

EXPLANATORY NOTE

(This note is not part of the Regulations)

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 Personal Independence Payment (as provided for in Part 5 of the Order).

Regulation 2 is an interpretative provision for these Regulations which provides for payments to be made to existing Disability Living Allowance claimants who are financially worse off as a result of transitioning to Personal Independence Payment.

Regulation 3 provides for payments referred to as welfare supplementary payments (Disability Living Allowance).

Part 2 makes provision for those existing Disability Living Allowance claimants who are refused Personal Independence Payment on reassessment and they subsequently appeal this decision.

Regulation 4 stipulates the eligibility criteria for welfare supplementary payments to be made under Part 2.

Regulation 5 provides that the amount of welfare supplementary payment to be made to each claimant is to be equal to the weekly amount of Disability Living Allowance they were receiving at the point of reassessment.

Regulation 6 stipulates welfare supplementary payments under Part 2 are to be paid four weeks in arrears and provides for the duration of payments.

Regulation 7 makes provision for welfare supplementary payments to cease in cases where a claimant is subsequently awarded Personal Independence Payment.

Part 3 makes provision for existing Disability Living Allowance claimants who qualify for Personal Independence Payment but at a rate lower than what they were receiving under Disability Living Allowance.

Regulation 8 stipulates the eligibility criteria for welfare supplementary payments to be made under Part 3.

Regulation 9 makes provision for welfare supplementary payments under this Part where a claimant is subsequently awarded Personal Independence Payment following an initial refusal determination.

Regulation 10 provides that the amount of welfare supplementary payment to be made to each claimant is to be equal to 75% of the amount by which the award of Disability Living Allowance exceeded the award of Personal Independence Payment at the point of reassessment.

Regulation 11 stipulates welfare supplementary payments under Part 3 are to be paid four weeks in arrears and provides for the duration of payments.

Regulation 12 makes provision for welfare supplementary payments to be impacted in the event of the Personal Independence Payment award being changed. In the case where the claimants is no longer entitled to Personal Independence Payment or the difference between the award of Disability Living Allowance and the new award of Personal Independence Payment is no longer at least £10 per week, welfare supplementary payments under this Part will cease. If Personal Independence Payment is increased the amount of welfare supplementary payment will be recalculated to reflect 75% of the financial loss incurred as a result of the new Personal Independence Payment determination. In the event that the Personal Independence Payment award is decreased the amount of welfare supplementary payment will not be recalculated and will continue at the same rate.

Changes to legislation: *There are currently no known outstanding effects for the The Welfare Supplementary Payment (Loss of Disability Living Allowance) Regulations (Northern Ireland) 2016. (See end of Document for details)*

Part 4 makes provision for those existing Disability Living Allowance claimants who are refused Personal Independence Payment on reassessment and whose disability is as a result of a conflict related injury.

Regulation 13 stipulates the eligibility criteria for welfare supplementary payments to be made under Part 4.

Regulation 14 makes provisions for welfare supplementary payments under this Part when a claimant is not entitled to Personal Independence Payment but has been awarded between 4 and 7 points under the Personal Independence Payment assessment criteria, in either the daily living or mobility component.

Regulation 15 stipulates that in order to qualify for welfare supplementary payments under this Part the claimant must have been physically or psychologically injured as a result of, or in consequence of a violent incident in connection with the affairs of Northern Ireland. It further provides that the violent incident must have occurred between 1966 and the point of transition to Personal Independence Payment.

Regulation 16 provides that corroborative evidence must be provided by the claimant to confirm that they were involved in the conflict related incident and stipulates that the Department can consult with the Commission for Victims and Survivors where necessary.

Regulation 17 stipulates the sources of evidence from which corroborative evidence should be obtained.

Regulation 18 provides that the amount of welfare supplementary payment to be made under this Part is equivalent to either the standard rate of the daily living or mobility components, whichever is most financially advantageous to the claimant.

Regulation 19 stipulates welfare supplementary payments under Part 4 are to be paid four weeks in arrears and provides for the duration of payments.

Regulation 20 makes provision for welfare supplementary payments to cease in cases where a claimant is subsequently awarded Personal Independence Payment.

Part 5 makes provisions for certain miscellaneous matters that will impact welfare supplementary payments under these Regulations.

Regulation 21 provides for reviewing a person's entitlement to a welfare supplementary payment.

Regulation 22 ensures entitlement to welfare supplementary payment is to be disregarded in the consideration of entitlement to social security benefits.

Regulation 23 defines entitlement by reference to residency and presence in Northern Ireland.

Regulation 24 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 25 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 26 provides that a welfare supplementary payment will not be paid where a person is a resident in a care home and the costs are being paid out of public funds.

Regulation 27 provides that a welfare supplementary payment will not be paid where a person is an inpatient in a hospital or a similar institution and the costs are being paid out of public funds.

Regulation 28 provides that a welfare supplementary payment will not be paid where a person is imprisoned or detained in legal custody.

Regulation 29 provides that in the case of care homes, hospitals and prisons welfare supplementary payments will continue to be paid for the first 28 days before they cease in accordance with Regulations 26, 27 and 28.

Changes to legislation:

There are currently no known outstanding effects for the The Welfare Supplementary Payment (Loss of Disability Living Allowance) Regulations (Northern Ireland) 2016.