STATUTORY RULES OF NORTHERN IRELAND

2016 No. 254

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

PART 5

Welfare Supplementary Payment for loss of Disability-Related
Element on transition from Disability Living Allowance to
Personal Independence Payment (Working Tax Credit claimants)

Eligibility (joint claims: couples)

28.—(1) A couple are entitled to welfare supplementary payment under this Part if—

    (a) they meet the joint claim WTC entitlement condition,

    (b) they meet the disability-related element entitlement condition,

    (c) one of them meets the PIP refusal condition, and

    (d) they meet the termination of disability-related element condition.

(2) The joint claim WTC entitlement condition is that they are in receipt of working tax credit under a joint claim under the Tax Credit Act 2002 on the transition date.

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

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

(5) The termination of disability-related element condition is that, in consequence of the PIP refusal condition, the decision is revised (within the meaning of section 16 or 18 of the Tax Credit Act 2002) to a decision to not award disability-related element.

(6) Where a couple are entitled to welfare supplementary payment under this regulation, payment must be to the person who is the prescribed member in accordance with regulation 4(3) of the Tax Credits (Payments by the Board) Regulations 2002(**1**).

(7) In this regulation "couple" has the same meaning as in section 3(5A) of the Tax Credit Act 2002(**2**).

(**1**) S.I. 2002/2173
(**2**) Section 3(5A) was substituted by paragraph 144(3) of Schedule 24 to the Civil Partnership Act 2004 (c. 33)