

---

DRAFT STATUTORY RULES OF NORTHERN IRELAND

---

**2016 No.**

**The Welfare Supplementary Payments  
Regulations (Northern Ireland) 2016**

**PART 3**

**CONTRIBUTORY EMPLOYMENT AND SUPPORT ALLOWANCE**

**Interpretation of Part 3**

**6.—(1) In this Part—**

“Claims and Payments Regulations” means the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(1);

“contributory employment and support allowance” means an employment and support allowance entitlement to which is based on section 1(2)(a) of the WRA 2007;

“ESA Regulations” means the Employment and Support Allowance Regulations (Northern Ireland) 2008(2);

“income-related employment and support allowance” means an employment and support allowance entitlement to which is based on section 1(2)(b) of the WRA 2007;

“new award of income-related employment and support allowance” means—

- (a) in cases in which a person makes a claim for an income-related employment and support allowance within the period mentioned in regulation 7(2)(b), the award made pursuant to the original decision in respect of that claim;
- (b) in all other cases, the award in existence immediately after the cessation of an award of contributory employment and support allowance as a consequence of section 1A of the WRA 2007(3);

“previous award of contributory employment and support allowance” means the award in existence immediately prior to its cessation as a consequence of section 1A of the WRA 2007;

“previous award of employment and support allowance” means the award in existence immediately prior to the cessation of a contributory employment and support allowance as a consequence of section 1A of the WRA 2007;

“relevant date” in respect of a person means the date on which chapters 1 and 2 of Part 2 of the Order are commenced in respect of a group of people of which that person forms part;

“WRA 2007” means the Welfare Reform Act (Northern Ireland) 2007(4).

---

(1) S.R. 1987 No. 465

(2) S.R. 2008 No.280

(3) Section 1A was inserted by Article 57 of S.I. 2015/2006 (N.I. 1)

(4) 2007 (c. 2 (N.I.))

## Entitlement to a welfare supplementary payment under this Part

### 7.—(1) If—

#### (a) a person is either—

- (i) in receipt of a contributory employment and support allowance on the date of commencement of section 1A of the WRA 2007; or
- (ii) in receipt of a contributory employment and support allowance after that date but, by virtue of regulation 145(1) of the ESA Regulations, the period of limited capability for work to which the award of that allowance relates is treated as a continuation of a period of limited capability for work which occurred before that date;

#### (b) the person’s entitlement to a contributory employment and support allowance ceases as a consequence of that section before the relevant date; and

#### (c) the person suffers a financial disadvantage,

the person is entitled to a welfare supplementary payment under this Part for any period in respect of which the person has limited capability for work.

### (2) A person suffers a financial disadvantage for the purposes of paragraph (1) if—

#### (a) the person’s previous award of employment and support allowance was treated as mentioned in section 6(4) of the WRA 2007 and the amount of their new award of income-related employment and support allowance is less than the amount of their previous award of contributory employment and support allowance;

#### (b) the person did not, at any time during the period of 56 days ending on the date of cessation of the person’s contributory employment and support allowance as a consequence of section 1A of the WRA 2007, make a claim for an income-related employment and support allowance under Part II of the Claims and Payments Regulations;

#### (c) the person made such a claim and the amount of their new award of income-related employment and support allowance is less than the amount of their previous award of contributory employment and support allowance; or

#### (d) the person made such a claim and the decision under Article 9 of the Social Security (Northern Ireland) Order 1998<sup>(5)</sup> was a decision not to award income-related employment and support allowance.

### (3) A person has limited capability for work for the purposes of this regulation if the person—

#### (a) is entitled to a limited capability for work credit; or

#### (b) is entitled to an employment and support allowance.

(4) In paragraph (3), “limited capability for work credit” refers to a credit under regulation 8B(1) of the Social Security (Credits) Regulations (Northern Ireland) 1975<sup>(6)</sup> where paragraph (2)(a)(iv) or (2)(a)(v) of that regulation applies and which follows the cessation of the entitlement period of contributory employment and support allowance.

---

(5) [S.I. 1998/1506 \(N.I. 10\)](#); relevant amending provisions are paragraph 16(2) and (3) of Schedule 6 to, and Schedule 9 to, the Social Security (Transfer of Functions, etc.) (Northern Ireland) Order 1999 ([S.I. 1999/671](#)), Part VII of Schedule 13 to the Welfare Reform and Pensions Act 1999 ([c. 30](#)), paragraph 6 of Schedule 1 to the State Pension Credit Act (Northern Ireland) 2002 ([c.14 \(N.I.\)](#)), Schedule 6 to the Tax Credits Act 2002 ([c. 21](#)), paragraph 10(3) of Schedule 3 to the Welfare Reform Act (Northern Ireland) 2007 ([c. 2 \(N.I.\)](#)), Part 1 of Schedule 4 to the Welfare Reform Act (Northern Ireland) 2010 ([c. 13 \(N.I.\)](#)) and paragraph 29 of Schedule 12 to, and paragraph 37 of Schedule 16 to the Pensions Act (Northern Ireland) 2015 ([c. 5 \(N.I.\)](#))

(6) [S.R. 1975 No. 113](#); regulation 8B was inserted by regulation 2(6) of [S.R. 1996 No. 430](#); relevant amending regulations are [S.R. No. 404](#), [S.R. 2003 No. 151](#), [S.R. 2008 No. 286](#) and [S.R. 2010 No. 109](#)

### **Amount of welfare supplementary payment**

**8.** Subject to regulation 9, the amount of a welfare supplementary payment to which a person is entitled under this Part is—

- (a) in the cases mentioned in regulation 7(2)(a) and (c), an amount corresponding to the difference between the amount of the previous award of contributory employment and support allowance and the amount of the new award of income-related employment and support allowance;
- (b) in the cases mentioned in regulation 7(2)(b) and (d), an amount corresponding to the amount of the previous award of contributory employment and support allowance.

### **Change of circumstances**

**9.—(1)** If in a case mentioned in regulation 7(2)(b) a person makes a claim for income-related employment and support allowance at any time during the person's period of entitlement, the amount of a welfare supplementary payment to which the person is entitled under this Part is reduced to the difference between the amount of the person's previous award of contributory employment and support allowance and the amount of any award made pursuant to that claim.

(2) If as a result of a change of circumstances a person's award of income-related employment and support allowance is increased, the amount of a welfare supplementary payment to which the person is entitled under this Part is reduced to the difference between the amount of the person's previous award of contributory employment and support allowance and the amount of the increased award.

(3) If a person is awarded contributory employment and support allowance pursuant to section 1B of the WRA 2007(7) at any time during the person's period of entitlement, the person's entitlement to a welfare supplementary payment under this Part shall cease.

(4) In this regulation, "period of entitlement" means the period in respect of which welfare supplementary payments are payable under this Part.

### **Payment of welfare supplementary payment**

**10.—(1)** A welfare supplementary payment under this Part must be paid every four weeks, or as soon as is reasonably practicable thereafter, in arrears.

(2) The period in respect of which welfare supplementary payments are payable to a person under this Part commences—

- (a) in a case in which the person makes a claim for income-related employment and support allowance under Part II of the Claims and Payments Regulations during the period referred to in regulation 7(2)(b)—
  - (i) on the day after the date of the decision in respect of that claim; or
  - (ii) on the day after the date of the cessation of the person's contributory employment and support allowance as a consequence of section 1A of the WRA 2007,

whichever is the last to occur;

- (b) in all other cases on the day after the date of cessation of the person's contributory employment and support allowance as a consequence of section 1A of the WRA 2007.

(3) The period in respect of which welfare supplementary payments are payable to a person under this Part ends—

- (a) one year after the date of its commencement under paragraph (2); or
- (b) on 31<sup>st</sup> March 2020,

---

(7) Section 1B was inserted by Article 58 of [S.I. 2015/2006 \(N.I. 1\)](#)

whichever is the first to occur.