
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 250

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

PART 3

**WELFARE SUPPLEMENTARY PAYMENT WHERE
PERSONAL INDEPENDENCE PAYMENT IS AWARDED AT
LOWER RATE THAN DISABILITY LIVING ALLOWANCE**

Eligibility

8.—(1) A person is entitled to welfare supplementary payment under this Part if the person meets—

- (a) the disability living allowance entitlement condition, and
- (b) the lower personal independence payment threshold condition.

(2) The disability living allowance entitlement condition is that the person is in receipt of disability living allowance on the transition date.

(3) The lower personal independence payment threshold condition is that—

- (a) following a transitional assessment determination an award of personal independence payment is made to the person,
- (b) the award of personal independence payment is less than the award of disability living allowance payable to the person on the transition date, and
- (c) the difference between these two awards is at least £10 per week.

Eligibility (following termination of welfare supplementary payment under Part 2)

9.—(1) A person is entitled to welfare supplementary payment under this Part if the person meets—

- (a) the Part 2 welfare supplementary payment termination condition, and
- (b) the lower personal independence payment threshold on appeal, revision or supersession condition.

(2) The Part 2 welfare supplementary payment termination condition is that a person's entitlement to welfare supplementary payment under Part 2 terminates—

- (a) following an appeal, in accordance with regulation 6(3)(a) or 6(6)(a), or
- (b) following a revision or supersession, in accordance with regulation 7.

(3) The lower personal independence payment threshold on appeal, revision or supersession condition is that—

- (a) on the appeal, revision or supersession, an award of personal independence payment is made to the person,

- (b) the award of personal independence payment is less than the award of disability living allowance payable to the person on the transition date, and
- (c) the difference between these two awards is at least £10 per week.

Amount

10.—(1) The amount of welfare supplementary payment payable is equal to 75% of the amount by which the award of disability living allowance exceeded the award of personal independence payment.

(2) Where the amount of welfare supplementary payment would, but for this paragraph, include a fraction of a penny, that fraction must be disregarded.

Period of payment

11.—(1) Welfare supplementary payment must be paid at intervals of four weeks (or as soon as is reasonably practicable after that) in arrears.

(2) The period during which welfare supplementary payment is payable commences on the day following the day on which the person's entitlement to—

- (a) disability living allowance terminates in accordance with regulation 17(1) of the Transitional Provisions Regulations, (in the case of eligibility under regulation 8), or
- (b) welfare supplementary payment under Part 2 terminates (in the case of eligibility under regulation 9).

(3) The period during which welfare supplementary payment is payable ends—

- (a) one year after the day on which—
 - (i) it commences (in the case of eligibility under regulation 8), or
 - (ii) welfare supplementary payment under Part 2 commences (in the case of eligibility under regulation 9); or
- (b) on 31st March 2020,

whichever is first to occur.

Effect of changes in personal independence payment following revision, appeal or supersession of previous decision

12.—(1) This regulation applies where—

- (a) a person is receiving welfare supplementary payment, and
- (b) following an event referred to in paragraph (5), there is a change in the award of personal independence payment to the person.

(2) If—

- (a) the person is no longer entitled to personal independence payment, or
- (b) the difference between the award of disability living allowance and the award of personal independence payment is no longer at least £10 per week,

then welfare supplementary payment must cease to be paid from the day after the first payment of welfare supplementary payment following the decision to change personal independence payment.

(3) If personal independence payment is increased, then the amount of welfare supplementary payment payable must be recalculated (under regulation 10) with the new amount of personal independence payment instead of the original amount of personal independence payment, paid from

the day after the first payment of welfare supplementary payment following the decision to change personal independence payment.

(4) If personal independence payment is decreased, then the amount of welfare supplementary payment payable does not change.

(5) The events referred to in paragraph (1)(b) are—

- (a) the decision to award personal independence payment is revised under Article 10 of the 1998 Order,
- (b) the decision to award personal independence payment is appealed under Article 13 or 15 of the 1998 Order⁽¹⁾,
- (c) the decision to award personal independence payment is superseded under Article 11 of the 1998 Order.

(1) Article 15 was amended by paragraph 22(1) of Schedule 7 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.))