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STATUTORY RULES OF NORTHERN IRELAND

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**2016 No. 253**

**The Welfare Supplementary Payment (Loss of Carer Payments) Regulations (Northern Ireland) 2016**

**PART 4**

**Welfare Supplementary Payment as a result of loss of Income Support on caree's transition from Disability Living Allowance to Personal Independence Payment**

**Eligibility**

**12.**—(1) A person is entitled to welfare supplementary payment under this Part if the following conditions are met—

- (a) the income support entitlement condition,
- (b) the carer condition,
- (c) the PIP daily living component refusal condition, and
- (d) the termination of income support condition.

(2) The income support entitlement condition is that the person is in receipt of income support under section 122 of the Contributions and Benefits Act<sup>(1)</sup> on the transition date.

(3) The carer condition is that entitlement to income support is due to—

- (a) falling within a prescribed category of person under regulation 4ZA of the Income Support (General) Regulations (Northern Ireland) 1987<sup>(2)</sup>,
- (b) by virtue of satisfying paragraph 4(b) of Schedule 1B to those Regulations<sup>(3)</sup> in respect of a caree.

(4) The PIP daily living component refusal condition is that following a transitional assessment determination the caree is not awarded the daily living component of personal independence payment.

(5) The termination of income support condition is that in consequence of the PIP daily living component refusal condition, the decision of the Department to award income support is superseded by a decision of the Department to not award income support.

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<sup>(1)</sup> Section 122 was amended by paragraph 4(f) of Schedule 1 to the Tax Credits Act 1999 c.10

<sup>(2)</sup> Regulation 4ZA was inserted by regulation 4 of S.R. 1996 No. 199 and amended by regulation 5(2) of S.R. 1997 No. 412, the Schedule of S.R. 2000 No. 241, paragraph 1 of Schedule 1 to S.R. 2005 No. 319 (C. 23), regulation 2 of S.R. 2008 No. 290, regulation 2(3) of S.R. 2009 No. 92, regulation 3(2)(a) of S.R. 2009 No. 418 and regulation 3(2) of S.R. 2013 No. 246

<sup>(3)</sup> Schedule 1B was inserted by regulation 22 of S.R. 1996 No. 199; paragraph 4 was amended by regulation 4(1) of S.R. 2000 No. 74, regulation 3(3) of S.R. 2002 No. 80, paragraph 1(g) of the Schedule to S.R. 2002 No. 323 and regulation 4(2) of S.R. 2011 No. 291

### **Amount**

**13.** The amount of welfare supplementary payment payable is equal to the weekly rate of carer's allowance specified in paragraph 4 of Part 3 of Schedule 4 to the Contributions and Benefits Act(4) on the date entitlement to income support is lost.

### **Period of payment**

**14.—**(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 income support 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 31<sup>st</sup> March 2020,

whichever is first to occur.

### **Termination of payment on award of income support**

**15.—**(1) Welfare supplementary payment must cease to be paid to a person from the date the person is entitled to income support on the basis that the person's entitlement to income support is due to falling within a prescribed category of person under regulation 4ZA of the Income Support (General) Regulations (Northern Ireland) 1987.

(2) The entitlement to income support must arise out of—

(a) a new claim for income support,

(b) a revision under Article 10 of the 1998 Order,

(c) a supersession of a previous decision under Article 11 of the 1998 Order, or

(d) an appeal under Article 13 of the 1998 Order.

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(4) Paragraph 4 of Part III was amended by Article 2(2)(a)(vi) of S.R. 2002 No. 321