
STATUTORY INSTRUMENTS

2015 No. 2006

The Welfare Reform (Northern Ireland) Order 2015

PART 5

Personal independence payment

Personal independence payment

Personal independence payment

82.—(1) An allowance known as personal independence payment is payable in accordance with this Part.

(2) A person's entitlement to personal independence payment may be an entitlement to—

- (a) the daily living component (see Article 83);
- (b) the mobility component (see Article 84); or
- (c) both those components.

(3) A person is not entitled to personal independence payment unless the person meets prescribed conditions relating to residence and presence in Northern Ireland.

Commencement Information

- I1** [Art. 82\(1\)\(2\)](#) in operation at 20.6.2016 by [S.R. 2016/215](#), [art. 3\(2\)](#)
- I2** [Art. 82\(3\)](#) in operation at 2.5.2016 for specified purposes by [S.R. 2016/215](#), [art. 2\(5\)\(a\)](#)
- I3** [Art. 82\(3\)](#) in operation at 20.6.2016 in so far as not already in operation by [S.R. 2016/215](#), [art. 3\(2\)](#)

Daily living component

83.—(1) A person is entitled to the daily living component at the standard rate if—

- (a) the person's ability to carry out daily living activities is limited by the person's physical or mental condition; and
- (b) the person meets the required period condition.

(2) A person is entitled to the daily living component at the enhanced rate if—

- (a) the person's ability to carry out daily living activities is severely limited by the person's physical or mental condition; and
- (b) the person meets the required period condition.

(3) In this Article, in relation to the daily living component—

- (a) “the standard rate” means such weekly rate as may be prescribed;
- (b) “the enhanced rate” means such weekly rate as may be prescribed.

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015, Cross Heading: Personal independence payment is up to date with all changes known to be in force on or before 09 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(4) In this Part “daily living activities” means such activities as may be prescribed for the purposes of this Article.

(5) See Articles 85 and 86 for provision about determining—

- (a) whether the requirements of paragraph (1)(a) or (2)(a) are met;
- (b) whether a person meets “the required period condition” for the purposes of paragraph (1)(b) or (2)(b).

(6) This Article is subject to the provisions of this Part, or regulations under it, relating to entitlement to the daily living component (see in particular Articles 87 (terminal illness) and 88 (persons of pensionable age)).

Commencement Information

I4 [Art. 83\(1\)\(2\)\(5\)\(6\)](#) in operation at 20.6.2016 by [S.R. 2016/215](#), [art. 3\(2\)](#)

I5 [Art. 83\(3\)\(4\)](#) in operation at 2.5.2016 by [S.R. 2016/215](#), [art. 2\(5\)\(b\)](#)

Mobility component

84.—(1) A person is entitled to the mobility component at the standard rate if—

- (a) the person is of or over the age prescribed for the purposes of this paragraph;
- (b) the person's ability to carry out mobility activities is limited by the person's physical or mental condition; and
- (c) the person meets the required period condition.

(2) A person is entitled to the mobility component at the enhanced rate if—

- (a) the person is of or over the age prescribed for the purposes of this paragraph;
- (b) the person's ability to carry out mobility activities is severely limited by the person's physical or mental condition; and
- (c) the person meets the required period condition.

(3) In this Article, in relation to the mobility component—

- (a) “the standard rate” means such weekly rate as may be prescribed;
- (b) “the enhanced rate” means such weekly rate as may be prescribed.

(4) In this Part “mobility activities” means such activities as may be prescribed for the purposes of this Article.

(5) See Articles 85 and 86 for provision about determining—

- (a) whether the requirements of paragraph (1)(b) or (2)(b) are met;
- (b) whether a person meets “the required period condition” for the purposes of paragraph (1)(c) or (2)(c).

(6) This Article is subject to the provisions of this Part, or regulations under it, relating to entitlement to the mobility component (see in particular Articles 87 and 88).

(7) Regulations may provide that a person is not entitled to the mobility component for a period (even though the requirements in paragraph (1) or (2) are met) in prescribed circumstances where the person's condition is such that during all or most of the period the person is unlikely to benefit from enhanced mobility.

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Commencement Information

- I6** [Art. 84\(1\)\(2\)\(5\)\(6\)](#) in operation at 20.6.2016 by [S.R. 2016/215](#), [art. 3\(2\)](#)
I7 [Art. 84\(3\)\(4\)\(7\)](#) in operation at 2.5.2016 by [S.R. 2016/215](#), [art. 2\(5\)\(b\)](#)

Ability to carry out daily living activities or mobility activities

85.—(1) For the purposes of this Part, the following questions are to be determined in accordance with regulations—

- (a) whether a person's ability to carry out daily living activities is limited by the person's physical or mental condition;
- (b) whether a person's ability to carry out daily living activities is severely limited by the person's physical or mental condition;
- (c) whether a person's ability to carry out mobility activities is limited by the person's physical or mental condition;
- (d) whether a person's ability to carry out mobility activities is severely limited by the person's physical or mental condition.

(2) Regulations must make provision for determining, for the purposes of each of Articles 83(1) and (2) and 84(1) and (2), whether a person meets “the required period condition” (see further Article 86).

(3) Regulations under this Article—

- (a) must provide for the questions mentioned in paragraphs (1) and (2) to be determined, except in prescribed circumstances, on the basis of an assessment (or repeated assessments) of the person;
- (b) must provide for the way in which an assessment is to be carried out;
- (c) must provide for relevant medical evidence to be taken into account in assessing a person and may make provision about other matters which are, or are not, to be taken into account.

(4) The regulations may, in particular, make provision—

- (a) about the information or evidence required for the purpose of determining the questions mentioned in paragraphs (1) and (2);
- (b) about the way in which that information or evidence is to be provided;
- (c) requiring a person to participate in such a consultation, with a person approved by the Department, as may be determined under the regulations (and to attend for the consultation at a place, date and time determined under the regulations).

(5) The regulations may include provision—

- (a) for a negative determination to be treated as made if a person fails without a good reason to comply with a requirement imposed under paragraph (4);
- (b) about what does or does not constitute a good reason for such a failure;
- (c) about matters which are, or are not, to be taken into account in determining whether a person has a good reason for such a failure.

(6) In paragraph (5)(a) a “negative determination” means a determination that a person does not meet the requirements of—

- (a) Article 83(1)(a) and (b) or (2)(a) and (b) (daily living component);
- (b) Article 84(1)(a) to (c) or (2)(a) to (c) (mobility component).

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Commencement Information

I8 [Art. 85](#) in operation at 2.5.2016 by [S.R. 2016/215](#), [art. 2\(5\)\(b\)](#)

Required period condition: further provision

86.—(1) Regulations under Article 85(2) must provide for the question of whether a person meets “the required period condition” for the purposes of Article 83(1) or (2) or 84(1) or (2) to be determined by reference to—

- (a) whether, as respects every time in the previous 3 months, it is likely that if the relevant ability had been assessed at that time that ability would have been determined to be limited or (as the case may be) severely limited by the person's physical or mental condition; and
- (b) whether, as respects every time in the next 9 months, it is likely that if the relevant ability were to be assessed at that time that ability would be determined to be limited or (as the case may be) severely limited by the person's physical or mental condition.

(2) In paragraph (1) “the relevant ability” means—

- (a) in relation to Article 83(1) or (2), the person's ability to carry out daily living activities;
- (b) in relation to Article 84(1) or (2), the person's ability to carry out mobility activities.

(3) In paragraph (1)—

- (a) “assessed” means assessed in accordance with regulations under Article 85;
- (b) “the previous 3 months” means the 3 months ending with the prescribed date;
- (c) “the next 9 months” means the 9 months beginning with the day after that date.

(4) Regulations under Article 85(2) may provide that in prescribed cases the question of whether a person meets “the required period condition” for the purposes of Article 83(1) or (2) or 84(1) or (2)—

- (a) is not to be determined in accordance with the provision made by virtue of paragraphs (1) to (3);
- (b) is to be determined in accordance with provision made in relation to those cases by the regulations.

Commencement Information

I9 [Art. 86](#) in operation at 2.5.2016 by [S.R. 2016/215](#), [art. 2\(5\)\(b\)](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.R. 2009/4 by [S.R. 2019/107 art. 2](#)
- specified provision(s) amendment to earlier commencing S.R. 2017/190 by [S.R. 2019/4 art. 5](#)
- specified provision(s) amendment to earlier commencing S.R. 2017/190 by [S.R. 2019/7 art. 3](#)
- specified provision(s) amendment to earlier commencing S.R. 2017/216 by [S.R. 2018/1 art. 7](#)
- specified provision(s) amendment to earlier commencing SR 2016/46, art. 5(a) by [S.R. 2016/166 art. 3](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Pts. 25 modified by [S.R. 2019/212 art. 2\(2\)\(g\)](#) (This amendment not applied to legislation.gov.uk SR 2019/212 revoked (19.12.2020) by SR 2020/348, art. 1(2)(2))
- art. 56(1) repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)