
DRAFT STATUTORY RULES OF NORTHERN IRELAND

2016 No.

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

PART 4

Welfare Supplementary Payment for loss of Disability-Related Premium on transition from Disability Living Allowance to Personal Independence Payment (Employment and Support Allowance claimants)

Eligibility (couples: severe disability premium)

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

- (a) A is a member of a couple with another person (B),
- (b) A meets the ESA entitlement condition,
- (c) A meets the disability-related premium entitlement condition in respect of severe disability premium,
- (d) A or B meet the PIP refusal condition (but this is subject to paragraph (6)), and
- (e) A meets the termination of disability-related premium condition.

(2) The ESA entitlement condition is that the person is in receipt of employment and support allowance under the Welfare Reform Act (Northern Ireland) 2007 on the transition date.

(3) The disability-related premium entitlement condition in respect of severe disability premium is that the person is in receipt of severe disability premium under paragraph 6 of Schedule 4 to the Employment and Support Allowance Regulations (Northern Ireland) 2008 on the transition date.

(4) The PIP refusal condition is that following a transitional assessment determination, the person is refused personal independence payment, or the component of personal independence payment, that is a condition for entitlement to disability-related premium.

(5) The termination of disability-related premium condition is that, in consequence of the PIP refusal condition, the decision of the Department to award disability-related premium is superseded by a decision to not award disability-related premium.

(6) Paragraph (8) applies where—

- (a) A does not meet the PIP refusal condition,
- (b) B meets the PIP refusal condition, and
- (c) B meets the blind condition on the transition date.

(7) The blind condition is that the person is certified as severely sight impaired or blind by a consultant ophthalmologist.

(8) Where this paragraph applies, the termination of disability-related premium condition is met if, in consequence of the matters set out in paragraph (6), the decision of the Department to award severe disability premium at a higher rate is superseded by a decision of the Department to award severe disability premium at a lower rate.