
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

Periods of residence

- 32.**—(1) In these Regulations, a “period of residence” is a period during which C—
- (a) meets the condition in Article 90(2);
 - (b) meets the condition in Article 91(2); or
 - (c) is a person who is undergoing imprisonment or detention in legal custody.
- (2) Subject to paragraph (3), for the purposes of Article 92 and regulations 28 and 29, a period of residence—
- (a) begins on the day after the day on which C enters a care home, hospital or similar institution or commences a period of imprisonment or detention in legal custody; and
 - (b) ends on the day before the day on which C leaves a care home, hospital or similar institution or on which a period of imprisonment or detention in legal custody ends.
- (3) Where, immediately following a period of residence for the purpose of sub-paragraphs (a), (b) or (c) of paragraph (1), C commences another period of residence for the purpose of any of those sub-paragraphs, the earlier period of residence is deemed to end on the day on which C leaves the care home, hospital or similar institution or, as the case may be, on which the period of imprisonment or detention ends.
- (4) Subject to paragraph (5), for the purposes of regulation 30(1) and 31(1)—
- (a) two or more distinct periods of residence separated by an interval not exceeding 28 days, or by two or more such intervals, are to be treated as a continuous period equal in duration to the total duration of such distinct periods and ending on the last day of the later or last such period; and
 - (b) any period or periods to which those regulations refer are to be taken into account and aggregated with any other period referred to in those regulations.
- (5) Where the periods referred to in paragraph (4)(a) are both or all periods to which Article 92 (prisoners) applies, paragraph (4) is to have effect with the following modifications—
- (a) omit “subject to paragraph (5),” and “30(1) and”;
 - (b) in sub-paragraph (a) for “28 days” substitute “one year”; and
 - (c) in sub-paragraph (b)—
 - (i) for “those regulations refer” substitute “that regulation refers”, and
 - (ii) for “in those regulations” substitute “in that regulation”.

Changes to legislation:

There are currently no known outstanding effects for the The Personal Independence Payment Regulations (Northern Ireland) 2016, Section 32.