



2022 CHAPTER 7

Special rules to apply where death expected within 12 months

1.—(1) In the provisions listed in subsection (2) (provisions related to special rules which apply where death can reasonably be expected within 6 months), for “6” substitute “12”.

(2) The provisions are—

- (a) section 66(2)(a) of the 1992 Act (attendance allowance and, by virtue of sections 72(5) and 73(12), also disability living allowance),
- (b) Article 87(4) of the Welfare Reform (Northern Ireland) Order 2015 (personal independence payment),
- (c) the definition of “terminally ill” in each of the following—
 - (i) regulation 2(1) of the Employment and Support Allowance Regulations (Northern Ireland) 2008,
 - (ii) regulation 2(1) of the Universal Credit Regulations (Northern Ireland) 2016,
 - (iii) regulation 2 of the Employment and Support Allowance Regulations (Northern Ireland) 2016, and
 - (iv) regulation 2(1) of the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations (Northern Ireland) 2016, and
- (d) the second sentence of section 30B(4) of the 1992 Act (incapacity benefit etc).

(3) For each of sections 72(2)(b)(ii) and 73(9)(b)(ii) of the 1992 Act (care and mobility components of disability living allowance: person expected to die

within 6 months must be likely to satisfy an entitlement condition until death) substitute—

“(ii) if expected to die within the period of 12 months beginning with that date, either the period of 6 months beginning with that date or the period beginning with that date and ending at death.”.

(4) In consequence of subsection (3), the 1992 Act is amended as follows—

(a) in each of sections 72(4)(a) and 73(11)(a), for “that mentioned in paragraph (b)” substitute “(as the case may be) the period mentioned in paragraph (b)(i), or a period mentioned in paragraph (b)(ii),”.

(b) in section 72(4)(b), for “those periods” substitute “the period mentioned in paragraph (a) of that subsection and (as the case may be) the period mentioned in paragraph (b)(i), or a period mentioned in paragraph (b)(ii), of that subsection”.

(c) in section 73(12)(b), for ““the period mentioned in subsection (9)(b)” substitute ““(as the case may be) the period mentioned in paragraph (b)(i), or a period mentioned in paragraph (b)(ii), of subsection (9)”.

(d) in section 74(1), for “the periods mentioned in those paragraphs” substitute “the period mentioned in paragraph (a) of that subsection and (as the case may be) the period mentioned in paragraph (b)(i), or a period mentioned in paragraph (b)(ii), of that subsection”.

(5) In regulation 1(2) of the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992, in the definition of “terminally ill”, after “section 66(2)” insert “(as amended by the Social Security (Terminal Illness) Act (Northern Ireland) 2022)”.

(6) In regulation 1(2) of the Social Security (Attendance Allowance) Regulations (Northern Ireland) 1992, in the definition of “terminally ill”, for “same meaning as in section 35(2C) of the Act” substitute “meaning given by section 66(2) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992”.

(7) An amendment made by this section does not prevent or restrict the exercise of any power to amend or revoke the provision amended.

(8) An amendment made by subsections (1) and (2) does not apply for the purposes of—

(a) regulation 4ZE of the Individual Savings Account Regulations 1998, or

(b) regulation 18A of the Child Trust Funds Regulations 2004.

(9) In this section “the 1992 Act” means the Social Security Contributions and Benefits (Northern Ireland) Act 1992.