
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 254

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

[^{F1}PART 6A

WELFARE SUPPLEMENTARY PAYMENT WHERE A COUPLE SEPARATES

Textual Amendments

- F1** Regs. 38A-38D inserted (6.2.2017) by [The Welfare Supplementary Payment \(Amendment\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/28\)](#), regs. 1(2), **32**

Application of this Part

38A.—(1) This Part applies where—

- (a) A and B were a couple,
- (b) on or after 20 July 2016, A and B ceased to be a couple, and
- (c) immediately before that, A was entitled to welfare supplementary payment under Parts 2 to 6.

(2) In this Part, the welfare supplementary payment to which A was entitled is referred to as “the old WSP”.

[^{F2}(3) In the case of welfare supplementary payment to which A or B is entitled by virtue of regulations 38B to 38D, [^{F3}the period during which it is payable does not include any times after the year given for the old WSP by regulation 8(2), 17(2), 24(2), 30(2) or 36(2).]]

Textual Amendments

- F2** [Reg. 38A\(3\) inserted \(1.2.2022\) by The Welfare Supplementary Payment \(Extension\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/25\)](#), regs. 1(2), **8(5)**
- F3** Words in [reg. 38A\(3\) substituted \(1.3.2023\) by The Welfare Supplementary Payment \(Extension\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/25\)](#), regs. 1(3), **9(3)**

Disability premium

38B.—(1) This regulation applies where the old WSP was in respect of a disability premium.

(2) In this regulation, a disability premium means—

- (a) disability premium under paragraph 11 of Schedule 2 to the Income Support (General) Regulations (Northern Ireland) 1987,

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- (b) disability premium under paragraph 13 of Schedule 1 to the Jobseeker's Allowance Regulations (Northern Ireland) 1996, or
- (c) disability premium under paragraph 20G of Schedule 1 to the Jobseeker's Allowance Regulations (Northern Ireland) 1996.

(3) If both A and B met—

- (a) the PIP refusal condition, and
- (b) the loss of disability premium condition,

then A and B are each separately entitled to welfare supplementary payment (under the Part to which A was originally entitled to welfare supplementary payment) when they cease to be a couple.

(4) Where paragraph (3) applies, the amount of welfare supplementary payment payable to each A and B is equal to half the old WSP.

(5) If only one member of the couple (“the eligible member”) met—

- (a) the PIP refusal condition, and
- (b) the loss of disability premium condition,

then only the eligible member is entitled to welfare supplementary payment (under the Part to which A was originally entitled to welfare supplementary payment) when they cease to be a couple.

(6) Where paragraph (5) applies, then immediately after A and B cease to be a couple, the amount of welfare supplementary payment payable to the eligible member is equal to the old WSP.

(7) Where paragraph (5) applies, then when the eligible member makes an application for a welfare benefit as a single person, the amount of welfare supplementary payment payable to the eligible member is equal to the amount of disability premium which would have been payable to the eligible member on the transition date if the eligible member had not been a member of a couple on the date entitlement to the premium was lost.

(8) 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 premium.

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

Enhanced disability premium

38C.—(1) This regulation applies where the old WSP was in respect of an enhanced disability premium.

(2) In this regulation, an enhanced disability premium means—

- (a) enhanced disability premium under paragraph 13A of Schedule 2 to the Income Support (General) Regulations (Northern Ireland) 1987,
- (b) enhanced disability premium under paragraph 15A of Schedule 1 to the Jobseeker's Allowance Regulations (Northern Ireland) 1996,
- (c) enhanced disability premium under paragraph 20IA of Schedule 1 to the Jobseeker's Allowance Regulations (Northern Ireland) 1996, or
- (d) enhanced disability premium under paragraph 7 of Schedule 4 to the Employment and Support Allowance Regulations (Northern Ireland) 2008.

(3) If both A and B met—

- (a) the PIP refusal condition, and
- (b) the loss of enhanced disability premium condition,

then A and B are each separately entitled to welfare supplementary payment (under the Part to which A was originally entitled to welfare supplementary payment) when they cease to be a couple.

(4) Where paragraph (3) applies, the amount of welfare supplementary payment payable to each A and B is equal to half the old WSP.

(5) If one member of the couple (“the eligible member”) met—

- (a) the PIP refusal condition, and
- (b) the loss of enhanced disability premium condition,

then only the eligible member is entitled to welfare supplementary payment (under the Part to which A was originally entitled to welfare supplementary payment) when they cease to be a couple.

(6) Where paragraph (5) applies, then immediately after A and B cease to be a couple, the amount of welfare supplementary payment payable to the eligible member is equal to the old WSP.

(7) Where paragraph (5) applies, then when the eligible member makes an application for a welfare benefit as a single person, the amount of welfare supplementary payment payable to the eligible member is equal to the amount of enhanced disability premium which would have been payable to the eligible member on the transition date if the eligible member had not been a member of a couple on the date entitlement to the premium was lost.

(8) 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 enhanced disability premium.

(9) The loss of enhanced disability premium condition is that, in consequence of the PIP refusal condition, the decision of the Department to award enhanced disability premium is superseded by a decision to not award enhanced disability premium.

Severe disability premium

38D.—(1) This regulation applies where the old WSP was in respect of a severe disability premium.

(2) In this regulation, a severe disability premium means—

- (a) severe disability premium under paragraph 13 of Schedule 2 to the Income Support (General) Regulations (Northern Ireland) 1987,
- (b) severe disability premium under paragraph 15 of Schedule 1 to the Jobseeker’s Allowance Regulations (Northern Ireland) 1996,
- (c) severe disability premium under paragraph 20I of Schedule 1 to the Jobseeker’s Allowance Regulations (Northern Ireland) 1996,
- (d) severe disability premium under paragraph 6 of Schedule 4 to the Employment and Support Allowance Regulations (Northern Ireland) 2008, or
- (e) 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.

(3) A and B are each separately entitled to welfare supplementary payment (under the Part to which A was originally entitled to welfare supplementary payment), when they cease to be a couple, but this is subject to paragraphs (5) and (6).

(4) Where paragraph (3) applies, the amount of welfare supplementary payment payable to each A and B is half the old WSP.

(5) If a person becomes entitled to a severe disability premium in consequence of ceasing to be a member of a couple, then in accordance with regulations 10, 19, 26 or 38, that person must cease to be paid [^{F4}(or, as the case may be, from then on must not be paid)] welfare supplementary payment.

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(6) If A is entitled to welfare supplementary payment because B satisfies the blind condition, as set out in regulations 6(6), 13(6), 15(7), 22(6) or 34(6), as the case may be, then when A and B cease to be a couple, only A is entitled to welfare supplementary payment (under the Part to which A was originally entitled to welfare supplementary payment) when they cease to be a couple.

(7) Where paragraph (6) applies, the amount of welfare supplementary payment payable to A is equal to the old WSP.]

Textual Amendments

F4 Words in [reg. 38D\(5\)](#) inserted (1.2.2022) by [The Welfare Supplementary Payment \(Extension\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/25\)](#), regs. 1(2), **8(6)**

Status:

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Changes to legislation:

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