
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make further provisions for the delivery of welfare supplementary payments. These payments are designed to mitigate impacts from implementation of the Welfare Reform (Northern Ireland) Order 2015 and the Welfare Reform and Work (Northern Ireland) Order 2016 as defined in the document “A Fresh start the Stormont Agreement and Implementation Plan”.

The Regulations provide for the recovery of amounts of welfare supplementary payments that have been paid in excess of entitlement. They also make amendments to the welfare supplementary payment regulations to provide for the impact of entitlement to a mitigation payment following a relevant change of circumstances.

Part 1 is technical and provides for commencement, interpretation and avoidance of retrospection.

Part 2 contains provisions for the recovery of welfare supplementary overpayments. In particular it establishes the circumstances in which an overpayment can be recovered including in cases of misrepresentation by a person or an error by the Department for Communities. Provision is made for the recovery of an overpayment from both the person entitled to a payment and any person to whom the payment has been made, including a landlord. Where recovery is necessary this will initially be achieved through deductions from welfare supplementary payments. Where this is not possible deductions will be made from social security benefits or a person’s earnings.

Part 3 makes amendments to welfare supplementary payments for the benefit cap by:

- aligning welfare supplementary payments with housing benefit payments;
- providing that a change of circumstances that affects entitlement will apply from the same date as the change to the housing benefit claim;
- providing for payments to be made to an agent acting on behalf of a landlord;
- terminating entitlement where a person is no longer entitled to housing benefit provided this occurs before they are affected by the new benefit cap level;
- terminating entitlement where a person is no longer affected by the benefit cap;
- making provision for entitlement to a welfare supplementary payment for the partner of a benefit claimant following the separation of a couple;
- clarifying that entitlement will not be affected by benefit sanctions;
- providing for information sharing with the Northern Ireland Housing Executive.

Part 4 makes amendments to welfare supplementary payments for contributory employment and support allowance by:

- amending the definition of limited capability for work credit to specify that it only applies to people affected by the time limiting of employment and support allowance;
- clarifying that entitlement will not be affected by benefit sanctions;
- providing that a change of circumstances that affects entitlement will apply from the same date as the change to the employment and support allowance claim;
- providing for payments to be made to an appointee acting on behalf of an entitled person;
- providing for information sharing with Her Majesty’s Revenue & Customs.

Part 5 makes amendments to welfare supplementary payments for disability-related premiums by:

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- making provision for entitlement to a welfare supplementary payment for both a benefit claimant and their partner following the separation of a couple;
- amending regulation 39 to provide that payment should not cease following the outcome of an appeal hearing where a welfare supplementary payment for people with a conflict-related injury is being paid;
- providing for payments to be made to an appointee acting on behalf of an entitled person;
- clarifying that entitlement will not be affected by benefit sanctions;
- providing for information sharing with Her Majesty's Revenue & Customs.

Part 6 makes amendments to welfare supplementary payments for the loss of carer payments by:

- introducing a priority order where there is entitlement to payment under more than one Part. This makes it clear under which Part a person should be paid;
- providing for the recalculation of entitlement under Part 2 where there has been a change in entitlement to a contributory benefit;
- providing for entitlement to cease if a caree is awarded the daily living component of personal independence payment;
- providing for payment to continue for a period of 8 weeks following the death of the carer;
- providing for payments to be made to an appointee acting on behalf of an entitled person;
- clarifying that entitlement will not be affected by benefit sanctions;
- making provision for future entitlement to a welfare supplementary payment when a person receiving payment forms a couple;
- making provision for entitlement to a welfare supplementary payment paid under Parts 3 or 5 for both a benefit claimant and their partner following the separation of a couple;
- providing for information sharing with Her Majesty's Revenue & Customs;
- providing that where a change of circumstances, as detailed in regulations 25 to 30, occurs it will affect entitlement from the date on which the change occurs.

Part 7 makes amendments to welfare supplementary payments for the loss of disability living allowance by:

- providing that where there is a change in entitlement to personal independence payment the date the change takes effect will be the effective date for changes in entitlement to welfare supplementary payment under regulations 7, 12 and 20;
- providing for payments to be made to an appointee acting on behalf of an entitled person;
- providing that where a change of circumstances, as detailed in regulations 23 to 28, occurs it will affect entitlement from the date on which the change occurs.