
STATUTORY INSTRUMENTS

2022 No. 177

The Social Security (Disability Assistance for Working Age People) (Consequential Amendments) Order 2022

PART 3

Amendment of legislation applying in relation to Northern Ireland

Amendment of the Personal Independence Payment Regulations (Northern Ireland) 2016

30.—(1) The Personal Independence Payment Regulations (Northern Ireland) 2016⁽¹⁾ are amended as follows.

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

(a) before the definition of “aid or appliance” insert—

““adult disability payment has the meaning given in regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022;”;

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

““child disability payment” has the meaning given in regulation 2 of the Disability Assistance for Children and Young People (Scotland) Regulations 2021;”;

(c) in the definition of “prescribed date” after “regulation 15” insert “or 15A”.

(3) In regulations 7(3)(a)(i) and 7(3)(b)(i) (scoring: further provision), after “regulation 15” insert “or 15A”.

(4) In regulation 14 (the prescribed date) after “regulation 15(2) or (3)” insert “or regulation 15A(2) or (3)”.

(5) In regulation 15 (the prescribed date: claims for personal independence payment after an interval)—

(a) in paragraph (1)(b), after “a previous award” insert “for personal independence payment or adult disability payment”;

(b) in paragraph (1)(c) after “referred to in sub-paragraph (b)” insert “where that award was in respect of personal independence payment or adult disability payment”; and

(c) in paragraph (2)(a) and (3)(a) after “previous award ended” insert “where that award was in respect of personal independence payment or adult disability payment”;

(6) After regulation 15 insert—

“The prescribed date: claims for personal independence payment after award of child disability payment

15A.—(1) Where C makes a claim for personal independence payment (“the new claim”) and had a previous award of child disability payment, which ended not more than 2 years

before the date on which the new claim is made, and is aged 16 years or over at the date of the new claim, paragraphs (2), (3) and (4) apply.

(2) In relation to determination of entitlement under the new claim—

- (a) the prescribed date for the purposes of regulations 12(1)(a) and (2)(a) and 13(1)(a) and (2)(a) is the date on which the previous award ended, where that award was in respect of child disability payment;
- (b) regulations 12(1)(b) and (2)(b) and 13(1)(b) and (2)(b) have effect in relation to the new claim as if, for the words “the prescribed date” there were substituted “the date on which the new claim for personal independence payment is made”.

(3) Where C is awarded either or both components under the new claim, in relation to entitlement to that component or, as the case may be, those components, for the period of 3 months following the date of the new claim—

- (a) the prescribed date for the purposes of regulations 12(1)(a) and (2)(a) and 13(1)(a) and (2)(a) is the date on which the previous award ended, where that award was in respect of child disability payment; and
- (b) regulations 12(1)(b) and (2)(b) and 13(1)(b) and (2)(b) have effect in relation to that award as if for the words “the prescribed date” there were substituted “each day of the award”.

(4) C is to be regarded as meeting such of the conditions (as modified by paragraphs (2) and (3) above) in—

- (a) regulation 12(1)(a) or (2)(a) (required period condition: daily living component);
- (b) regulation 13(1)(a) or (2)(a) (required period condition: mobility component),

as are relevant to C’s new claim, regardless of whether those conditions have been met.”.

(7) In regulation 26 (claim for personal independence payment after an interval and after reaching the relevant age) in paragraphs (2)(c)(i), (2)(c)(ii) and (2)(d) after “previous award” insert “of personal independence payment or adult disability payment”.