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DRAFT STATUTORY RULES OF NORTHERN IRELAND

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**2016 No.**

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

**PART 6**

**Welfare Supplementary Payment for loss of severe disability component on transition from Disability Living Allowance to Personal Independence Payment (State Pension Credit claimants)**

**Eligibility**

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

- (a) the SPC entitlement condition,
- (b) the severe disability component entitlement condition,
- (c) the PIP refusal condition, and
- (d) the termination of severe disability component condition.

(2) The SPC entitlement condition is that the person is in receipt of state pension credit under the State Pension Credit Act (Northern Ireland) 2002<sup>(1)</sup> on the transition date.

(3) The severe disability component entitlement condition is that the person is in receipt of severe disability component on the transition date.

(4) In this Part severe disability component means the additional amount (in respect of the appropriate minimum guarantee) prescribed under regulation 6(4) of the State Pension Credit Regulations (Northern Ireland) 2003<sup>(2)</sup> for persons treated as severely disabled persons.

(5) In paragraph (4) the appropriate minimum guarantee has the same meaning as in section 2(3) of the State Pension Credit Act (Northern Ireland) 2002.

(6) 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 severe disability component.

(7) The termination of severe disability component condition is that, in consequence of the PIP refusal condition, the decision of the Department to award severe disability component is superseded by a decision to not award severe disability component.

**Eligibility (couples)**

**34.**—(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),

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(1) 2002 c. 14 (N. I.)  
(2) S.R. 2003 No. 28

- (b) A meets the SPC entitlement condition,
- (c) A meets the severe disability component entitlement condition,
- (d) A or B meet the PIP refusal condition (but this is subject to paragraph (6)), and
- (e) A meets the termination of severe disability component condition.

(2) The SPC entitlement condition is that the person is in receipt of state pension credit under the State Pension Credit Act (Northern Ireland) 2002 on the transition date.

(3) The severe disability component entitlement condition is that the person is in receipt of severe disability component 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 severe disability component.

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

(6) Paragraph (8) applies where—

- (a) one member of the couple does not meet the PIP refusal condition,
- (b) the other member meets the PIP refusal condition, and
- (c) the other member 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 severe disability component condition is met if, in consequence of the matters set out in paragraph (6), the decision of the Department to award severe disability component at a higher rate is superseded by a decision of the Department to award severe disability component at a lower rate.

### **Amount**

**35.—**(1) The amount of welfare supplementary payment payable is equal to the severe disability component which was payable to the person on the date entitlement to the component is lost.

(2) Where regulation 34(8) applies, the amount of welfare supplementary payment payable is equal to the difference between the severe disability component payable at the higher rate and the severe disability component payable at the lower rate.

### **Period of payment**

**36.—**(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 severe disability component 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 state pension credit**

**37.**—(1) Welfare supplementary payment must cease to be paid from the end of the week in which the conditions for payment of state pension credit under State Pension Credit Act (Northern Ireland) 2002 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 severe disability component**

**38.**—(1) Welfare supplementary payment must cease to be paid to a person from the date the person is entitled to severe disability component.

(2) The entitlement to severe disability component must arise out of—

- (a) a new award of severe disability component,
- (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.