
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 253

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

PART 6

General

Termination of welfare supplementary payment if caree ceases to receive welfare supplementary payment for loss of disability living allowance

20.—(1) This regulation applies where the caree ceases to be entitled to welfare supplementary payment under the Welfare Supplementary Payment (Loss of Disability Living Allowance) Regulations 2016 ^{M1} (“the DLA Regulations”).

(2) Welfare supplementary payment under these Regulations must cease to be paid from [^{F1}the day after] the first payment of welfare supplementary payment under these Regulations following the date on which the caree ceased to be entitled to welfare supplementary payment under the DLA Regulations.

[^{F2}(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”.]

(3) Where further welfare supplementary payment is payable to the caree in accordance with regulation 6(4) of the DLA Regulations (appeal to the Commissioner), then further welfare supplementary payment is payable under Parts 2 to 5 of these Regulations as set out in paragraphs (4) and (5).

(4) The period during which further welfare supplementary payment is payable commences on the day following the day that leave to appeal to the Commissioner is granted as set out in regulation 6(5) of the DLA Regulations.

(5) The period during which [^{F3}further]welfare supplementary payment is payable ends—

- (a) after the first payment following the date on which the decision of the Commissioner is received by the Department as set out in regulation 6(6) of the DLA Regulations, or
- (b) [^{F4}on 31st March 2025] ,

whichever is first to occur.

[^{F5}(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”.]

(6) Where the caree's entitlement to welfare supplementary payment under Part 2 of the DLA Regulations terminates but then recommences under regulation 14 of the DLA Regulations (eligibility under Part 4 following termination of welfare supplementary payment under Part 2), then paragraph (2) does not apply.

- F1** Words in reg. 20(2) inserted (6.2.2017) by [The Welfare Supplementary Payment \(Amendment\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/28\)](#), regs. 1(2), **41**
- F2** [Reg. 20\(2A\) inserted \(1.2.2022\) by The Welfare Supplementary Payment \(Extension\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/25\)](#), regs. 1(2), **4(4)(a)**
- F3** Word in reg. 20(5) inserted (1.2.2022) by [The Welfare Supplementary Payment \(Extension\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/25\)](#), regs. 1(2), **4(4)(b)(i)**
- F4** Words in reg. 20(5)(b) substituted (1.2.2022) by [The Welfare Supplementary Payment \(Extension\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/25\)](#), regs. 1(2), **4(4)(b)(ii)**
- F5** [Reg. 20\(5A\)\(5B\) inserted \(1.2.2022\) by The Welfare Supplementary Payment \(Extension\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/25\)](#), regs. 1(2), **4(4)(c)**

Marginal Citations

- M1** [S.R. 2016 No. 250](#)

Termination of welfare supplementary payment if caree no longer entitled to personal independence payment

21.—(1) This regulation applies where the caree ceases to be entitled to personal independence payment.

(2) Welfare supplementary payment must cease to be paid from the day after the first payment of welfare supplementary payment following the date on which the caree ceases to be entitled to personal independence payment.

[^{F6}(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”.]

- F6** [Reg. 21\(3\) inserted \(1.2.2022\) by The Welfare Supplementary Payment \(Extension\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/25\)](#), regs. 1(2), **4(5)**

[^{F7}Termination of welfare supplementary payment if caree awarded daily living component of personal independence payment

21A.—(1) This regulation applies where the caree is awarded the daily living component of personal independence payment.

(2) Welfare supplementary payment must cease to be paid from the day after the first payment of welfare supplementary payment following the date on which the caree is awarded the daily living component of personal independence payment.]

[^{F8}(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”.]

- F7** [Reg. 21A inserted \(6.2.2017\) by The Welfare Supplementary Payment \(Amendment\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/28\)](#), regs. 1(2), **42**

F8 Reg. 21A(3) inserted (1.2.2022) by [The Welfare Supplementary Payment \(Extension\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/25\)](#), regs. 1(2), **4(6)**

[^{F9}Couples: termination of welfare supplementary payment on death of carer

21B.—(1) This regulation applies where—

- (a) A and B are a couple,
- (b) B is in receipt of welfare supplementary payment by virtue of A providing care for the caree, and
- (c) A dies.

(2) Welfare supplementary payment must cease to be paid at the expiry of 8 weeks beginning with the Sunday following the death (or beginning with the date of the death if the death occurred on a Sunday).

(3) The period of payment must not exceed the time limit set out in—

- (a) regulation 6(3) ^{F10} ...,
- (b) regulation 10(3) ^{F10} ...,
- (c) regulation 14(3) ^{F10} ..., or
- (d) regulation 18(3) ^{F10}]

F9 Reg. 21B inserted (6.2.2017) by [The Welfare Supplementary Payment \(Amendment\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/28\)](#), regs. 1(2), **43**

F10 Words in reg. 21B(3) omitted (1.3.2023) by virtue of [The Welfare Supplementary Payment \(Extension\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/25\)](#), regs. 1(3), **5(3)**

Termination of welfare supplementary payment on death of caree

22.—(1) Where the caree dies, welfare supplementary payment must cease to be paid at the expiry of 8 weeks beginning with the Sunday following the death (or beginning with the date of the death if the death occurred on a Sunday).

(2) The period of payment must not exceed the time limit set out in regulation—

- (a) regulation 6(3) ^{F11} ...,
- [^{F12}(b) regulation 10(3) ^{F11} ...,
- (b) regulation 14(3) ^{F11} ..., or
- (c) regulation 18(3) ^{F11}]

F11 Words in reg. 22(2) omitted (1.3.2023) by virtue of [The Welfare Supplementary Payment \(Extension\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/25\)](#), regs. 1(3), **5(3)**

F12 Reg. 22(2)(ab) inserted (6.2.2017) by [The Welfare Supplementary Payment \(Amendment\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/28\)](#), regs. 1(2), **44**

[^{F13}Persons to whom welfare supplementary payments may be made

22A.—(1) A welfare supplementary payment to which a person is entitled under these Regulations must be paid to the person, but this is subject to paragraph (2).

(2) Payment may be made to a person appointed under regulation 33 of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987.]

F13 Reg. 22A inserted (6.2.2017) by [The Welfare Supplementary Payment \(Amendment\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/28\)](#), regs. 1(2), **45**

[^{F14}Effect of sanctions

22B. For the avoidance of doubt, where a person is subject to a benefit sanction (for example for failure to take part in a work-focused interview), the effect of the sanction is to be disregarded in calculating the amount of welfare supplementary payment payable.]

F14 Reg. 22B inserted (6.2.2017) by [The Welfare Supplementary Payment \(Amendment\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/28\)](#), regs. 1(2), **46**

[^{F15}Change in the amount of welfare supplementary payment after person forms a couple

22C.—(1) This regulation applies where a person (A) who is entitled to welfare supplementary payment under Part 2 or 4 forms a couple with another person (B).

(2) The amount of welfare supplementary payment to which A is entitled will change if case 1 or case 2 applies, otherwise it will not change solely as a consequence of A forming a couple with B.

(3) Case 1 applies if—

- (a) at the time when A forms a couple with B, B is entitled to welfare supplementary payment under Part 3 or 5, and
- (b) either A or B are or become entitled to an income-related benefit.

(4) Case 2 applies if B is or becomes entitled to an income-related benefit.

(5) Where case 1 or 2 applies, the amount of welfare supplementary payment to which A is entitled is reduced to the amount of welfare supplementary payment to which A would have been entitled under Part 3 if A had satisfied the conditions for payment on loss of carer premium on transition from disability living allowance to personal independence payment.

(6) In this regulation “income-related benefit” means—

- (a) income-based jobseeker’s allowance under the Jobseekers (Northern Ireland) Order 1995,
- (b) income-related employment and support allowance under Part 1 of the Welfare Reform Act (Northern Ireland) 2007,
- (c) income support under section 122 of the Contributions and Benefits Act,
- (d) state pension credit under the State Pension Credit Act (Northern Ireland) 2002.]

F15 Reg. 22C inserted (6.2.2017) by [The Welfare Supplementary Payment \(Amendment\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/28\)](#), regs. 1(2), **47**

[^{F16}Welfare supplementary payment (under Part 3 or 5) where a couple separates

22D.—(1) This regulation applies where—

- (a) A and B were a couple,
- (b) on or after 20 July 2016, A and B ceased to be a couple, and

- (c) immediately before that, A was entitled to welfare supplementary payment under regulation 8 or regulation 16.
- (2) After they cease to be a couple, only the person by virtue of whom—
- (a) the carer premium entitlement condition was satisfied under regulation 8, or
 - (b) the additional amount (carer) entitlement condition was satisfied under regulation 16,
- as the case may be, is entitled to welfare supplementary payment (under the Part to which A was originally entitled to welfare supplementary payment).]

F16 Reg. 22D inserted (6.2.2017) by [The Welfare Supplementary Payment \(Amendment\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/28\)](#), regs. 1(2), **48**

[^{F17}Information sharing

22E.—(1) The Department may supply to the Commissioners for Her Majesty’s Revenue and Customs such information as they may require for the purposes of HMRC functions.

(2) Information supplied under this regulation must not be supplied by the recipient of the information to any other person or body without the authority of the Department.

(3) Where information supplied under this regulation has been used for the purposes for which it was supplied, it is lawful for it to be used for any purposes for which information held for those purposes could reasonably be used.

(4) This regulation does not limit the circumstances in which information may be supplied apart from this regulation.

(5) In this regulation “HMRC functions” means any function—

- (a) for which the Commissioners for Her Majesty’s Revenue and Customs are responsible by virtue of section 5 of the Commissioners for Revenue and Customs Act 2005, or
- (b) which relates to a matter listed in Schedule 1 to that Act.]

F17 Reg. 22E inserted (6.2.2017) by [The Welfare Supplementary Payment \(Amendment\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/28\)](#), regs. 1(2), **49**

Review

23.—(1) The Department must establish procedures for reviewing a person's entitlement to welfare supplementary payment.

(2) The procedures established must—

- (a) provide for a review to be carried out on the application of any person, and
- (b) provide for the manner of making the application.

(3) The procedures may, in particular, provide for—

- (a) the consideration of the applicant's entitlement to welfare supplementary payment by up to three persons nominated by the Department,
- (b) the preparation of a report by these persons setting out their conclusions in relation to the applicant's entitlement to welfare supplementary payment and their recommendation as to the manner in which the matter should be finally determined.

Disregards

24. No account must be taken of entitlement to welfare supplementary payment in considering a person's entitlement to benefit under a statutory provision relating to social security (irrespective of the name or nature of the benefit).

Residency and presence in Northern Ireland

25. A person is not entitled to welfare supplementary payment unless the person and caree—

- (a) are ordinarily resident in Northern Ireland, and
- (b) are present in Northern Ireland.

Temporary absence from Northern Ireland

26.—(1) Subject to regulation 27, where the person or the caree are temporarily absent from Northern Ireland, they are treated as present in Northern Ireland for the purpose of these Regulations for the first 4 weeks of absence.

(2) The person or the caree are temporarily absent from Northern Ireland if, at the beginning of the period of absence, their absence is unlikely to exceed 52 weeks.

Temporary absence from Northern Ireland to receive medical treatment

27.—(1) Where the person or the caree are temporarily absent from Northern Ireland, they are treated as present in Northern Ireland for the purposes of these Regulations for the first 13 weeks of that absence, where—

- (a) the absence is solely in connection with arrangements made for their medical treatment for a disease or bodily or mental disablement which commenced before they left Northern Ireland; and
- (b) the arrangements referred to in sub-paragraph (a) relate to medical treatment—
 - (i) outside Northern Ireland,
 - (ii) during the period whilst the person or the caree are temporarily absent from Northern Ireland, and
 - (iii) by, or under the supervision of, a person appropriately qualified to carry out that treatment.

(2) In this regulation “temporarily absent” has the same meaning as in regulation 26(2).

Care home residents

28.—(1) Subject to regulation 31, no welfare supplementary payment is payable in respect of any period during which the person or the caree is a resident of a care home in circumstances in which any of the costs of any qualifying services provided for the person or the caree are borne out of public funds by virtue of any of the statutory provisions referred to in paragraph (2).

(2) The statutory provisions are—

- (a) Article 5, 15 or 36 the Health and Personal Social Services (Northern Ireland) Order 1972^{M2},
- (b) the Mental Health (Northern Ireland) Order 1986^{M3},
- (c) section 8 of the Carers and Direct Payments Act (Northern Ireland) 2002^{M4}, or
- (d) any other statutory provision relating to persons under a disability or to young persons or to education or training except—

- (i) Articles 50 and 51 of the Education and Libraries (Northern Ireland) Order 1986^{M5},
 - (ii) Article 30 of the Education and Libraries (Northern Ireland) Order 1993^{M6}, or
 - (iii) Article 3 of the Education (Student Support) (Northern Ireland) Order 1998^{M7}.
- (3) Subject to paragraph (4), paragraph (1) does not apply in the case of a person—
- (a) who has not attained the age of 18 and to whom—
 - (i) Article 17(b) of the Children (Northern Ireland) Order 1995^{M8} applies because the person's health is likely to be significantly impaired, or further impaired, without the provision of services for the person, or
 - (ii) Article 17(c) of that Order applies, or
 - (b) who is accommodated outside the United Kingdom if the costs of any qualifying services are borne wholly or partly by an education authority pursuant to its powers under Article 11 of the Education (Northern Ireland) Order 1996^{M9}.
- (4) Paragraph (3)(a) only applies during any period in which the Regional Health and Social Care Board or the Health and Social Care Trust looking after the person places the person in a private dwelling with a family, or with a relative of the person, or with some other suitable person.
- (5) In this regulation—
- “care home” and “qualifying services” have the same meaning as in Article 90 of the Welfare Reform (Northern Ireland) Order 2015,
 - “Health and Social Care trust” means a body as established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991^{M10}, and
 - “the Regional Health and Social Care Board” means the body established under section 7 of the Health and Social Care (Reform) Act (Northern Ireland) 2009^{M11}.

Marginal Citations

- M2** S.I. 1972/1265 (N.I. 14); Article 15 was amended by paragraph 2(2) of Schedule 1 to the [Registered Homes \(Northern Ireland\) Order 1992 \(S.I. 1992/3204 \(N.I. 20\)\)](#); Article 36 was amended by section 1(1) and (2) of the [Health and Personal Social Services Act \(Northern Ireland\) 2002 \(c. 9 \(N.I.\)\)](#) and Article 45 of the [Health and Personal Social Services \(Quality, Improvement and Regulation\) \(Northern Ireland\) Order 2003 \(S.I. 2003/431 \(N.I. 9\)\)](#)
- M3** S.I. 1986/595 (N.I. 4)
- M4** 2002 c. 6 (N.I.)
- M5** S.I. 1986/594 (N.I. 3); Article 51 was substituted by Part 2 of Schedule 5 to the [Education \(Northern Ireland\) Order 1996 \(S.I. 1996/274 \(N.I. 1\)\)](#) and certain functions transferred from the Department of Education by Parts I and II of Schedule 3 to the [Departments \(Transfer and Assignment of Functions\) Order \(Northern Ireland\) 1999 \(S.R. 1999 No. 481\)](#) and for certain purposes functions transferred by Article 7(a) of the [Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2001 \(S.R. 2001 No. 229\)](#)
- M6** S.I. 1993/2810 (N.I. 12)
- M7** S.I. 1998/1760 (N.I. 14); Article 3 was amended by section 147(3) of the [Learning and Skills Act 2000 \(c. 21\)](#), [paragraph 238](#) of Schedule 6 to the [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), [section 147\(4\)](#) of the [Finance Act 2003 \(c. 14\)](#) and Article 11(1) of the [Higher Education \(Northern Ireland\) Order 2005 \(S.I. 2005/1116 \(N.I. 5\)\)](#)
- M8** S.I. 1995/755 (N.I. 2)
- M9** S.I. 1996/274 (N.I. 1)
- M10** S.I. 1991/194 (N.I. 1); Article 10 was amended by section 1 of the [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1 \(N.I.\)\)](#)

M11 2009 c. 1 (N.I.)

Hospital in-patients

29.—(1) Subject to regulation 31, no welfare supplementary payment is payable in respect of any period during which the person or the caree are undergoing medical or other treatment as an in-patient at a hospital or similar institution in circumstances in which any of the costs of the treatment, accommodation and related services provided are borne out of public funds.

(2) For the purposes of paragraph (1) the costs of treatment, accommodation or any related services are borne out of public funds if the person or the caree are undergoing medical or other treatment as an in-patient in—

- (a) a hospital or similar institution under the Health and Personal Social Services (Northern Ireland) Order 1972 or the Health and Personal Social Services (Northern Ireland) Order 1991; or
- (b) a hospital or similar institution maintained or administered by the Defence Council.

Prisoners

30. Subject to regulation 31, no welfare supplementary payment is payable to a person under these Regulations for a period during which the person or the caree is in prison or detained in legal custody.

Exceptions: care homes, hospitals and prisons

31. Regulation 28(1), 29(1) or, as the case may be, regulation 30 does not apply in respect of the first 28 days of any period during which a person is someone to whom any of those regulations apply.

[^{F18}Change of circumstances: residency, care home, hospital, prison

32.—(1) This regulation applies where there is a change of circumstances of a kind set out in regulations 25 to 30 which affects a person's entitlement to welfare supplementary payment.

(2) Where it is reasonable to expect the person to do so, the person must inform the Department of this change of circumstances.

(3) For the purposes of calculating the person's entitlement to welfare supplementary payment, the date to be used is the date on which the change of circumstances takes effect.]

F18 Reg. 32 inserted (6.2.2017) by *The Welfare Supplementary Payment (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/28)*, regs. 1(2), **50**

Changes to legislation:

There are currently no known outstanding effects for the The Welfare Supplementary Payment (Loss of Carer Payments) Regulations (Northern Ireland) 2016, PART 6.