
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 228

**The Personal Independence Payment
(Supplementary Provisions and Consequential
Amendments) Regulations (Northern Ireland) 2016**

PART 2

CONSEQUENTIAL AMENDMENTS

Amendment of the Income Support (General) Regulations

11.—(1) The Income Support (General) Regulations (Northern Ireland) 1987⁽¹⁾ are amended in accordance with paragraphs (2) to (7).

(2) In regulation (2)(1) (interpretation)—

(a) after the definition of “the 1998 Order”⁽²⁾ insert—

““the 2015 Order” means the Welfare Reform (Northern Ireland) Order 2015;”;

(b) in the definition of “the benefit Acts”⁽³⁾ for “and Part 1 of the Pensions Act (Northern Ireland) 2015” substitute “, Part 1 of the Pensions Act (Northern Ireland) 2015 and Part 5 of the 2015 Order”; and

(c) after the definition of “period of study”⁽⁴⁾ insert—

““personal independence payment” means personal independence payment under Part 5 of the 2015 Order;”.

(3) In regulation 4(2)(c)(v)(aa)⁽⁵⁾ (temporary absence from Northern Ireland) for “or the highest rate of the care component of disability living allowance” substitute “, the highest rate of the care component of disability living allowance or the enhanced rate of the daily living component of personal independence payment”.

(4) In paragraph 4 of Schedule 1B (prescribed categories of person: persons caring for another person), in head (a)⁽⁶⁾—

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- (1) S.R. 1987 No. 459; relevant amending Rules are S.R. 1988 No. 146, S.R. 1990 No. 346, S.R. 1992 No. 6, S.R. 1993 No. 165, S.R. 1994 No. 327, S.R. 1995 Nos. 67 and 434, S.R. 1996 Nos. 199 and 358, S.R. 1999 No. 472 (C. 36), S.R. 2000 Nos. 74, 241 and 367, S.R. 2002 No. 323, S.R. 2003 Nos. 191 and 195, S.R. 2004 No. 213, S.R. 2005 No. 580, S.R. 2007 No. 154, S.R. 2008 Nos. 286, 428 and 498, S.R. 2009 No. 418, S.R. 2010 No. 69, S.R. 2011 Nos. 135 and 357, S.I. 2013/3021, S.R. 2014 No. 275 and S.R. 2015 No. 411
- (2) The definition of “the 1998 Order” was inserted by Article 7(3) of S.R. 1999 No. 472 (C. 36)
- (3) The definition of “the benefit Acts” was inserted by regulation 12(2)(a) of S.R. 2008 No. 286 and is amended by Article 8(2) of S.R. 2015 No. 411
- (4) The definition of “period of study” was substituted by regulation 3(2)(d) of S.R. 2000 No. 241
- (5) Paragraph (2)(c)(v) was inserted by regulation 3 of S.R. 1988 No. 146, substituted by regulation 2(2) of S.R. 1995 No. 67 and amended by regulation 5(b) of S.R. 1996 No. 199, regulation 3(2)(b) of S.R. 2009 No. 418 and by Article 14(3) of S.I. 2013/3021
- (6) Schedule 1B was inserted by regulation 22 of and Schedule 1 to S.R. 1996 No. 199 and paragraph 4(a) was amended by regulation 33 of S.R. 1996 No. 358 and Article 14(4) of S.I. 2013/3021

- (a) in sub-head (i) for the words “or the care component” to the end substitute “, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Contributions and Benefits Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83(3) of the 2015 Order”;
 - (b) in sub-head (iii) for “or a disability living allowance” substitute “, a disability living allowance or personal independence payment”;
 - (c) after sub-head (iiia)(7) add—
 - “(iv) the person being cared for has claimed entitlement to the daily living component of personal independence payment in accordance with regulation 32 of the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016⁽⁸⁾ (advance claim for and award of personal independence payment), an award at the standard or enhanced rate has been made in respect of that claim and, where the period for which the award is payable has begun, that person is in receipt of the payment, or”.
- (5) In Schedule 2 (applicable amounts)—
- (a) in paragraph 7(2)⁽⁹⁾ (premiums)—
 - (i) for “attendance allowance or” substitute “attendance allowance,”, and
 - (ii) after “the principal Act” insert “or the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83(3) of the 2015 Order”;
 - (b) in paragraph 12 (additional condition for the higher pensioner and disability premiums)—
 - (i) in sub-paragraph(1)(a)(i)⁽¹⁰⁾ after “disability living allowance,” insert “personal independence payment,”, and
 - (ii) in sub-paragraph (1)(d)⁽¹¹⁾—
 - (aa) for “or disability living allowance” substitute “, disability living allowance or personal independence payment”, and
 - (bb) in sub-head (i) for “or the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992” substitute “, the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992 or regulations made under Article 91(1) of the 2015 Order (hospital in-patients)”;
 - (c) in paragraph 13 (severe disability premium)—
 - (i) in sub-paragraph (2)(a)(i)⁽¹²⁾—
 - (aa) for “attendance allowance or” substitute “attendance allowance,”, and
 - (bb) after “the principal Act” insert “or the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83(3) of the 2015 Order”,

(7) Sub-head (iiia) was inserted by regulation 33(d) of S.R. 1996 No. 358

(8) S.R. 2016 No. 220

(9) Paragraph 7(2) was inserted by regulation 6(c)(ii) of S.R. 1990 No. 346 and amended by regulation 10(4)(a) of S.R. 1992 No. 6, paragraph 1(g) of the Schedule to S.R. 2002 No. 323 and Article 14(5)(a) of S.I. 2013/3021

(10) Sub-paragraph (1)(a)(i) was amended by regulation 30(c)(i) of S.R. 1988 No. 146, regulation 10(4)(b)(i) of S.R. 1992 No. 6, regulation 2(9)(a)(i) of S.R. 1994 No. 327, regulation 2(12)(a)(i) of S.R. 1995 No. 67, paragraph 20(b) of Schedule 1 to S.R. 2003 No. 195 and Article 14(5)(b) of S.I. 2013/3021

(11) Sub-paragraph (1)(d) was inserted by regulation 24(5)(e) of S.R. 2003 No. 191 and amended by regulation 4 of S.R. 2004 No. 213 and regulation 3(3)(b) of S.R. 2005 No. 580

(12) Sub-paragraph (2)(a)(i) was amended by regulation 10(4)(c) of S.R. 1992 No. 6 and by Article 14(5)(c)(i) of S.I. 2013/3021

- (ii) in sub-paragraph (2)(b)(i)(13)—
 - (aa) for “attendance allowance or” substitute “attendance allowance,”, and
 - (bb) after “the principal Act” insert “or the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83(3) of the 2015 Order”,
- (iii) in sub-paragraph (2)(b)(ii) for “such an allowance” substitute “such a payment or allowance”,
- (iv) in sub-paragraph (3)(a)(14)—
 - (aa) for “attendance allowance or” substitute “attendance allowance,”, and
 - (bb) after “the principal Act” insert “or the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83(3) of the 2015 Order”,
- (v) after sub-paragraph (3A)(b)(15) add—
 - “(c) as being in receipt of the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83(3) of the 2015 Order if he would, but for a suspension of benefit in accordance with regulations under Article 91(1) of the 2015 Order (hospital in-patients), be so in receipt.”, and
- (vi) in paragraph 13A(16) (enhanced disability premium)—
 - (aa) omit “or” at the end of sub-paragraph (1ZA)(a), and
 - (bb) after head (b) add—
 - “or
 - (c) the daily living component of personal independence payment is, or would, but for regulations made under Article 91(1) (hospital in-patients) of the 2015 Order, be payable to that person at the enhanced rate in accordance with Article 83(2) of the 2015 Order.”;
 - and
- (d) in paragraph 14(17) (disabled child premium)—
 - (i) in sub-paragraph (1) after head (a) insert—
 - “(aa) a young person who is in receipt of personal independence payment or who would, but for regulations made under Article 91(1) of the 2015 Order (hospital in-patients), be so in receipt provided that the young person continues to be a member of the family,”;
 - (ii) in sub-paragraph (2) after “(a)” insert “, (aa)”.
- (6) In paragraph 18 of Schedule 3(18) (housing costs: non-dependant deductions)—
 - (a) omit “or” at the end of sub-paragraph (6)(b)(i)(19);

(13) Sub-paragraph (2)(b)(i) was amended by regulation 10(4)(c) of [S.R. 1992 No. 6](#) and by Article 14(5)(c)(ii) of [S.I. 2013/3021](#)

(14) Sub-paragraph (3)(a) was amended by regulation 10(4)(c) of [S.R. 1992 No. 6](#) and by Article 14(5)(c)(iii) of [S.I. 2013/3021](#)

(15) Sub-paragraph (3A) was inserted by regulation 30(d) of [S.R. 1988 No. 146](#) and amended by regulation 10(4)(c) of [S.R. 1992 No. 6](#), regulation 4(2)(a)(iii) of [S.R. 2000 No. 74](#) and paragraph 1(g) of the Schedule to [S.R. 2002 No. 323](#)

(16) Paragraph 13A was inserted by regulation 2(c)(ii) of [S.R. 2000 No. 367](#) and amended by regulation 2(7)(f) of [S.R. 2007 No. 154](#), regulation 3(6)(a) of [S.R. 2011 No. 135](#), regulation 7(7) of [S.R. 2011 No. 357](#) and Article 14(5) of [S.I. 2013/3021](#)

(17) Paragraph 14 was omitted by paragraph 20(a) of Schedule 1 to [S.R. 2003 No. 195](#) except in a case where regulation 1(3) of those Regulations applies. In a case where regulation 1(3) of [S.R. 2003 No. 195](#) applies, paragraph 14 was substituted by regulation 2(7)(g) of [S.R. 2007 No. 154](#) and amended by regulation 3(6)(b) of [S.R. 2011 No. 135](#), Article 14(5)(e) of [S.I. 2013/3021](#) and regulation 2(2)(c) of [S.R. 2014 No. 275](#)

(18) Schedule 3 was substituted by regulation 2 of and Schedule 1 to [S.R. 1995 No. 301](#)

(19) Sub-paragraph (6) was amended by Article 14(6)(a) of [S.I. 2013/3021](#) and regulation 2(3) of [S.R. 2014 No. 275](#)

- (b) after sub-paragraph (6)(b)(ii) add—
 - “or
 - (iii) the daily living component of personal independence payment.”; and
 - (c) in sub-paragraph (8)(a)(**20**) for “or disability living allowance” substitute “, disability living allowance or personal independence payment”.
- (7) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings)—
- (a) in paragraph 6(**21**) after “allowance” insert “or the mobility component of personal independence payment”; and
 - (b) in paragraph 9(**22**) for “or the care component of a disability living allowance” substitute “, the care component of disability living allowance or the daily living component of personal independence payment”.

(20) Sub-paragraph (8) was amended by regulation 2(3)(j)(iii) of [S.R. 1995 No. 434](#), regulation 2(5)(e) of [S.R. 2008 No. 428](#), regulation 2(3)(e) and (7)(d) of [S.R. 2010 No. 69](#), regulation 7(5)(c) of [S.R. 2011 No. 357](#) and Article 14(6)(b) of [S.I. 2013/3021](#)

(21) Paragraph 6 was amended by regulation 10(6)(a) of [S. R. 1992 No. 6](#) and regulation 2(6)(b) of [S.R. 2008 No. 498](#)

(22) Paragraph 9 was substituted by regulation 4(5)(a) of [S.R. 1993 No. 165](#)