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STATUTORY RULES OF NORTHERN IRELAND

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**2016 No. 227**

**The Personal Independence Payment (Transitional Provisions) Regulations (Northern Ireland) 2016**

**Interpretation**

2.—(1) In these Regulations—

“the 1998 Order” means the Social Security (Northern Ireland) Order 1998(1);

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

“the 1987 Regulations” means the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(2);

“appropriate office” has the meaning given by regulation 2(1) of the Claims and Payments Regulations(3) (interpretation);

“assessment determination” means the determination, under regulation 4 of the Personal Independence Payment Regulations (assessment of ability to carry out activities), of a claim for personal independence payment made by a transfer claimant;

“change of circumstances” means a change of circumstances which a person might reasonably have been expected to know might affect the continuance of that person’s entitlement to disability living allowance (by ending entitlement to one component or both components or resulting in entitlement to one or both components being at a different rate);

“the Claims and Payments Regulations” means the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016;

“component”, in relation to disability living allowance, means one of the components of disability living allowance referred to in section 71 of the Contributions and Benefits Act(4);

“disability living allowance” means the benefit provided for in sections 71 to 76 of the Contributions and Benefits Act(5);

“the Disability Living Allowance Regulations” means the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992(6);

“DLA entitled person” means a person aged 16 or over who is entitled to either component or both components of disability living allowance;

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(1) [S.I. 1998/1506 \(N.I. 10\)](#)

(2) [S.R. 1987 No. 465](#)

(3) [S.R. 2016 No. 220](#)

(4) Section 71 was amended by Article 64(1) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 ([S.I. 1999/3147 \(N.I. 11\)](#))

(5) Section 72 was amended by Article 64(2) of the Welfare Reform and Pensions (Northern Ireland) Order 1999, sections 48 and 54(2) of the Welfare Reform Act (Northern Ireland) 2007 ([c. 2 \(N.I.\)](#)) and regulation 2(4) of [S.R. 2011 No. 356](#), section 73 was amended by Article 64(3) of the Welfare Reform and Pensions (Northern Ireland) Order 1999, section 49 of and paragraph 1(2) of Schedule 7 to the Welfare Reform Act (Northern Ireland) 2007 and section 13 of the Welfare Reform Act (Northern Ireland) 2010 ([c. 13 \(N.I.\)](#)) and section 75 was amended by paragraph 39 of Schedule 1 to the Pensions Act (Northern Ireland) 2008 ([c. 1 \(N.I.\)](#))

(6) [S.R. 1992 No. 32](#)

“electronic communication” has the meaning given by section 4(1) of the Electronic Communications Act (Northern Ireland) 2001(7) (interpretation);

[<sup>F1</sup>“exempt person” means a DLA entitled person in respect of whom, by virtue of regulation 8(4) or 12A(4) of the Disability Living Allowance Regulations (person under the age of 18 on the day of entry into hospital), a disability living allowance is payable even though that person is maintained free of charge while undergoing medical or other treatment as an in-patient in a hospital or other similar institution;]

“notified person” means a DLA entitled person who has been sent a notification by the Department under regulation 3(1);

“pay day”, in relation to disability living allowance, means—

- (a) in the case of a payment of disability living allowance in respect of a period to which regulation 25(2) of the 1987 Regulations(8) (payment of disability living allowance at a daily rate) applies, the day on which the payment is made in accordance with paragraph (1) of that regulation;
- (b) in the case of any other payment of disability living allowance, the day on which the allowance is payable in accordance with paragraph 1 of Schedule 6 to those Regulations(9) (days for payment of long term benefits);

“the Personal Independence Payment Regulations” means the Personal Independence Payment Regulations (Northern Ireland) 2016(10);

“transfer claimant” means a person who is either—

- (a) a notified person who has claimed personal independence payment in response to a notification sent by the Department under regulation 3(1); or
- (b) a voluntary transfer claimant;

“voluntary transfer claimant” means a DLA entitled person who has claimed personal independence payment under regulation 4.

(2) For the purpose of these Regulations, except regulations 8, 12 and 16—

- (a) a claim for personal independence payment is made—
  - (i) in the case of a claim made in writing other than by means of an electronic communication, on the day on which a form, authorised by the Department for the purpose, containing all the information requested in the form is delivered to or received at the appropriate office,
  - (ii) in the case of a claim made in writing by means of an electronic communication made in accordance with the provisions set out in Part 1 of Schedule 1 to the Claims and Payments Regulations (electronic communications), on the day on which an electronic communication containing all the information requested by the Department in the form referred to in head (i), or completing that information, is received at the appropriate office, and
  - (iii) in the case of a claim made by telephone, on the day on which a telephone call takes place during which all the information requested by the Department in the form referred to in head (i) is supplied or which results in all that information having been supplied; and
- (b) references to the making of a claim do not include the making of a defective claim.

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(7) 2001 c. 9 (N.I.); section 4(1) was amended by paragraph 170 of Schedule 17 to the Communications Act 2003 (c. 21)

(8) Regulation 25 was amended by regulation 13 of S.R. 1992 No. 7 and regulation 2 of S.R. 1996 No. 225

(9) Paragraph (1) was substituted by regulation 27(a) of S.R. 1992 No. 7

(10) S.R. 2016 No. 217

(3) The Claims and Payments Regulations, the Personal Independence Payment Regulations and the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations (Northern Ireland) 2016<sup>(11)</sup> apply to the claims for personal independence payment referred to in these Regulations except where—

- (a) these Regulations provide otherwise; or
- (b) the application of those Regulations would be inconsistent with the application of these Regulations.

(4) For the purposes of these Regulations and notwithstanding section 39(2) of the Interpretation Act (Northern Ireland) 1954<sup>(12)</sup> (time), where a period of time is expressed to begin on, or to be reckoned from, a particular day, that day shall be included in the period.

**F1** Words in reg. 2(1) inserted (6.7.2016) by [The Social Security \(Disability Living Allowance and Personal Independence Payment\) \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/235\)](#), regs. 1, **4(2)**

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<sup>(11)</sup> S.R. 2016 No. 221

<sup>(12)</sup> 1954 c. 33 (N.I.)

**Changes to legislation:**

There are currently no known outstanding effects for the The Personal Independence Payment (Transitional Provisions) Regulations (Northern Ireland) 2016, Section 2.