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STATUTORY RULES OF NORTHERN IRELAND

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**2016 No. 250**

**The Welfare Supplementary Payment (Loss of Disability Living Allowance) Regulations (Northern Ireland) 2016**

**PART 1**

**INTRODUCTION**

**Citation and commencement**

1.—(1) These Regulations may be cited as the Welfare Supplementary Payment (Loss of Disability Living Allowance) Regulations (Northern Ireland) 2016.

(2) These Regulations come into operation on 20th July 2016.

**Interpretation**

2.—(1) In these Regulations—

“the 1998 Order” means the Social Security (Northern Ireland) Order 1998 <sup>M1</sup>;

“the 2015 Order” means the Welfare Reform (Northern Ireland) Order 2015;

[<sup>F1</sup>“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;]

“appeal tribunal” means the appeal tribunal constituted under Chapter 1 of Part II of the 1998 Order;

“award” in relation to disability living allowance, means the award having effect immediately prior to its termination under regulation 17(1) of the Transitional Provisions Regulations;

“Commissioner” means the Chief Social Security Commissioner or any other Social Security Commissioner and includes a tribunal of 2 or more Commissioners constituted under Article 16(7) of the 1998 Order;

“daily living activities” and “mobility activities” have the same meaning as in Part 5 of the 2015 Order;

“decision notice” means the decision notice under regulation 53(3) of the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999 <sup>M2</sup>;

“disability living allowance” means disability living allowance under section 71 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 <sup>M3</sup>;

“transfer claimant” has the same meaning as in the Transitional Provisions Regulations;

“transitional assessment determination” means the determination, under regulation 4 of the Personal Independence Payment Regulations (Northern Ireland) 2016 <sup>M4</sup> of a claim for personal independence payment made by a transfer claimant;

“the Transitional Provisions Regulations” means the Personal Independence Payment (Transitional Provisions) Regulations (Northern Ireland) 2016 <sup>M5</sup>.

- (2) The transition date is the date on which—
- (a) the Department sends a notification to the person in accordance with regulation 3(1) of the Transitional Provisions Regulations inviting the person to make a claim for personal independence payment; or
  - (b) the person makes a claim for personal independence payment in accordance with regulation 4 of the Transitional Provisions Regulations.

[<sup>F2</sup>(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.]

- F1** Words in [reg. 2\(1\)](#) inserted (1.2.2022) by [The Welfare Supplementary Payment \(Extension\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/25\)](#), regs. 1(3), **6(2)**
- F2** [Reg. 2\(3\)](#) inserted (1.2.2022) by [The Welfare Supplementary Payment \(Extension\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/25\)](#), regs. 1(3), **6(3)**

#### Marginal Citations

- M1** [S.I. 1998/1506 \(N.I. 10\)](#)
- M2** [S.R. 1999 No. 162](#); [regulation 53\(3\)](#) was amended by [regulation 7\(10\)\(a\) of SR 2005 No. 46](#)
- M3** [1992 c. 7](#); [section 71](#) was amended by [Article 64\(1\) of the Welfare Reform and Pensions \(Northern Ireland\) Order 1999 \(S.I. 1999/3147 \(N.I. \(11\)\)\)](#)
- M4** [S.R. 2016 No. 217](#)
- M5** [S.R. 2016 No. 227](#)

### Welfare supplementary payment

- 3.—**(1) Welfare supplementary payment is payable in accordance with these Regulations.
- (2) Welfare supplementary payment is payable under either—
- (a) Part 2 (pending appeal against refusal of personal independence payment),
  - (b) Part 3 (where personal independence payment is awarded at a lower rate than disability living allowance), or
  - (c) Part 4 (in conflict related injury cases where personal independence payment has been refused).
- (3) But a person is not entitled to welfare supplementary payment under more than one Part at a time.

**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, PART 1.