
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 254

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

PART 6

Welfare Supplementary Payment for loss of severe disability component on transition from Disability Living Allowance to Personal Independence Payment (State Pension Credit claimants)

Eligibility (couples)

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

- (a) A is a member of a couple with another person (B),
- (b) A meets the SPC entitlement condition,
- (c) A meets the severe disability component entitlement condition,
- (d) A or B meet the PIP refusal condition (but this is subject to paragraph (6)), and
- (e) A meets the termination of severe disability component condition.

(2) The SPC entitlement condition is that the person is in receipt of state pension credit under the State Pension Credit Act (Northern Ireland) 2002 on the transition date.

(3) The severe disability component entitlement condition is that the person is in receipt of severe disability component on the transition date.

(4) 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 severe disability component.

(5) The termination of severe disability component condition is that, in consequence of the PIP refusal condition, the decision of the Department to award severe disability component is superseded by a decision to not award severe disability component.

(6) Paragraph (8) applies where—

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

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

(8) Where this paragraph applies, the termination of severe disability component condition is met if, in consequence of the matters set out in paragraph (6), the decision of the Department to award severe disability component at a higher rate is superseded by a decision of the Department to award severe disability component at a lower rate.