
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 Child Support Departure Direction and Consequential Amendments Regulations

17. In regulation 15 of the Child Support Departure Direction and Consequential Amendments Regulations (Northern Ireland) 1996(1) (illness or disability)—

- (a) in paragraph (3)—
 - (i) in sub-paragraph (b) for “the payment or either of the allowances” substitute “armed forces independence payment or a disability benefit”, and
 - (ii) for “the payment or allowance” substitute “armed forces independence payment or the disability benefit”;
- (b) for paragraph (4) substitute—

“(4) Subject to paragraph (4A), where the Department considers that a person who has made an application in respect of special expenses falling within paragraph (1) or his dependant may be entitled to armed forces independence payment or a disability benefit—

 - (a) if that applicant or his dependant has at the date of that application, or within a period of six weeks beginning with the giving or sending to that person of notification of the possibility of entitlement to armed forces independence payment or a disability benefit, applied for armed forces independence payment or a disability benefit, the application made by that applicant shall not be determined until a decision has been made by—
 - (i) the Secretary of State on the eligibility for armed forces independence payment, or
 - (ii) the Department on the eligibility for that disability benefit, of that applicant or that dependant;
 - (b) if that applicant or his dependant has failed to apply for armed forces independence payment or a disability benefit within the six week period specified in sub-paragraph (a), the Department shall determine the application for a departure direction made by that applicant on the basis that that applicant

(1) [S.R. 1996 No. 541](#); regulation 15 was amended by regulation 9(6) of [S.R. 1998 No. 8](#), regulation 3(9) of [S.R. 1999 No. 167](#) and Article 19 of [S.I. 2013/3021](#)

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- has income equivalent to the highest rate prescribed in respect of armed forces independence payment or that disability benefit by or under those provisions.”;
- (c) in paragraph (4A) for “the payment or either of the allowances referred to in paragraph (4)” substitute “armed forces independence payment or a disability benefit”; and
- (d) after paragraph (6)(c) add—
- “**(d)** “disability benefit” means attendance allowance under section 64 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992**(2)**, disability living allowance under section 71 of that Act**(3)** or personal independence payment under Part 5 of the Welfare Reform (Northern Ireland) Order 2015;
- (e)** “armed forces independence payment” means a payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011.”.

(2) Section 64 was amended by Article 63(1) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 ([S.I. 1999/3147 \(N.I. 11\)](#)), paragraph 38 of Schedule 1 to the Pensions Act (Northern Ireland) 2008 ([c. 1 \(N.I.\)](#)) and paragraph 4 of Schedule 9 to the Welfare Reform (Northern Ireland) Order 2015

(3) Section 71 was amended by Article 64(1) of the Welfare Reform and Pensions (Northern Ireland) Order 1999