
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 220

**The Universal Credit, Personal Independence Payment,
Jobseeker's Allowance and Employment and Support Allowance
(Claims and Payments) Regulations (Northern Ireland) 2016**

PART 6

Mobility component of personal independence payment

Cases where mobility component of personal independence payment not payable

56.—(1) Subject to the following provisions of this regulation, personal independence payment by virtue of entitlement to the mobility component is not payable to any person who would otherwise be entitled to it during any period in respect of which that person has received, or is receiving, any payment—

- (a) by way of a grant under Article 30 of the Health and Personal Social Services (Northern Ireland) Order 1972 ^{M1} towards the costs of running a private car;
- (b) of mobility supplement under—
 - (i) the Naval, Military and Air Forces etc., (Disablement and Death) Service Pensions Order 2006 ^{M2},
 - (ii) the Personal Injuries (Civilians) Scheme 1983 ^{M3}, or
 - (iii) the Order referred to in head (i) by virtue of the War Pensions (Naval Auxiliary Personnel) Scheme 1964 ^{M4}, the Pensions (Polish Forces) Scheme 1964 ^{M5}, the War Pensions (Mercantile Marine) Scheme 1964 ^{M6} or an Order of Her Majesty in relation to the Home Guard dated 21st or 22nd December 1964 ^{M7} or in relation to the Ulster Defence Regiment dated 4th January 1971 ^{M8}; or
- (c) out of public funds which the Department is satisfied is analogous to a payment under sub-paragraph (a) or (b).

(2) Paragraph (3) applies where a person in respect of whom personal independence payment is claimed for any period has received any such payment as is referred to in paragraph (1) for a period which, in whole or in part, covers the period for which personal independence payment is claimed.

(3) Such payment referred to in paragraph (1) is to be treated as an aggregate of equal weekly amounts in respect of each week in the period for which it is made and, where in respect of any such week a person is treated as having a weekly amount so calculated which is less than the weekly rate of the mobility component of personal independence payment to which, apart from paragraph (1) the person would be entitled, any personal independence payment to which that person may be entitled for that week is to be payable at a weekly rate reduced by the weekly amount so calculated.

Marginal Citations

- M1** S.I. 1972/1265 (N.I. 14).
M2 S.I. 2006/606.
M3 S. I. 1983/686.
M4 S.I. 1964/1985.
M5 S.I. 1964/2007.
M6 S. I. 1964/2058.
M7 Cmnd. 2563 and 2564.
M8 Cmnd. 4567.

Payment of personal independence payment on behalf of a claimant (Motability)

57.—(1) This regulation applies where—

- (a) personal independence payment is payable in respect of a claimant by virtue of entitlement to the mobility component at the enhanced rate; and
- (b) under arrangements made or negotiated by Motability, an agreement has been entered into by or on behalf of the claimant for the hire or hire-purchase of a vehicle.

(2) Where this regulation applies, the Department may arrange that any personal independence payment by virtue of entitlement to the mobility component at the enhanced rate be paid in whole or in part on behalf of the claimant in settlement of liability for payments due under the agreement mentioned in paragraph (1).

(3) Subject to regulations 58 and 59, in the case of the hire of a vehicle, an arrangement made by the Department under paragraph (2) terminates—

- (a) where the vehicle is returned to the owner at or before the expiration of the term of hire or any agreed extension of the term of hire, on expiry of the period of the term or extended term;
- (b) where the vehicle is retained by or on behalf of the claimant with the owner's consent after the expiration of the term of hire or any agreed extension of the term of hire, on expiry of the period of the term or extended term; or
- (c) where the vehicle is retained by or on behalf of the claimant otherwise than with the owner's consent after the expiration of the term of hire or any agreed extension of the term of hire, or its earlier termination, on expiry of whichever is the longer of the following periods—
 - (i) the period ending with the return of the vehicle to the owner, or
 - (ii) the period of the term of hire or any agreed extension of the term of hire.

(4) Subject to regulations 58 and 59 in the case of a hire-purchase agreement, an arrangement made by the Department under paragraph (2) terminates—

- (a) on the purchase of the vehicle; or
- (b) where the vehicle is returned to, or is repossessed by, the owner under the terms of the agreement before the completion of the purchase, at the end of the original period of the agreement.

(5) In this regulation “Motability” means the company, set up under that name as a charity and originally incorporated under the Companies Act 1985^{M9} and subsequently incorporated by Royal Charter.

Marginal Citations

M9 [1985 c. 6.](#)

[^{F1} Recovery of expenses

57A.—(1) Paragraph 2 applies where—

- (a) an agreement referred to in regulation 57(1)(b) has been entered into; and
- (b) a relevant provider is receiving payments of personal independence payment in settlement of liability for payments due under that agreement.

(2) The Department may require the relevant provider to make payments to meet the reasonable expenses of the Department in administering the making of the payments of personal independence payment to the relevant provider.

(3) The method by which the expenses under paragraph (2) are to be met is for the Department to issue an invoice to the relevant provider setting out the expenses that have been incurred and for the relevant provider to pay the sum stated to the Department.

(4) The first invoice issued by the Department may recover expenses incurred on or after 7th November 2016.

(5) Subsequently the Department may issue invoices no more frequently than annually and only in respect of expenses incurred since the period covered by the previous invoice.

(6) The expenses that the Department may take into account for the purposes of paragraph (2) include—

- (a) the salaries and other costs relating to the employment of staff wholly engaged in the administering of the payments of personal independence payment and where staff have other responsibilities, an apportioned amount of those costs; and
- (b) overheads, including rent and other shared costs, relating to those staff.

(7) In determining what expenses were reasonably incurred in administering the making of payments of personal independence payment to a relevant provider, the Department must have regard to any agreement between the Department and the relevant provider concerning the level of service to be provided by the Department in the making of such payments to that relevant provider.]

Textual Amendments

F1 [Reg. 57A](#) inserted (7.11.2016) by [The Social Security \(Expenses of Paying Sums in Relation to Vehicle Hire\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/376\)](#), regs. 1, 3

Power of the Department to terminate an arrangement (Motability)

58. The Department may terminate an arrangement under regulation 57(2) on such date as the Department decides—

- (a) if requested to do so by the owner of the vehicle to which the arrangement relates; or
- (b) if it appears to the Department that the arrangement is causing undue hardship to the claimant and that it should be terminated earlier than provided for by regulation 57(3) or (4).

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016, PART 6. (See end of Document for details)

Restriction on duration of arrangements by the Department (Motability)

59. The Department must terminate an arrangement under regulation 57(2) where the Department is satisfied that—

- (a) the vehicle to which the arrangement relates has been returned to the owner; and
- (b) the expenses of the owner arising out of the hire or hire-purchase agreement have been recovered following the return of the vehicle.

Changes to legislation:

There are currently no known outstanding effects for the The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016, PART 6.