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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**

**[<sup>F1</sup>PART 6A**

**WELFARE SUPPLEMENTARY PAYMENT WHERE A COUPLE SEPARATES**

**[<sup>F1</sup>Enhanced disability premium**

**38C.**—(1) This regulation applies where the old WSP was in respect of an enhanced disability premium.

(2) In this regulation, an enhanced disability premium means—

- (a) enhanced disability premium under paragraph 13A of Schedule 2 to the Income Support (General) Regulations (Northern Ireland) 1987,
- (b) enhanced disability premium under paragraph 15A of Schedule 1 to the Jobseeker's Allowance Regulations (Northern Ireland) 1996,
- (c) enhanced disability premium under paragraph 20IA of Schedule 1 to the Jobseeker's Allowance Regulations (Northern Ireland) 1996, or
- (d) enhanced disability premium under paragraph 7 of Schedule 4 to the Employment and Support Allowance Regulations (Northern Ireland) 2008.

(3) If both A and B met—

- (a) the PIP refusal condition, and
- (b) the loss of enhanced disability premium condition,

then A and B are each separately entitled to welfare supplementary payment (under the Part to which A was originally entitled to welfare supplementary payment) when they cease to be a couple.

(4) Where paragraph (3) applies, the amount of welfare supplementary payment payable to each A and B is equal to half the old WSP.

(5) If one member of the couple (“the eligible member”) met—

- (a) the PIP refusal condition, and
- (b) the loss of enhanced disability premium condition,

then only the eligible member is entitled to welfare supplementary payment (under the Part to which A was originally entitled to welfare supplementary payment) when they cease to be a couple.

(6) Where paragraph (5) applies, then immediately after A and B cease to be a couple, the amount of welfare supplementary payment payable to the eligible member is equal to the old WSP.

(7) Where paragraph (5) applies, then when the eligible member makes an application for a welfare benefit as a single person, the amount of welfare supplementary payment payable to the eligible member is equal to the amount of enhanced disability premium which would have been

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**Changes to legislation:** There are currently no known outstanding effects for the The Welfare Supplementary Payment (Loss of Disability-Related Premiums) Regulations (Northern Ireland) 2016, Section 38C. (See end of Document for details)

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payable to the eligible member on the transition date if the eligible member had not been a member of a couple on the date entitlement to the premium was lost.

(8) 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 enhanced disability premium.

(9) The loss of enhanced disability premium condition is that, in consequence of the PIP refusal condition, the decision of the Department to award enhanced disability premium is superseded by a decision to not award enhanced disability premium.]

**F1** Regs. 38A-38D inserted (6.2.2017) by [The Welfare Supplementary Payment \(Amendment\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/28\)](#), regs. 1(2), **32**

**Changes to legislation:**

There are currently no known outstanding effects for the The Welfare Supplementary Payment (Loss of Disability-Related Premiums) Regulations (Northern Ireland) 2016, Section 38C.