
DRAFT STATUTORY RULES OF NORTHERN IRELAND

2016 No.

The Welfare Supplementary Payment (Loss of Disability-Related Premiums) Regulations (Northern Ireland) 2016

PART 3

Welfare Supplementary Payment for loss of Disability-Related Premium on transition from Disability Living Allowance to Personal Independence Payment (Jobseeker's Allowance claimants)

Eligibility

11.—(1) A person is entitled to welfare supplementary payment under this Part if the person meets—

- (a) the JSA entitlement condition,
- (b) the disability-related premium entitlement condition,
- (c) the PIP refusal condition, and
- (d) the termination of disability-related premium condition.

(2) The JSA entitlement condition is that the person is in receipt of jobseeker's allowance under the Jobseekers (Northern Ireland) Order 1995⁽¹⁾ on the transition date.

(3) The disability-related premium entitlement condition is that the person is in receipt of disability-related premium on the transition date.

(4) In this Part disability-related premium means—

- (a) disability premium under paragraph 13,
- (b) severe disability premium under paragraph 15, or
- (c) enhanced disability premium under paragraph 15A,

of Schedule 1 to the Jobseeker's Allowance Regulations (Northern Ireland) 1996⁽²⁾.

(5) The PIP refusal condition is that following a transitional assessment determination, the person is refused personal independence payment, or the component of personal independence payment, that is a condition for entitlement to disability-related premium.

(6) The termination of disability-related premium condition is that, in consequence of the PIP refusal condition, the decision of the Department to award disability-related premium is superseded by a decision to not award disability-related premium.

(1) S.I. 1995/2705 (N.I. 15)

(2) S.R. 1996 No. 198; relevant amending instruments are S.R. 2000 No. 74, S.R. 2000 No. 367, S.R. 2002 No. 80, S.R. 2002 No. 323, S.R. 2007 No. 154, S.R. 2010 No. 103, S.R. 2011 No. 135, S.R. No. 291, S.R. 2011 No. 357, S.I. 2013/3021 and S.R. 2014 No. 275

Eligibility (couples: disability premium and enhanced disability premium)

12.—(1) A person (A) is entitled to welfare supplementary payment under this Part if—

- (a) A is a member of a couple with another person (B),
- (b) A meets the JSA entitlement condition,
- (c) A meets the disability-related premium entitlement condition in respect of disability premium or enhanced disability premium,
- (d) A or B meet the PIP refusal condition, and
- (e) A meets the termination of disability-related premium condition.

(2) The JSA entitlement condition is that the person is in receipt of jobseeker's allowance under the Jobseekers (Northern Ireland) Order 1995 on the transition date.

(3) The disability-related premium entitlement condition in respect of disability premium or enhanced disability premium is that the person is in receipt of—

- (a) disability premium under paragraph 13(3), or
- (b) enhanced disability premium under paragraph 15A(4),

of Schedule 1 to the Jobseeker's Allowance Regulations (Northern Ireland) 1996, on the transition date.

(4) The PIP refusal condition is that following a transitional assessment determination, the person is refused personal independence payment, or the component of personal independence payment, that is a condition for entitlement to disability-related premium.

(5) The termination of disability-related premium condition is that, in consequence of the PIP refusal condition, the decision of the Department to award disability-related premium is superseded by a decision to not award disability-related premium.

Eligibility (couples: severe disability premium)

13.—(1) A person (A) is entitled to welfare supplementary payment under this Part if—

- (a) A is a member of a couple with another person (B),
- (b) A meets the JSA entitlement condition,
- (c) A meets the disability-related premium entitlement condition in respect of severe disability premium,
- (d) A or B meet the PIP refusal condition (but this is subject to paragraph (6)), and
- (e) A meets the termination of disability-related premium condition.

(2) The JSA entitlement condition is that the person is in receipt of jobseeker's allowance under the Jobseekers (Northern Ireland) Order 1995 on the transition date.

(3) The disability-related premium entitlement condition in respect of severe disability premium is that the person is in receipt of severe disability premium under paragraph 15 of Schedule 1 to the Jobseeker's Allowance Regulations (Northern Ireland) 1996(5) on the transition date.

(4) The PIP refusal condition is that following a transitional assessment determination, the person is refused personal independence payment, or the component of personal independence payment, that is a condition for entitlement to disability-related premium.

(3) Paragraph 13 was amended by regulation 3(8)(c) of S.R. 2007 No. 154 and regulation 5(5)(c) of S.R. 2010 No. 103

(4) Paragraph 15A was amended by regulation 4(e)(ii) of S.R. 2000 No. 367, regulation 3(8)(e) of S.R. 2007 No. 54, regulation 7(7)(a) of S.R. 2011 No. 135, regulation 10(10) of S.R. 2011 No. 357 and regulation 17(7)(d) of S.I. 2013/3021

(5) Paragraph 15 was amended by regulation 4(3)(a) of S.R. 2000 No. 74, regulation 3(8)(d) of S.R. 2000 No. 154, regulation 5(4) of S.R. 2002 No. 80, regulation 3 of S.R. 2002 No. 323, regulation 5(3)(a) of S.R. 2011 No. 291, regulation 17(7)(c) of S.I. 2013/3021 and regulation 3(2)(b) of S.R. 2014 No. 275

(5) The termination of disability-related premium condition is that, in consequence of the PIP refusal condition, the decision of the Department to award disability-related premium is superseded by a decision to not award disability-related premium.

(6) Paragraph (8) applies where—

- (a) A does not meet the PIP refusal condition,
- (b) B meets the PIP refusal condition, and
- (c) B meets the blind condition on the transition date.

(7) The blind condition is that the person is certified as severely sight impaired or blind by a consultant ophthalmologist.

(8) Where this paragraph applies, the termination of disability-related premium condition is met if, in consequence of the matters set out in paragraph (6), the decision of the Department to award severe disability premium at a higher rate is superseded by a decision of the Department to award severe disability premium at a lower rate.

Eligibility (joint-claim couples: disability premium and enhanced disability premium)

14.—(1) A joint-claim couple are entitled to welfare supplementary payment under this Part if—

- (a) they meet the joint-claim JSA entitlement condition,
- (b) they meet the disability-related premium entitlement condition,
- (c) one of them meets the PIP refusal condition, and
- (d) they meet the termination of disability-related premium condition.

(2) The joint-claim JSA entitlement condition is that they are in receipt of jobseeker’s allowance as a joint-claim couple under the Jobseekers (Northern Ireland) Order 1995 on the transition date.

(3) The disability-related premium entitlement condition is that they are in receipt of disability-related premium on the transition date.

(4) In this Part and notwithstanding regulation 11(4), where eligibility for welfare supplementary payment is under this regulation, disability-related premium means—

- (a) disability premium under paragraph 20G(6),
- (b) enhanced disability premium under paragraph 20IA(7),

of Schedule 1 to the Jobseeker’s Allowance Regulations (Northern Ireland) 1996.

(5) The PIP refusal condition is that following a transitional assessment determination, a person is refused personal independence payment, or the component of personal independence payment, that is a condition for entitlement to disability-related premium.

(6) The termination of disability-related premium condition is that, in consequence of the PIP refusal condition, the decision of the Department to award disability-related premium is superseded by a decision to not award disability-related premium.

(7) Where a joint-claim couple are entitled to welfare supplementary payment under this regulation, payment must be to the person who is the nominated member in accordance with Article 5 of the Jobseekers (Northern Ireland) Order 1995(8).

(8) In this regulation “joint-claim couple” has the same meaning as in the Jobseekers (Northern Ireland) Order 1995.

(6) Paragraph 20G was amended by regulation 3(8) of S.R. 2007 No. 154 and regulation 5(5)(h) of S.R. 2010 No. 103
(7) Paragraph 20IA was amended by regulation 4(c)(v) of S.R. 2000 No. 367, regulation 3(8)(k) of S.R. 2007 No. 154, regulation 5(5)(i) of S.R. 2010 No. 103, and regulation 17(7)(i) of S.I. 2013/3021
(8) Article 5 was amended by paragraph 5(1) of Schedule 7 to S.I. 1999/3147 (N.I. 11), paragraph 132 of Schedule 24 to 2002 c.33, paragraph 25(b) of 2002 c.14 (N.I.) and paragraph 6(4) of Schedule 3 to 2007 c.2 (N.I.)

Eligibility (joint-claim couples: severe disability premium)

15.—(1) A joint-claim couple are entitled to welfare supplementary payment under this Part if—

- (a) they meet the joint-claim JSA entitlement condition,
- (b) they meet the disability-related premium entitlement condition,
- (c) one of them meets the PIP refusal condition (but this is subject to paragraph (7)), and
- (d) they meet the termination of disability-related premium condition.

(2) The joint-claim JSA entitlement condition is that they are in receipt of jobseeker’s allowance as a joint-claim couple under the Jobseekers (Northern Ireland) Order 1995 on the transition date.

(3) The disability-related premium entitlement condition is that they are in receipt of disability-related premium on the transition date.

(4) In this Part and notwithstanding regulation 11(4), where eligibility for welfare supplementary payment is under this regulation, disability-related premium means severe disability premium under paragraph 20I of Schedule 1 to the Jobseeker’s Allowance Regulations (Northern Ireland) 1996(9).

(5) The PIP refusal condition is that following a transitional assessment determination, the person is refused personal independence payment, or the component of personal independence payment, that is a condition for entitlement to disability-related premium.

(6) The termination of disability-related premium condition is that, in consequence of the PIP refusal condition, the decision of the Department to award disability-related premium is superseded by a decision to not award disability-related premium.

(7) Paragraph (9) applies where—

- (a) one member of the couple does not meet the PIP refusal condition,
- (b) the other member (B) meets the PIP refusal condition, and
- (c) B meets the blind condition on the transition date.

(8) The blind condition is that the person is certified as severely sight impaired or blind by a consultant ophthalmologist.

(9) Where this paragraph applies, the termination of disability-related premium condition is met if, in consequence of the matters set out in paragraph (7), the decision of the Department to award severe disability premium at a higher rate is superseded by a decision of the Department to award severe disability premium at a lower rate.

(10) Where a joint-claim couple are entitled to welfare supplementary payment under this regulation, payment must be to the person who is the nominated member in accordance with Article 5 of the Jobseekers (Northern Ireland) Order 1995.

(11) In this regulation “joint-claim couple” has the same meaning as in the Jobseekers (Northern Ireland) Order 1995.

Amount

16.—(1) The amount of welfare supplementary payment payable is equal to the disability-related premium which was payable to the person on the date entitlement to the premium is lost.

(2) Where regulation 13(8) or 15(9) apply, the amount of welfare supplementary payment payable is equal to the difference between the severe disability premium payable at the higher rate and the severe disability premium payable at the lower rate.

(9) Paragraph 20I was amended by regulation 5(4)(b) of [S.R. 2002 No. 80](#), regulation 3 of [S.R. 2002 No. 323](#), regulation 3(8)(j) of [S.R. 2007 No. 154](#), regulation 5(3)(b) of [S.R. 2011 No. 291](#), regulation 17(7)(h) of 2013/3021 and regulation 3(2)(e) of [S.R. 2014 No. 275](#)

Period of payment

17.—(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 disability-related 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 31st March 2020,

whichever is first to occur.

Effect of loss of jobseeker's allowance

18.—(1) Welfare supplementary payment must cease to be paid from the end of the week in which the conditions for payment of jobseeker's allowance under the Jobseeker's (Northern Ireland) Order 1995 cease to be met in relation to the person.

(2) But this is subject to the provisions in Part 7 on temporary cessation of underlying benefits.

Termination of payment on award of disability-related premium

19.—(1) Welfare supplementary payment must cease to be paid to a person from the date the person is entitled to disability-related premium.

(2) The entitlement to disability-related premium must arise out of—

- (a) a new award of disability-related 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.