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DRAFT STATUTORY RULES OF NORTHERN IRELAND

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**2016 No.**

**The Welfare Supplementary Payment (Loss of Carer Payments) Regulations (Northern Ireland) 2016**

**PART 3**

**Welfare Supplementary Payment as a result of loss of Carer Premium on caree's transition from Disability Living Allowance to Personal Independence Payment**

**Eligibility**

**8.—(1)** A person is entitled to welfare supplementary payment under this Part if the following conditions are met—

- (a) the carer premium entitlement condition,
- (b) the PIP daily living component refusal condition,
- (c) the termination of carer's allowance condition, and
- (d) the termination of carer premium condition.

(2) The carer premium entitlement condition is that a person is in receipt of carer premium under—

- (a) paragraph 17 or paragraph 20J of Schedule 1 to the Jobseekers' Allowance Regulations (Northern Ireland) 1996(1),
- (b) paragraph 8 of Schedule 4 to the Employment and Support Allowance Regulations (Northern Ireland) 2008(2), or
- (c) paragraph 14ZA of Schedule 2 to the Income Support (General) Regulations (Northern Ireland) 1987(3),

in respect of a caree, on the transition date.

(3) The PIP daily living component refusal condition is that following a transitional assessment determination the caree is not awarded the daily living component of personal independence payment.

(4) The termination of carer's allowance condition is that, in consequence of the PIP daily living component refusal condition, the decision of the Department to award carer's allowance is superseded by a decision of the Department to not award carer's allowance.

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- (1) S.R. 1996 No. 198; paragraph 17 of Schedule 1 was amended was amended by regulation 4(3)(b)(i) and (iii) of S.R. 2000 No. 74, regulation 3(a) of S.R. 2002 No. 322, regulation 3 of S.R. 2002 No. 323 and regulation 4(3)(a) of S.R. 2003 No. 417; paragraph 20J of Schedule 1 was inserted by paragraph 53(4) of S.R. 2000 No. 350 and amended by regulation 3(b) of S.R. 2002 No. 322, regulation 3 of S.R. 2002 No. 323 and regulation 4(3) of S.R. 2003 No. 417
- (2) S.R. 2008 No. 280
- (3) SR 1987 No 459; paragraph 14ZA was inserted by regulation 6(d) of S.R. 1990 No. 346 and amended by regulation 13(d)(i) of S.R. 1991 No. 338, regulation 4(2)(b)(i) of S.R. 2000 No. 74, regulation 2 of S.R. 2002 No. 322, regulation 3 of S.R. 2002 No. 323 and regulation 2(3) of S.R. 2003 No. 417

(5) The termination of carer premium condition is that, in consequence of the termination of carer's allowance condition, the decision of the Department to award carer premium is superseded by a decision of the Department to not award carer premium.

### **Amount**

9.—(1) The amount of welfare supplementary payment payable is equal to the amount which was payable to the person under the award of carer premium on the date entitlement to the premium is lost.

(2) If the award of carer premium included an amount of premium in respect of more than one person, the amount of welfare supplementary payment payable is equal to the amount of carer premium lost on the date entitlement to that portion of the premium is lost.

### **Period of payment**

10.—(1) Welfare supplementary payment must be paid at intervals of four weeks (or as soon as is reasonably practicable after that) in arrears.

(2) The period during which welfare supplementary payment is payable commences on the day following the day on which the person's entitlement to carer premium terminates.

(3) The period during which welfare supplementary payment is payable ends—

- (a) one year after the day on which it commences, or
- (b) on 31<sup>st</sup> March 2020,

whichever is first to occur.

### **Termination of payment on award of carer premium**

11.—(1) Welfare supplementary payment must cease to be paid to a person from the date the person is entitled to carer premium.

(2) The entitlement to carer premium must arise out of—

- (a) a new award of carer premium,
- (b) a revision under Article 10 of the 1998 Order,
- (c) a supersession of a previous decision under Article 11 of the 1998 Order, or
- (d) an appeal under Article 13 of the 1998 Order.