
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 217

**The Personal Independence Payment
Regulations (Northern Ireland) 2016**

PART 7

Payability when person is residing in certain accommodation or is detained in custody

Payability exceptions: care homes and hospitals

30.—(1) Subject to paragraphs (2) to (5), regulation 28(1) or, as the case may be, regulation 29(1) does not apply to C in respect of the first 28 days of any period during which C is someone to whom that regulation applies.

(2) Where, on the day on which C's entitlement to personal independence payment commences, C meets the condition in Article 90(2) or 91(2), paragraph (1) does not apply to C in respect of any period of consecutive days, beginning with that day, on which C continues to satisfy that condition.

(3) Regulation 28 or, as the case may be, regulation 29 does not apply where C is residing in a hospice and is terminally ill, and the Department has been informed that C is terminally ill—

- (a) on a claim for personal independence payment;
- (b) on an application for a revision or a supersession of an award of personal independence payment; or
- (c) in writing in connection with an award of, a claim for, or an application for a revision or a supersession of an award of, personal independence payment.

(4) In paragraph (3) "hospice" means a hospital or other institution whose primary function is to provide palliative care for persons resident there who are suffering from a progressive disease in its final stages, other than—

- (a) a hospital or similar institution under the Health and Personal Social Services (Northern Ireland) Order 1972 or the Health and Personal Social Services (Northern Ireland) Order 1991; or
- (b) a hospital or similar institution maintained or administered by the Defence Council.

(5) Regulation 28(1) does not apply to a case where, during any period the total cost of qualifying services⁽¹⁾ are met—

- (a) out of the resources of the person for whom the qualifying services are provided, or partly out of that person's own resources and partly with assistance from another person or a charity; or
- (b) on that person's behalf by another person or a charity.

(1) See Article 90(4) of the Welfare Reform (Northern Ireland) Order 2015 for the meaning of qualifying services

Changes to legislation:

There are currently no known outstanding effects for the The Personal Independence Payment Regulations (Northern Ireland) 2016, Section 30.