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STATUTORY RULES OF NORTHERN IRELAND

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**2016 No. 254**

**The Welfare Supplementary Payment (Loss of Disability-Related Premiums) Regulations (Northern Ireland) 2016**

**PART 3**

**Welfare Supplementary Payment for loss of Disability-Related Premium on transition from Disability Living Allowance to Personal Independence Payment (Jobseeker's Allowance claimants)**

**Eligibility (joint-claim couples: severe disability premium)**

**15.**—(1) A joint-claim couple are entitled to welfare supplementary payment under this Part if—

- (a) they meet the joint-claim JSA entitlement condition,
- (b) they meet the disability-related premium entitlement condition,
- (c) one of them meets the PIP refusal condition (but this is subject to paragraph (7)), and
- (d) they meet the termination of disability-related premium condition.

(2) The joint-claim JSA entitlement condition is that they are in receipt of jobseeker's allowance as a joint-claim couple under the Jobseekers (Northern Ireland) Order 1995 on the transition date.

(3) The disability-related premium entitlement condition is that they are in receipt of disability-related premium on the transition date.

(4) In this Part and notwithstanding regulation 11(4), where eligibility for welfare supplementary payment is under this regulation, disability-related premium means severe disability premium under paragraph 20I of Schedule 1 to the Jobseeker's Allowance Regulations (Northern Ireland) 1996(1).

(5) The PIP refusal condition is that following a transitional assessment determination, the person is refused personal independence payment, or the component of personal independence payment, that is a condition for entitlement to disability-related premium.

(6) The termination of disability-related premium condition is that, in consequence of the PIP refusal condition, the decision of the Department to award disability-related premium is superseded by a decision to not award disability-related premium.

(7) Paragraph (9) applies where—

- (a) one member of the couple does not meet the PIP refusal condition,
- (b) the other member (B) meets the PIP refusal condition, and
- (c) B meets the blind condition on the transition date.

(8) The blind condition is that the person is certified as severely sight impaired or blind by a consultant ophthalmologist.

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(1) Paragraph 20I was amended by regulation 5(4)(b) of [S.R. 2002 No. 80](#), regulation 3 of [S.R. 2002 No. 323](#), regulation 3(8)(j) of [S.R. 2007 No. 154](#), regulation 5(3)(b) of [S.R. 2011 No. 291](#), Article 17(7)(h) of [2013/3021](#) and regulation 3(2)(e) of [S.R. 2014 No. 275](#)

(9) Where this paragraph applies, the termination of disability-related premium condition is met if, in consequence of the matters set out in paragraph (7), the decision of the Department to award severe disability premium at a higher rate is superseded by a decision of the Department to award severe disability premium at a lower rate.

(10) Where a joint-claim couple are entitled to welfare supplementary payment under this regulation, payment must be to the person who is the nominated member in accordance with Article 5 of the Jobseekers (Northern Ireland) Order 1995.

(11) In this regulation “joint-claim couple” has the same meaning as in the Jobseekers (Northern Ireland) Order 1995.