

Draft Regulations laid before the Assembly under Articles 137(5) and 137A(9) of the Welfare Reform (Northern Ireland) Order 2015, for approval

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2022 No. XXXX

WELFARE

**The Welfare Supplementary Payment
(Amendment) Regulations (Northern Ireland) 2022**

Laid before the Assembly in draft

Made - - - - XX February 2022

Coming into operation in accordance with regulation 1

The Department for Communities⁽¹⁾ makes the following Regulations in exercise of the powers conferred by Article 137 and 137A of the Welfare Reform (Northern Ireland) Order 2015⁽²⁾.

In accordance with Article 137(5) and 137A(9) of that Order, a draft of these Regulations has been laid before, and approved by a resolution of, the Assembly.

Citation , commencement and cessation

1.—(1) These Regulations may be cited as the Welfare Supplementary Payment (Amendment) Regulations (Northern Ireland) 2022.

(2) They come into operation on the day after the day they are made.

(3) They cease to have effect on 31st March 2025.

Non-retrospective effect of provisions

2. No provision of these Regulations is to be regarded as having effect at any time before it came into operation.

Amendments to the Welfare Supplementary Payments Regulations (Northern Ireland) 2016

3.—(1) The Welfare Supplementary Payments Regulations (Northern Ireland) 2016⁽³⁾ are amended in accordance with paragraphs (2) to (5).

(2) In regulation 4 (benefit cap) –

(1) See section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.)).
(2) S.I. 2015/2006 (N.I. 1); Article 137 was amended by Article 18(2) of the Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999 (N.I. 1)) and Article 137A was inserted by Article 19(2) of that Order
(3) S.R. 2016 No. 178; relevant amending Regulations are S.R. 2016 No. 389, S.R. 2017 No.28 and S.R. 2022 No. 25

- (a) omit paragraph (2);
 - (b) in paragraph (6), omit the words “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”;
 - (c) omit paragraph (10).
- (3) In regulation 4A(4) (amount of welfare supplementary payment payable in respect of benefit cap)-
- (a) for paragraph (2) substitute-
 - “(2) Welfare supplementary payment is equal to the amount by which a person’s award of housing benefit is reduced in accordance with regulation 73D of the Housing Benefit Regulations.”;
 - (b) omit paragraph (3); and
 - (c) after paragraph (2) add -
 - “(2A) At times after the revocation of paragraph (3), paragraph (2) has effect in relation to a person even if there is a time before revocation when paragraph (3) had effect to reduce an entitlement under paragraph (2) in the person’s case.”.
- (4) In regulation 4D(5) (termination of welfare supplementary payment if person ceases to be entitled to housing benefit), omit paragraph (3).
- (5) In regulation 4H(6) (information sharing)-
- (a) after paragraph (2) insert-
 - “(2A) The Department may supply information which relates to the payment and administration of welfare supplementary payments and is held by the Department-
 - (a) to a registered housing association, for use by the association in connection with the management of tenants’ accounts; or
 - (b) to a body which appears to the Department to represent housing associations in Northern Ireland, for use by those associations in that connection.”; and
 - (b) at the end of paragraph (3)(b) insert “or (2A)”.

Amendments to the Housing Benefit (Welfare Supplementary Payment) Regulations (Northern Ireland) 2017

- 4.—(1) The Housing Benefit (Welfare Supplementary Payment) Regulations (Northern Ireland) 2017(7) are amended in accordance with paragraphs (2) and (3).
- (2) In regulation 2 -
- (a) omit paragraphs (2) to (4); and
 - (b) before paragraph (5) insert-
 - “(4A) At times after the revocation of paragraph (2), paragraph (1) has effect in relation to a person even if there is a time before the revocation when paragraph (2) had effect to end an entitlement under paragraph (1) in the person’s case.”.
- (3) In regulation 7, omit paragraph (2).

(4) Regulation 4A was inserted by regulation 2(3) of S.R. 2016 No.389

(5) Regulation 4D was inserted by regulation 19 of S.R. 2017 No. 28 and amended by regulations 2 and 3 of S.R.2022 No.25

(6) Regulation 4H was inserted by regulation 23 of S.R. 2017 No. 28

(7) S.R. 2017 No.35

Sealed with the Official Seal of the Department for Communities on XX February 2022

(L.S.)

Anne McCleary
A senior officer of the Department for
Communities

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make further provisions for the delivery of welfare supplementary payments. These payments are designed to mitigate impacts from the implementation of the Welfare Reform (Northern Ireland) Order 2015 and the Welfare Reform and Work (Northern Ireland) Order 2016 as defined in the document “A Fresh Start: the Stormont Agreement and Implementation Plan”.

The Regulations make amendments to existing welfare supplementary payments regulations.

Regulation 1(3) provides that these Regulations are to cease to have effect on 31st March 2025.

Regulation 2 has the effect of if an amendment has the effect of terminating or reducing a welfare supplementary payment the termination or reduction will not be retrospective and only take effect from the date on which the amendment comes into operation.

Regulation 3 amends the Welfare Supplementary Payments Regulations (Northern Ireland) 2016.

Regulation 3(2) amends regulation 4 and means that all families with children who are affected by the Benefit Cap will receive a mitigation payment equivalent to the capped amount. There will be no restriction on entitlement based on the date a person first had their benefit capped.

Regulation 3(3) amends regulation 4A and means that a person will receive a welfare supplementary payment equal to the amount by which their Housing Benefit is reduced due to the Benefit Cap. It will also mean that those people who have previously had a change in their circumstances which resulted in a reduction in their welfare supplementary payment will “requalify” for the full amount of the Benefit Cap deduction.

Regulation 3(4) amends regulation 4D and removes the provision which allows a welfare supplementary payment to restart if a person was impacted by the £26,000 Benefit Cap level, ceased to be entitled to Housing Benefit and was subsequently affected by the £20,000 Benefit Cap level. The existing provision is no longer required due to the amendment to regulation 4A.

Regulation 3(5) inserts paragraph (2A) into regulation 4H to allow the Department to share information with housing associations and their representative body.

Regulation 4 amends the Housing Benefit (Welfare Supplementary Payment) Regulations (Northern Ireland) 2017.

Regulation 4(2) amends regulation 2 and removes the restriction on entitlement to a welfare supplementary payment where a tenant in the social rented sector moves property and continues to under-occupy by at least the same number of bedrooms. It will also mean that those people who previously lost their welfare supplementary payment due to the application of regulation 2(2) will ‘requalify’ for a welfare supplementary payment if they are eligible.

Regulation 4(3) amends regulation 7 and will remove the regulation that allowed the Northern Ireland Housing Executive and registered housing associations to provide the Department with information relating to whether a person had been allocated “Management Transfer status”. Disclosure of this is no longer required due to the amendment regulation 4(2) makes to regulation 2.