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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 2**

**Welfare Supplementary Payment for loss of Disability-Related Premium on transition from Disability Living Allowance to Personal Independence Payment (Income Support claimants)**

**Eligibility (couples: severe disability premium)**

- 6.—(1) A person (A) is entitled to welfare supplementary payment under this Part if—
- (a) A is a member of a couple with another person (B),
  - (b) A meets the IS entitlement condition,
  - (c) A meets the disability-related premium entitlement condition in respect of severe disability premium,
  - (d) A or B meet the PIP refusal condition (but this is subject to paragraph (6)), and
  - (e) A meets the termination of disability-related premium condition.
- (2) The IS entitlement condition is that the person is in receipt of income support on the transition date.
- (3) The disability-related premium entitlement condition in respect of severe disability premium is that the person is in receipt of severe disability premium under paragraph 13 of Schedule 2 to the Income Support (General) Regulations (Northern Ireland) 1987 on the transition date.
- (4) 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 premium.
- (5) 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in consequence of the PIP refusal condition, the decision of the Department to award disability-related premium is superseded by a decision to not award disability-related premium.
- (6) Paragraph (8) applies where—
- (a) A does not meet the PIP refusal condition,
  - (b) B meets the PIP refusal condition, and
  - (c) B meets the blind condition on the transition date.
- (7) The blind condition is that the person is certified as severely sight impaired or blind by a consultant ophthalmologist.
- (8) Where this paragraph applies, the termination of disability-related premium condition is met if, in consequence of the matters set out in paragraph (6), the decision of the Department to award severe disability premium at a higher rate is superseded by a decision of the Department to award severe disability premium at a lower rate.