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## STATUTORY INSTRUMENTS

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### 2015 No. 2006

#### The Welfare Reform (Northern Ireland) Order 2015

### PART 5

#### Personal independence payment

##### *Personal independence payment*

#### **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.

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#### **Commencement Information**

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

**Changes to legislation:**

The Welfare Reform (Northern Ireland) Order 2015, Section 86 is up to date with all changes known to be in force on or before 11 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.

[View outstanding changes](#)

**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](#)