
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

[^{F1}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,
- (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.

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, Section 38B. (See end of Document for details)*

(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.]

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](#)

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, Section 38B.