This Statutory Rule corrects a defect in S.R. 2016 No. 227 and is being issued free of charge to all known recipients of that Statutory Rule.

STATUTORY RULES OF NORTHERN IRELAND

2019 No. 118

SOCIAL SECURITY

The Personal Independence Payment (Transitional Provisions) (Amendment) Regulations (Northern Ireland) 2019

Made - - - -	*10th June 2019*
Laid before Parliament	*13th June 2019*
Coming into operation -	*4th July 2019*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by Articles 88(3), 98 and 99(1) of, and paragraphs 1(1), 4(1)(b) and 4(2)(c)(i) of Schedule 10 to, the Welfare Reform (Northern Ireland) Order 2015(**a**).

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

Citation and commencement

1. These Regulations may be cited as the Personal Independence Payment (Transitional Provisions) (Amendment) Regulations (Northern Ireland) 2019 and come into operation on 4th July 2019.

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

2. After regulation 27 of the Personal Independence Payment (Transitional Provisions) Regulations (Northern Ireland) 2016(**c**) (persons aged 65 and over to be entitled to personal independence payment in certain circumstances) insert—

"Revision and supersession of an award of personal independence payment in certain circumstances

27A.—(1) Subject to paragraph (2), Article 88(1) of the 2015 Order(**d**) (persons of pensionable age) does not apply to a person who—

(a) met the conditions at paragraph (2) or (3) of regulation 27, and

(**a**) S.I. 2015/2006 (N.I. 1)
(**b**) Article 4(1)(a) was amended by Article 4(2)(a) of the Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999 (N.I. 1))
(**c**) S.R. 2016 No. 227
(**d**) S.I. 2015/2006 (N.I. 1)

(b) is entitled to an award of personal independence payment ("the original award"), and that award is revised or superseded within the meaning of Article 10 or 11 of the 1998 Order(**a**) respectively.

(2) Where the original award includes the mobility component of personal independence payment and is superseded, paragraphs (2) and (3) of regulation 27 of the Personal Independence Payment Regulations(**b**) apply in relation to the supersession.

(3) In this regulation, the references to an original award are to be read as including a concessionary payment made in lieu of personal independence payment under arrangements by the Department with the consent of the Department of Finance.".

Signed by authority of the Secretary of State for Work and Pensions

Justin Tomlinson
Minister of State
Department for Work and Pensions

10th June 2019

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Personal Independence Payment (Transitional Provisions) Regulations (Northern Ireland) 2016 (S.R. 2016 No. 227) ("the Transitional Regulations") which make provision for disability living allowance ("DLA") claimants to transfer to personal independence payment ("PIP"), including those who claim PIP after reaching the relevant age (age 65 or state pension age, whichever is the higher).

Regulation 2 inserts a new provision, regulation 27A, into the Transitional Regulations to correct an unintended gap in the legislation. This provides former DLA claimants, who are now in receipt of PIP and who transferred to PIP when they reached the relevant age or over, with an exemption to the upper age restriction in Article 88(1) of the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006 (N.I. 1)) where their PIP award is revised or superseded for a change of circumstances. It also provides that a PIP award which is superseded for such claimants will be subject to the restrictions that apply to the mobility component for those of the relevant age or over under regulation 27(2) and (3) of the Personal Independence Payment Regulations (Northern Ireland) 2016 (S.R. 2016 No. 217).

Regulation 2 also applies these provisions to those in receipt of concessionary payments made in lieu of an award of the daily living component, mobility component or both components of PIP.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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(**a**) S.I. 1998/1506 (N.I. 10)
(**b**) S.R. 2016 No. 217

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