
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 254

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

PART 7

Miscellaneous

Termination of welfare supplementary payment on determination of appeal against refusal of personal independence payment

39.—(1) This regulation applies where a person appeals (within the meaning of Article 13 of the 1998 Order ^{M1}) against the refusal of personal independence payment referred to in Parts 2, 3, 4, 5 or 6.

(2) Welfare supplementary payment under those Parts must cease to be paid from the day after the first payment of welfare supplementary payment following the date on which the decision notice of the appeal tribunal is received by the Department.

[^{F1}(2A) Paragraph (2) does not apply if the person becomes entitled to welfare supplementary payment under regulation 14 of the Welfare Supplementary Payment (Loss of Disability Living Allowance) Regulations (Northern Ireland) 2016 consequent upon that appeal.]

[^{F2}(2B) Where the date on which the decision notice is received by the Department is in the administrative period, paragraph (2) has effect as if for “must cease to be paid from the day after the first payment of welfare supplementary payment following” there were substituted “must not be paid for times after”.]

(3) Where a person is granted leave to make an appeal from a decision of the appeal tribunal to refuse personal independence payment to the Commissioner, further welfare supplementary payment under those Parts is payable as set out in paragraphs (4) and (5).

(4) The period during which further welfare supplementary payment is payable commences on the day following the day that leave to appeal to the Commissioner is granted.

(5) The period during which [^{F3}further] welfare supplementary payment is payable ends—

(a) after the first payment following the date on which the decision of the Commissioner is received by the Department, or

(b) [^{F4}on 31st March 2025] ,

whichever is first to occur.

[^{F5}(6) But the period during which further welfare supplementary payment is payable does not include any times in the administrative period.

(7) Where the date the Commissioner’s decision is received by the Department is in the administrative period, paragraph (5) has effect as if for “after the first payment following” there were substituted “on”.]

Textual Amendments

- F1** Reg. 39(2A) inserted (6.2.2017) by [The Welfare Supplementary Payment \(Amendment\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/28\)](#), regs. 1(2), **33**
- F2** Reg. 39(2B) inserted (1.2.2022) by [The Welfare Supplementary Payment \(Extension\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/25\)](#), regs. 1(2), **8(7)(a)**
- F3** Word in reg. 39(5) inserted (1.2.2022) by [The Welfare Supplementary Payment \(Extension\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/25\)](#), regs. 1(2), **8(7)(b)(i)**
- F4** Words in reg. 39(5)(b) substituted (1.2.2022) by [The Welfare Supplementary Payment \(Extension\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/25\)](#), regs. 1(2), **8(7)(b)(ii)**
- F5** Reg. 39(6)(7) inserted (1.2.2022) by [The Welfare Supplementary Payment \(Extension\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/25\)](#), regs. 1(2), **8(7)(c)**

Marginal Citations

- M1** Article 13 was amended by paragraph 19 of Schedule 6 and Schedule 9 to [S.I. 1999/671](#) and Article 4(2) of [S.I. 2014/886](#)

Termination of welfare supplementary payment on change in personal independence payment

40.—(1) Welfare supplementary payment must cease to be paid to a person if there is a change in the entitlement to personal independence payment of—

- (a) the person, or
- (b) (subject to paragraph (2)), where the person is a member of a couple, the other member of that couple.

(2) Paragraph (1)(b) does not apply if the other member of the couple was not entitled to personal independence payment on the [^{F6}[^{F7}first day of the year] given by regulation 8(2), 17(2), 24(2), 30(2) or 36(2)] .

(3) Payment must cease from the day after the first payment of welfare supplementary payment following that change.

[^{F8}(3A) Where that change occurs in the administrative period, this regulation has effect—

- (a) as if in paragraph (1) for “must cease to be paid to a person if” there were substituted “must not be paid to a person for times after the day on which”, and
 - (b) as if paragraph (3) were omitted.]
- (4) In this regulation, a change in entitlement to personal independence payment includes—
- (a) personal independence payment being awarded where it was not previously awarded, and
 - (b) a change in the award of personal independence payment.

Textual Amendments

- F6** Words in reg. 40(2) substituted (1.2.2022) by [The Welfare Supplementary Payment \(Extension\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/25\)](#), regs. 1(2), **8(8)(a)**
- F7** Words in reg. 40(2) substituted (1.3.2023) by [The Welfare Supplementary Payment \(Extension\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/25\)](#), regs. 1(3), **9(4)**
- F8** Reg. 40(3A) inserted (1.2.2022) by [The Welfare Supplementary Payment \(Extension\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/25\)](#), regs. 1(2), **8(8)(b)**

Temporary cessation of the underlying benefit

41.—(1) This regulation applies where—

- (a) welfare supplementary payment ceases to be paid to a person because an underlying benefit ceases to be paid [^{F9}or welfare supplementary payment would have ceased to be paid for that reason but for the operation of regulation 8(3)(b), 17(3)(b), 24(3)(b), 30(3)(b) or 36(3)(b)] ,
- (b) the person makes a new claim for that underlying benefit,
- (c) that claim is made within 12 weeks of the original underlying benefit ceasing, and
- (d) that claim is successful.

(2) Welfare supplementary payment restarts from the date that entitlement to the underlying benefit restarts [^{F10}or, if that date is in the administrative period, from the end of the administrative period] .

(3) The period between welfare supplementary payment ceasing [^{F11}(whether because an underlying benefit ceases to be paid or under regulation 8(3)(b), 17(3)(b), 24(3)(b), 30(3)(b) or 36(3)(b))] and restarting [^{F12}(under paragraph (2))] counts towards the maximum 1 year period in which welfare supplementary payment is payable.

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

(5) Paragraph (4) does not apply if the other member of the couple was not entitled to personal independence payment on the [^{F13}[^{F14}first day of the year] given by regulation 8(2), 17(2), 24(2), 30(2) or 36(2)] .

(6) 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.

[^{F15}(7) The references in paragraphs (1) and (3) to regulations 8(3)(b), 17(3)(b), 24(3)(b), 30(3)(b) and 36(3)(b) are references to those provisions as they were in force at the date on which the underlying benefit ceased to be paid.]

Textual Amendments

- F9** Words in reg. 41(1)(a) inserted (1.2.2022) by The Welfare Supplementary Payment (Extension) Regulations (Northern Ireland) 2022 (S.R. 2022/25), regs. 1(2), **8(9)(a)**
- F10** Words in reg. 41(2) inserted (1.2.2022) by The Welfare Supplementary Payment (Extension) Regulations (Northern Ireland) 2022 (S.R. 2022/25), regs. 1(2), **8(9)(b)**
- F11** Words in reg. 41(3) inserted (1.2.2022) by The Welfare Supplementary Payment (Extension) Regulations (Northern Ireland) 2022 (S.R. 2022/25), regs. 1(2), **8(9)(c)(i)**
- F12** Words in reg. 41(3) inserted (1.2.2022) by The Welfare Supplementary Payment (Extension) Regulations (Northern Ireland) 2022 (S.R. 2022/25), regs. 1(2), **8(9)(c)(ii)**
- F13** Words in reg. 41(5) substituted (1.2.2022) by The Welfare Supplementary Payment (Extension) Regulations (Northern Ireland) 2022 (S.R. 2022/25), regs. 1(2), **8(9)(d)**
- F14** Words in reg. 41(5) substituted (1.3.2023) by The Welfare Supplementary Payment (Extension) Regulations (Northern Ireland) 2022 (S.R. 2022/25), regs. 1(3), **9(4)**
- F15** Reg. 41(7) inserted (1.2.2022) by The Welfare Supplementary Payment (Extension) Regulations (Northern Ireland) 2022 (S.R. 2022/25), regs. 1(2), **8(9)(e)**

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, [^{F16}or welfare supplementary payment would have ceased to be paid for that reason but for the operation of regulation 8(3)(b), 17(3)(b), 24(3)(b), 30(3)(b) or 36(3)(b),]
- (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 [^{F17}or, if that date is in the administrative period, from the end of the administrative period] .

(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 [^{F18}(whether because an underlying benefit ceases to be paid or under regulation 8(3)(b), 17(3)(b), 24(3)(b), 30(3)(b) or 36(3)(b))] and restarting [^{F19}(under paragraph (2))] 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 [^{F20}[^{F21}first day of the year] given by regulation 8(2), 17(2), 24(2), 30(2) or 36(2)] .

(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 ^{M2},
- (b) disability premium under paragraph 13 of Schedule 1 to the Jobseeker's Allowance Regulations (Northern Ireland)1996 ^{M3},
- (c) disability premium under paragraph 20G of Schedule 1 to the Jobseeker's Allowance Regulations (Northern Ireland)1996 ^{M4}.

(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 ^{M5},
- (b) severe disability premium under paragraph 15 of Schedule 1 to the Jobseeker's Allowance Regulations (Northern Ireland)1996 ^{M6},

- (c) severe disability premium under paragraph 20I of Schedule 1 to the Jobseeker's Allowance Regulations (Northern Ireland) 1996^{M7},
 - (d) severe disability premium under paragraph 6 of Schedule 4 to the Employment and Support Allowance Regulations (Northern Ireland) 2008^{M8},
 - (e) severe disability element under regulation 17 of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002^{M9},
 - (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^{M10},
 - (b) enhanced disability premium under paragraph 15A of Schedule 1 to the Jobseeker's Allowance Regulations (Northern Ireland) 1996^{M11},
 - (c) enhanced disability premium under paragraph 20IA of Schedule 1 to the Jobseeker's Allowance Regulations (Northern Ireland) 1996^{M12},
 - (d) enhanced disability premium under paragraph 7 of Schedule 4 to the Employment and Support Allowance Regulations (Northern Ireland) 2008.
- [^{F22}(11) The references in paragraphs (1) and (4) to regulations 8(3)(b), 17(3)(b), 24(3)(b), 30(3)(b) and 36(3)(b) are references to those provisions as they were in force at the date on which the original underlying benefit ceased to be paid.]

Textual Amendments

- F16** Words in [reg. 42\(1\)\(a\)](#) inserted (1.2.2022) by [The Welfare Supplementary Payment \(Extension\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/25\)](#), regs. 1(2), **8(10)(a)**
- F17** Words in [reg. 42\(2\)](#) inserted (1.2.2022) by [The Welfare Supplementary Payment \(Extension\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/25\)](#), regs. 1(2), **8(10)(b)**
- F18** Words in [reg. 42\(4\)](#) inserted (1.2.2022) by [The Welfare Supplementary Payment \(Extension\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/25\)](#), regs. 1(2), **8(10)(c)(i)**
- F19** Words in [reg. 42\(4\)](#) inserted (1.2.2022) by [The Welfare Supplementary Payment \(Extension\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/25\)](#), regs. 1(2), **8(10)(c)(ii)**
- F20** Words in [reg. 42\(6\)](#) substituted (1.2.2022) by [The Welfare Supplementary Payment \(Extension\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/25\)](#), regs. 1(2), **8(10)(d)**
- F21** Words in [reg. 42\(6\)](#) substituted (1.3.2023) by [The Welfare Supplementary Payment \(Extension\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/25\)](#), regs. 1(3), **9(4)**
- F22** [Reg. 42\(11\)](#) inserted (1.2.2022) by [The Welfare Supplementary Payment \(Extension\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/25\)](#), regs. 1(2), **8(10)(e)**

Marginal Citations

- M2** Relevant amending regulations are [S.R. 2003 No. 191](#), [S.R. 2003 No. 413](#), [S.R. 2007 No. 154](#) and [S.R. 2010 No. 103](#)
- M3** 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](#)
- M4** 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](#)

- M5** 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
- M6** 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, **Article 17(7)(c)** of S.I. 2013/3021 and regulation 3(2)(b) of S.R. 2014 No. 275
- M7** 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, **Article 17(7)(h)** of 2013/3021 and regulation 3(2)(e) of S.R. 2014 No. 27
- M8** Paragraph 6 was amended by regulation 11(3) of S.R. 2011 No. 291 and regulation 21(14) of S.R. 2011 No. 357
- M9** 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
- M10** Relevant amending regulations are S.R. No. 367, S.R. 2003 No. 195, S.R. 2011 No. 135 and S.R. 2011 No.357
- M11** 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 Article 17(7)(d) of **S.I.** 2013/3021
- M12** 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 Article 17(7)(i) of **S.I.** 2013/3021

Termination of welfare supplementary payment where couple becomes entitled to disability-related premium

43.—(1) This regulation applies where—

- (a) a person (A) is entitled to welfare supplementary payment,
- (b) A forms a couple with another person (B) who is not entitled to welfare supplementary payment, and
- (c) A or B (or A and B in the case of a joint-claim couple as referred to in Part 3, or a joint claim as referred to in Part 5) are awarded—
 - (i) disability-related premium referred to in Part 2, 3 or 4
 - (ii) disability-related element referred to in Part 5, or
 - (iii) severe disability component referred to in Part 6.

(2) Welfare supplementary payment must cease to be paid from the date A or B (or A and B in the case of a joint-claim couple or a joint claim) are entitled to the disability-related premium, disability-related element or severe disability component (as the case may be).

Persons forming a couple where there are equivalent disability-related premiums

44.—(1) This regulation applies where—

- (a) a person A is entitled to welfare supplementary payment,
- (b) a person B is entitled to welfare supplementary payment,
- (c) the welfare supplementary payments of A and B are in respect of equivalent disability-related premiums,
- (d) A and B form a couple, and
- (e) A or B (or A and B in the case of a joint-claim couple as referred to in Part 3, or a joint claim as referred to in Part 5) are awarded an underlying benefit.

(2) Where the underlying benefit has an equivalent disability-related premium to the premium, element or amount (as the case may be) A and B were originally entitled to, then—

- (a) A is entitled to welfare supplementary payment of an amount equal to 50% of that equivalent disability-related premium, and
- (b) B is entitled to welfare supplementary payment of an amount equal to 50% of that equivalent disability-related premium.

(3) Where the new underlying benefit does not have an equivalent disability-related premium to the premium, element or amount (as the case may be) A and B were originally entitled to, then there is no change in welfare supplementary payments to A and B.

(4) In this regulation “equivalent disability-related premiums” and “underlying benefit” have the same meaning as in regulation 42.

[^{F23}Persons to whom welfare supplementary payments may be made

44A.—(1) A welfare supplementary payment to which a person is entitled under these Regulations must be paid to the person, but this is subject to paragraph (2).

(2) Payment may be made to a person appointed under regulation 33 of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987.]

Textual Amendments

F23 Reg. 44A inserted (6.2.2017) by [The Welfare Supplementary Payment \(Amendment\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/28\)](#), regs. 1(2), **34**

[^{F24}Effect of sanctions

44B. For the avoidance of doubt, where a person is subject to a benefit sanction (for example for failure to take part in a work-focused interview), the effect of the sanction is to be disregarded in calculating the amount of welfare supplementary payment payable.]

Textual Amendments

F24 Reg. 44B inserted (6.2.2017) by [The Welfare Supplementary Payment \(Amendment\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/28\)](#), regs. 1(2), **35**

[^{F25}Information sharing

44C.—(1) The Department may supply to the Commissioners for Her Majesty’s Revenue and Customs such information as they may require for the purposes of HMRC functions.

(2) The Commissioners for Her Majesty’s Revenue and Customs may supply to the Department such information as the Department may require for the purposes of functions relating to the payment and administration of welfare supplementary payments.

(3) Information supplied under this regulation must not be supplied by the recipient of the information to any other person or body without—

- (a) the authority of the Department, in the case of information supplied under paragraph (1),
- (b) the authority of the Commissioners for Her Majesty’s Revenue and Customs, in the case of information supplied under paragraph (2).

(4) Where information supplied under this regulation has been used for the purposes for which it was supplied, it is lawful for it to be used for any purposes for which information held for those purposes could reasonably be used.

(5) This regulation does not limit the circumstances in which information may be supplied apart from this regulation.

(6) In this regulation “HMRC functions” means any function—

(a) for which the Commissioners for Her Majesty’s Revenue and Customs are responsible by virtue of section 5 of the Commissioners for Revenue and Customs Act 2005, or

(b) which relates to a matter listed in Schedule 1 to that Act.]

Textual Amendments

F25 Reg. 44C inserted (6.2.2017) by [The Welfare Supplementary Payment \(Amendment\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/28\)](#), regs. 1(2), 36

Review

45.—(1) The Department must establish procedures for reviewing a person's entitlement to welfare supplementary payment under these Regulations.

(2) The procedures established must—

(a) provide for a review to be carried out on the application of any person,

(b) provide for the manner of making the application.

(3) The procedures may, in particular, provide for—

(a) the consideration of the applicant's entitlement to welfare supplementary payment by up to three persons nominated by the Department,

(b) the preparation of a report by these persons setting out their conclusions in relation to the applicant's entitlement to welfare supplementary payment and their recommendation as to the manner in which the matter should be finally determined.

Disregards

46. No account must be taken of entitlement to welfare supplementary payment in considering a person's entitlement to benefit under a statutory provision relating to social security (irrespective of the name or nature of the benefit).

Residency

47. A person is not entitled to welfare supplementary payment unless the person—

(a) is ordinarily resident in Northern Ireland; and

(b) is present in Northern Ireland.

Temporary absence from Northern Ireland

48.—(1) Subject to regulation 49, where a person is temporarily absent from Northern Ireland, the person is treated as present in Northern Ireland for the purpose of these Regulations for the first 4 weeks of absence.

(2) A person is temporarily absent from Northern Ireland if, at the beginning of the period of absence, the person's absence is unlikely to exceed 52 weeks.

Temporary absence from Northern Ireland to receive medical treatment

49.—(1) Where a person is temporarily absent from Northern Ireland, the person is treated as present in Northern Ireland for the purposes of these Regulations for the first 13 weeks of that absence, where—

- (a) the person's absence is solely in connection with arrangements made for the medical treatment of the person for a disease or bodily or mental disablement which commenced before the person left Northern Ireland; and
 - (b) the arrangements referred to in sub-paragraph (a) relate to medical treatment—
 - (i) outside Northern Ireland,
 - (ii) during the period whilst the person is temporarily absent from Northern Ireland, and
 - (iii) by, or under the supervision of, a person appropriately qualified to carry out that treatment.
- (2) In this regulation “temporarily absent” has the same meaning as in regulation 48(2).

Changes to legislation:

There are currently no known outstanding effects for the The Welfare Supplementary Payment (Loss of Disability-Related Premiums) Regulations (Northern Ireland) 2016, PART 7.