
STATUTORY RULES OF NORTHERN IRELAND

2017 No. 69

SOCIAL SECURITY

**The Personal Independence Payment
(Amendment) Regulations (Northern Ireland) 2017**

<i>Made</i>	- - - -	<i>29th March 2017</i>
<i>Laid before Parliament-</i>		<i>30th March 2017</i>
<i>Coming into operation</i>		<i>20th April 2017</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by Articles 85(1) and (3)(b) and (c) and 99(1)(a) of the Welfare Reform (Northern Ireland) Order 2015(1).

Those powers are exercisable by the Secretary of State by virtue of Article 4(1)(a) of the Welfare Reform (Northern Ireland) Order 2015(2).

Citation and commencement

1. These Regulations may be cited as the Personal Independence Payment (Amendment) Regulations (Northern Ireland) 2017 and come into operation on 20th April 2017.

Amendment of the Personal Independence Payment Regulations (Northern Ireland) 2016

2.—(1) Schedule 1 to the Personal Independence Payment Regulations (Northern Ireland) 2016(3) (personal independence payment assessment) is amended in accordance with paragraphs (2) to (4).

(2) In Part 1 (interpretation)—

- (a) in the defined term “manage medication or therapy” omit “or therapy”;
- (b) in the definition of that term omit “or undertake therapy”;
- (c) after that definition insert—

““manage therapy” means undertake therapy, where a failure to do so is likely to result in a deterioration in C’s health;”;

(1) [S.I. 2015/2006 \(N.I. 1\)](#)

(2) Article 4(1)(a) was amended by Article 4(2)(a) of the Welfare Reform and Work (Northern Ireland) Order 2016 ([S.I. 2016/999 \(N.I. 1\)](#))

(3) [S.R. 2016 No. 217](#)

- (d) in the defined term “monitor health”, for “monitor health” substitute “monitor a health condition”; and
 - (e) in the definition of “therapy” at the end insert (as full-out words)—
 - “but does not include taking or applying, or otherwise receiving or administering, medication (whether orally, topically or by any other means), or any action which, in C’s case, falls within the definition of “monitor a health condition”.”.
- (3) In the table in Part 2 (daily living activities), in relation to activity 3 (managing therapy or monitoring a health condition), in descriptor b—
- (a) for “either” substitute “any one or more of the following”;
 - (b) omit “or” at the end of paragraph (i);
 - (c) in paragraph (ii) omit “or monitor a health condition”; and
 - (d) after paragraph (ii) add—
 - “(iii) supervision, prompting or assistance to be able to monitor a health condition.”.
- (4) In the table in Part 3 (mobility activities) in relation to activity 1 (planning and following journeys) in descriptors c, d and f for “Cannot” substitute “For reasons other than psychological distress, cannot”.

Signed by authority of the Secretary of State for Work and Pensions.

29th March 2017

Penny Mordaunt
Minister of State
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Schedule 1 to the Personal Independence Payment Regulations (Northern Ireland) 2016 ([S.R. 2016 No. 217](#)) which sets out the activities to be assessed when determining entitlement for Personal Independence Payment and the way in which a claimant's ability to carry out those activities is to be scored.

Regulation 2(2) separates the definition of "manage medication or therapy" in Part 1 of the Schedule into two definitions ("manage medication" and "manage therapy"). It also amends the definition of "therapy" to make it clear that this does not include receiving or administering medication by any means, or any action which (in the case of the particular claimant being assessed) falls within the definition of "monitor a health condition".

Regulation 2(3) amends the activity "managing therapy or monitoring a health condition" in Part 2 of the Schedule (daily living activities) to make it clear that descriptor b (need for an aid, appliance, prompting, supervision or assistance to be able to manage medication or monitor a health condition) remains the appropriate descriptor even if two or more elements in that descriptor are satisfied.

Regulation 2(4) makes clear that in the activity "planning and following journeys" in Part 3 of the Schedule (mobility activities) the effects of psychological distress are not relevant to descriptors c, d or f (planning or following the route of a journey).

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sector is foreseen.