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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision relating to personal independence payment, a benefit established under Part 5 of the Welfare Reform (Northern Ireland) Order 2015 (“the Order”).

Part 2 provides for the assessment of personal independence payment which will determine whether and to what extent a person who applies for such a payment has limited or severely limited ability to carry out daily living activities and mobility activities.

Regulation 3 provides that the daily living activities and mobility activities are those set out in Schedule 1.

Regulation 4 provides that a person’s ability to carry out those activities is to be determined by an assessment and regulations 5 to 7 set out how those activities are to be scored in the assessment.

Regulation 8 allows the Department for Social Development (“the Department”) to request information or evidence to enable the determination of the claim to be made and requires that such information or evidence is provided within one month or such other period as the Department considers reasonable. If such information is not provided without good reason a negative determination (a determination that the claimant does not meet the requirements to be entitled to personal independence payment) shall be made in relation to the relevant component.

Regulation 9 provides that a claimant may be called to attend and participate in a consultation in person or to participate in a consultation by telephone or both and failure to attend or participate without good reason shall result in a negative determination being made in relation to the relevant component.

Regulation 10 sets out matters which are to be taken into account in determining a good reason referred to in regulations 8 and 9.

Regulation 11 provides that the Department may determine afresh the ability of a claimant to carry out activities.

Part 3 sets out provisions relating to the required period condition which the claimant needs to satisfy to be entitled to personal independence payment.

Part 4 sets out the residence and presence conditions for entitlement to personal independence payment.

Regulation 16 provides that a person must be present in Northern Ireland; have been present in Northern Ireland for 104 weeks out of the previous 156 weeks; be habitually resident in Northern Ireland and not subject to immigration control on every day of the claim.

Regulations 17 to 23 provide exceptions to regulation 16.

Part 5 sets out the rates of personal independence payment.

Part 6 contains provisions relating to age. Regulations 25 to 27 make exceptions to the provision in Article 88(1) of the Order that people over the relevant age cannot claim personal independence payment.

Part 7 makes provision about when payment of personal independence payment will cease because the claimant is resident in a particular place.

Regulation 28 applies to claimants residing in care homes and regulation 29 to claimants residing in hospitals or similar institutions where certain conditions are satisfied.

**Changes to legislation:** *There are currently no known outstanding effects for the The Personal Independence Payment Regulations (Northern Ireland) 2016. (See end of Document for details)*

Regulation 30 provides exceptions to regulations 28 and 29. Regulation 31 makes an exception to Article 92 of the Order which provides that prisoners cannot receive personal independence payment. Regulation 32 provides further information about periods of time spent in a care home, a hospital or similar institution or in legal custody.

An assessment of the impact of this instrument has been carried out. Copies of the impact assessment may be obtained from the Better Regulation Unit of the Department for Work and Pensions, 2D Caxton House, Tothill Street, London SW1 9NA. It is also available alongside this instrument and the Explanatory Memorandum on [www.legislation.gov.uk](http://www.legislation.gov.uk).

**Changes to legislation:**

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