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DRAFT STATUTORY RULES OF NORTHERN IRELAND

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**2016 No.**

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

**PART 2**

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

**Eligibility**

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

- (a) the carer's allowance entitlement condition,
- (b) the PIP daily living component refusal condition, and
- (c) the termination of carer's allowance condition.

(2) The carer's allowance entitlement condition is that a person is in receipt of carer's allowance under section 70 of the Contributions and Benefits Act<sup>(1)</sup>, in respect of a caree, on the transition date.

(3) 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.

(4) The termination of carer's allowance condition is that, in consequence of the PIP daily living component refusal condition, the decision of the Department to award carer's allowance is superseded by a decision of the Department to not award carer's allowance.

**Amount**

**5.—(1)** Where a person is entitled to a contributory benefit, the amount of welfare supplementary payment payable is given by the formula—

$$WSP = CA - CB$$

where —

WSP is welfare supplementary payment,

CA is the carer's allowance payable to the person on the date entitlement to the allowance is lost, and

CB is the amount of contributory benefit payable to the person.

(2) Where the contributory benefit is greater than the carer's allowance, then no welfare supplementary payment is payable.

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(1) Section 70 was amended by regulations 2(2) and 3 of [S.R. 2002 No. 321](#), regulation 2(3) of [S.R. 2011 No. 356](#) and is amended by regulation 5(2) of [S.R. 2016 No. 228](#)

(3) Where a person is not entitled to contributory benefit, the amount of welfare supplementary payment payable is given by the formula—

$$WSP = CA$$

where —

WSP is welfare supplementary payment, and

CA is the carer's allowance payable to the person on the date entitlement to the allowance is lost.

(4) In this regulation contributory benefit means—

- (a) contributory benefit within the meaning of Part 2 of the Contributions and Benefits Act,
- (b) employment and support allowance under section 1(2)(a) of the Welfare Reform Act (Northern Ireland) 2007(2), or
- (c) a contribution-based jobseeker's allowance within the meaning of Article 3 of the Jobseekers (Northern Ireland) Order 1995(3).

### 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 carer's allowance 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 carer's allowance

7.—(1) Welfare supplementary payment must cease to be paid to a person from the date the person is entitled to carer's allowance.

(2) The entitlement to carer's allowance must arise out of—

- (a) a new claim for carer's allowance,
- (b) a revision under Article 10 of the 1998 Order,
- (c) a supersession of a previous decision under Article 11 of the 1998 Order(4), or
- (d) an appeal under Article 13 of the 1998 Order(5).

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(2) [2007 c.2 \(N.I.\)](#)

(3) [S.I. 1995/2705 \(N.I. 15\)](#); Article 3 was amended by paragraph 3 of Schedule 7 to [S.I. 1999/3147 \(N.I. 11\)](#), paragraph 131 of Schedule 24 to the Civil Partnership Act [2004 \(c. 33\)](#) and paragraph 6(3) of Schedule 3 to the Welfare Reform Act (Northern Ireland) 2007 (c. 2 (N.I.))

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

(5) 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