
DRAFT STATUTORY RULES OF NORTHERN IRELAND

2017 No.

**The Welfare Supplementary Payment
(Amendment) Regulations (Northern Ireland) 2017**

PART 6

**AMENDMENTS TO WELFARE SUPPLEMENTARY
PAYMENTS IN RESPECT OF LOSS OF CARER PAYMENTS**

Amendments to the Welfare Supplementary Payment (Loss of Carer Payments) Regulations

37. The Welfare Supplementary Payment (Loss of Carer Payments) Regulations (Northern Ireland) 2016(1) are amended in accordance with this Part.

Definition of couple

38. In regulation 2(1) insert in the appropriate place in alphabetical order—
“couple” has the same meaning as in Article 45 of the Welfare Reform (Northern Ireland) Order 2015.”.

Priority where claimant potentially entitled under more than one Part

39. After regulation 3(3) insert—
“(4) If a person satisfies the criteria for entitlement to welfare supplementary payment under both Part 2 and Part 3, then only entitlement under Part 3 is to be applied.
(5) If a person satisfies the criteria for entitlement to welfare supplementary payment under Part 2, Part 3 and Part 4, then only entitlement under Part 4 is to be applied.
(6) If a person satisfies the criteria for entitlement to welfare supplementary payment under Part 5 and any other Part, then only entitlement under Part 5 is to be applied.”.

Change in the amount of contributory benefit

40. After regulation 5 insert—

“Change in the amount of contributory benefit

5A.—(1) This regulation applies if there is a change in the amount of contributory benefit (within the meaning of regulation 5) that a person is entitled to.

(2) The amount of welfare supplementary payment the person is entitled to must be recalculated in accordance with the provisions set out in regulation 5.

(3) The effective date of the change in the amount of contributory benefit, for the purposes of calculating the person's entitlement to welfare supplementary payment, is the date on which the change in the person's award of contributory benefit takes effect."

Date payments cease if caree ceases to receive welfare supplementary payment for loss of disability living allowance

41. In regulation 20(2) after "cease to be paid from" insert "the day after".

Termination of welfare supplementary payment if caree awarded daily living component of personal independence payment

42. After regulation 21 insert—

"Termination of welfare supplementary payment if caree awarded daily living component of personal independence payment

21A.—(1) This regulation applies where the caree is awarded the daily living component of personal independence payment.

(2) Welfare supplementary payment must cease to be paid from the day after the first payment of welfare supplementary payment following the date on which the caree is awarded the daily living component of personal independence payment."

Couples: termination of welfare supplementary payment on death of carer

43. After regulation 21A insert—

"Couples: termination of welfare supplementary payment on death of carer

21B.—(1) This regulation applies where—

- (a) A and B are a couple,
- (b) B is in receipt of welfare supplementary payment by virtue of A providing care for the caree, and
- (c) A dies.

(2) Welfare supplementary payment must cease to be paid at the expiry of 8 weeks beginning with the Sunday following the death (or beginning with the date of the death if the death occurred on a Sunday).

(3) The period of payment must not exceed the time limit set out in—

- (a) regulation 6(3),
- (b) regulation 10(3),
- (c) regulation 14(3), or
- (d) regulation 18(3)."

Time limits for termination of welfare payment on death of caree

44. After regulation 22(2)(a) insert—

"(ab) regulation 10(3)."

Persons to whom welfare supplementary payments may be made

45. After regulation 22 insert—

“Persons to whom welfare supplementary payments may be made

22A.—(1) A welfare supplementary payment to which a person is entitled under these Regulations must be paid to the person, but this is subject to paragraph (2).

(2) Payment may be made to a person appointed under regulation 33 of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987.”.

Effect of sanctions

46. After regulation 22A insert—

“Effect of sanctions

22B. For the avoidance of doubt, where a person is subject to a benefit sanction (for example for failure to take part in a work-focused interview), the effect of the sanction is to be disregarded in calculating the amount of welfare supplementary payment payable.”.

Change in the amount of welfare supplementary payment after person forms a couple

47. After regulation 22B insert—

“Change in the amount of welfare supplementary payment after person forms a couple

22C.—(1) This regulation applies where a person (A) who is entitled to welfare supplementary payment under Part 2 or 4 forms a couple with another person (B).

(2) The amount of welfare supplementary payment to which A is entitled will change if case 1 or case 2 applies, otherwise it will not change solely as a consequence of A forming a couple with B.

(3) Case 1 applies if—

(a) at the time when A forms a couple with B, B is entitled to welfare supplementary payment under Part 3 or 5, and

(b) either A or B are or become entitled to an income-related benefit.

(4) Case 2 applies if B is or becomes entitled to an income-related benefit.

(5) Where case 1 or 2 applies, the amount of welfare supplementary payment to which A is entitled is reduced to the amount of welfare supplementary payment to which A would have been entitled under Part 3 if A had satisfied the conditions for payment on loss of carer premium on transition from disability living allowance to personal independence payment.

(6) In this regulation “income-related benefit” means—

(a) income-based jobseeker’s allowance under the Jobseekers (Northern Ireland) Order 1995(2),

(b) income-related employment and support allowance under Part 1 of the Welfare Reform Act (Northern Ireland) 2007(3),

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

(3) 2007 c. 2 (N.I.)

- (c) income support under section 122 of the Contributions and Benefits Act(4),
- (d) state pension credit under the State Pension Credit Act (Northern Ireland) 2002(5).

Welfare supplementary payment (under Part 3 or 5) where a couple separates

48. After regulation 22C insert—

“Welfare supplementary payment (under Part 3 or 5) where a couple separates

22D.—(1) This regulation applies where—

- (a) A and B were a couple,
 - (b) on or after 20 July 2016, A and B ceased to be a couple, and
 - (c) immediately before that, A was entitled to welfare supplementary payment under regulation 8 or regulation 16.
- (2) After they cease to be a couple, only the person by virtue of whom—
- (a) the carer premium entitlement condition was satisfied under regulation 8, or
 - (b) the additional amount (carer) entitlement condition was satisfied under regulation 16,

as the case may be, is entitled to welfare supplementary payment (under the Part to which A was originally entitled to welfare supplementary payment).”

Information sharing

49. After regulation 22D insert—

“Information sharing

22E.—(1) The Department may supply to the Commissioners for Her Majesty’s Revenue and Customs such information as they may require for the purposes of HMRC functions.

(2) Information supplied under this regulation must not be supplied by the recipient of the information to any other person or body without the authority of the Department.

(3) Where information supplied under this regulation has been used for the purposes for which it was supplied, it is lawful for it to be used for any purposes for which information held for those purposes could reasonably be used.

(4) This regulation does not limit the circumstances in which information may be supplied apart from this regulation.

(5) In this regulation “HMRC functions” means any function—

- (a) for which the Commissioners for Her Majesty’s Revenue and Customs are responsible by virtue of section 5 of the Commissioners for Revenue and Customs Act 2005(6), or
- (b) which relates to a matter listed in Schedule 1 to that Act(7).”

(4) 1992 c. 7; section 122 was amended by Schedule 6 to the Tax Credits Act 2002 (c. 21)

(5) 2002 c. 14 (N.I.)

(6) 2005 c.11; as amended by paragraph 20 of Schedule 3 to, and Part 1 of Schedule 14 to, the Welfare Reform Act 2012 (c.5) and modified by sections 1(7)(a) and 7(8)(a) of the Borders, Citizenship and Immigration Act 2009 (c.11)

(7) Schedule 1 was amended by paragraph 61 of Schedule 1 to the Work and Families Act 2006 (c. 18), Part 1 of Schedule 14 to the Welfare Reform Act 2012 (c. 5) and paragraph 64 of Schedule 7 to the Children and Families Act 2014 (c. 6)

Change of circumstances: residency, care home, hospital, prison

50. After regulation 31 insert—

“Change of circumstances: residency, care home, hospital, prison

32.—(1) This regulation applies where there is a change of circumstances of a kind set out in regulations 25 to 30 which affects a person’s entitlement to welfare supplementary payment.

(2) Where it is reasonable to expect the person to do so, the person must inform the Department of this change of circumstances.

(3) For the purposes of calculating the person’s entitlement to welfare supplementary payment, the date to be used is the date on which the change of circumstances takes effect.