
STATUTORY RULES OF NORTHERN IRELAND

1992 No. 78

**The Disability Working Allowance (General)
Regulations (Northern Ireland) 1992**

PART VI

CALCULATION OF ENTITLEMENT

Determination of appropriate maximum disability working allowance

51.—(1) Subject to paragraphs (2) to (7), the appropriate maximum disability working allowance shall be the aggregate of the following allowances—

- (a) in respect of a single claimant, the allowance specified in Schedule 5, column (2), paragraph 1;
- (b) in respect of a claimant who is—
 - (i) a member of a married or unmarried couple, or
 - (ii) a lone parent who is treated as responsible for a child or young person by virtue of regulation 9 (circumstances in which a person is treated as responsible or not responsible for another),

the allowance specified in Schedule 5, column (2), paragraph 2;

- (c) in respect of any child or young person for whom the claimant or his partner is treated as responsible by virtue of regulation 9, the allowance specified in Schedule 5, column (2) against whichever description in either paragraph 3 or 4 of column (1) fits the child or young person concerned.

(2) Where a claimant or, as the case may be, the partner of a claimant is married polygamously to two or more members of the same household, the maximum amount shall include, in respect of every such member but the first, an additional allowance which equals—

- (a) in the case of a person aged less than 18 years, the allowance specified in Schedule 5, column (2), paragraph 4(a); or
- (b) in any other case, the allowance specified in Schedule 5, column (2), paragraph 4(b).

(3) For the purposes of paragraph (2), a person shall not be treated as a member of the same household as someone to whom he is married polygamously if he would not be so treated in the case of monogamous marriage.

(4) Where the capital of a child or young person, if calculated in accordance with Part V (income and capital) in like manner as for the claimant, except where otherwise provided, would exceed £3,000, the allowance in respect of that child or young person shall be nil.

(5) Where the weekly income of a child or young person, other than income consisting of any payment of maintenance whether under a court order or not, calculated in accordance with Part V, exceeds the amount specified for that child or young person in Schedule 5, the allowance in respect of that child or young person shall be nil.

(6) Where a child or young person is, for the purposes of regulation 10(2)(a) (membership of the same household), a patient or in residential accommodation on account of physical or mental handicap or physical or mental illness and has been so accommodated for the 52 weeks immediately before the date of claim, the allowance in respect of that child or young person shall be nil.

(7) For the purposes of this regulation the amount of any disability working allowance and the age of any child or young person shall be determined by reference to the allowance specified in Schedule 5 and the age of the child or young person at the date on which the period under Article 21(6F) of the Order(1) begins.

Applicable amount

52.—(1) The applicable amount for the purposes of Article 21(6A)(c) of the Order(1) shall, in the case of a claimant who is—

- (a) single, be £39.95 per week; and
- (b) a member of a married or unmarried couple, or a lone parent, be £66.60 per week.

(2) For the purposes of Article 21(6D) of the Order(1) the prescribed date is the date on which the period under Article 21(6F) of the Order begins.

Entitlement to disability working allowance where income exceeds the applicable amount

53. The prescribed percentage for the purpose of Article 22(3B) of the Order(2) (amount, etc.) shall be 70 per cent.

(1) Paragraphs (6A), (6D) and (6F) were inserted by Article 8(4) of the Disability Living Allowance and Disability Working Allowance (Northern Ireland) Order 1991 (S.I. 1991/1712 (N.I. 17))

(1) Paragraphs (6A), (6D) and (6F) were inserted by Article 8(4) of the Disability Living Allowance and Disability Working Allowance (Northern Ireland) Order 1991 (S.I. 1991/1712 (N.I. 17))

(1) Paragraphs (6A), (6D) and (6F) were inserted by Article 8(4) of the Disability Living Allowance and Disability Working Allowance (Northern Ireland) Order 1991 (S.I. 1991/1712 (N.I. 17))

(2) Paragraph (3B) was inserted by Article 8(8) of the Disability Living Allowance and Disability Working Allowance (Northern Ireland) Order 1991