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## STATUTORY RULES OF NORTHERN IRELAND

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### 2016 No. 250

## The Welfare Supplementary Payment (Loss of Disability Living Allowance) Regulations (Northern Ireland) 2016

### PART 2

#### WELFARE SUPPLEMENTARY PAYMENT PENDING APPEAL AGAINST PERSONAL INDEPENDENCE PAYMENT REFUSAL

##### Eligibility

4.—(1) A person is entitled to welfare supplementary payment under this Part if the person meets—

- (a) the disability living allowance entitlement condition;
- (b) the personal independence payment refusal condition, and
- (c) the appeal condition.

(2) The disability allowance entitlement condition is that the person is in receipt of disability living allowance on the transition date.

(3) The personal independence payment refusal condition is that following a transitional assessment determination, the person's claim for personal independence payment is refused.

(4) The appeal condition is that the person has appealed, under Article 13 of the 1998 Order<sup>M1</sup>, against the decision refusing personal independence payment.

##### Marginal Citations

**M1** Article 13 was amended by paragraph 19 of Schedule 6 to the [Social Security Contributions \(Transfer of Functions, etc.\) \(Northern Ireland\) Order 1999 \(S.I. 1999/671\)](#), [Article 4\(2\) of S.I. 2014/886](#) and Articles 107(2), (3) and (4) and 109(6) of the [Welfare Reform \(Northern Ireland\) Order 2015](#)

##### Amount

5. The amount of welfare supplementary payment payable is equal to the amount which was payable to the person under the award of disability living allowance.

##### Period of payment

6.—(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 disability living allowance terminates in accordance with regulation 17(1) of the Transitional Provisions Regulations.

*Status: Point in time view as at 06/02/2017.*

*Changes to legislation: There are currently no known outstanding effects for the The Welfare Supplementary Payment (Loss of Disability Living Allowance) Regulations (Northern Ireland) 2016, PART 2. (See end of Document for details)*

- (3) The period during which welfare supplementary payment is payable ends—
- (a) after the first payment following the date on which the decision notice of the appeal tribunal is received by the Department; or
  - (b) on 31st March 2020,

whichever is first to occur.

(4) 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, the period during which further welfare supplementary payment is payable is set out in paragraphs (5) and (6).

(5) 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.

- (6) The period during which 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) on 31st March 2020,

whichever is first to occur.

### **Effect of changes in personal independence payment following revision or supersession of previous decision**

7.—(1) This regulation applies where—

- (a) a person is receiving welfare supplementary payment, and
- (b) following an event referred to in paragraph (3), the person is awarded personal independence payment.

[<sup>F1</sup>(2) Welfare supplementary payment must cease to be paid from the date the decision to award personal independence payment takes effect.]

(3) The events referred to in paragraph (1)(b) are—

- (a) the decision to not award personal independence payment is revised under Article 10 of the 1998 Order,
- (b) the decision to not award personal independence payment is superseded under Article 11 of the 1998 Order <sup>M2</sup>.

#### **Textual Amendments**

**F1** Reg. 7(2) substituted (6.2.2017) by [The Welfare Supplementary Payment \(Amendment\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/28\)](#), regs. 1(2), **52(1)**

#### **Marginal Citations**

**M2** Article 11 was amended by paragraph 17 of Schedule 6 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999

**Status:**

Point in time view as at 06/02/2017.

**Changes to legislation:**

There are currently no known outstanding effects for the The Welfare Supplementary Payment (Loss of Disability Living Allowance) Regulations (Northern Ireland) 2016, PART 2.