
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 Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations

31.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(1) are amended in accordance with paragraphs (2) to (9).

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

(a) after the definition of “the 1950 Act” insert—

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

(b) for the definition of “the benefit Acts”(2) substitute—

““the benefit Acts” means the Act, the Jobseekers Order, the State Pension Credit Act, the Welfare Reform Act, the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011, the Pensions Act (Northern Ireland) 2015 and Part 5 of the 2015 Order;”;

(c) in the definition of “person who requires overnight care”(3)—

(i) omit “or” at the end of sub-paragraph (a)(ii),

(ii) after sub-paragraph (a)(ii) insert—

“(iia) is in receipt of the daily living component of personal independence payment in accordance with Article 83 of the 2015 Order; or”, and

(iii) in sub-paragraph (a)(iii) for “or (ii)” substitute “, (ii) or (iia)”; and

(d) after that definition insert—

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

(3) In regulation 27(1)(h) (meaning of “income”), after head (ia)(4) insert—

“(ib) personal independence payment;”.

(1) [S.R. 2006 No. 406](#); relevant amending Rules are [S.R. 2007 No. 154](#), [S.R. 2008 No. 378](#), [S.R. 2011 Nos. 51, 135, 291](#) and [357](#), [S.I. 2013/3021](#), [S.R. 2014 No. 275](#) and [S.R. 2015 No. 411](#)

(2) The definition of “the benefit Acts” was amended by regulation 4(2)(a)(iii) of [S.R. 2008 No. 378](#) and Article 27(2)(b) of [S.I. 2013/3021](#) and is amended by Article 24(2) of [S.R. 2015 No. 411](#)

(3) The definition of “person who requires overnight care” was inserted by regulation 3(2) of [S.R. 2011 No. 51](#) and amended by Article 27(2)(c) of [S.I. 2013/3021](#)

(4) Head (ia) was inserted by Article 27(3) of [S.I. 2013/3021](#)

- (4) In regulation 29 (treatment of child care charges)—
- (a) after paragraph (11)(d)(vii)(5) add—
 - “(viii) personal independence payment;”;
 - (b) in paragraph (11)(e) for “or allowance to which head (ii), (iv), (v) or (vi)” substitute “, allowance or payment to which head (ii), (iv), (v), (vi) or (viii)”;
 - (c) omit “or” at the end of paragraph (13)(b)(6); and
 - (d) after paragraph (13)(c)(7) add—
 - “or
 - (d) in respect of whom personal independence payment is payable, or has ceased to be payable solely by virtue of regulations made under Article 91(1) of the 2015 Order (hospital in-patients).”.
- (5) In regulation 53 (non-dependant deductions)—
- (a) omit “or” at the end of paragraph (6)(b)(i)(8);
 - (b) after paragraph (6)(b)(ii) add—
 - “or
 - (iii) the daily living component of personal independence payment.”; and
 - (c) in paragraph (10)(a)(9) for “or disability living allowance” substitute “, disability living allowance or personal independence payment”.
- (6) In regulation 57(8)(10) (date on which change of circumstances is to take effect) for “or article 24A of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011” substitute “, article 24A of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011 or Part 5 of the 2015 Order”.
- (7) In Schedule 4 (applicable amounts)—
- (a) for paragraph 5(2)(11) substitute—
 - “(2) For the purposes of the carer premium under paragraph 9, a person shall be treated as being in receipt of a carer’s allowance under section 70 of the Act by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of—
 - (a) armed forces independence payment;
 - (b) attendance allowance;
 - (c) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act; or
 - (d) 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 6(12) (severe disability premium)—
 - (i) in sub-paragraph (2)(a)(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

(5) Regulation 29(11)(d)(vii) was inserted by regulation 4(6)(c)(iii) of [S.R. 2008 No. 378](#)

(6) Paragraph (13)(b) was substituted by regulation 6(2)(a) of [S.R. 2014 No. 275](#)

(7) Paragraph (13)(c) was amended by regulation 6(2)(b) of [S.R. 2014 No. 275](#)

(8) Paragraph (6)(b) was amended by Article 27(5)(a) of [S.I. 2013/3021](#)

(9) Paragraph (10)(a) was amended by Article 27(5)(b) of [S.I. 2013/3021](#)

(10) Regulation 57(8) was amended by Article 27(6) of [S.I. 2013/3021](#)

(11) Paragraph 5(2) was amended by Article 27(7)(a) of [S.I. 2013/3021](#)

(12) Paragraph 6 was amended by regulation 8(3) of [S.R. 2007 No. 154](#), regulation 10(3) of [S.R. 2011 No. 291](#), Article 27(7)(b) of [S.I. 2013/3021](#) and regulation 6(3) of [S.R. 2014 No. 275](#)

- Act” substitute “the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 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)(b)(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 Act” substitute “the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 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”,
 - (iii) in sub-paragraph (2)(b)(ii) after “allowance” in each place where it appears insert “or payment”,
 - (iv) in sub-paragraph (6)(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 Act” substitute “the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 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
 - (v) after sub-paragraph (7)(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 payment ceasing by virtue of regulations made under Article 91(1) of the 2015 Order (hospital in-patients), be so in receipt.”;
- (c) in paragraph 7 (enhanced disability premium) for sub-paragraph (1)(13) substitute—
“(1) Subject to sub-paragraph (2), the condition is that—
(a) in respect of a child or young person who is a member of the claimant’s family—
 - (i) the care component of disability living allowance is, or would be, but for a suspension of benefit in accordance with regulations under section 113(2) of the Act or but for an abatement as a consequence of hospitalisation, payable at the highest rate prescribed under section 72(3) of the Act, or
 - (ii) the daily living component of personal independence payment is payable, or has ceased to be payable by virtue of regulations under Article 91(1) of the 2015 Order (hospital in-patients), at the enhanced rate under Article 83(2) of that Order; or
(b) armed forces independence payment is payable in respect of a young person who is a member of the claimant’s family.”; and
- (d) in paragraph 8 (disabled child premium), after sub-paragraph (c)(14) add—
“or
(d) is a young person who is in receipt of personal independence payment or who would, but for payment ceasing by virtue of 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.”.

(13) Paragraph 7 was amended by regulation 13(a) of [S.R. 2011 No. 135](#), regulation 20(8)(b) of [S.R. 2011 No. 357](#) and Article 27(7)(c) of [S.I. 2013/3021](#)

(14) Paragraph 8(c) was substituted by regulation 13(b) of [S.R. 2011 No. 135](#)

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(8) In paragraph 5(1)(a)(**15**) of Schedule 5 (sums disregarded from claimant's earnings) after sub-head (vii) add—

“(viii) personal independence payment;”.

(9) In Schedule 7(**16**) (capital to be disregarded) after paragraph 21(2)(b) insert—

“(ba) personal independence payment;”.

(15) Paragraph 5(1)(a) was amended by regulation 4(12) of S.R. 2008 No. 378 and Article 27(8) of S.I. 2013/3021

(16) There are amendments to Schedule 7 which are not relevant to these Regulations