

**PERSONAL INDEPENDENCE PAYMENT
CONSEQUENTIAL AMENDMENTS**

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INTRODUCTION

1. This memo gives guidance on Personal Independence Payment consequential amendments introduced by
 1. the Personal Independence Payment (Supplementary Provisions Consequential Amendments) Regulations (Northern Ireland) 2016 (S.R. 2016 No. 228) **and**
 2. the Social Security (Loss of Benefit)(Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016 No. 225)

The changes take effect on 20.6.16¹.

¹ *Personal Independence Payment (Supplementary Provisions and Consequential Amdt) Regs (NI) 16, reg 1 Social Security (Loss of Benefit) (Amdt) Regs (NI) 16, reg 1*

BACKGROUND

2. Personal Independent Payment is a new benefit which will replace Disability Living Allowance for working age claimants. It is an extra costs benefit for people who have a limited or severely limited ability to carry out daily living or mobility activities. For each component, Personal

Independence Payment is payable at the standard or enhanced rate. It will be introduced from 20.6.16. Personal Independence Payment affects other Social Security benefits as described in paragraphs 3 – 57 below.

INCOME SUPPORT AND JOBSEEKER'S ALLOWANCE – PREMIUMS

Treated as in receipt of a qualifying benefit

3. DMG 23062 gives guidance on when people are treated as in receipt of a qualifying benefit when considering premiums for income-based Jobseeker's Allowance and Income Support. From 20.6.16, where carer premium is being considered, a person is treated as in receipt of Carer's Allowance as long as the person being cared for is receiving the daily living component of Personal Independence Payment at the standard or enhanced rate¹.

Note: A person may be treated as in receipt of Carer's Allowance if the person being cared for is receiving other benefits.

1 JSA Regs (NI), Sch 1, para 8(2) & 20D(2); IS (Gen) Regs (NI), Sch 2, para 7(2)

Higher pensioner premium

4. DMG 23101 and 23102 give guidance on the rates of higher pensioner premium for income-based Jobseeker's Allowance and DMG 23110 gives guidance on the rate of higher pensioner premium for Income Support. From 20.6.16, as well as satisfying the other conditions, there will be entitlement to higher pensioner premium

1 if

1.1 the claimant **or**

1.2 the claimant's partner **or**

1.3 for income-based Jobseeker's Allowance, one member of a joint couple

is receiving Personal Independence Payment¹ or, for income-based Jobseeker's Allowance, it is payable in whole or in part to another person on their behalf² **or**

2. if

2.1 the claimant or partner are entitled to Personal Independence Payment but it is not payable because they are in hospital³ or

2.2 for income-based Jobseeker's Allowance, the claimant or partner is entitled to the mobility component of Personal

Independence Payment but it is not payable⁴ in accordance with paragraph 5 below.

*1 JSA Regs (NI), Sch 1, para 14(1)(ca) & 20H(1)(ca); IS (Gen) Regs (NI), Sch 2, para 12(1)(a)(i);
2 UC, PIP, JSA & ESA (C&P) Regs (NI), reg 58(2); 3 JSA Regs (NI), Sch 1, para 14(1)(g)(iii) & 20
H(1)(h)(iii); IS (Gen) Regs (NI), Sch 2, para 12(1)(d); 4 JSA Regs (NI), Sch 1, para 14(1)(fa) & para
20H(1)(ga)*

Mobility component of personal independence payment not payable

5. The mobility component of Personal Independence Payment is not payable where the claimant has received or is receiving any payment
 1. by way of a grant under specified legislation¹ towards the costs of running a private car **or**
 2. of mobility supplement under specified legislation² **or**
 3. out of public funds which the Department is satisfied is similar to a payment³ under 1. **or** 2.

Note: DMG 23103 gives guidance on when the mobility component of Disability Living Allowance is not payable.

*1 UC, PIP, JSA & ESA (C&P) Regs (NI), reg 56; H&PSS (NI) Order 72, art 30; 2 UC, PIP, JSA & ESA (C&P) Regs (NI), reg 56(1)(b);
NMAF (Dis & Death) SPO 06; PI (Civ) Sch 83; WP (WAP) Sch 64;
Pen (PF) Sch 64; WP (MM) Sch 64; Order of Her Majesty in relation to
the Home Guard 22.12.64; Ulster Defence Regiment 4.1.71;
3 UC, PIP, JSA & ESA (C&P) Regs (NI), reg 56 (3)*

Disability premium

6. DMG 23122 and 23123 give guidance on the rates of disability premium for income-based Jobseeker's Allowance. Also, DMG 23127 and 23128 give guidance on the rates of disability premium for Income Support. From 20.6.16 as well as satisfying the other conditions, there will be entitlement to disability premium
 1. if
 - 1.1 the claimant **or**
 - 1.2 the claimant's partner **or**
 - 1.3 for income-based Jobseeker's Allowance, one member of a joint claim couple

is receiving Personal Independence Payment¹ or, for income-based Jobseeker's Allowance, it is payable in whole or in part to another person on their behalf² **or**

2. if
 - 2.1 the claimant or partner are entitled to Personal Independence Payment but it is not payable because they are in hospital³ **or**
 - 2.2 for income-based Jobseeker's Allowance, the claimant or partner is entitled to the mobility component of Personal Independence Payment but it is not payable⁴.

*1 JSA Regs (NI), Sch 1, para 14(1)(ca) & 20H(1)(ca); IS (Gen) Regs, Sch 2, para 12(1)(a)(i) ;
 2 UC, PIP, JSA & ESA (C&P) Regs (NI), reg 53(2); 3 JSA Regs, Sch 1, para 14(1)(g)(iii)
 & 20H(1)(h)(iii); IS (Gen) Regs (NI), Sch 2, para 12(1)(d); 4 JSA Regs (NI), Sch 1, para 14(1)(fa)
 & para 20H(1)(ga)*

Severe disability premium – rates

7. DMG 23202 – 23204 give guidance on the rates of severe disability premium for income-based Jobseeker's Allowance and Income Support. From 20.6.16 as well as satisfying the other conditions, there will be entitlement to severe disability premium if
 1. where the person is a single claimant, the person is **or**
 2. where the person has a partner, both the person and their partner are in receipt of the daily living component of Personal Independence Payment at the standard or enhanced rate¹.

Note: DMG 23205 1. will also apply to Personal Independence Payment².

*1 JSA Regs (NI), Sch 1, para 15(1)(a), 15(2)(a) & 20I(1)(a);
 IS (Gen) Regs (NI), Sch 2, para 13(2)(a)(i) & 13(2)(b)(i);
 2 JSA Regs (NI), Sch 1, para 15(3) and 20I(2); IS (Gen) Regs (NI), Sch 2, para 13(2A)*

Severe disability premium – admission to hospital

8. DMG 23292 gives guidance on admission to hospital. From 20.6.16, the claimant or partner is treated as being in receipt of Personal Independence Payment where it has been withdrawn only because of the stay in hospital¹. This does not apply to a single claimant or a lone parent.

Note: The lower rate of severe disability premium will be payable (see DMG 23288 for guidance on income-based Jobseeker's Allowance and DMG 23290 for guidance on Income Support.

*1 JSA Regs (NI), Sch 1, para 15(5)(aa) & 20I(4)(c); IS (Gen) Regs (NI), Sch 2, para 13(3A)(c);
 2 JSA Regs (NI), Sch 1, para 20(6)(b)(i) & 20M(4)(i); IS (Gen) Regs (NI), Sch 2, para 15(5)(b)(i)*

Severe disability premium – non-dependants

9. DMG 23220 gives guidance on people who normally reside with the claimant but are non-dependants when considering severe disability premium for income-based Jobseeker's Allowance and Income Support. From 20.6.16, a person in receipt of the daily living component of Personal Independence Payment at the standard or enhanced rate will not be a non-dependant¹.

1 JSA Regs (NI), Sch 1, para 15(4)(a) & 20I(3)(a); IS (Gen) Regs (NI), Sch 2, para 13(3)(a)

Enhanced disability premium

10. DMG 23181 gives guidance that for Income Support and income-based Jobseeker's Allowance purposes, enhanced disability premium is payable if certain conditions are met. From 20.6.16, one of those conditions is that the daily living component of Personal Independence Payment at the enhanced rate
 1. is payable to the claimant or the claimant's partner **or**
 2. would be payable to the claimant or claimant's partner if they were not a hospital in-patient¹.

1 JSA Regs (NI), Sch 1, para 15A(1), 15A(1ZA)(c) & 20IA(1)(b); IS (Gen) Regs (NI), Sch 2, para 13A(1) & 13A (1ZA)(c)

Disabled child premium

11. One of the qualifying conditions for disabled child premium to be paid is that a child or young person is disabled. DMG 23243 gives guidance on the meaning of disabled. From 20.6.16 a young person will be treated as disabled if they are
 1. in receipt of Personal Independence Payment or
 2. not receiving Personal Independence Payment because they are a hospital in-patient but they continue to be a member of the claimant's family¹.

Note: A child is not entitled to Personal Independence Payment

1 JSA Regs (NI), Sch 1, para 16(1)(aa); IS (Gen) Regs (NI), Sch 2, para 14(1)(aa)

INCOME SUPPORT AND JOBSEEKER'S ALLOWANCE – HOUSING COSTS

Non-dependant deduction not appropriate

12. DMG 23770 gives guidance on when non-dependant deductions should not be made from housing costs. From 20.6.16, a deduction should not

be made if the daily living component of Personal Independence Payment¹ is paid in respect of the claimant or any partner.

1 JSA Regs (NI), Sch 2, para 17(6)(b)(iii); IS (Gen) Regs (NI), Sch 3, para 18(6)(b)(iii)

Calculation of a non-dependant's gross weekly income

13. DMG 23775 gives guidance on income which is disregarded when calculating the gross weekly income of a non-dependant. From 20.6.16, Personal Independence Payment¹ will also be disregarded in this calculation.

1 JSA Regs, Sch 2, para 17(8)(a); IS (Gen) Regs, Sch 3, para 18(8)(a)

INCOME SUPPORT AND JOBSEEKER'S ALLOWANCE – INCOME OTHER THAN EARNINGS

14. DMG 28350 gives guidance on income which is fully disregarded when calculating income for Income Support and income-based Jobseeker's Allowance. From 20.6.16
 1. the mobility component of Personal Independence Payment¹ **and**
 2. the daily living component of Personal Independence Payment² are also fully disregarded.

1 JSA Regs (NI), Sch 6, para 7, IS (Gen) Regs (NI), Sch 9, para 6.

2 JSA Regs (NI), Sch 6, para 10, IS (Gen) Regs (NI), Sch 9, para 9

INCOME SUPPORT

Temporary absence from Northern Ireland

15. DMG 074343 gives guidance on entitlement to Income Support during a period of temporary absence from Northern Ireland. From 20.6.16, the 196 day period at DMG 074343 **5.19** is also satisfied if the claimant is entitled to the daily living component of Personal Independence Payment at the enhanced rate¹.

1 IS (Gen) Regs (NI), reg 4(2)(c)(v)(aa)

People entitled to income support – regular carers

16. DMG 20116 gives guidance on people who can get Income Support where they are regular carers. From 20.6.16 this will include people who are regularly and substantially engaged in caring for another person and that person
 1. is in receipt of¹ **or**
 2. has claimed² **or**

3. has

3.1 made an advance claim for³ **and**

3.2 an award which was made in respect of that claim **and**

3.3 not completed the qualifying period for⁴

the daily living component of Personal Independence Payment at the standard or enhanced rate.

*1 IS (Gen) Regs (NI), Sch 1B, para 4(a)(i); 2 Sch 1B, para 4(a)(iii);
3 UC, PIP, JSA & ESA (C&P) Regs (NI), reg 32; 4 IS (Gen) Regs (NI), Sch 1B, para 4(a)(iv)*

Supersession – hospital in-patient

17. DMG 4456 gives guidance on exceptions to the general rule for supersession. From 20.6.16, the Income Support effective date rule is amended to allow payment of premiums where Personal Independence Payment is paid at a daily rate for periods of less than a week outside hospital. Where

1. the claimant is precluded from entitlement to the disability premium of severe disability premium¹ solely because Personal Independence Payment is not payable for periods in hospital **and**
2. Personal Independence Payment is paid at a daily rate for a period of less than a week

the Income Support decision is superseded effective from the date of the change².

1 IS (Gen) Regs (NI), Sch 2, paras 11-13; 2 SS CS (D&A) Regs (NI), Sch 2A, para 3(i)

JOBSEEKER'S ALLOWANCE

Remunerative work

18. In order to decide whether a person is in remunerative work, decision maker's have to establish the weekly total of hours worked. DMG 20252 **2.** gives guidance on when decision makers should take account of the hours worked in caring for someone. From 20.6.16, DMG 20252 will also apply where a person is caring for someone who

1. is in receipt of the daily living component of Personal Independence Payment at the standard or enhanced rate¹ **or**
2. has claimed Personal Independence Payment² **or**

3. has claimed and has an award of the daily living component of Personal Independence Payment at the standard or enhanced rate for the period between the date of claim and date of award³.

Note 1: DMG 20253 and 20254 will also apply to Personal Independent Payment

Note 2: For Income Support purposes a person is treated as not being in remunerative work where they are caring for another person⁴ where DMG 20502 applies. From 20.6.16, DMG 20502 **1.1**, **1.3** and **1.4** will apply to the daily living component of Personal Independence Payment at the standard or enhanced rate. DMG 20502 **1.2** and DMG 20503 will apply to Personal Independence Payment.

*1 JSA Regs (NI), reg 51(3)(c)(i); 2 reg 51(3)(c)(iii); 3 reg 51 (3)(c)(v);
4 IS (Gen) Regs (NI), reg 6(4)(c) & Sch 1B, para 4*

Hardship

19. Income-based Jobseeker's Allowance claimants may receive hardship payments if they are in a vulnerable group. Carers are in a vulnerable group where DMG 35106 – 35108 applies. From 20.6.16, a claimant or partner or member of a joint claim couple will be in a vulnerable group where they care for a person who
 1. is in receipt of or has been awarded the daily living component of Personal Independence Payment at the standard or enhanced rate¹ **or**
 2. has claimed Personal Independence Payment but it has not been awarded² **or**
 3. has been awarded the daily living component of Personal Independence Payment at the standard or enhanced rate but it has not been paid³.

*1 JSA Regs (NI), reg 140(1)(h)(i) & 146A(1)(e)(i); 2 reg 140(1)(h)(ii) & 146A (1)(e)(ii);
3 reg 140 (1)(h)(iv) & 146A (1)(e)(iv)*

Joint claim couple

20. DMG 20027 gives guidance on when a member of a joint claim couple, who is a regular carer, is not required to satisfy conditions in DMG 20017. From 20.6.16, that will also apply where a member is regularly and substantially engaged in caring for another person and that person
 1. is in receipt of the daily living component of Personal Independence Payment at the standard or enhanced rate¹ **or**
 2. has claimed Personal Independence Payment but

2.1 only until the claim has been determined or

2.2 up to 26 weeks from the date of claim

whichever is the earlier² **or**

3. has

3.1 made an advance claim for³ **and**

3.2 an award which was made in respect of that claim **and**

3.3 not completed the qualifying period for⁴

the daily living component of Personal Independence Payment at the standard or enhanced rate³.

1 JSA Regs (NI), Sch A1, para 3(a)(i); 2 Sch A1, para 3(a)(iv); 3 Sch A1, para 3(a)(vi)

EMPLOYMENT AND SUPPORT ALLOWANCE

Education

21. DMG 41552 gives guidance on when a person in education may have entitlement to income-related Employment and Support Allowance. From 20.6.16 that will also apply where a person in education is entitled to Personal Independence Payment¹.

1 ESA Regs (NI), reg 18

Person in hardship

22. A person is not disqualified for receiving Employment and Support Allowance if they are a person in hardship. DMG 53153 gives guidance on when a person is a person in hardship. From 20.6.16, that will include a claimant or their partner who

1. has been awarded the daily living component of Personal Independence Payment¹ **or**

2. has claimed Personal Independence Payment and the claim has not yet been determined² **or**

3. devotes a considerable portion of each week caring for another person who has

3.1 been awarded the daily living component of Personal Independence Payment³ **or**

3.2 claimed Personal Independence Payment and the claim has not been determined⁴.

Note: DMG 53154 will also apply to Personal Independence Payment.

1 ESA Regs (NI), reg 158(3)(b); 2 reg 158(3)(c); 3 reg 158(3)(d)(i), 4 reg 158(3)(d)(ii)

Premiums – treated as in receipt of a qualifying benefit

23. DMG 44084 gives guidance on when people are treated as in receipt of a qualifying benefit when considering premiums for income-related Employment and Support Allowance. From 20.6.16, where carer premium is being considered, a claimant is treated as in receipt of Carer's Allowance as long as the person being cared for is receiving the daily living component of Personal Independence Payment at the standard or enhanced rate¹.

Note 1: A person may also be treated as in receipt of Carer's Allowance if the person being cared for is receiving other benefits.

Note 2: From 20.6.16, there is different legislation with regard to Attendance Allowance² and the care component of Disability Living Allowance at the highest or middle rate³.

1 ESA Regs (NI), Sch 4, para 4(2)(d); 2 Sch 4, para 4(2)(a); 3 Sch 4, para 4(2)(c)

Severe disability premium - rates

24. DMG 44113 – 44115 give guidance on the rates of severe disability premium for income-related Employment and Support Allowance. From 20.6.16, as well as satisfying the other conditions, there will be entitlement to severe disability premium if

1. the person is **or**
2. if each member of the couple are

in receipt of the daily living component of Personal Independence Payment¹.

Note: DMG 44116 1. will also apply to Personal Independence Payment².

1 ESA Regs (NI), Sch 4, para 6(2)(a)(i), para 6(2)(b)(i) & 6(2)(b)(ii); 2 Sch 4, para 6(3)

Severe disability premium – admission to hospital

25. DMG 44181 gives guidance on admission to hospital. From 20.6.16, the claimant or partner is treated as being in receipt of Personal Independence Payment where it has been withdrawn only because of the stay in hospital¹. This does not apply to a single claimant or lone parent.

1 ESA Regs (NI), Sch 4, para 6(5)(c)

Severe disability premium – non-dependants

26. DMG 44139 gives guidance on people who normally reside with the claimant but are not non-dependants when considering severe disability premium for income-related Employment and Support Allowance. From 20.6.16, a person in receipt of the daily living component or Personal Independence Payment will not be a non-dependant¹.

1 ESA Regs (NI), Sch 4, para 6(4)(a)

Enhanced disability premium

27. DMG 44101 gives guidance that for income-related Employment and Support Allowance purposes, enhanced disability premium is payable if certain conditions are met. From 20.6.16, one of those conditions is that the daily living component of Personal Independence Payment at the enhanced rate

1. is payable to

1.1 the claimant **or**

1.2 the claimant's partner **where that** partner is aged less than the qualifying age for State Pension Credit **or**

2. would be payable to the claimant or claimant's partner if they were not a hospital in-patient¹.

1 ESA Regs (NI), Sch 4, para 7(1)(c)

Housing costs - linking

28. DMG 44573 **2.** gives guidance on when linking rules do not apply to lone parents and carers who are not entitled to income-related Employment and Support Allowance on either income or capital grounds or both. From 20.6.16, those linking rules will also not apply to a full-time student in receipt of Personal Independence Payment¹.

1 ESA Regs (NI), Sch 6, para 15(11)(b)

Housing costs – non-dependant's deduction not appropriate

29. DMG 44606 gives guidance on when non-dependant deductions should not be made from housing costs. From 20.6.16, a deduction should not be made if the daily living component of Personal Independence Payment¹ is paid in respect of the claimant or any partner.

1 ESA Regs (NI), Sch 6, para 19(6)(b)(iii)

Housing costs – calculation of a non-dependant’s gross weekly income

30. DMG 44611 gives guidance on income which is disregarded when calculating the gross weekly income of a non-dependant. From 20.6.16, Personal Independence Payment¹ will also be disregarded in this calculation.

1 ESA Regs (NI), Sch 6, para 19(8)(a)

Income other than earnings

31. DMG 51210 gives guidance on income which is fully disregarded when calculating income for income-related Employment and Support Allowance. From 20.6.16

1. the mobility component of Personal Independence Payment¹ **and**
2. the daily living component of Personal Independence Payment²

are also fully disregarded.

1 ESA Regs (NI), Sch 8, para 8; 2 Sch 8, para 11

STATE PENSION CREDIT

32. DMG 85280 gives guidance on income which is fully disregarded when calculating income for State Pension Credit. From 20.6.16, Personal Independence Payment is also fully disregarded¹.

1 SPC Regs (NI), reg 15(1)(ab)

Additional amount for the severely disabled

33. DMG 78034, 78045 – 78047 and 78049 give guidance on an additional amount for the severely disabled. From 20.6.16, as well as satisfying the other conditions, there will be entitlement to an additional amount for the severely disabled if

1. the claimant or claimant’s partner is **or**
2. both the claimant and their partner are

receiving the daily living component of Personal Independence Payment at the standard or enhanced rate¹.

Note: DMG 78050 will also apply to Personal Independence Payment.

1 SPC Regs (NI), Sch 1, para 1(1)(a)(i) & 1(1)(c)(i)

Additional amount for the severely disabled – treated as being in receipt of Personal Independence Payment

34. Before awarding an additional amount for the severely disabled, the decision maker needs to know if the claimant or partner is in receipt of Personal Independence Payment. A person shall be treated as being in receipt of the daily living component of Personal Independence Payment at the standard or enhanced rate for any period at the standard or enhanced rate for any period
1. before an award is made but in respect of which the allowance is awarded **or**
 2. not covered by an award but in respect of which a payment is made in lieu of an award¹.

Note: This means DMG 78055 and 78060 will apply to Personal Independence Payment.

1 SPC Regs (NI), Sch 1, para 1(2)(a)

Additional amount for the severely disabled – admission to hospital

35. DMG 78807 gives guidance on the amount for the severely disabled where one of a couple or one or more members of a polygamous marriage are admitted to hospital. From 20.6.16, a patient is treated as being in receipt of Personal Independence Payment after it has stopped because they have been in hospital for more than 28 days¹.

1 SPC Regs (NI), Sch 1, para 1(2)(ba)

Additional amount for the severely disabled – people whose presence is ignored

36. DMG 78077 gives guidance on people who normally reside with the claimant but whose presence is ignored when considering an additional amount for the severely disabled. From 20.6.16, a person in receipt of the daily living component of Personal Independence Payment at the standard or enhanced rate will be a person whose presence is ignored¹.

1 SPC Regs (NI), Sch 1, para 2(2)(a)

Additional amount for housing costs – disabled person

37. DMG 78186 gives guidance on the meaning of a disabled person for housing costs purposes. From 20.6.16, a person who has not reached the age of 20 and for whom the claimant or partner is responsible **and**
1. is in receipt of Personal Independence Payment **or**

2. would be in receipt of Personal Independence Payment but for being a hospital in-patient¹

is a disabled person for housing costs purposes.

1 SPC Regs (NI), Sch 2, para 1(2)(a)(iii)(ee)

Additional amount for housing costs – non-dependant deduction not appropriate

38. DMG 78521 gives guidance on when non-dependant deductions should not be made from housing costs. From 20.6.16, a deduction should not be made if the daily living component of Personal Independence Payment¹ is paid in respect of the claimant or any partner.

1 SPC Regs (NI), Sch2, para 14(6)(b)(iii)

Additional amount for housing costs – calculation of a non-dependant's gross weekly income

39. DMG 78524 gives guidance on income which is disregarded when calculating the gross weekly income of a non-dependant. From 20.6.16, Personal Independence Payment¹ will also be disregarded in this calculation.

1 SPC Regs (NI), Sch 2, para 14(8)(a)

Additional amount for the severely disabled – polygamous marriages

40. DMG 78611 - 78614 give guidance on an additional amount for the severely disabled for claimant's who are members of a polygamous marriage. From 20.6.16, as well as satisfying the other conditions, there will be entitlement to an additional amount for the severely disabled if

1. at least one member of the polygamous marriage is¹ **or**
2. both partners and each additional spouse are²

in receipt of the daily living component of Personal Independence Payment at the standard or enhanced rate.

Note: DMG 78615 will also apply to Personal Independence Payment.

1 SPC Regs (NI), Sch 1, para 1(1)(c)(i) & Sch 3, para 1(10); 2 Sch 3, para 1(9)

Deemed weekly income from capital – arrears of benefit

41. DMG 84567 gives guidance on the meaning of benefit when considering whether arrears of benefit are disregarded as deemed weekly income

from capital. From 20.6.16, benefit for this purpose will include Personal Independence Payment¹.

1 SPC Regs(NI), Sch 5, para 20(2)(bb)

Earnings disregards – disabled people

42. DMG 86118 gives guidance on when a £20 earnings disregard applies to disabled people. From 20.6.16, this £20 disregard will also apply where a claimant or their partner is in receipt of Personal Independence Payment¹.

1 SPC Regs (NI), Sch 6, Para 4(1)(a)(viii)

CARER'S ALLOWANCE – MEANING OF SEVERELY DISABLED PERSON

43. DMG 60033 gives guidance on the meaning of severely disabled person for Carer's Allowance purposes. From 20.6.16, a person for whom the daily living component of Personal Independence Payment at the standard or enhanced rate is payable will be a severely disabled person¹.

1 SS C&B (NI) Act 92, sec 70(2)

CARER'S ALLOWANCE – TEMPORARY ABSENCE FROM NORTHERN IRELAND

Incapacity benefit

44. DMG 071725 gives guidance on periods of temporary absence from Northern Ireland for Carer's Allowance purposes. From 20.6.16, a claimant will be temporarily absent from Northern Ireland for Carer's Allowance purposes if the absence is for the specific purpose of caring for a severely disabled person

1. who is also absent from Northern Ireland **and**
2. for whom the daily living component of Personal Independence Payment at the standard or enhanced rate is payable¹.

Note: From 20.6.16, there is different legislation with regard to Attendance Allowance², the care component of Disability Living Allowance at the highest or middle rate³ and the other relevant benefits⁴.

1 SS (ICA) Regs (NI), reg 9(2)(b)(iv); 2 reg 9(2)(b)(ii); 3 reg 9(2)(b)(iii); 4 reg 9(2)(b)(v)

INCAPACITY BENEFIT – REDUCTION BY PENSION PAYMENTS AND PENSION PROTECTION FUND PERIODIC PAYMENTS

45. DMG 56135 gives guidance on reduction of Incapacity Benefit by pension payments and Pension Protection Fund periodic payments. It

also gives guidance on when no deduction should be made. From 20.6.16, no deduction should also be made where the claimant is entitled to the daily living component of Personal Independence Payment at the enhanced rate¹.

1 SS (IB) Regs (NI), reg 25

BEREAVEMENT BENEFITS AND RETIREMENT PENSION – CREDITS FOR CARER’S

46. People who are caring for at least 20 hours a week can receive credits which help towards
1. the second contribution condition for Bereavement Benefit purposes **and**
 2. the single contribution condition for Retirement Pension **and**
 3. Additional Pension for Retirement Pension and Widowed Parent’s Allowance purposes.

People receive those credits in respect of any week in a tax year if they are relevant carers. If the person or persons being cared for are entitled to a relevant benefit they can receive the credit. DMG 63068 gives guidance on relevant benefit for Bereavement Benefit purposes and DMG 75563 gives guidance on relevant benefit for Retirement Pension purposes. From 20.6.16, the daily living component of Personal Independence Payment¹ is a relevant benefit for Bereavement Benefit and Retirement Pension purposes.

1 SS (CCP&C) Regs (NI), reg 2(1)(f)

PERSON SUBJECT TO IMMIGRATION CONTROL

47. DMG 070836 and 070837 give guidance on exemptions to the legislation¹ removing entitlement to benefits for a person subject to immigration control. From 20.6.16, people claiming Personal Independence Payment come within those exemptions².

1 I&A Act 99, sec 115;

2 SS (Immigration & Asylum) Consequential Amdt Regs (NI) 2000, reg 2(2) & 2(3)

PERSONS ABROAD – BENEFIT IN RESPECT OF INCAPACITY

Incapacity Benefit

48. DMG 073828 gives guidance that a person who is also receiving Attendance Allowance or Disability Living Allowance can be paid Incapacity Benefit for longer than 26 weeks during a **temporary** absence from Northern Ireland if certain conditions are met. From 20.6.16,

Incapacity Benefit can be paid for longer than 26 weeks during a temporary absence from Northern Ireland where a person is also receiving Personal Independence Payment¹ and those certain conditions are met.

1 SS Ben (PA) Regs (NI), reg 2(1A)

Maternity Allowance

49. DMG 075602 gives guidance that a woman who is also receiving Attendance Allowance or Disability Living Allowance is not disqualified for receiving Maternity Allowance during a **temporary** absence from Northern Ireland if certain conditions are met. From 20.6.16, a woman is not so disqualified if she is also receiving Personal Independence Payment¹ and those certain conditions are met.

1 SS Ben (PA) Regs (NI), reg 2(1A)

Severe disablement allowance

50. DMG 076994 gives guidance on the period for which severe disablement allowance can be paid during an absence abroad where other conditions are satisfied. From 20.6.16, severe disablement allowance can be paid for the period that the person is also receiving Personal Independence Payment¹. Also, DMG 076999 gives guidance that severe disablement allowance can be paid for a **temporary** absence of longer than 26 weeks if certain conditions are met. From 20.6.16, severe disablement allowance can be paid for such a **temporary** absence if the person is also receiving Personal Independence Payment².

1 SS Ben (PA) Regs (NI), reg 2(1A); 2 reg 2(1A)

OVERLAPPING BENEFITS

Special rules

51. There are special rules for Attendance Allowance and Disability Living Allowance care component. From 20.6.16, those special rules will also apply to the daily living component of Personal Independence Payment¹.

1 SS (OB) Regs (NI), reg 6(3)(a)(iv)

Adjustment of personal benefits by personal injuries and non-Act benefits

52. DMG 17085 gives guidance on adjustment of benefits by reference to other benefits. It also gives guidance that the benefits in Column 1 of the table are reduced by reference to the benefits in Column 2. From 20.6.16, the daily living component of Personal Independence Payment¹ is included at Column 1 of the 6th row.

Effect of overlap on entitlement

53. DMG 17231 gives guidance that the principles of overlap affect only the amount of benefit payable. From 20.6.16, this will also apply to Personal Independence Payment¹.

1 SS (OB) Regs (NI), reg 16

Prevention of double adjustment

54. DMG 17232 gives guidance that there should not be a double adjustment of any benefit. From 20.6.16 that will also apply to Personal Independence Payment¹.

1 SS (OB) Regs (NI), reg 17

EARNINGS FOR NON-INCOME-RELATED BENEFITS – DEDUCTION FOR CHILD CARE CHARGES

55. Other than for Carer's Allowance a deduction from net earnings can be made for relevant child care charges where the employed or self-employed earner satisfies certain conditions. One of the conditions is where one member of a couple is engaged in employment and the other is incapacitated. DMG 15802 gives guidance on the meaning of incapacitated. From 20.6.16, incapacitated will include where Personal Independence Payment

1. is payable because of the other member's incapacity¹ **or**
2. was payable to the other member but had ceased to be payable due to that person becoming a patient².

1 SS Ben (C of E) Regs (NI), Sch 2, para 8(b)(viii); 2 Sch 2, para 8(c)(ii)

RESTRICTIONS ON PAYMENT OF BENEFIT – BENEFIT FRAUD OFFENCES

Person in hardship

56. DMG 35004 gives guidance that Jobseeker's Allowance is not payable to offenders during the disqualification period but they will have access to hardship applications. This means that paragraph 19 above will apply where there is a restriction of benefit because of benefit fraud offences¹.

1 SS (Loss of Benefit) Regs (NI), reg 5(1)(h)(ii) & reg 5(1)(h)(iv)

Couple in hardship

57. DMG 35342 gives guidance on circumstances where a Jobseeker's Allowance joint claim couple will have access to hardship applications.

This means that paragraph 20 above will apply where there is a restriction of benefit because of benefit fraud offences¹.

1 SS (Loss of Benefit) Regs (NI), reg 11(2)(e)(i), reg 11(2)(e)(ii) & reg 11(2)(e)(iv)

ANNOTATIONS

Please annotate the number of this memo (DMG Memo Vol 4/135, 5/104, 6/89, 8/76, 9/33, 10/68, 12/21, 13/66 & 14/61) against DMG paragraphs:

4456, 070836, 070837, 071725, 073828, 074343, 075602, 076994, 076999, 15802, 17085, 17231, 17232, 20027, 20116, 20252, 20253, 20254, 20502, 23062, 23101, 23102, 23103, 23110, 23122, 23123, 23127, 23128, 23181, 23202, 23203, 23204, 23205, 23320, 23288, 23290, 23292, 23423, 23770, 23775, 28350, 35004, 35106, 35107, 35108, 35342, 41552, 44084, 44101, 44113, 44114, 44115, 45116, 44139, 44181, 44573, 44606, 44611, 51210, 53153, 53154, 56135, 60033, 63068, 75563, 78034, 78045, 78046, 78047, 78049, 78050, 78055, 78060, 78077, 78186, 78521, 78611, 78612, 78613, 78614, 78615, 78807, 84567, 85280 and 86118

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