
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 217

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

PART 4

Residence and presence conditions

Conditions relating to residence and presence in Northern Ireland

16. Subject to the following provisions of this Part, the prescribed conditions for the purposes of Article 82(3) as to residence and presence in Northern Ireland are that on any day for which C claims personal independence payment C—

- (a) is present in Northern Ireland;
- (b) has been present in Northern Ireland for a period of, or periods amounting in aggregate to, not less than 104 weeks out of the 156 weeks immediately preceding that day;
- (c) is habitually resident in the United Kingdom, the Republic of Ireland, the Isle of Man or the Channel Islands; and
- (d) is a person—
 - (i) who is not subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999⁽¹⁾, or
 - (ii) to whom, by virtue of regulation 2 of the Social Security (Immigration and Asylum) Consequential Amendments Regulations (Northern Ireland) 2000⁽²⁾, section 115 of that Act does not apply for the purpose of personal independence payment.

(1) 1999 c. 33; section 115 was amended by paragraph 42 of Schedule 9 to the Welfare Reform (Northern Ireland) Order 2015. There are other amendments not relevant to these Regulations

(2) S.R. 2000 No. 71; regulation 2 was amended by paragraph 1(s) of the Schedule to S.R. 2002 No. 323, regulation 6 of S.R. 2003 No. 421, regulation 23(3) of S.R. 2008 No. 286, regulation 9(2) of S.I. 2008/3108 and regulation 3(5) of S.R. 2010 No. 6 and is amended by regulation 22(3) of S.R. 2016 No. 228

Changes to legislation:

There are currently no known outstanding effects for the The Personal Independence Payment Regulations (Northern Ireland) 2016, Section 16.