

SCHEDULES

SCHEDULE 9

Article 96

Personal independence payment: amendments

The Child Support (Northern Ireland) Order 1991 (NI 23)

1. In Article 10 of the Child Support (Northern Ireland) Order 1991 (role of the courts with respect to maintenance for children), in paragraph (8)(a), at the beginning insert “an allowance under Part 5 of the Welfare Reform (Northern Ireland) Order 2015 (personal independence payment) or”.

The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)

2. The Social Security Contributions and Benefits (Northern Ireland) Act 1992 is amended as follows.

3. In section 30B (incapacity benefit: rate), in subsection (4), after paragraph (a) insert—

“(aa) is entitled to the daily living component of personal independence payment at a rate designated by regulations under this paragraph, or”.

4.—(1) Section 64 (entitlement to attendance allowance) is amended as follows.

(2) In subsection (1), for “the care component of a disability living allowance” substitute “an allowance within subsection (1A)”.

(3) After subsection (1) insert—

“(1A) The following allowances are within this subsection—

- (a) personal independence payment;
- (b) the care component of a disability living allowance.”

5. In section 146 (Christmas bonus for pensioners: interpretation), in subsection (1), after paragraph (ba) insert—

“(bb) personal independence payment;”.

The Social Security Administration (Northern Ireland) Act 1992 (c. 8)

6. The Social Security Administration (Northern Ireland) Act 1992 is amended as follows.

7.—(1) Section 1 (entitlement to benefit dependent on claim) is amended as follows.

(2) In subsection (3)—

(a) before paragraph (a) insert—

“(za) for personal independence payment by virtue of Article 87 of the Welfare Reform (Northern Ireland) Order 2015; or”;

(b) paragraph (b) and the “or” preceding it are repealed.

(3) In subsection (4), after paragraph (ac) insert—

“(ad) personal independence payment.”

8. In section 5(2) (regulations about claims for and payments of benefit), after paragraph (ac) insert—

“(ad) personal independence payment;”.

9. In section 69(11) (overpayments), after paragraph (ac) insert—

“(ad) personal independence payment;”.

10. In section 71 (overlapping benefits - general), after subsection (5) insert—

“(6) Personal independence payment is to be treated for the purposes of this section as if it were benefit as defined in section 121 of the Contributions and Benefits Act.”

11. In section 115CA (interpretation of Part 6), in subsection (1), after paragraph (hj) (inserted by Schedule 2 to this Order) insert—

“(hk) Part 5 of that Order;”.

12. In section 116B (supply of other government information for fraud prevention and verification), in subsection (3)(b), after “Welfare Reform (Northern Ireland) Order 2015” (inserted by Schedule 2 to this Order) insert “, Part 5 of that Order”.

13. In section 116C (supply of information to the Housing Executive), in subsection (6)(b), after “Welfare Reform Act (Northern Ireland) 2007” insert “, Part 5 of the Welfare Reform (Northern Ireland) Order 2015”.

14. In section 118 (regulations as to notifications of deaths), in subsection (1), after “Welfare Reform (Northern Ireland) Order 2015” (inserted by Schedule 2 to this Order) insert “, Part 5 of that Order”.

15. In section 139 (effect in alteration in the component rates of income support), in subsection (5), in the definition of “benefit income”, after “income support;” insert—

“(aa) personal independence payment;”.

16. In section 139A (effect of alteration of rates of a jobseeker’s allowance), in subsection (5), in the definition of “benefit income”, after “Contributions and Benefits Act;” insert—

“(aa) personal independence payment;”.

17. In section 139B (effect of alterations affecting state pension credit), in subsection (6), in the definition of “benefit income”, after “Contributions and Benefits Act” insert “or personal independence payment”.

18. In section 139C (effect of alteration of rates of an employment and support allowance), in subsection (6), in the definition of “benefit income”, after “Contributions and Benefits Act” insert “or personal independence payment”.

19. In section 140 (implementation of increases in income support due to attainment of particular ages), in subsection (3), after “entitlement to” insert “personal independence payment or to”.

20. In section 140A (implementation of increases in income-based jobseeker’s allowance due to attainment of particular ages), in subsection (3), after “Contributions and Benefits Act;” insert—

“(aa) personal independence payment;”.

21. In section 140B (implementation of increases in employment and support allowance due to attainment of particular ages), in subsection (3), for the words from “a benefit” to the end substitute—

“(a) a benefit under the Contributions and Benefits Act; or

(b) personal independence payment.”

22. In section 145 (adjustments between National Insurance Fund and Consolidated Fund), in subsection (1)(a)(iii), after “universal credit” (inserted by Schedule 2 to this Order) insert “, personal independence payment”.

23. In section 149 (functions of Social Security Advisory Committee in relation to legislation and regulations), in subsection (5), after paragraph (ak) (inserted by Schedule 2 to this Order) insert—

“(al) Part 5 of that Order;”.

24.—(1) Section 155 (reciprocal agreements) is amended as follows.

(2) In subsection (3)(a), after “Welfare Reform (Northern Ireland) Order 2015” (inserted by Schedule 2 to this Order) insert “, Part 5 of that Order”.

(3) In subsection (4), after paragraph (ae) (inserted by Schedule 2 to this Order) insert—

“(af) to Part 5 of that Order;”.

25. In section 156 (payment of travelling expenses), in paragraphs (a) and (b)(i), after “Welfare Reform (Northern Ireland) Order 2015” (inserted by Schedule 2 to this Order) insert “, Part 5 of that Order”.

26. In section 158B (information about postal redirection), in subsection (5)(b), after “Welfare Reform (Northern Ireland) Order 2015” (inserted by Schedule 2 to this Order) insert “, Part 5 of that Order”.

27. In section 160 (control of pneumoconiosis), in subsection (1)(c) for “benefit as defined in section 121 of the Contributions and Benefits Act” substitute “personal independence payment, or benefit as defined in section 121 of the Contributions and Benefits Act;”.

28. In section 163 (inalienability), in subsection (1), after paragraph (ac) insert—

“(ad) personal independence payment;”.

29. In section 167 (interpretation), in subsection (1), in the definition of “benefit”, for “, state pension credit and an employment and support allowance” substitute “state pension credit, an employment and support allowance and personal independence payment”.

30. In Schedule 5 (regulations not requiring prior submission to Social Security Advisory Committee), before paragraph 1 insert—

“Personal independence payment

A1. Regulations under Article 83(3) or 84(3) of the Welfare Reform (Northern Ireland) Order 2015.”

The Road Traffic (Northern Ireland) Order 1995 (NI 18)

31. In Article 25 of the Road Traffic (Northern Ireland) Order 1995 (payments in respect of applicants for exemption from wearing seat belts), in paragraph (2), after sub-paragraph (a) insert—

“(aa) those in receipt of personal independence payment;”.

The Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 (NI 12)

32. The Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 is amended as follows.

33. In Article 2(2) (interpretation), in the definition of “benefit”, after “employment and support allowance” insert “, personal independence payment”.

34. In Schedule 2 (calculation of compensation payment), in the table—

Status: This is the original version (as it was originally made).

- (a) in the section relating to compensation for cost of care incurred during the relevant period, in the second column, after the entry for attendance allowance insert—
“Daily living component of personal independence payment”;
- (b) in the section relating to compensation for loss of mobility during the relevant period, in the second column, after the entry for mobility allowance insert—
“Mobility component of personal independence payment”.

The Social Security (Northern Ireland) Order 1998 (NI 10)

35. The Social Security (Northern Ireland) Order 1998 is amended as follows.

36. In Article 4(2) (use of computers), after sub-paragraph (k) (inserted by Schedule 2 to this Order) insert—

“or

- (l) Part 5 of that Order.”

37. In Article 9 (decisions by the Department)—

- (a) in paragraph (3), after sub-paragraph (ba) insert—
“(baa) personal independence payment.”;
- (b) in paragraph (4), after “Welfare Reform (Northern Ireland) Order 2015” (inserted by Schedule 2 to this Order) insert “or Part 5 of that Order”.

38. In Article 12(3) (regulations with respect to decisions), in the definition of “the current legislation”, after “Welfare Reform (Northern Ireland) Order 2015” (inserted by Schedule 2 to this Order) insert “and Part 5 of that Order”.

39. In Article 27(7) (restrictions on entitlement to benefit in cases of error), in the definition of “benefit”—

- (a) after sub-paragraph (de) insert—
“(df) personal independence payment.”;
- (b) in sub-paragraph (e) for “to (de)” substitute “to (df)”.

40. In Article 28(3) (correction of errors in decisions etc.), after sub-paragraph (h) (inserted by Schedule 2 to this Order) insert—

“or

- (i) Part 5 of that Order.”

41. In Schedule 3 (decisions against which an appeal lies), in paragraph 3—

- (a) in paragraph (f), the final “or” is repealed;
- (b) after paragraph (g) insert—
“(h) regulations made under Article 90(1) or 91(1) of the Welfare Reform (Northern Ireland) Order 2015;
- (i) Article 92 of that Order.”

The Immigration and Asylum Act 1999 (c. 33)

42. In section 115 of the Immigration and Asylum Act 1999 (exclusion from benefits), in subsection (2), after “Welfare Reform (Northern Ireland) Order 2015” (inserted by Schedule 2 to this Order) insert “, to personal independence payment under Part 5 of that Order”.

The Social Security Fraud Act (Northern Ireland) 2001 (c. 17)

43. The Social Security Fraud Act (Northern Ireland) 2001 is amended as follows.

44. In section 5A (definitions) in the definition of “disqualifying benefit”, after paragraph (c) insert—

“(ca) any benefit under Part 5 of the Welfare Reform (Northern Ireland) Order 2015 or Part 4 of the Welfare Reform Act 2012 (personal independence payment);”.

45. In section 9 (power to supplement and mitigate loss of benefit provisions), in subsection (3), after paragraph (bd) (inserted by Schedule 2 to this Order) insert—

“(be) any benefit under Part 5 of the Welfare Reform (Northern Ireland) Order 2015 or Part 4 of the Welfare Reform Act 2012 (personal independence payment);”.