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STATUTORY RULES OF NORTHERN IRELAND

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**2016 No. 228**

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

**PART 2**

**CONSEQUENTIAL AMENDMENTS**

**Amendment of the Employment and Support Allowance Regulations**

**34.**—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008<sup>(1)</sup> are amended in accordance with paragraphs (2) to (7).

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

(a) before the definition of “Abbeyfield Home” insert—

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

(b) after the definition of “couple” insert—

““daily living component” means the daily living component of personal independence payment under Article 83 of the 2015 Order;”;

(c) after the definition of “period of study” insert—

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

(3) In regulation 18<sup>(2)</sup> (circumstances in which the condition that the claimant is not receiving education does not apply) for “or a disability living allowance” substitute “, disability living allowance or personal independence payment”.

(4) In regulation 158(3)<sup>(3)</sup> (meaning of “person in hardship”)—

(a) in sub-paragraph (b) for “or the care component” substitute “, the care component or the daily living component”;

(b) in sub-paragraph (c) for “or disability living allowance” substitute “, disability living allowance or personal independence payment”;

(c) in sub-paragraph (d)(i) for “or the care component” substitute “, the care component or the daily living component”;

(d) in sub-paragraph (d)(ii) for “or disability living allowance” substitute “, disability living allowance or personal independence payment”.

(5) In Schedule 4 (amounts)—

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(1) [S.R. 2008 No. 280](#); relevant amending Rules are [S.R. 2008 No. 413](#), [S.R. 2010 No. 103](#), [S.R. 2011 Nos. 357 and 368](#) and [S.I. 2013/3021](#)

(2) Regulation 18 was amended by Article 28(3) of [S.I. 2013/3021](#)

(3) Regulation 158(3) was amended by regulation 11(3) of [S.R. 2010 No. 103](#) and Article 28(4) of [S.I. 2013/3021](#)

- (a) for paragraph 4(2)(4) substitute—
- “(2) For the purposes of the carer premium under paragraph 8, a claimant is to be treated as being in receipt of a carer’s allowance 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 Contributions and Benefits 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 (severe disability premium)—
- (i) in sub-paragraph (2)(a)(i)(5) after “the care component” insert “, the daily living component”,
  - (ii) in sub-paragraph (2)(b)(i) after “the care component” insert “, the daily living component”,
  - (iii) in sub-paragraph (2)(b)(ii) after “care component” in each place where it occurs insert “, the daily living component”,
  - (iv) in sub-paragraph (4)(a)(6) after “attendance allowance” insert “, the daily living component”, and
  - (v) after sub-paragraph (5)(b) add—
    - “(c) as being entitled to, and in receipt of, the daily living component if the person would, but for regulations under Article 91(1) of the 2015 Order (hospital in-patients), be so entitled and in receipt.”; and
- (c) in paragraph 7(7) (enhanced disability premium)—
- (i) omit “or” at the end of sub-paragraph (1)(aa), and
  - (ii) after sub-paragraph (1)(b) add—
 

“or

    - (c) the daily living component is, or would, but for regulations made under Article 91(1) of the 2015 Order (hospital in-patients), be payable at the enhanced rate under Article 83(2) of that Order in respect of—
      - (i) the claimant, or
      - (ii) the claimant’s partner (if any) who is aged less than the qualifying age for state pension credit.”.
- (6) In Schedule 6 (housing costs)—
- (a) in paragraph 15(11)(b)(8) (linking rules) for “or disability living allowance” substitute “, disability living allowance or personal independence payment”; and
  - (b) in paragraph 19 (non-dependant deductions)—

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(4) Paragraph 4(2) was amended by Article 28(5)(a) of [S.I. 2013/3021](#)

(5) Paragraph 6(2) was amended by regulation 21(14) of [S.R. 2011 No. 357](#), regulation 5(5)(b) of [S.R. 2011 No. 368](#) and Article 28(5)(b)(i), (ii) and (iii) of [S.I. 2013/3021](#)

(6) Paragraph 6(4) was amended by Article 28(5)(b)(iv) of [S.I. 2013/3021](#)

(7) Paragraph 7 was amended by Article 28(5)(c) of [S.I. 2013/3021](#)

(8) Paragraph 15(11)(b) was substituted by regulation 3(30)(d) of [S.R. 2008 No. 413](#) and amended by Article 28(6)(a) of [S.I. 2013/3021](#)

- (i) omit “or” at the end of sub-paragraph (6)(b)(i)(9),
  - (ii) after sub-paragraph (6)(b)(ii) add—
    - “or
    - (iii) the daily living component.”, and
    - (iii) in sub-paragraph (8)(a)(10) for “or disability living allowance” substitute “, disability living allowance or personal independence payment”.
- (7) In Schedule 8 (sums to be disregarded in the calculation of income other than earnings)—
- (a) in paragraph 8 after “disability living allowance” insert “or the mobility component of personal independence payment”; and
  - (b) in paragraph 11 for “or the care component of disability living allowance” substitute “, the care component of disability living allowance or the daily living component”.

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(9) Sub-paragraph (6)(b) was amended by Article 28(6)(b)(i) of S.I. 2013/3021

(10) Sub-paragraph (8)(a) was amended by Article 28(6)(b)(ii) of S.I. 2013/3021