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DRAFT STATUTORY RULES OF NORTHERN IRELAND

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**2016 No.**

**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**

**27.**—(1) A person is entitled to welfare supplementary payment under this Part if the person meets—

- (a) the WTC entitlement condition,
- (b) the disability-related element entitlement condition
- (c) the PIP refusal condition, and
- (d) the termination of disability-related element condition.

(2) The WTC entitlement condition is that the person is in receipt of working tax credit under the Tax Credit Act 2002(1) on the transition date.

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

(4) In this Part disability-related element means severe disability element under regulation 17 of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002(2).

(5) 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-related element.

(6) The termination of disability-related element condition is that, in consequence of the PIP refusal condition, the decision to award disability-related element is revised (within the meaning of section 16 or 18 of the Tax Credit Act 2002(3)) to a decision to not award disability-related element.

**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

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(1) 2002 c. 21

(2) S.I. 2002/2005; relevant amending regulations are S.I. 2013/388 and S.I. 2013/591

(3) Article 2(2) of S.I. 2014/886 amended section 18 of the Tax Credits Act 2002 (c. 21)

(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(4).

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

#### **Amount**

**29.** The amount of welfare supplementary payment payable is equal to the disability-related element which was payable to the person on the date entitlement to the element is lost.

#### **Period of payment**

**30.—**(1) Welfare supplementary payment must be paid at intervals of four weeks (or as soon as is reasonably practicable after that) in arrears.

(2) The period during which welfare supplementary payment is payable commences on the day following the day on which the person’s entitlement to disability-related element terminates.

(3) The period during which welfare supplementary payment is payable ends—

- (a) one year after the day on which it commences, or
- (b) on 31st March 2020,

whichever is first to occur.

#### **Effect of loss of working tax credit**

**31.—**(1) Welfare supplementary payment must cease to be paid from the end of the week in which the conditions for payment of working tax credit under the Tax Credit Act 2002 cease to be met in relation to the person.

(2) But this is subject to the provisions in Part 7 on temporary cessation of underlying benefits.

#### **Termination of payment on award of disability-related element**

**32.—**(1) Welfare supplementary payment must cease to be paid to a person from the date the person is entitled to disability-related element.

(2) The entitlement to disability-related premium must arise out of—

- (a) a new award of disability-related element,

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(4) [S.I. 2002/2173](#)

(5) Section 3(5A) was substituted by paragraph 144(3) of Schedule 24 to the Civil Partnership Act 2004 (c. 33)

- (b) a revision under section 16 or 18 of the Tax Credit Act 2002, or
- (c) an appeal.