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DRAFT STATUTORY RULES OF NORTHERN IRELAND

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**2016 No.**

**The Welfare Supplementary Payments  
Regulations (Northern Ireland) 2016**

**PART 2**

**BENEFIT CAP**

**Interpretation of Part 2**

**3.—(1)** In this Part—

“child” means a person under the age of 16;

“couple” means—

- (a) subject to paragraph (e), a man and woman who are married to each other and are members of the same household;
- (b) a man and woman who are not married to each other but are living together as husband and wife;
- (c) two people of the same sex who are civil partners of each other and are members of the same household;
- (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners; or
- (e) in a case where a person is a member of a polygamous marriage, that person and the member of the polygamous marriage to whom that person was first married,

and for the purposes of paragraph (d), two people of the same sex are regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex;

“housing association” has the same meaning as in Article 3 of the Housing (Northern Ireland) Order 1992<sup>(1)</sup>;

“housing benefit” means housing benefit under section 122 of the Contributions and Benefits Act<sup>(2)</sup>;

“Housing Benefit Regulations” means the Housing Benefit Regulations (Northern Ireland) 2006<sup>(3)</sup>;

“landlord” has the same meaning as in regulation 92 of the Housing Benefit Regulations<sup>(4)</sup>;

“welfare benefit” has the same meaning as in regulation 73G of the Housing Benefit Regulations<sup>(5)</sup>;

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(1) [S.I. 1992/1725 \(N.I. 15\)](#)

(2) [1992 c. 7](#); section 122 was amended by section 60 and Schedule 6 to the Tax Credits Act [2002 \(c. 21\)](#)

(3) [S.R. 2006 No. 405](#)

(4) Regulation 92 has been amended but the amendments are not relevant to these regulations

(5) Regulation 73G was inserted by regulation 3(5) of [S.R. 2016 No. 55](#)

“young person” has the same meaning as in regulation 17(1) of the Housing Benefit Regulations.

(2) For the purposes of regulation 4(3)(b), the circumstances in which a person is treated as responsible for a child or young person are the same as those set out in regulation 18 of the Housing Benefit Regulations.

### **Benefit cap**

4.—(1) This paragraph applies where a person’s daily total entitlement to welfare benefits, or where the person is a member of a couple, the couple’s daily total entitlement to welfare benefits, exceeds £71.42 on 31st May 2016.

(2) This paragraph applies where a person—

- (a) was entitled to a welfare benefit in respect of each day during the relevant period; and
- (b) is entitled to housing benefit the amount of which is reduced in accordance with regulation 73D of the Housing Benefit Regulations<sup>(6)</sup>.

(3) Where paragraph (1) or (2) applies and subject to paragraph (6), a person is entitled to a welfare supplementary payment under this regulation for any period in respect of which—

- (a) the amount of housing benefit to which the person is entitled is reduced in accordance with regulation 73D of the Housing Benefit Regulations; and
- (b) the person resides with a child or young person for whom the person, or as the case may be, the person’s partner is responsible.

(4) Subject to paragraph (5), the amount of a welfare supplementary payment to which a person is entitled under this regulation is the amount by which the person’s award of housing benefit is reduced in accordance with regulation 73D of the Housing Benefit Regulations on the first occasion on which it is so reduced.

(5) If as a result of a change of circumstances, a person’s award of housing benefit is reduced in accordance with regulation 73D of the Housing Benefit Regulations by less than the amount by which it was reduced on the first occasion on which it was reduced, the amount of a welfare supplementary payment to which a person is entitled under this regulation is that lesser amount.

(6) The period in respect of which welfare supplementary payments are payable under this regulation commences on the first occasion on which the amount of housing benefit to which the person is entitled is reduced in accordance with regulation 73D of the Housing Benefit Regulations and ends on 31st March 2020.

(7) A welfare supplementary payment to which a person is entitled under this regulation must be paid every four weeks, or as soon as is reasonably practicable thereafter, in arrears.

(8) Subject to paragraph (9), a welfare supplementary payment to which a person is entitled under this regulation must be paid to that person except where housing benefit to which that person is entitled is paid to that person’s landlord in which case the welfare supplementary payment must be paid to the person’s landlord.

(9) A welfare supplementary payment must not be paid to the person’s landlord unless the landlord is—

- (a) registered under regulation 3 of the Landlord Registration Scheme Regulations (Northern Ireland) 2014<sup>(7)</sup>;
- (b) the Northern Ireland Housing Executive; or
- (c) a housing association.

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<sup>(6)</sup> Regulation 73D was inserted by regulation 3(5) of S.R. 2016 No. 55

<sup>(7)</sup> S.R. 2014 No. 9

(10) In this regulation “relevant period” in respect of a person means the period beginning on 30th May 2016 and ending on the date of the first occasion on which the amount of housing benefit to which that person is entitled is reduced in accordance with regulation 73D of the Housing Benefit Regulations.

#### **Amendment of the Discretionary Financial Assistance Regulations**

5. In regulation 3 of the Discretionary Financial Assistance Regulations (Northern Ireland) 2001<sup>(8)</sup> after paragraph (j) add the following paragraph—

- “(k) a reduction under regulation 73D of the Housing Benefit Regulations of the amount of housing benefit to which a person is entitled if that reduction—
- (i) relates to the housing benefit of a person who is entitled to a welfare supplementary payment under Part 2 of the Welfare Supplementary Payments Regulations (Northern Ireland) 2016; and
  - (ii) is no more than the amount specified in regulation 4(4) of those Regulations.”.

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<sup>(8)</sup> S.R. 2001 No. 216; relevant amending regulations are S.R. 2002 No. 80, SR. 2008 No.111, S.R. 2011 No. 291, S.R. 2012 No. 44 and S.R. 2014 No. 150