

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2016 No.

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

PART 3

Welfare Supplementary Payment for loss of Disability-Related Premium on transition from Disability Living Allowance to Personal Independence Payment (Jobseeker's Allowance claimants)

Eligibility (joint-claim couples: disability premium and enhanced disability premium)

14.—(1) A joint-claim couple are entitled to welfare supplementary payment under this Part if—

- (a) they meet the joint-claim JSA entitlement condition,
- (b) they meet the disability-related premium entitlement condition,
- (c) one of them meets the PIP refusal condition, and
- (d) they meet the termination of disability-related premium condition.

(2) The joint-claim JSA entitlement condition is that they are in receipt of jobseeker's allowance as a joint-claim couple under the Jobseekers (Northern Ireland) Order 1995 on the transition date.

(3) The disability-related premium entitlement condition is that they are in receipt of disability-related premium on the transition date.

(4) In this Part and notwithstanding regulation 11(4), where eligibility for welfare supplementary payment is under this regulation, disability-related premium means—

- (a) disability premium under paragraph 20G(1),
- (b) enhanced disability premium under paragraph 20IA(2),

of Schedule 1 to the Jobseeker's Allowance Regulations (Northern Ireland) 1996.

(5) 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 premium.

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in consequence of the PIP refusal condition, the decision of the Department to award disability-related premium is superseded by a decision to not award disability-related premium.

(7) Where a joint-claim couple are entitled to welfare supplementary payment under this regulation, payment must be to the person who is the nominated member in accordance with Article 5 of the Jobseekers (Northern Ireland) Order 1995(3).

(1) Paragraph 20G was amended by regulation 3(8) of S.R. 2007 No. 154 and regulation 5(5)(h) of S.R. 2010 No. 103
(2) Paragraph 20IA was amended by regulation 4(c)(v) of S.R. 2000 No. 367, regulation 3(8)(k) of S.R. 2007 No. 154, regulation 5(5)(i) of S.R. 2010 No. 103, and regulation 17(7)(i) of S.I. 2013/3021
(3) Article 5 was amended by paragraph 5(1) of Schedule 7 to S.I. 1999/3147 (N.I. 11), paragraph 132 of Schedule 24 to 2002 c.33, paragraph 25(b) of 2002 c.14 (N.I.) and paragraph 6(4) of Schedule 3 to 2007 c.2 (N.I.)

(8) In this regulation “joint-claim couple” has the same meaning as in the Jobseekers (Northern Ireland) Order 1995.