
STATUTORY RULES OF NORTHERN IRELAND

2017 No. 28

**The Welfare Supplementary Payment
(Amendment) Regulations (Northern Ireland) 2017**

PART 5

**AMENDMENTS TO WELFARE SUPPLEMENTARY PAYMENTS
IN RESPECT OF LOSS OF DISABILITY-RELATED PREMIUMS**

Entitlement to welfare supplementary payment where couple separates

32. After regulation 38 insert—

“PART 6A

WELFARE SUPPLEMENTARY PAYMENT WHERE A COUPLE SEPARATES

Application of this Part

38A.—(1) This Part applies where—

- (a) A and B were a couple,
- (b) on or after 20 July 2016, A and B ceased to be a couple, and
- (c) immediately before that, A was entitled to welfare supplementary payment under Parts 2 to 6.

(2) In this Part, the welfare supplementary payment to which A was entitled is referred to as “the old WSP”.

Disability premium

38B.—(1) This regulation applies where the old WSP was in respect of a disability premium.

(2) In this regulation, a disability premium means—

- (a) disability premium under paragraph 11 of Schedule 2 to the Income Support (General) Regulations (Northern Ireland) 1987(1),
- (b) disability premium under paragraph 13 of Schedule 1 to the Jobseeker’s Allowance Regulations (Northern Ireland) 1996(2), or

(1) S.R. 1987 No. 459; as amended by S.R. 2003 No. 191, S.R. 2003 No. 413, S.R. 2007 No. 154 and S.R. 2010 No. 103

(2) S.R. 1996 No. 198; as amended by S.R. 2007 No. 154 and S.R. 2010 No. 103

(c) disability premium under paragraph 20G of Schedule 1 to the Jobseeker's Allowance Regulations (Northern Ireland) 1996(3).

(3) If both A and B met—

- (a) the PIP refusal condition, and
- (b) the loss of 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 only one member of the couple (“the eligible member”) met—

- (a) the PIP refusal condition, and
- (b) the loss of 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 disability premium which would have been 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 disability premium.

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is that, in consequence of the PIP refusal condition, the decision of the Department to award disability premium is superseded by a decision to not award disability premium.

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(4),
- (b) enhanced disability premium under paragraph 15A of Schedule 1 to the Jobseeker's Allowance Regulations (Northern Ireland) 1996(5),

(3) Paragraph 20G was inserted by paragraph 53(4) of Schedule 2 to [S.R. 2000 No. 350](#) and amended by [S.R. 2007 No. 154](#) and [S.R. 2010 No. 103](#)

(4) Paragraph 13A was inserted by regulation 2(c)(ii) of [S.R. 2000 No. 367](#) and amended by [S.R. 2003 No. 195](#), [S.R. 2007 No. 154](#), [S.R. 2011 No. 135](#), [S.R. 2011 No. 357](#) and [S.I. 2013/3021](#)

(5) Paragraph 15A was inserted by regulation 4(c)(ii) of [S.R. 2000 No. 367](#) and amended by [S.R. 2003 No. 195](#), [S.R. 2007 No. 154](#), [S.R. 2011 No. 135](#), [S.R. 2011 No. 357](#), [S.I. 2013/3021](#) and [S.R. 2016 No. 228](#)

(c) enhanced disability premium under paragraph 201A of Schedule 1 to the Jobseeker's Allowance Regulations (Northern Ireland) 1996(6), or

(d) enhanced disability premium under paragraph 7 of Schedule 4 to the Employment and Support Allowance Regulations (Northern Ireland) 2008(7).

(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 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.

Severe disability premium

38D.—(1) This regulation applies where the old WSP was in respect of a severe disability premium.

(2) In this regulation, a severe disability premium means—

(a) severe disability premium under paragraph 13 of Schedule 2 to the Income Support (General) Regulations (Northern Ireland) 1987(8),

(6) Paragraph 201A was inserted by regulation 4(c)(v) of S.R. 2000 No. 367 and amended by S.R. 2007 No. 154, S.R. 2010 No. 103, S.I. 2013/3021 and S.R. 2016 No. 228

(7) S.R. 2008 No. 280 as amended by S.I. 2013/3021 and S.R. 2016 No. 228

(8) Paragraph 13 was amended by S.R. 1988 No.146, S.R. 1992 No.6, S.R. 1993 No. 218, S.R. 1993 No. 373, S.R. 1994 No. 327, S.R. 1994 No. 474, S.R. 2000 No. 74, S.R. 2000 No. 80, S.R. 2002 No. 323, S.R. 2007 No. 154, S.R. 2011 No. 291, S.I. 2013/3021 and S.R. 2014 No. 275

- (b) severe disability premium under paragraph 15 of Schedule 1 to the Jobseeker's Allowance Regulations (Northern Ireland) 1996⁽⁹⁾,
- (c) severe disability premium under paragraph 20I of Schedule 1 to the Jobseeker's Allowance Regulations (Northern Ireland) 1996⁽¹⁰⁾,
- (d) severe disability premium under paragraph 6 of Schedule 4 to the Employment and Support Allowance Regulations (Northern Ireland) 2008⁽¹¹⁾, or
- (e) the additional amount (in respect of the appropriate minimum guarantee) prescribed under regulation 6(4) of the State Pension Credit Regulations (Northern Ireland) 2003⁽¹²⁾ for persons treated as severely disabled persons.

(3) 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, but this is subject to paragraphs (5) and (6).

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

(5) If a person becomes entitled to a severe disability premium in consequence of ceasing to be a member of a couple, then in accordance with regulations 10, 19, 26 or 38, that person must cease to be paid welfare supplementary payment.

(6) If A is entitled to welfare supplementary payment because B satisfies the blind condition, as set out in regulations 6(6), 13(6), 15(7), 22(6) or 34(6), as the case may be, then when A and B cease to be a couple, only A 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.

(7) Where paragraph (6) applies, the amount of welfare supplementary payment payable to A is equal to the old WSP.”.

(9) Paragraph 15 was amended by S.R. 2000 No. 74, S.R. 2002 No.80, S.R. 2002 No. 323, S.R. 2007 No. 154, S.R. 2011 No. 291, S.I. 2013/3021, S.R. 2014 No. 275 and S.R. 2016 No. 228

(10) Paragraph 20I was inserted by paragraph 53(4) of Schedule 2 to S.R. 2000 No. 350 and amended by S.R. 2002 No. 80, S.R. 2002 No. 323, S.R. 2007 No. 154, S.R. 2011 No. 291, S.I. 2013/302, S.R. 2014 No. 275 and S.R. 2016 No. 228

(11) Paragraph 6 was amended by S.R. 2011 No. 291, S.R. 2011 No. 357, S.I. 2013/3021 and S.R. 2016 No. 228

(12) S.R. 2003 No. 28