
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 Jobseeker's Allowance Regulations

14.—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996⁽¹⁾ are amended in accordance with paragraphs (2) to (9).

(2) In regulation 1(2) (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 the Pensions Act (Northern Ireland) 2015” substitute “, the Pensions Act (Northern Ireland) 2015 and Part 5 of the 2015 Order;”;

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

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

(d) after the definition of “training allowance”⁽⁵⁾ insert—

““the Universal Credit etc. Claims and Payments Regulations” means the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016;”.

(3) In regulation 51(3)(c)⁽⁶⁾ (remunerative work)—

(a) in head (i) for “or the care component of disability living allowance at the highest or middle rate” substitute “, the care component of disability living allowance at the highest or middle rate or the daily living component of personal independence payment at the standard or enhanced rate”;

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- (1) [S.R. 1996 No. 198](#); relevant amending Rules are [S.R. 1996 No. 356](#), [S.R. 1999 No. 428 \(C. 32\)](#), [S.R. 2000 Nos. 74, 242, 350 and 367](#), [S.R. 2002 Nos. 80 and 323](#), [S.R. 2003 No. 195](#), [S.R. 2007 No. 154](#), [S.R. 2008 Nos. 112, 286 and 498](#), [S.R. 2010 No. 103](#), [S.R. 2011 Nos. 135 and 291](#), [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 9(2)(a) of [S.R. 1999 No. 428 \(C. 32\)](#)
- (3) The definition of “the benefit Acts” was inserted by regulation 3(2)(a) of [S.R. 2008 No. 498](#) and is amended by Article 13(2) of [S.R. 2015 No. 411](#)
- (4) The definition of “period of study” was amended by regulation 3(2)(a) of [S.R. 2000 No. 242](#)
- (5) The definition of “training allowance” was amended by regulation 4(2)(b) of [S.R. 2008 No. 112](#)
- (6) Regulation 51(3)(c) was amended by regulation 7(b)(iii) of [S.R. 1996 No. 356](#), paragraph 1(n) of the Schedule to [S.R. 2002 No. 323](#) and Article 17(3) of [S.I. 2013/3021](#)

- (b) in head (ii) for “or a disability living allowance” substitute “, disability living allowance or personal independence payment”; and
- (c) after head (iv) add—
- “or
- (v) a person who has claimed personal independence payment and has an award of the daily living component at the standard or enhanced rate under Article 83 of the 2015 Order for a period commencing after the date on which that claim was made.”.
- (4) In regulation 140(1)(h)(7)(meaning of “person in hardship”)—
- (a) in head (i) for “or the care component of disability living allowance at one of the 2 higher rates prescribed under section 72(4) of the Benefits Act” substitute “, the care component of disability living allowance at one of the two higher rates prescribed under section 72(4) of the Benefits Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83 of the 2015 Order”;
- (b) in head (ii) for “or disability living allowance” substitute “, disability living allowance or personal independence payment”;
- (c) omit “or” at the end of head (iia); and
- (d) after head (iii) insert—
- “or
- (iv) has claimed personal independence payment and has an award of the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83 of the 2015 Order for a period commencing after the date on which that claim was made,”.
- (5) In regulation 146A(1)(e)(8)(meaning of “couple in hardship”)—
- (a) in head (i) for “or the care component of disability living allowance at one of the two higher rates prescribed under section 72(4) of the Benefits Act (the care component)” substitute “, the care component of disability living allowance at one of the two higher rates prescribed under section 72(4) of the Benefits Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83 of the 2015 Order”;
- (b) in head (ii) for “or disability living allowance” substitute “, disability living allowance or personal independence payment”;
- (c) omit “or” at the end of head (iia); and
- (d) after head (iii) insert—
- “or
- (iv) has claimed personal independence payment and has an award of the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83 of the 2015 Order for a period commencing after the date on which that claim was made,”.
- (6) In paragraph 3(a) of Schedule A1(9) (categories of members of a joint-claim couple who are not required to satisfy the conditions in Article 3(2B)(b) of the Order)—

(7) Regulation 140(1)(h) was amended by regulation 11(a) of [S.R. 1996 No. 356](#), Article 9(5)(i) of [S.R. 1999 No. 428 \(C. 32\)](#) and Article 17(4) of [S.I. 2013/3021](#)

(8) Regulation 146A was inserted by regulation 2(3) of [S.R. 2000 No. 350](#) and paragraph (1)(e) was amended by Article 17(5) of [S.I. 2013/3021](#)

(9) Schedule A1 was inserted by regulation 2(4) of [S.R. 2000 No. 350](#) and paragraph 3(a) was amended by Article 17(6) of [S.I. 2013/3021](#)

- (a) in head (i) for “or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act (the care component)” substitute “, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 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 head (iv) for “or a disability living allowance” substitute “, a disability living allowance or personal independence payment”;
 - (c) omit “or” at the end of head (iv); and
 - (d) after head (v) add—
 - “or
 - (vi) 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 etc. Claims and Payments Regulations (advance claim for and award of personal independence payment), an award of the standard or enhanced rate of the daily living component 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 that payment;”.
- (7) In Schedule 1 (applicable amounts)—
- (a) in paragraph 8(2)(10) for “or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act” substitute “, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act or the daily living component of personal independence payment at the standard or enhanced rate prescribed in accordance with Article 83(3) of the 2015 Order”;
 - (b) in paragraph 14(1)(11) (additional conditions for higher pensioner and disability premium)—
 - (i) after head (c) insert—
 - “(ca) the claimant or, as the case may be, his partner, is in receipt of personal independence payment or is a person whose personal independence payment is payable, in whole or in part, to another in accordance with regulation 53(2) of the Universal Credit etc. Claims and Payments Regulations (payment to another person on the claimant’s behalf);”.
 - (ii) after head (f) insert—
 - “(fa) the claimant or, as the case may be, his partner, is a person who is entitled to the mobility component of personal independence payment but to whom the component is not payable in accordance with regulation 56 of the Universal Credit etc. Claims and Payments Regulations (cases where mobility component of personal independence payment not payable);”.
 - (iii) omit “or” at the end of head (g)(i), and
 - (iv) after head (g)(ii) add—
 - “or

(10) Paragraph 8(2) was amended by paragraph 1(n) of the Schedule to [S.R. 2002 No. 323](#) and Article 17(7)(a) of [S.I. 2013/3021](#)
(11) Paragraph 14(1) was amended by paragraph 20(b) of Schedule 2 to [S.R. 2003 No. 195](#), Article 17(7)(b) of [S.I. 2013/3021](#) and regulation 3(2)(a)(i) of [S.R. 2014 No. 275](#)

- (iii) entitled to personal independence payment but no amount is payable in accordance with regulations made under Article 91(1) of the 2015 Order (hospital in-patients);”;
- (c) in paragraph 15 (severe disability premium)—
- (i) in sub-paragraph (1)(a)(**12**) for “or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act” substitute “, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 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”;
- (ii) in sub-paragraph (2)(a)(**13**) for “or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act (the “qualifying benefit”)” substitute “, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act (the “qualifying benefit”) 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 (4)(a)(**14**) for “or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act” substitute “, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 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”, and
- (iv) after sub-paragraph (5)(a)(**15**) insert—
- “(aa) as being in receipt of the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83 of the 2015 Order if he would, but for regulations made under Article 91(1) of the 2015 Order (hospital in-patients), be so in receipt;”;
- (d) in paragraph 15A(1ZA)(**16**) (enhanced disability premium)—
- (i) omit “or” at the end of head (a), and
- (ii) after head (b) add—
- “or
- (c) the daily living component of personal independence payment is, or would, but for a suspension of benefits in accordance with regulations under Article 91(1) of the 2015 Order (hospital in-patients), be payable to that person at the enhanced rate in accordance with Article 83(2) of the 2015 Order.”;
- (e) in paragraph 16(**17**) (disabled child premium)—

(12) Sub-paragraph (1)(a) was amended by Article 17(7)(c)(i) of [S.I. 2013/3021](#)

(13) Sub-paragraph (2)(a) was amended by Article 17(7)(c)(ii) of [S.I. 2013/3021](#)

(14) Sub-paragraph (4)(a) was amended by Article 17(7)(c)(iii) of [S.I. 2013/3021](#)

(15) Sub-paragraph 5 was amended by regulation 4(3)(a)(iii) of [S.R. 2000 No. 74](#)

(16) Paragraph 15A was inserted by regulation 4(c)(ii) of [S.R. 2000 No. 367](#) and sub-paragraph (1ZA) was inserted by Article 17(7)(d) of [S.I. 2013/3021](#)

(17) Paragraph 16 was omitted by paragraph 20(a) of Schedule 2 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 16 was substituted by regulation 3(8)(f) of [S.R. 2007 No. 154](#) and amended by regulation 7(7)(b) of [S.R. 2011 No. 135](#), Article 17(7)(e) of [S.I. 2013/3021](#) and regulation 3(2)(c) of [S.R. 2014 No. 275](#)

- (i) after sub-paragraph (1)(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;”, and
 - (ii) in sub-paragraph (2) after “(1)(za), (a)” insert “, (aa)”;
- (f) in paragraph 20D(2)(18) for “or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act” substitute “the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 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”;
- (g) in paragraph 20H(1)(19) (additional conditions for higher pensioner and disability premium)—
 - (i) after head (c) insert—
 - “(ca) is in receipt of personal independence payment or is a person whose personal independence payment is payable, in whole or in part, to another in accordance with regulation 53(2) of the Universal Credit etc. Claims and Payments Regulations (payment to another person on the claimant’s behalf);”,
 - (ii) after head (g) insert—
 - “(ga) is a person who is entitled to the mobility component of personal independence payment but to whom the component is not payable in accordance with regulation 56 of the Universal Credit etc. Claims and Payments Regulations (cases where mobility component of personal independence payment not payable);”,
 - (iii) omit “or” at the end of head (h)(i), and
 - (iv) after head (h)(ii) insert—
 - “or
 - (iii) entitled to personal independence payment but no amount is payable in accordance with regulations under Article 91(1) of the 2015 Order (hospital in-patients);”,
 - (h) in paragraph 20I(20) (severe disability premium)—
 - (i) in sub-paragraph (1)(a) for “or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act (the “qualifying benefit”)” substitute “, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act (the “qualifying benefit”) 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”;

(18) Paragraph 20D was inserted by paragraph 53(4) of Schedule 2 to S.R. 2000 No. 350 and amended by paragraph 1(n) of the Schedule to S.R. 2002 No. 323 and Article 17(7)(f) of S.I. 2013/3021

(19) Paragraph 20H was inserted by paragraph 53(4) of Schedule 2 to S.R. 2000 No. 350 and amended by paragraph 20(e) of Schedule 2 to S.R. 2003 No. 195, regulation 19(24)(e) of S.R. 2008 No. 286, Article 17(7)(g) of S.I. 2013/3021 and regulation 3(2)(d) of S.R. 2014 No. 275

(20) Paragraph 20I was inserted by paragraph 53(4) of Schedule 2 to S.R. 2000 No. 350 and amended by regulation 5(4)(b) of S.R. 2002 No. 80, paragraph 1(n) of the Schedule to S.R. 2002 No. 323, regulation 3(8)(j) of S.R. 2007 No. 154, regulation 5(3)(b) of S.R. 2011 No. 291, Article 17(7)(h) of S.I. 2013/3021 and regulation 3(2)(e) of S.R. 2014 No. 275

- (ii) in sub-paragraph (1)(b) for “such an allowance” substitute “such a payment or allowance”;
- (iii) in sub-paragraph (3)(a) for “or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act” substitute “, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 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”, and
- (iv) after sub-paragraph (4)(b) 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 of the 2015 Order if he would, but for regulations made under Article 91(1) of the 2015 Order (hospital in-patients), be so in receipt.”; and
- (i) in paragraph 20IA(21) (enhanced disability premium), for sub-paragraph (1) substitute—
 - “(1) Subject to sub-paragraph (2), the condition is that in respect of a member of a joint-claim couple who has not attained the qualifying age for state pension credit—
 - (a) the care component of disability living allowance is, or would, but for a suspension of benefit in accordance with regulations under section 113(2) of the Benefits Act or but for an abatement as a consequence of hospitalisation, be payable at the highest rate prescribed under section 72(3) of the Benefits Act; or
 - (b) the daily living component of personal independence payment is, or would, but for regulations made under Article 91(1) of the 2015 Order (hospital in-patients), be payable at the enhanced rate in accordance with Article 83(2) of the 2015 Order or armed forces independence payment is payable.”.
- (8) In paragraph 17 of Schedule 2 (housing costs: non-dependant deductions)—
 - (a) at the end of sub-paragraph (6)(b)(i)(22) omit “or”;
 - (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)(23) for “or disability living allowance” substitute “, disability living allowance or personal independence payment”.
- (9) In Schedule 6 (sums to be disregarded in the calculation of income other than earnings)—
 - (a) in paragraph 7 after “disability living allowance” insert “or the mobility component of personal independence payment”; and
 - (b) in paragraph 10 for “or the care component of disability living allowance” substitute “, the care component of disability living allowance or the daily living component of personal independence payment”.

(21) Paragraph 20IA was inserted by regulation 4(c)(v) of S.R. 2000 No. 367 and amended by regulation 3(8)(k) of S.R. 2007 No. 154, regulation 5(5)(i) of S.R. 2010 No. 103 and Article 17(7)(i) of S.I. 2013/3021

(22) Sub-paragraph (6) was amended by Article 17(8)(a) and (b) of S.I. 2013/3021 and regulation 3(3) of S.R. 2014 No. 275

(23) Sub-paragraph (8)(a) was amended by Article 17(8)(c) of S.I. 2013/3021