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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 7**

Miscellaneous

**Temporary cessation of an underlying benefit with equivalent disability-related premium**

**42.**—(1) This regulation applies where—

- (a) welfare supplementary payment ceases to be paid to a person because an underlying benefit (“the original underlying benefit”) ceases to be paid,
- (b) the person makes a new claim for a different underlying benefit,
- (c) the different underlying benefit has an equivalent disability-related premium to the premium, element or amount (as the case may be) in respect of which welfare supplementary payment was being paid,
- (d) that claim is made within 12 weeks of the original underlying benefit ceasing, and
- (e) that claim is successful.

(2) Welfare supplementary payment restarts from the date that entitlement to the different underlying benefit starts.

(3) The amount of welfare supplementary payment is equal to the welfare supplementary payment in respect of the premium, element or amount (as the case may be) associated with the original underlying benefit.

(4) The period between welfare supplementary payment ceasing and restarting counts towards the maximum 1 year period in which welfare supplementary payment is payable.

(5) Subject to paragraph (6), where a person is a member of a couple, paragraph (1)(b) is satisfied if either member of the couple makes the claim.

(6) Paragraph (5) does not apply if the other member of the couple was not entitled to personal independence payment on the date welfare supplementary payment commenced.

(7) In this regulation “underlying benefit” means income support, income-based jobseeker’s allowance (within the meaning of Article 3(4) of the Jobseekers (Northern Ireland) Order 1995), employment and support allowance (under section 1(2)(b) of the Welfare Reform Act (Northern Ireland) 2007), working tax credit or state pension credit.

(8) For the purposes of this regulation, the following are equivalent disability-related premiums—

- (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)**,
  - (c) disability premium under paragraph 20G of Schedule 1 to the Jobseeker's Allowance Regulations (Northern Ireland)1996**(3)**.
- (9) For the purposes of this regulation, the following are equivalent disability-related premiums—
- (a) severe disability premium under paragraph 13 of Schedule 2 to the Income Support (General) Regulations (Northern Ireland) 1987**(4)**,
  - (b) severe disability premium under paragraph 15 of Schedule 1 to the Jobseeker's Allowance Regulations (Northern Ireland)1996**(5)**,
  - (c) severe disability premium under paragraph 20I of Schedule 1 to the Jobseeker's Allowance Regulations (Northern Ireland)1996**(6)**,
  - (d) severe disability premium under paragraph 6 of Schedule 4 to the Employment and Support Allowance Regulations (Northern Ireland) 2008**(7)**,
  - (e) severe disability element under regulation 17 of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002**(8)**,
  - (f) the additional amount (in respect of the appropriate minimum guarantee) prescribed under regulation 6(4) of the State Pension Credit Regulations (Northern Ireland) 2003 for persons treated as severely disabled persons.
- (10) For the purposes of this regulation, the following are equivalent disability-related premiums—
- (a) enhanced disability premium under paragraph 13A of Schedule 2 to the Income Support (General) Regulations (Northern Ireland) 1987**(9)**,
  - (b) enhanced disability premium under paragraph 15A of Schedule 1 to the Jobseeker's Allowance Regulations (Northern Ireland) 1996**(10)**,
  - (c) enhanced disability premium under paragraph 20IA of Schedule 1 to the Jobseeker's Allowance Regulations (Northern Ireland) 1996**(11)**,
  - (d) enhanced disability premium under paragraph 7 of Schedule 4 to the Employment and Support Allowance Regulations (Northern Ireland) 2008.

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- (2) Paragraph 13 was amended by regulation 3(8)(c) of S.R. 2007 No. 154 and regulation 5(5)(c) of S.R. 2010 No. 103
  - (3) 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
  - (4) Relevant amending instruments are 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. 2002 No. 80, S.R. 2002 No. 323, S.R. 2011 No. 291, S.I. 2013/3021 and S.R. 2014 No. 275
  - (5) Paragraph 15 was amended by regulation 4(3)(a) of S.R. 2000 No. 74, regulation 3(8)(d) of S.R. 2000 No. 154, regulation 5(4) of S.R. 2002 No. No. 80, regulation 3 of S.R. 2002 No. 323, regulation 5(3)(a) of S.R. 2011 No. 291, regulation 17(7)(c) of S.I. 2013/3021 and regulation 3(2)(b) of S.R. 2014 No. 275
  - (6) Paragraph 20I was amended by regulation 5(4)(b) of S.R. 2002 No. 80, regulation 3 of S.R. 2002 No. 323, regulation 3(8)(j) of S.R. 2007 No. 154, regulation 5(3)(b) of S.R. 2011 No. 291, regulation 17(7)(h) of 2013/3021and regulation 3(2)(e) of S.R. 2014 No. 27
  - (7) Paragraph 6 was amended by regulation 11(3) of S.R. 2011 No. 291 and regulation 21(14) of S.R. 2011 No. 357
  - (8) Paragraph 17 was amended by paragraph 28(6) of the Schedule to S.I. 2013/388 and paragraph 24(6) to the Schedule to S.I. 2013/591
  - (9) Relevant amending regulations are S.R. No. 367, S.R. 2003 No. 195, S.R. 2011 No. 135 and S.R. 2011 No.357
  - (10) Paragraph 15A was amended by regulation 4(c)(ii) of S.R. 2000 No. 367, regulation 3(8)(e) of S.R. 2007 No. 54, regulation 7(7)(a) of S.R. 2011 No. 135, regulation 10(10) of S.R. 2011 No. 357 and regulation 17(7)(d) of S.I. 2013/3021
  - (11) 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