

Draft Regulations laid before the Assembly under Article 137(5) of the Welfare Reform (Northern Ireland) Order 2015 for approval

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2022 No. 000

WELFARE

**The Welfare Supplementary Payment
(Extension) Regulations (Northern Ireland) 2022**

Laid before the Assembly in draft

Made - - - - XX Xxxxxx 2022

Coming into operation in accordance with regulation 1

The Department for Communities⁽¹⁾ makes these Regulations in exercise of the powers conferred by Article 137 of the Welfare Reform (Northern Ireland) Order 2015⁽²⁾.

In accordance with Article 137(5) of that Order, a draft of these Regulations has been laid before, and approved by a resolution of, the Assembly.

Citation and commencement

1.—(1) These Regulations may be cited as the Welfare Supplementary Payment (Extension) Regulations (Northern Ireland) 2022.

(2) Subject to paragraph (3), these Regulations come into operation on the day after the day they are made.

(3) Regulations 3, 5, 7 and 9 come into operation at the end of the period of 13 months beginning on the day these Regulations are made.

Amendment of the Welfare Supplementary Payments Regulations (Northern Ireland) 2016

2.—(1) The Welfare Supplementary Payments Regulations (Northern Ireland) 2016⁽³⁾ are amended as follows.

(2) In regulation 1(2) (interpretation), at the appropriate place insert—

““the administrative period” means the period beginning on 31st March 2020 and ending on the day the Welfare Supplementary Payment (Extension) Regulations (Northern Ireland) 2022 are made;”.

(1) See section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.)).

(2) S.I. 2015/2006 (N.I. 1).

(3) S.R. 2016 No. 178. Regulations 4D and 4E were inserted by S.R. 2017 No. 28.

- (3) In regulation 4(6)—
- (a) for “ends on 31st March 2020” substitute “ends on 31st March 2025”;
 - (b) at the end insert “, but that period does not include any times in the administrative period”.
- (4) In regulation 4D, after paragraph (3) insert—
- “(4) Where the date on which the person ceases to be entitled to housing benefit is in the administrative period, paragraph (2) has effect as if for “must cease to be paid from the day after the first payment of welfare supplementary payment following” there were substituted “must not be paid for times after”.”.
- (5) In regulation 4E, after paragraph (2) insert—
- “(3) Where the date on which the person’s housing benefit ceases to be reduced is in the administrative period, paragraph (2) has effect as if for “must cease to be paid from the day after the first payment of welfare supplementary payment following” there were substituted “must not be paid for times after”.”.
- (6) In regulation 9(4), after “under this Part” insert “, and includes any times in the administrative period in respect of which welfare supplementary payments would be payable under this Part but for regulation 10(4)”.
- (7) In regulation 10—
- (a) in paragraph (3)(b) for “on 31st March 2020” substitute “on 31st March 2025”;
 - (b) after paragraph (3) insert—
- “(4) But the period during which welfare supplementary payments are payable to a person under this Part does not include any times in the administrative period (nor any times more than a year after the commencement day given by paragraph (2)).”.
- 3.—**(1) The Welfare Supplementary Payments Regulations (Northern Ireland) 2016, as amended by regulation 2, are further amended in accordance with paragraphs (2) to (7).
- (2) In regulation 1(2) omit the definition of “the administrative period”.
 - (3) In regulation 4(6) omit the words after “31st March 2025”.
 - (4) Omit regulations 4D(4) and 4E(3).
 - (5) In regulation 9(4) omit the words from “, and includes” to the end.
 - (6) Omit regulation 10(4).
 - (7) In consequence of paragraphs (2) to (7) omit regulation 2(2), 2(3)(b), 2(4) to (6) and (7)(b) of these Regulations.

Amendment of the Welfare Supplementary Payment (Loss of Carer Payments) Regulations (Northern Ireland) 2016

- 4.—**(1) The Welfare Supplementary Payment (Loss of Carer Payments) Regulations (Northern Ireland) 2016(4) are amended as follows.
- (2) In regulation 2 (interpretation)—
- (a) in paragraph (1), at the appropriate place insert—
- ““the administrative period” means the period beginning on 31st March 2020 and ending on the day the Welfare Supplementary Payment (Extension) Regulations (Northern Ireland) 2022 are made,”;

(4) S.R. 2016 No. 253. Regulations 2(1), 20(2) and 22(2) were amended, and regulations 21A and 22A were inserted, by S.R. 2017 No. 28.

- (b) after paragraph (2) insert—
- “(3) Where the date mentioned in regulation 7(1), 11(1), 15(1) or 19(1) is in the administrative period, that provision’s requirement that welfare supplementary payment must cease to be paid from that date is to be read as a requirement that welfare supplementary payment must not be paid for times on or after that date.
- (4) Where the expiry mentioned in regulation 21B(2) or 22(1) occurs in the administrative period, that provision’s requirement that welfare supplementary payment must cease to be paid at that expiry is to be read as a requirement that welfare supplementary payment must not be paid for times after that expiry.”.
- (3) In each of regulations 6, 10, 14 and 18—
- (a) in paragraph (3)(b) for “on 31st March 2020” substitute “on 31st March 2025”;
- (b) after that paragraph insert—
- “(4) But the period during which welfare supplementary payment is payable does not include any times in the administrative period (nor any times more than a year after the commencement day given by paragraph (2)).”.
- (4) In regulation 20—
- (a) after paragraph (2) insert—
- “(2A) Where the date on which the caree ceases to be entitled to welfare supplementary payment under the DLA Regulations is in the administrative period, paragraph (2) has effect as if for “must cease to be paid from the day after the first payment of welfare supplementary payment under these Regulations following” there were substituted “must not be paid for times after”.”;
- (b) in paragraph (5)—
- (i) in the words before sub-paragraph (a), before “welfare supplementary payment” insert “further”, and
- (ii) in sub-paragraph (b), for “on 31st March 2020” substitute “on 31st March 2025”;
- (c) after that paragraph insert—
- “(5A) But the period during which further welfare supplementary payment is payable does not include any times in the administrative period.
- (5B) Where the date the Commissioner’s decision is received by the Department is in the administrative period, paragraph (5) has effect as if for “after the first payment following” there were substituted “on”.”.
- (5) In regulation 21, after paragraph (2) insert—
- “(3) Where the date on which the caree ceases to be entitled to personal independence payment is in the administrative period, paragraph (2) has effect as if for “must cease to be paid from the day after the first payment of welfare supplementary payment following” there were substituted “must not be paid for times after”.”.
- (6) In regulation 21A, after paragraph (2) insert—
- “(3) Where the date on which the caree is awarded that component is in the administrative period, paragraph (2) has effect as if for “must cease to be paid from the day after the first payment of welfare supplementary payment following” there were substituted “must not be paid for times after”.”.
- (7) In each of the sub-paragraphs of regulations 21B(3) and 22(2), after “(3)” insert “and (4)”.

5.—(1) The Welfare Supplementary Payment (Loss of Carer Payments) Regulations (Northern Ireland) 2016, as amended by regulation 4, are further amended in accordance with paragraphs (2) and (3).

- (2) In each of regulations 6, 10, 14 and 18, omit paragraph (4).
- (3) In each of the sub-paragraphs of regulations 21B(3) and 22(2), omit “and (4)”.
- (4) In consequence of paragraphs (2) and (3) omit regulation 4(3)(b) and (7) of these Regulations.

Amendment of the Welfare Supplementary Payment (Loss of Disability Living Allowance) Regulations (Northern Ireland) 2016

6.—(1) The Welfare Supplementary Payment (Loss of Disability Living Allowance) Regulations (Northern Ireland) 2016(5) are amended as follows.

- (2) In regulation 2(1), at the appropriate place insert—
 - ““the administrative period” means the period beginning on 31st March 2020 and ending on the day the Welfare Supplementary Payment (Extension) Regulations (Northern Ireland) 2022 are made;”.
- (3) In regulation 2, after paragraph (2) insert—
 - “(3) Where the date mentioned in regulation 7(2), 12(2) or 20(2) is in the administrative period, that provision’s requirement that welfare supplementary payment must cease to be paid from that date is to be read as a requirement that welfare supplementary payment must not be paid for times on or after that date.”.
- (4) In regulation 6—
 - (a) in paragraph (3)(b) for “on 31st March 2020” substitute “on 31st March 2025”;
 - (b) in paragraph (6)(b) for “on 31st March 2020” substitute “on 31st March 2025”;
 - (c) after that paragraph insert—
 - “(7) The provisions of this regulation have effect subject to regulation 6A.”
- (5) After regulation 6 insert—

“Periods of payment: times not included

6A.—(1) The period during which welfare supplementary payment is payable does not include any times in the administrative period.

(2) The period during which further welfare supplementary payment is payable does not include any times in the administrative period.”

- (6) In regulation 11—
 - (a) in paragraph (3)(b) for “on 31st March 2020” substitute “on 31st March 2025”;
 - (b) after that paragraph insert—
 - “(4) But the period during which welfare supplementary payment is payable does not include any times in the administrative period (nor any times more than a year after the commencement day given by paragraph (2)).”.
- (7) In regulation 19—
 - (a) in paragraph (4)(b) for “on 31st March 2020” substitute “on 31st March 2025”;
 - (b) after that paragraph insert—

(5) S.R. 2016 No. 250. Regulation 7(2) was substituted, and regulations 12(2) and 20(2) were amended, by S.R. 2017 No. 28.

“(5) But the period during which welfare supplementary payment is payable does not include any times in the administrative period (nor any times more than a year after the commencement day given by paragraph (2) or (3)).”.

7.—(1) The Welfare Supplementary Payment (Loss of Disability Living Allowance) Regulations (Northern Ireland) 2016, as amended by regulation 6, are further amended in accordance with paragraph (2).

(2) Omit regulations 11(4) and 19(5).

(3) In consequence of paragraph (2) omit regulation 6(6)(b) and 6(7)(b) of these regulations.

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

8.—(1) The Welfare Supplementary Payment (Loss of Disability-Related Premiums) Regulations (Northern Ireland) 2016(6) are amended as follows.

(2) In regulation 2(1), at the appropriate place insert—

““the administrative period” means the period beginning on 31st March 2020 and ending on the day the Welfare Supplementary Payment (Extension) Regulations (Northern Ireland) 2022 are made;”.

(3) In regulation 2, after paragraph (2) insert—

“(3) Where the date mentioned in regulation 10(1), 19(1), 26(1), 32(1), 38(1) or 43(2) is in the administrative period, that provision’s requirement that welfare supplementary payment must cease to be paid from that date is to be read as a requirement that welfare supplementary payment must not be paid for times on or after that date.

(4) Where the last day of the week mentioned in regulation 9(1), 18(1), 25(1), 31(1) or 37(1) is a day in the administrative period, that provision’s requirement that welfare supplementary payment must cease to be paid from the end of that week is to be read as a requirement that welfare supplementary payment must not be paid for times after the end of that week.”.

(4) In each of regulations 8, 17, 24, 30 and 36—

(a) in paragraph (3)(b) for “on 31st March 2020” substitute “on 31st March 2025”;

(b) after that paragraph insert—

“(4) But the period during which welfare supplementary payment is payable does not include any times in the administrative period (nor any times more than a year after the commencement day given by paragraph (2)).”.

(5) In regulation 38A, after paragraph (2) insert—

“(3) In the case of welfare supplementary payment to which A or B is entitled by virtue of regulations 38B to 38D, paragraph (4) of regulation 8, 17, 24, 30 or 36 applies as if the reference to the commencement day given by paragraph (2) of that regulation were to the commencement day so given for the old WSP.”.

(6) In regulation 38D(5), after “must cease to be paid” insert “(or, as the case may be, from then on must not be paid)”.

(7) In regulation 39—

(a) after paragraph (2A) insert—

(6) S.R. 2016 No. 254. Regulation 2(1) was amended, and regulations 38A to 38D and 39(2A) were inserted, by S.R. 2017 No. 28.

“(2B) Where the date on which the decision notice is received by the Department is in the administrative period, paragraph (2) has effect as if for “must cease to be paid from the day after the first payment of welfare supplementary payment following” there were substituted “must not be paid for times after”.”;

(b) in paragraph (5)—

(i) in the words before sub-paragraph (a), before “welfare supplementary payment” insert “further”, and

(ii) in sub-paragraph (b), for “on 31st March 2020” substitute “on 31st March 2025”;

(c) after that paragraph insert—

“(6) But the period during which further welfare supplementary payment is payable does not include any times in the administrative period.

(7) Where the date the Commissioner’s decision is received by the Department is in the administrative period, paragraph (5) has effect as if for “after the first payment following” there were substituted “on”.”.

(8) In regulation 40—

(a) in paragraph (2), for “date welfare supplementary payment commenced” substitute “commencement day given by regulation 8(2), 17(2), 24(2), 30(2) or 36(2)”;

(b) after paragraph (3) insert—

“(3A) Where that change occurs in the administrative period, this regulation has effect—

(a) as if in paragraph (1) for “must cease to be paid to a person if” there were substituted “must not be paid to a person for times after the day on which”, and

(b) as if paragraph (3) were omitted.”.

(9) In regulation 41—

(a) in paragraph (1)(a), at the end insert “or welfare supplementary payment would have ceased to be paid for that reason but for the operation of regulation 8(3)(b), 17(3)(b), 24(3)(b), 30(3)(b) or 36(3)(b),”;

(b) in paragraph (2), after “the date that entitlement to the underlying benefit restarts” insert “or, if that date is in the administrative period, from the end of the administrative period”;

(c) in paragraph (3)—

(i) after “ceasing” insert “(whether because an underlying benefit ceases to be paid or under regulation 8(3)(b), 17(3)(b), 24(3)(b), 30(3)(b) or 36(3)(b))”, and

(ii) after “restarting” insert “(under paragraph (2))”;

(d) in paragraph (5), for “date welfare supplementary payment commenced” substitute “commencement day given by regulation 8(2), 17(2), 24(2), 30(2) or 36(2)”;

(e) after paragraph (6) insert—

“(7) The references in paragraphs (1) and (3) to regulations 8(3)(b), 17(3)(b), 24(3)(b), 30(3)(b) and 36(3)(b) are references to those provisions as they were in force at the date on which the underlying benefit ceased to be paid.”.

(10) In regulation 42—

(a) in paragraph (1)(a), at the end insert “or welfare supplementary payment would have ceased to be paid for that reason but for the operation of regulation 8(3)(b), 17(3)(b), 24(3)(b), 30(3)(b) or 36(3)(b),”;

- (b) in paragraph (2), after “the date that entitlement to the different underlying benefit starts” insert “or, if that date is in the administrative period, from the end of the administrative period”;
- (c) in paragraph (4)—
 - (i) after “ceasing” insert “(whether because an underlying benefit ceases to be paid or under regulation 8(3)(b), 17(3)(b), 24(3)(b), 30(3)(b) or 36(3)(b))”, and
 - (ii) after “restarting” insert “(under paragraph (2))”;
- (d) in paragraph (6), for “date welfare supplementary payment commenced” substitute “commencement day given by regulation 8(2), 17(2), 24(2), 30(2) or 36(2)”;
- (e) after paragraph (10) insert—

“(11) The references in paragraphs (1) and (4) to regulations 8(3)(b), 17(3)(b), 24(3)(b), 30(3)(b) and 36(3)(b) are references to those provisions as they were in force at the date on which the original underlying benefit ceased to be paid.”.

9.—(1) The Welfare Supplementary Payment (Loss of Disability-Related Premiums) Regulations (Northern Ireland) 2016, as amended by regulation 8, are further amended in accordance with paragraphs (2) to (4).

(2) In each of regulations 8, 17, 24, 30 and 36, omit paragraph (4).

(3) In regulation 38A(3), for the words after “38D,” substitute “the period during which it is payable does not include any times after the year given for the old WSP by regulation 8(2), 17(2), 24(2), 30(2) or 36(2).”.

(4) In regulations 40(2), 41(5) and 42(6), for “commencement day” substitute “first day of the year”.

(5) In consequence of paragraph (2) omit regulation 8(4)(b) of these Regulations.

Sealed with the Official Seal of the Department for Communities on 00th January 2022

(L.S.)

Anne McCleary
A senior officer of the Department for
Communities

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend existing regulations under Article 137 of the Welfare Reform (Northern Ireland) Order 2015 which provided for welfare supplementary payment to be paid to individuals where certain entitlements to social security benefits had been terminated or reduced. The relevant common feature of the existing regulations was that they provided for welfare supplementary payment not to be payable for times after 31st March 2020. These Regulations provide for welfare supplementary payment under the existing regulations to become payable again as from the end of the day these Regulations are made. These Regulations do not alter what is payable for times before they come into operation. Accordingly, replacement of the 31st March 2020 cut-off date with the new end date of 31st March 2025 is accompanied by text confirming that welfare supplementary payment is not payable under the existing regulations for times in the “administrative period” that began with 1st April 2020 and ends with the date these Regulations are made.

The existing regulations deal separately with entitlement to welfare supplementary payment and the period for which it is payable. As a result, entitlements may have arisen or ended, or been suspended or ceased to be suspended, during the intervening administrative period, or the amount of an entitlement may have changed during that period. Those matters will affect what is payable for times after the day these Regulations are made.

In some cases, welfare supplementary payment is limited to being paid for a maximum period of one year, and these Regulations provide for relevant times in the administrative period to count towards that year, even though no amounts are payable under the existing regulations for times in that period. In those one-year cases, some of the amendments made by regulations 2, 4, 6 and 8 of these Regulations will, once a clear year has elapsed, no longer need references to the administrative period, and regulations 3, 5, 7 and 9 of these Regulations therefore make amendments coming into operation after 13 months in order to simplify the amended text by removing what by then will be spent references.