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STATUTORY RULES OF NORTHERN IRELAND

2020 No. 245

SOCIAL SECURITY

**The Personal Independence Payment (Amendment) Regulations
(Northern Ireland) 2020**

Made - - - - - *9th November 2020*
Coming into operation - *30th November 2020*

The Department for Communities^(a) makes the following Regulations in exercise of the powers conferred by Article 88(3) of the Welfare Reform (Northern Ireland) Order 2015^(b).

Citation and commencement

1. These Regulations may be cited as the Personal Independence Payment (Amendment) Regulations (Northern Ireland) 2020 and shall come into operation on 30th November 2020.

Amendment of the Personal Independence Payment Regulations

2.—(1) Regulation 27 (revision and supersession of an award after the person has reached the relevant age) of the Personal Independence Payment Regulations (Northern Ireland) 2016^(c) is amended in accordance with paragraphs (2) and (3).

(2) For paragraph (2) substitute—

“(2) Where the original award includes an award of the mobility component and is superseded—

- (a) pursuant to regulation 23 of the Decisions and Appeals Regulations for a relevant change of circumstance which occurred after C reached the relevant age; or
- (b) pursuant to regulation 26(1)(a) of the Decisions and Appeals Regulations, where—
 - (i) the application for supersession was made by C after C reached the relevant age, or
 - (ii) the supersession proceedings were initiated by the Department after C reached the relevant age,

the restrictions in paragraph (3) apply in relation to the supersession.”.

(a) See section 1(7) of the Departments Act (Northern Ireland) 2016 (c.5 (N.I.))
(b) S.I. 2015/2006 (N.I. 1)
(c) S.R. 2016 No. 217

(3) After paragraph (2) insert—

“(2A) In paragraph (2) the “Decisions and Appeals Regulations” means the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations (Northern Ireland) 2016(a).”.

Sealed with the Official Seal of the Department for Communities on 9th November 2020

(L.S.)

Anne McCleary

A senior officer of the Department for Communities

EXPLANATORY NOTE

(This note is not part of the Regulations)

Under Article 88(1) of the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015 N.I. 1) (“the Order”) a person is not entitled to the daily living or mobility components of Personal Independence Payment for any period after they reach the relevant age (defined in Article 88(2) of the Order as pensionable age or, if higher, 65) (“the age restriction”).

Regulation 27(1) of the Personal Independence Payment (Northern Ireland) Regulations 2016 (S.R. 2016 No. 217) (“the PIP Regulations”) provides that the age restriction does not apply where the person has reached the relevant age, is entitled to an award of either or both components pursuant to an exception in regulation 25 or 26 of the PIP Regulations, and that award falls to be revised or superseded. Regulation 27(2) of the PIP Regulations modifies regulation 27(1) such that entitlement to the mobility component is restricted, as set out in regulation 27(3), where the original award is superseded for a change of circumstances which occurred after the person reached the relevant age.

Regulation 2 of these Regulations amends regulation 27(2) of the PIP Regulations so that the regulation 27(3) restriction applies not only where the original award is superseded for a change of circumstances that occurred after the claimant reached the relevant age, but also where it is superseded as a result of receipt of medical evidence from a healthcare professional or other person approved by the Department where the application for supersession (or Department action initiating a supersession) began after the claimant reached the relevant age.

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to the Social Security Administration (Northern Ireland) Act 1992, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

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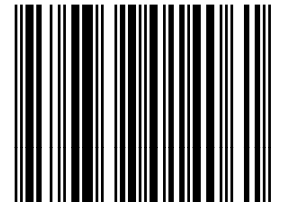
(a) S.R. 2016 No. 221

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