STATUTORY RULES OF NORTHERN IRELAND

2016 No. 235

SOCIAL SECURITY

The Social Security (Disability Living Allowance and Personal Independence Payment) (Amendment) Regulations (Northern Ireland) 2016

Made - - - -	*27th May 2016*
Laid before Parliament	*6th June 2016*
Coming into operation	*6th July 2016*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 71(1)(b) and 165(1), (4) and (5) of the Social Security Administration (Northern Ireland) Act 1992(**1**) and Articles 91, 98 and 99(1)(a) of, and paragraphs 1(1) and 3(1)(a) and (c) of Schedule 10 to, the Welfare Reform (Northern Ireland) Order 2015(**2**).

Those powers are exercisable by the Secretary of State by virtue of Article 4(1) of the Welfare Reform (Northern Ireland) Order 2015.

Citation and commencement

1. These Regulations may be cited as the Social Security (Disability Living Allowance and Personal Independence Payment) (Amendment) Regulations (Northern Ireland) 2016 and come into operation on 6th July 2016.

Amendment of the Social Security (Disability Living Allowance) Regulations

2.—(1) The Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992(**3**) are amended in accordance with paragraphs (2) to (5).

(2) In regulation 8(**4**) (hospitalisation)—

(a) for the heading, substitute "Hospitalisation of persons aged 18 or over";

(**1**) 1992 c. 8; section 71(1) was amended by paragraph 32(2) of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15)) and paragraph 4(7)(a) of Schedule 3 to the Welfare Reform Act (Northern Ireland) 2007 (c. 2 (N.I.)) and section 165(1) was amended by paragraph 49(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671) and section 18(5) of the National Insurance Contributions Act 2014 (c. 7)

(**2**) S.I. 2015/2006 (N.I. 1)

(**3**) S.R. 1992 No. 32; relevant amending Regulations are S.R. 1992 Nos. 144 and 481, S.R. 1993 Nos. 149 and 165, S.R. 1996 Nos. 225 and 290, S.R. 1999 Nos. 221 and 428 (C. 32), S.R. 2000 No. 195, S.R. 2007 No. 431 and S.R. 2016 No. 229

(**4**) Regulation 8 was amended by regulation 3(2) of S.R. 1992 No. 481, regulation 4(2) of S.R. 1999 No. 221 and regulation 3(2) of S.R. 2000 No. 195

(b) in paragraph (1) after "Subject to" insert "paragraph (4) and"; and

(c) at the end add—

"(4) This regulation does not apply to a person who was under the age of 18 on the day on which he entered the hospital or other similar institution referred to in paragraph (1) to begin his current period as an in-patient.".

(3) In regulation 10(**5**) (exemption from regulations 8 and 9)—

(a) in paragraph (1) for "paragraphs (2)" substitute "paragraphs (3)";

(b) omit paragraph (2);

(c) in paragraph (3) omit "or, as the case may be, paragraph (2)"; and

(d) in paragraph (5) for "paragraphs (1) and (2)" substitute "paragraph (1)".

(4) In regulation 12A(**6**) (hospitalisation in mobility component cases)—

(a) in the title after "Hospitalisation" insert "of persons aged 18 or over";

(b) in paragraph (1) after "Subject to" insert "paragraph (4) and"; and

(c) after paragraph (3) add—

"(4) This regulation does not apply to a person who was under the age of 18 on the day on which he entered the hospital or other similar institution referred to in paragraph (1) to begin his current period as an in-patient.".

(5) In regulation 12B(**7**) (exemption from regulation 12A)—

(a) omit paragraph (1)(b) and the word "or" preceding it; and

(b) in paragraph (7), omit "or, as the case may be, paragraph (1)(b),".

Amendment of the Personal Independence Payment Regulations

3. In regulation 29 of the Personal Independence Payment Regulations (Northern Ireland) 2016(**8**) (hospital in-patients)—

(a) for the heading, substitute "Hospital in-patients aged 18 or over";

(b) in paragraph (1) after "Subject to" insert "paragraph (3) and"; and

(c) after paragraph (2) add—

"(3) This regulation does not apply if C was under the age of 18 on the day on which C entered the hospital or similar institution referred to in Article 91(2) to begin C's current period as an in-patient.".

Amendment of the Personal Independence Payment (Transitional Provisions) Regulations

4.—(1) The Personal Independence Payment (Transitional Provisions) Regulations (Northern Ireland) 2016(**9**) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2(1) (interpretation) after the definition of "electronic communication" insert—

(**5**) Regulation 10 was amended by regulation 3 of S.R. 1992 No. 144, regulation 4(3) of S.R. 1993 No. 149, regulation 3(3) of S.R. 1993 No. 165, Article 7(4)(b) of S.R. 1999 No. 428 (C. 32), regulation 3(4) of S.R. 2000 No. 195 and regulation 3(3) of S.R. 2007 No. 431

(**6**) Regulation 12A was inserted by regulation 4(3) of S.R. 1996 No. 225 and amended by regulation 4(3) of S.R. 1999 No. 221 and regulation 3(2) of S.R. 2000 No. 195

(**7**) Regulation 12B was inserted by regulation 4(3) of S.R. 1996 No. 225 and amended by regulation 2 of S.R. 1996 No. 290, Article 7(4)(c) of S.R. 1999 No. 428 (C. 32) and regulation 4(7) of S.R. 2016 No. 229

(**8**) S.R. 2016 No. 217

(**9**) S.R. 2016 No. 227