
STATUTORY INSTRUMENTS

2016 No. 999

The Welfare Reform and Work (Northern Ireland) Order 2016

Loans for mortgage interest, etc.

Loans for mortgage interest, etc.

13.—(1) The Department may by regulations provide for loans to be made in respect of a person's liability to make owner-occupier payments in respect of accommodation occupied by the person as the person's home.

(2) The regulations may make provision about eligibility to receive a loan under the regulations.

(3) The regulations may in particular require that a person—

(a) is entitled to receive income support, income-based jobseeker's allowance, income-related employment and support allowance, state pension credit or universal credit;

(b) has received such a benefit for a prescribed period.

(4) The regulations may make provision about the liabilities in respect of which a loan under the regulations may be made.

(5) The regulations may in particular provide that a loan under the regulations may only be made if, and to the extent that, a person's liability to make owner-occupier payments was incurred for prescribed purposes.

(6) The regulations may in particular make provision about—

(a) determining or calculating the amount of a person's liabilities;

(b) the maximum amount of a person's liabilities in respect of which a loan under the regulations may be made.

(7) The regulations may—

(a) make provision about determining or calculating the amount that may be paid by way of loan under the regulations;

(b) require that a loan under the regulations be secured by a mortgage of or charge over a legal or beneficial interest in land.

[^{F1}(c) charge a legal, or equitable, estate or other interest in land with either or both of the following—

(i) repayment of a loan under the regulations;

(ii) interest charged in respect of such a loan.]

(8) The regulations may define “owner-occupier payment”.

[^{F2}(8A) A charge created under paragraph (7)(c) is enforceable in all respects as if it were a valid mortgage by deed created in favour of the Department by the person on whose estate the charge has been created (with, where necessary, any authorisation or consent required by law) and the Department may exercise the powers conferred by sections 19, 21 and 22 of the Conveyancing Act 1881 on mortgagees by deed accordingly.

(8B) A charge created under paragraph (7)(c) may be in respect of—

(a) amounts lent, or

(b) interest accruing,
at the time when, or at times after or before, the charge is created (including times before the regulations creating the charge come into operation, and times before the passing of the Support for Mortgage Interest etc (Security for Loans) Act (Northern Ireland) 2022).]

(9) Regulations under this Article are subject to negative resolution.

Textual Amendments

- F1** Art. 13(7)(c) inserted (7.6.2022) by Support for Mortgage Interest etc (Security for Loans) Act (Northern Ireland) 2022 (c. 28), ss. **1(1)(a)**, 2(1)
- F2** Art. 13(8A)(8B) inserted (7.6.2022) by Support for Mortgage Interest etc (Security for Loans) Act (Northern Ireland) 2022 (c. 28), ss. **1(1)(b)**, 2(1)
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Commencement Information

- I1** Art. 13 in operation at 4.9.2017 by S.R. 2017/166, art. **2(a)**

Changes to legislation:

There are currently no known outstanding effects for the The Welfare Reform and Work (Northern Ireland) Order 2016, Section 13.