
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 228

**The Personal Independence Payment
(Supplementary Provisions and Consequential
Amendments) Regulations (Northern Ireland) 2016**

PART 1

SUPPLEMENTARY PROVISIONS

Adjustment of personal independence payment where medical expenses are paid from public funds under war pensions instruments

2.—(1) Paragraph (2) applies where a person (“P”) is provided with relevant accommodation.

(2) Subject to regulation 3, where there are payable in respect of P both a payment under Article 25B or Article 21 and personal independence payment which is attributable to the daily living component in accordance with Article 83 of the 2015 Order, the personal independence payment, in so far as it is so attributable, is to be adjusted by deducting from it the amount of the payment under Article 25B or Article 21, as the case may be, and only the balance is payable.

(3) In paragraph (2)—

“Article 25B” means Article 25B of the Personal Injuries (Civilians) Scheme 1983(1) (medical expenses) and includes that Article as applied by Article 48B of that Scheme;

“Article 21” means Article 21 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006(2) (medical expenses);

and in both this regulation and regulation 3 “relevant accommodation” means accommodation provided as necessary ancillary to nursing care where the medical expenses involved are wholly borne by the Secretary of State pursuant to Article 25B or Article 21 and “the 2015 Order” means the Welfare Reform (Northern Ireland) Order 2015.

Exemption from regulation 2

3.—(1) Regulation 2 does not apply to P in respect of the first 28 days of any period during which the amount of any personal independence payment attributable to the daily living component in accordance with Article 83 of the 2015 Order would be liable to be adjusted by virtue of regulation 2.

(2) For the purposes of paragraph (1), two or more distinct periods separated by an interval not exceeding 28 days, or by two such intervals, are to be treated as a continuous period equal in duration to the aggregate of such distinct periods and ending on the last day of the later or last such period.

(1) [S.I. 1983/686](#); Articles 25B and 48B were inserted by Articles 6 and 11 of [S.I. 1984/1289](#) respectively and Article 25B was substituted by Article 3 of [S.I. 1999/262](#)

(2) [S.I. 2006/606](#); Article 21 was amended by Article 4 of [S.I. 2006/1455](#)

(3) For the purposes of this regulation, a “relevant day” in relation to P means a day which fell not earlier than 28 days before the first day on which P was provided with relevant accommodation and either—

- (a) was a day when P was undergoing medical treatment in a hospital or similar institution in any of the circumstances mentioned in regulation 29 of the Personal Independence Payment Regulations (Northern Ireland) 2016⁽³⁾; or
- (b) was a day when P was, or would but for regulation 30 of those Regulations have been, prevented from receiving personal independence payment attributable to the daily living component by virtue of regulation 29(1) of those Regulations,

and where there is in relation to P a relevant day, paragraph (1) has effect as if for “28 days” there was substituted such lesser number of days as is produced by subtracting from 28 the number of relevant days in that case.

Amendment of the Disabled Persons (Badges for Motor Vehicles) Regulations

4.—(1) The Disabled Persons (Badges for Motor Vehicles) Regulations (Northern Ireland) 1993⁽⁴⁾ are amended in accordance with paragraphs (2) and (3).

(2) After regulation 4(2)(f)⁽⁵⁾ (descriptions of disabled persons) add—

- “(g) receives the mobility component of personal independence payment at either the standard rate or the enhanced rate under Article 84(3) of the Welfare Reform (Northern Ireland) Order 2015 by virtue of obtaining a score of at least 8 points in relation to the “moving around” activity in an assessment carried out under the Personal Independence Payment Regulations (Northern Ireland) 2016.”.

(3) In regulation 5(b)⁽⁶⁾ (period for which a badge issues)—

- (a) for “or (d)” substitute “, (d) or (g)”; and
- (b) in head (ii) for “or the mobility supplement” substitute “, the mobility supplement or the mobility component of personal independence payment”.

(3) S.R. 2016 No. 217

(4) S.R. 1993 No. 202; relevant amending Regulations are S.R. 2008 No. 501 and S.R. 2015 No. 407

(5) Regulation 4 was substituted by regulation 2(4) of S.R. 2008 No. 501 and amended by regulation 2(2) of S.R. 2015 No. 407

(6) Regulation 5 was substituted by regulation 2(5) of S.R. 2008 No. 501 and amended by regulation 2(3) of S.R. 2015 No. 407