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DRAFT STATUTORY RULES OF NORTHERN IRELAND

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**2016 No.**

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

**PART 4**

**MISCELLANEOUS**

**Review**

**11.**—(1) The Department may establish procedures for reviewing a person's entitlement to a welfare supplementary payment under these Regulations.

(2) The procedures established under paragraph (1) must—

- (a) provide for a review to be carried out on the application of any person; and
- (b) provide for the manner of making any such application.

(3) Such procedures may, in particular, provide for—

- (a) the consideration of the applicant's entitlement to a welfare supplementary payment by such persons (not exceeding three) as the Department may nominate for that purpose;
- (b) the preparation of a report by the persons so nominated setting out their conclusions in relation to the applicant's entitlement to a welfare supplementary payment and their recommendation as to the manner in which the matter should be finally determined.

**Disregards**

**12.** No account must be taken of entitlement to a welfare supplementary payment in considering a person's entitlement to a benefit under a statutory provision relating to social security (irrespective of the name or nature of the benefit).

**Residence and presence in Northern Ireland**

**13.** A person is not entitled to welfare supplementary payments under these Regulations unless the person—

- (a) is ordinarily resident in Northern Ireland; and
- (b) is present in Northern Ireland.

**Temporary absence from Northern Ireland**

**14.**—(1) Subject to regulation 15, where a person is temporarily absent from Northern Ireland, the person is treated as present in Northern Ireland for the purpose of these Regulations for the first 4 weeks of absence.

(2) A person is temporarily absent from Northern Ireland if, at the beginning of the period of absence, the person's absence is unlikely to exceed 52 weeks.

### **Temporary absence from Northern Ireland to receive medical treatment**

**15.—**(1) Where a person is temporarily absent from Northern Ireland, the person is treated as present in Northern Ireland for the purposes of these Regulations for the first 13 weeks of that absence, where—

- (a) the person’s absence is solely in connection with arrangements made for the medical treatment of the person for a disease or bodily or mental disablement which commenced before the person left Northern Ireland; and
- (b) the arrangements referred to in sub-paragraph (a) relate to medical treatment—
  - (i) outside Northern Ireland,
  - (ii) during the period whilst the person is temporarily absent from Northern Ireland, and
  - (iii) by, or under the supervision of, a person appropriately qualified to carry out that treatment.

(2) In this regulation “temporarily absent” has the same meaning as in regulation 14(2).

### **Prisoners**

**16.—**(1) No welfare supplementary payment is payable under these Regulations for a period during which a person is undergoing imprisonment or detention in legal custody.

(2) Paragraph (1) does not apply in respect of the first 28 days of any such period.