", the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act";

(iii) in sub-paragraph (2)(b)(ii) after "allowance" in each place it appears insert "or payment";

(iv) in sub-paragraph (6)(a) for "or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act" substitute ", the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act";

(v) at the end of sub-paragraph (7)(b) for the full stop substitute a semi-colon; and

(vi) after sub-paragraph (7)(b) insert—

"(c) as being in receipt of the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78 of the 2012 Act, if he would, but for regulations made under section 86(1) (hospital in-patients) of the 2012 Act, be so in receipt.";

(c) in paragraph 7 (enhanced disability premium) for sub-paragraph (1)(**a**) substitute the following—

"(1) Subject to sub-paragraph (2), the condition is that—

(a) the care component of disability living allowance is, or would, but for a suspension of benefit in accordance with regulations under section 113(2) of the Act or but for an abatement as a consequence of hospitalisation, be payable at the highest rate prescribed under section 72(3) of the Act; or

(b) the daily living component of personal independence payment is, or would, but for regulations made under section 86(1) (hospital in-patients) of the 2012 Act, be payable at the enhanced rate under section 78(2) of the 2012 Act;

in respect of a child or young person who is a member of the claimant's family."; and

(d) in paragraph 8 (disabled child premium), after sub-paragraph (c)(**b**) insert—

"; or

(d) is a young person who is in receipt of personal independence payment or who would, but for regulations made under section 86(1) (hospital in-patients) of the 2012 Act be so in receipt, provided that the young person continues to be a member of the family".

(8) In paragraph 5(1)(a) of Schedule 4 (sums disregarded from claimant's earnings)—

(a) omit "or" at the end of paragraph (vii)(**c**); and

(b) after paragraph (vii) insert—

"(viii) personal independence payment; or".

(9) In paragraph 21(2) of Schedule 6 (capital to be disregarded)—

(**a**) Paragraph 7(1) was substituted by S.I. 2011/674.
(**b**) Paragraph 8(c) was substituted by S.I. 2011/674.
(**c**) Paragraph 5(1)(a)(vii) was inserted by S.I. 2008/1082.

(a) omit "or" at the end of paragraph (m)(**a**); and

(b) after paragraph (n)(**b**) insert—

"; or

(o) personal independence payment".

Amendment of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006

38.—(1) The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006(**c**) is amended as follows.

(2) In article 20 (mobility supplement), after paragraph (1)(c)(iii) insert—

"(iv) has been in receipt of the mobility component of personal independence payment at the enhanced rate under section 79(2) of the Welfare Reform Act 2012; or".

(3) In article 56 (abatement of awards in respect of social security benefits), in paragraph (3)(**d**)—

(a) at the end of sub-paragraph (g) for the full stop substitute a semi-colon; and

(b) after sub-paragraph (g) insert—

"(h) Part 4 of the Welfare Reform Act 2012.".

Amendment of the National Assembly for Wales (Representation of the People) Order 2007

39. In paragraph 4 of Schedule 1 (additional requirements for applications for a proxy vote on grounds of blindness or other disability: absent voting at assembly elections) to the National Assembly for Wales (Representation of the People) Order 2007(**e**), after sub-paragraph (5)(b) insert—

"; or

(c) the application states that the applicant is in receipt of the enhanced rate of the mobility component of personal independence payment (payable under section 79(2) of the Welfare Reform Act 2012) because of the disability specified in the application".

Amendment of the Employment and Support Allowance Regulations 2008

40.—(1) The Employment and Support Allowance Regulations 2008(**f**) are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1)(**g**) at the appropriate places insert—

""the 2012 Act" means the Welfare Reform Act 2012;";

""daily living component" means the daily living component of personal independence payment under section 78 of the 2012 Act;";

""personal independence payment" means personal independence payment under Part 4 of the 2012 Act;".

(3) In regulation 18 (circumstances in which the condition that the claimant is not receiving education does not apply) after "disability living allowance" insert "or personal independence payment".

(**a**) Paragraph 21(2)(m) was inserted by S.I. 2008/1082.
(**b**) Paragraph 21(2)(n) was inserted by S.I. 2013/XXXX.
(**c**) S.I. 2006/606.
(**d**) There are amendments to article 56(3) not relevant to these Regulations.
(**e**) S.I. 2007/236
(**f**) S.I. 2008/794.
(**g**) There are amendments to regulation 2(1) not relevant to these Regulations.

(4) In regulation 158 (meaning of "person in hardship"), in paragraph (3)—

(a) in sub-paragraph (b) for "or the care component" substitute ", the care component or the daily living component";

(b) in sub-paragraph (c) for "or disability living allowance" substitute ", disability living allowance or personal independence payment";

(c) in sub-paragraph (d)(i) for "or the care component" substitute ", the care component or the daily living component"; and

(d) in sub-paragraph (d)(ii) for "or disability living allowance" substitute ", disability living allowance or personal independence payment".

(5) In Schedule 4 (amounts)—

(a) for paragraph 4(2) substitute—

"(2) For the purposes of the carer premium under paragraph 8, a claimant is to be treated as being in receipt of a carer's allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of—

(a) attendance allowance;

(b) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Contributions and Benefits Act; or

(c) the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act.";

(b) in paragraph 6 (severe disability premium)—

(i) in sub-paragraph (2)(a)(i)(**a**) after "the care component" insert ", the daily living component";

(ii) in sub-paragraph (2)(b)(i)(**b**) after "the care component" insert ", the daily living component";

(iii) in sub-paragraph (2)(b)(ii) after "care component" in each place it appears insert ", the daily living component";

(iv) in sub-paragraph (4)(a) after "attendance allowance," insert "the daily living component";

(v) at the end of sub-paragraph (5)(b) for the full stop substitute a semi-colon; and

(vi) after sub-paragraph (5)(b) insert—

"(c) as being in entitled to, and in receipt of, the daily living component if the person would, but for regulations under section 86(1) (hospital in-patients) of the 2012 Act, be so entitled and in receipt."; and

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

(i) omit "or" at the end of sub-paragraph (1)(a); and

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

"; or

(c) the daily living component is, or would, but for regulations made under section 86(1) (hospital in-patients) of the 2012 Act, be payable at the enhanced rate under section 78(2) of that Act in respect of—

(i) the claimant; or

(ii) the claimant's partner (if any) who is aged less then the qualifying age for state pension credit".

(**a**) Paragraph 6(2)(a)(i) was amended by S.I. 2011/2425.
(**b**) Paragraph 6(2)(b)(i) was amended by S.I. 2011/2425.

(6) In Schedule 6 (housing costs)—

(a) in paragraph 15 (linking rule), in sub-paragraph (11)(b)(**a**), after "disability living allowance" insert "or personal independence payment"; and

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

(i) omit "or" at the end of sub-paragraph (6)(b)(i);

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

"; or

(iii) the daily living component"; and

(iii) in sub-paragraph (8)(a) for "or disability living allowance" substitute ", disability living allowance or personal independence payment".

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

(a) in paragraph 8 after "disability living allowance" insert "or the mobility component of personal independence payment"; and

(b) in paragraph 11 for "or the care component of disability living allowance" substitute ", the care component of disability living allowance or the daily living component".

Amendment of the Magistrates' Courts Fees Order 2008

41. In paragraph 1 of Schedule 2 (remissions and part-remissions: interpretation) to the Magistrates' Courts Fees Order 2008(**b**), in the definition of "excluded benefits" in sub-paragraph (1)(**c**)—

(a) omit "and" at the end of paragraph (f); and

(b) after paragraph (g) insert—

"and

(h) personal independence payment under Part 4 of the Welfare Reform Act 2012;".

Amendment of the Civil Proceedings Fees Order 2008

42. In paragraph 1 of Schedule 2 (remissions and part remissions: interpretation) to the Civil Proceedings Fees Order 2008(**d**), in the definition of "excluded benefits" in sub-paragraph (1)(**e**)—

(a) omit "and" at the end of paragraph (f); and

(b) after paragraph (g) insert—

"and

(h) personal independence payment under Part 4 of the Welfare Reform Act 2012;".

Amendment of the Family Proceedings Fees Order 2008

43. In paragraph 1 of Schedule 2 (remissions and part remissions: interpretation) to the Family Proceedings Fees Order 2008(**f**), in the definition of "excluded benefits" in sub-paragraph (1)(**g**)—

(a) omit "and" at the end of paragraph (f); and

(**a**) Paragraph 15(11)(b) was substituted by S.I. 2011/2428.
(**b**) S.I. 2008/1052.
(**c**) There are amendments to paragraph 1(1) not relevant to these Regulations.
(**d**) S.I. 2008/1053.
(**e**) There are amendments to paragraph 1(1) not relevant to these Regulations.
(**f**) S.I. 2008/1054.
(**g**) There are amendments to paragraph 1(1) not relevant to these Regulations.

(b) after paragraph (g) insert—

"and

(h) personal independence payment under Part 4 of the Welfare Reform Act 2012;".

Amendment of the Education (Student Loans) (Repayment) Regulations 2009

44. In regulation 9 (interpretation) of the Education (Student Loans) (Repayment) Regulations 2009(**a**), in the definition of "disability-related benefit" in sub-paragraph (1)(**b**), after "Social Security Contributions and Benefits Act 1992," insert "personal independence payment under Part 4 of the Welfare Reform Act 2012,".

Amendment of the Supreme Court Fees Order 2009

45. In paragraph 1 of Schedule 2 (remissions and part remissions: interpretation) to the Supreme Court Order 2009(**c**), in the definition of "excluded benefits" in sub-paragraph (1)—

(a) omit "and" at the end of paragraph (f); and

(b) after paragraph (g) insert—

"and

(h) personal independence payment under Part 4 of the Welfare Reform Act 2012;".

Amendment of the Social Security (Contributions Credits for Parents and Carers) Regulations 2010

46. In regulation 2 (interpretation) of the Social Security (Contributions Credits for Parents and Carers) Regulations 2010(**d**), in the definition of "relevant benefit" in sub-paragraph (1)—

(a) at the end of sub-paragraph (e)(ii) for the full stop substitute a semi-colon; and

(b) after sub-paragraph (e)(ii) insert—

"(f) the daily living component of personal independence payment in accordance with section 78 of the Welfare Reform Act 2012.".

Amendment to the Upper Tribunal (Immigration and Asylum Chamber) (Judicial Review) (England and Wales) Fees Order 2011

47. In paragraph 1 of Schedule 2 (remissions and part remissions: interpretation) to the Upper Tribunal (Immigration and Asylum Chamber) (Judicial Review) (England and Wales) Fees Order 2011(**e**), in the definition of "excluded benefits" in sub-paragraph (1)—

(a) omit "and" at the end of paragraph (f); and

(b) after paragraph (g) insert—

"and

(h) personal independence payment under Part 4 of the Welfare Reform Act 2012;".

(**a**) S.I. 2009/470.
(**b**) There are amendments to regulation 9(1) not relevant to these Regulations.
(**c**) S.I. 2009/2131.
(**d**) S.I. 2010/19.
(**e**) S.I. 2011/2344.

Amendment to the Social Security (Information-sharing in relation to Welfare Services etc.) Regulations 2012

48. In regulation 4 (prescribed benefits) of the Social Security (Information-sharing in relation to Welfare Services etc.) Regulations 2012(**a**)—

(a) omit "and" at the end of sub-paragraph (e); and

(b) after sub-paragraph (f) insert—

"; and

(g) personal independence payment under Part 4 of the 2012 Act".

Amendment to the Police and Crime Commissioner Elections Order 2012

49. In paragraph 15 of Schedule 2 (absent voting in PCC elections: additional requirements referred to in paragraph 14(4)) to the Police and Crime Commissioner Elections Order 2012(**b**)—

(a) omit "or" at the end of sub-paragraph (6)(a); and

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

", or

(c) the application states that the applicant is in receipt of the enhanced rate of the mobility component of personal independence payment (payable under section 79(2) of the Welfare Reform Act 2012) because of the disability specified in the application".

Amendment to the Child Support Maintenance Calculation Regulations 2012

50. In regulation 64 (illness or disability of relevant other child) of the Child Support Maintenance Calculation Regulations 2012(**c**)—

(a) in paragraph (2)(a)(i) after "disability living allowance" insert "or personal independence payment";

(b) omit "or" at the end of paragraph (2)(a)(ii);

(c) after paragraph (2)(a)(iii) insert—

"or

(iv) that person would receive personal independence payment but for regulations under section 86(1) (hospital in-patients) of the Welfare Reform Act 2012, and remains part of the applicant's family,";

(d) at the end of paragraph (2)(f) for the full stop substitute a semi-colon;

(e) after paragraph (2)(f) insert—

"(g) "personal independence payment" means the daily living component of personal independence payment under section 78 of the Welfare Reform Act 2012.";

(f) in paragraph (3) after "the amount of the allowance" insert "or payment"; and

(g) in paragraph (3)(b) after "disability living allowance" insert "or personal independence payment".

Amendment to the Benefit Cap (Housing Benefit) Regulations 2012

51. In regulation 2 (amendment of the Housing Benefit Regulations 2006) of the Benefit Cap (Housing Benefit) Regulations 2012(**a**) in paragraph (5), in regulation 75F inserted by those Regulations—

(**a**) S.I. 2012/1483.
(**b**) S.I. 2012/1917.
(**c**) S.I. 2012/2677.

(a) after sub-paragraph (e) insert—

"(ea) the claimant, the claimant's partner or a young person for whom the claimant or the claimant's partner is responsible, is receiving a personal independence payment;";

(b) in sub-paragraph (f) for "or (e)" substitute ", (e) or (ea)"; and

(c) after sub-paragraph (f)(iii) insert—

"(iv) that payment is not payable in accordance with regulations made under section 85 (care home residents) or section 86(1) (hospital in-patients) of the Welfare Reform Act 2012;".

EXPLANATORY NOTE

(This note is not part of the Regulations)

The provisions contained in this Instrument are consequential upon or supplementary to provisions in the Welfare Reform Act 2012 (c.5). This Instrument is made before the expiry of the period of 6 months beginning with the coming into force of those provisions; the regulations in it are therefore exempt in accordance with section 173(5) of the Social Security Administration Act 1992 from the requirement in section 172(1) of that Act to refer proposals to make Regulations to the Social Security Advisory Committee and are made without reference to that Committee.

Paragraph 1 of the Schedule makes provision for adjusting personal independence payment where medical expenses are paid from public funds under war pensions instruments.

Paragraph 2 of the Schedule provides exemptions to paragraph 1.

Paragraph 3 of the Schedule amends section 70 of the Social Security Contributions and Benefits Act 1992 to provide that the definition of a "severely disabled person" for the purposes of Carer's Allowance includes a person in receipt of either the standard or enhanced rate of the daily living component of personal independence payment.

Paragraph 4 of the Schedule amends the Social Security Administration Act 1992. This amendment provides that where the rates of the components of personal independence payment are altered, for example, as a result of uprating under section 150 of that Act, an award of personal independence payment may be altered without a further decision being made by the Secretary of State.

Paragraph 5 of the Schedule amends the Local Government Finance Act 1992. The definition of a "social security instrument" for the purposes of section 13(9) and 80(9) is amended to include Part 4 of the Welfare Reform Act 2012. An amendment is also made to provide that information obtained by the Secretary of State in exercising his functions under Part 4 of the Welfare Reform Act is relevant information for the purposes of paragraph 15 of Schedule 2 of that Act.

Paragraph 6 of the Schedule amends the Social Security Benefit (Persons Abroad) Regulations 1975. This amendment provides that persons in receipt of personal independence payment will not be disqualified from receiving a benefit in respect of incapacity by reason of temporary absence from Great Britain in certain circumstances.

Paragraph 7 of the Schedule amends the Social Security (Carer's Allowance) Regulations 1976 to provide that entitlement to Carer's Allowance can continue where the claimant is not present in Great Britain provided the absence is temporary and for the purpose of caring for a severely disabled person in receipt of (amongst other payments) the daily living component of personal independence payment at either the standard or enhanced rate.

Paragraph 8 of the Schedule amends the Social Security (Overlapping Benefits) Regulations 1979. Regulation 6 is amended to allow for adjustment under Schedule 1 where both personal

(a) S.I. 2012/2994.

independence payment and any benefit to be adjusted by reference to personal independence payment are payable in respect of the same person (whether or not one or both of them are payable to that person). Regulation 16 is amended to allow a person who would be entitled to personal independence payment but for the Social Security (Overlapping Benefits) Regulations 1979, to be treated as entitled that payment for certain purposes. Regulation 17 is amended to prevent double adjustment of both personal independence payment and other benefits by reference to which personal independence payment is adjusted. Item 5 of Schedule 1 is amended to allow for the adjustment of personal independence payment where certain other benefits are payable in respect of the same person.

Paragraph 9 of the Schedule makes a number of consequential amendments to the Income Support (General) Regulations 1987, including amendments to the entitlement conditions for certain premiums so that those premiums may be awarded to certain persons in receipt of personal independence payment. The Regulations are also amended so that personal independence payment is disregarded when calculating income for the purposes of those Regulations in certain circumstances.

Paragraph 10 of the Schedule amends the Council Tax (Discount Disregards) Order 1992 to include the daily living component of personal independence payment in the definition of a "qualifying benefit". People who receive a qualifying benefit and meet certain other conditions are disregarded for the purposes of calculating a council tax discount.

Paragraph 11 of the Schedule amends the Council Tax (Additional Provision for Discount Disregards) Regulations 1992 which makes provision for care workers in relation to council tax disregards. The daily living component of personal independence payment has been added to the list of qualifying benefits in respect of the person being cared for.

Paragraph 12 of the Schedule amends the Child Support (Maintenance Assessments and Special Cases) Regulations 1992. Amendments to Schedule 2 of those Regulations provide that personal independence payment, or any other payment (whether concessionary or otherwise) to compensate for the non-payment of personal independence payment, is disregarded when calculating the net income of a non-resident parent and parent with care. An amendment to Schedule 4 provides that, child maintenance is not payable by a non-resident parent is in receipt of personal independence payment.

Paragraph 13 of the Schedule amends the National Assistance (Assessment of Resources) Regulations 1992 and makes provision for how personal independence payment is to be treated in the calculation of income and earnings.

Paragraph 14 of the Schedule amends the Social Security (Incapacity Benefit) Regulations 1994. The amendment provides that persons in receipt of the enhanced rate of the daily living component of personal independence payment will not have their incapacity benefit reduced under section 30DD(1) of the Social Security Contributions and Benefits Act 1992.

Paragraph 15 of the Schedule makes a number of consequential amendments to the Jobseeker's Allowance Regulation 1996, including amendments to the entitlement conditions for certain premiums so that those premiums may be awarded to certain persons in receipt of personal independence payment. The Regulations are also amended so that personal independence payment is disregarded when calculating income for the purposes of those Regulations in certain circumstances.

Paragraph 16 of the Schedule amends the Social Security Benefits (Computation of Earnings) Regulations 1996. The amendment provides that a member of a couple is deemed to be incapacitated if they are in receipt of personal independence payment or if they would, but for regulations made under section 86(1) (hospital in-patients) of the Welfare Reform Act 2012, be so in receipt.

Paragraph 17 of the Schedule makes a number of amendments to the Housing Renewal Grants Regulations 1996, including amendments to the entitlement conditions for certain premiums so that those premiums may be awarded to certain persons in receipt of personal independence

payment. The Regulations are also amended so that personal independence payment is disregarded when calculating income for the purposes of those Regulations in certain circumstances.

Paragraph 18 of the Schedule amends the Child Support Departure Direction and Consequential Amendments Regulations 1996. The amendments make provision for payments of personal independence payment to be taken into account in the determination of applications for departures from the standard child maintenance formula under the 1993 statutory scheme.

Paragraph 19 of the Schedule amends the Education (Student Loans) Regulations 1998. The amendment adds personal independence payment to the definition of "disability related benefits" for the purposes of those Regulations.

Paragraph 20 of the Schedule amends the Social Security and Child Support (Decisions and Appeals) Regulations 1999. The amendments make provision for the date upon which certain decisions regarding entitlement to personal independence payment take effect for the purposes of those Regulations.

Paragraph 21 of the Schedule amends the Maternity and Parental Leave etc Regulations 1999. These amendments provide that where an employee is a parent of a person in receipt of personal independence payment, they are entitled to certain additional rights in respect of parental leave.

Paragraph 22 of the Schedule amends the Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000 to provide that certain persons who would otherwise be prevented from claiming personal independence payment in accordance with the Immigration and Asylum Act 1999 are able to make such a claim.

Paragraph 23 of the Schedule amends the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 to provide that persons who score at least 8 points on the "moving around" activity of the assessment for the mobility component of personal independence payment may be issued with a badge in accordance with those Regulations. An amendment to regulation 6 also provides that the period of issue of a badge shall end on the date when the badge holder will cease to receive personal independence payment, where this is less than three years from the date of issue.

Paragraph 24 of the Schedule amends the Child Support (Variations) Regulations 2000. The amendments provide that a person receiving the daily living component of personal independence payment comes within the definition of a "disabled" person for the purposes of those Regulations. The Regulations are also amended to allow personal independence payment to be taken into account when calculating special expenses for the purposes of the Child Support Act 1991.

Paragraph 25 of the Schedule amends the Representation of the People (England and Wales) Regulations 2001 to provide that, where a person is in receipt of the enhanced rate of the mobility component of personal independence, they are exempted from the requirement to obtain medical attestation when applying to vote by proxy.

Paragraph 26 of the Schedule amends the Representation of the People (Scotland) Regulations 2001 to provide that, where a person is in receipt of the enhanced rate of the mobility component of personal independence, they are exempted from the requirement to obtain medical attestation when applying to vote by proxy.

Paragraph 27 of the Schedule makes a number of consequential amendments to the State Pension Credit Regulations 2002, including amendments to the entitlement conditions for the additional amount of pension credit which can be awarded to persons who are severely disabled. The Regulations are also amended so that personal independence payment is disregarded when calculating income for the purposes of those Regulations in certain circumstances.

Paragraph 28 of the Schedule amends the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 to provide that persons in receipt of personal independence payment may be entitled to a disability element or a severe disability element for the purposes of working tax credit. The amendments also provide that a claimant or a child in receipt of personal independence

payment is defined as incapacitated or disabled respectively for the purposes of the childcare element of working tax credit.

Paragraph 29 of the Schedule amends the Tax Credits (Definition and Calculation of Income) Regulations 2002 to provide that personal independence payment is disregarded when calculating income for the purposes of those Regulations.

Paragraph 30 of the Schedule amends the Child Tax Credit Regulations 2002 to provide that, for the purposes of child tax credit, where a child or qualifying young person is in receipt of personal independence payment a disability element or a severe disability element may be payable.

Paragraph 31 of the Schedule amends the Tax Credits (Claims and Notifications) Regulations 2002. The amendments make provision for the date upon which decisions regarding entitlement to personal independence payment take effect for the purposes of entitlement to the disability element and severe disability element of child tax credit.

Paragraph 32 of the Schedule amends the Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002 so that the definition of "disabled" for the purposes of those Regulations includes someone entitled to personal independence payment.

Paragraph 33 amends the Government Resources and Accounts Act 2000 (Rights of Access of Comptroller and Auditor General) Order 2003 to provide that the Comptroller and Auditor General cannot access documents relating to grants of personal independence payment to individuals.

Paragraph 34 of the Schedule amends the European Parliamentary Elections Regulation 2004 to provide that, where a person is in receipt of the enhanced rate of the mobility component of personal independence, they are exempted from the requirement to obtain medical attestation when applying to vote by proxy in European Parliamentary elections.

Paragraph 35 of the Schedule amends the Non-Contentious Probate Fees Order 2004 to include personal independence payment in the definition of "excluded benefits" for the purposes of that Order.

Paragraph 36 of the Schedule makes a number of consequential amendments to the Housing Benefit Regulations 2006, including amendments to the entitlement conditions for certain premiums so that those premiums may be awarded to certain persons in receipt of personal independence payment. The Regulations are also amended so that personal independence payment is disregarded when calculating income for the purposes of those Regulations in certain circumstances.

Paragraph 37 of the Schedule makes a number of consequential amendments to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, including amendments to the entitlement conditions for certain premiums so that those premiums may be awarded to certain persons in receipt of personal independence payment. The Regulations are also amended so that personal independence payment is disregarded when calculating income for the purposes of those Regulations in certain circumstances.

Paragraph 38 of the Schedule amends the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006. The Order is amended to allow a mobility supplement to be paid to persons who have been in receipt of the enhanced rate of the mobility component of personal independence payment in certain circumstances. The Order is also amended to provide for an abatement of the pension awarded under that Order in certain circumstances where a person is in receipt of personal independence payment.

Paragraph 39 of the Schedule amends the National Assembly for Wales (Representation of the People) Order 2007 to provide that, where a person is in receipt of the enhanced rate of the mobility component of personal independence, they are exempted from the requirement to obtain medical attestation when applying to vote by proxy in National Assembly for Wales elections.

Paragraph 40 of the Schedule makes a number of amendments to the Employment and Support Allowance Regulations 2008, including amendments to the entitlement conditions for certain premiums so that those premiums may be awarded to certain persons in receipt of personal independence payment. The Regulations are also amended so that personal independence payment is disregarded when calculating income for the purposes of those Regulations in certain circumstances.

Paragraph 41 of the Schedule amends the Magistrates' Court Fees Order 2008 to include personal independence payment in the definition of "excluded benefits" for the purposes of that Order.

Paragraph 42 of the Schedule amends the Civil Proceedings Fees Order 2008 to include personal independence payment in the definition of "excluded benefits" for the purposes of that Order.

Paragraph 43 of the Schedule amends the Family Proceedings Fees Order 2008 to include personal independence payment in the definition of "excluded benefits" for the purposes of that Order.

Paragraph 44 of the Schedule amends the Education (Student Loans) (Repayment) Regulations 2009 to include personal independence payment in the definition of "disability-related benefits" for the purposes of those Regulations.

Paragraph 45 of the Schedule amends the Supreme Court Fees Order 2009 to include personal independence payment in the definition of "excluded benefits" for the purposes of that Order.

Paragraph 46 of the Schedule amends the Social Security (Contributions Credits for Parents and Carers) Regulations 2010 to include personal independence payment in the definition of "relevant benefit" for the purposes of those Regulations.

Paragraph 47 of the Schedule amends the Upper Tribunal (Immigration and Asylum Chamber) (Judicial Review) (England and Wales) Fees Order 2011 to include personal independence payment in the definition of "excluded benefits" for the purposes of that Order.

Paragraph 48 of the Schedule amends the Social Security (Information-sharing in relation to Welfare Services etc.) Regulations 2012 to add personal independence payment as a prescribed benefit under section 130(7)(d) of the Welfare Reform Act 2012. Section 130 of the Welfare Reform Act 2012 relates to information sharing where claimants of certain benefits have their benefit awards reassessed when they go into or are discharged from hospital or care.

Paragraph 49 of the Schedule amends the Police and Crime Commissioner Elections Order 2012 to provide that, where a person is in receipt of the enhanced rate of the mobility component of personal independence, they are exempted from the requirement to obtain medical attestation when applying to vote by proxy in Police and Crime Commissioner Elections.

Paragraph 50 of the Schedule amends the Child Support Maintenance Calculation Regulations 2012 to provide that the definition of a "disabled" person, for the purposes of those Regulations, includes persons in receipt of personal independence payment and also persons who would be in receipt of personal independence payment if they were not hospital in-patients.

Paragraph 51 of the Schedule amends the Housing Benefit (Benefit Cap) Regulations 2012 to provide that a person will not be subject to the housing benefit cap in accordance with those regulations where that person, their partner or a young person for whom they or their partner is responsible is in receipt of personal independence payment, or who would, but for regulations made under section 85 (care home residents) or section 86(1) (hospital in-patients) of the Welfare Reform Act 2012, be so in receipt.