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## EXPLANATORY NOTE

*(This note is not part of the Order)*

These Regulations introduce welfare supplementary payments to mitigate impacts from implementation of the Welfare Reform (Northern Ireland) Order 2015 (“the Order”) as defined in the document “A Fresh Start the Stormont Agreement and Implementation Plan”.

The Regulations provide for mitigations on the introduction of the benefit cap (as provided for in Article 101 of the Order) and time limiting of contribution based employment and support allowance (Article 57 of the Order).

Regulation 2 provides for payments referred to as welfare supplementary payments.

Regulation 3 is an interpretative provision for Part 2 of the Regulations which provides for payments to be made in circumstances where the benefit cap is applicable.

Entitlement conditions to a payment to mitigate the reduction in housing benefit resulting from the benefit cap are described in regulation 4. The regulation makes provision to calculate the benefit cap rate as a daily amount for both couples and single claimants. The regulation allows for welfare supplementary payments to be made where a person’s housing benefit is capped after the 31st May 2016 in circumstances where that person has been continuously in receipt of a welfare benefit between that date and the date the benefit cap is applied. It makes further provision to calculate the welfare supplementary payment by reference to the reduction of housing benefit on the first occasion it is reduced. Where there is a change of circumstances leading to re-calculation of housing benefit and the outcome is a reduction of housing benefit which is less than the first reduction the welfare supplementary payment will be equal to that lesser amount. The regulation provides for the maximum duration of payments under the scheme and for payments to be made every four weeks. It maintains for the welfare supplementary payment the current practice in relation to housing benefit that payments may be made to landlords.

Regulation 5 regulates any payments made as Discretionary Housing Payments with those made as welfare supplementary payments.

Regulation 6 contains interpretative provisions in relation to Part 3 (Contributory Employment and Support Allowance).

Regulation 7 prescribes the conditions for entitlement to a welfare supplementary payment on the cessation of a contributory based employment and support allowance. It defines what is meant by financial disadvantage and limited capability for work.

Regulation 8 provides for the amount of welfare supplementary payment under Part 3 of the Regulations to be an amount corresponding to the difference between any new award of income-related employment and support allowance and the contributory award that immediately preceded it or in some cases an amount corresponding to the full amount of contributory employment and support allowance.

Regulation 9 provides for the adjustment or cessation of a welfare supplementary payment in the event of certain changes in circumstances.

Regulation 10 stipulates welfare supplementary payments under Part 3 are to be paid four weeks in arrears and provides for the duration of payments.

Regulation 11 provides for reviewing a person’s entitlement to a welfare supplementary payment.

Regulation 12 ensures entitlement to a welfare supplementary payment is to be disregarded in the consideration of entitlement to social security benefits.

**Status:** This is the original version (as it was originally made).

Regulation 13 defines entitlement by reference to residence and presence in Northern Ireland.

Regulation 14 allows periods of temporary absence from Northern Ireland to be deemed as presence for 4 weeks provided if at the beginning of the absence period that period was unlikely to exceed 52 weeks.

Regulation 15 allows temporary absence from Northern Ireland to be deemed as presence in Northern Ireland for the first 13 weeks of absence where a person is receiving medical treatment.

Regulation 16 provides that a welfare supplementary payment will not be paid where a person is imprisoned or detained in legal custody for a period in excess of 28 days.