

2009 No. 276

HOUSING; RATES

The Housing Benefit (Child Benefit Disregard and Child Care Charges) Regulations (Northern Ireland) 2009

Made - - - - *23rd July 2009*

Coming into operation in accordance with regulation 1

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 122(1)(d), 132(3) and (4)(b) and 171(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a) and now vested in it(b).

These Regulations are made with the consent of the Department of Finance and Personnel(c).

The Social Security Advisory Committee has agreed that proposals in respect of these Regulations should not be referred to it(d).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (Child Benefit Disregard and Child Care Charges) Regulations (Northern Ireland) 2009 and subject to paragraph (2), shall come into operation on 5th August 2009.

(2) Regulation 3 shall come into operation on 2nd November 2009.

(3) The Interpretation Act (Northern Ireland) 1954(e) shall apply to these Regulations as it applies to an Act of the Assembly.

Treatment of child care charges

2. In regulation 25(8) of the Housing Benefit Regulations (Northern Ireland) 2006(f) and regulation 29(8) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(g)—

(a) at the end of sub-paragraph (b) omit “or”

(b) after sub-paragraph (c) add—

(a) 1992 c. 7; section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)

(b) See Article 8(b) of S.R. 1999 No. 481

(c) See section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 as inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/1579 (N.I. 8)); see also Article 6(b) of S.R. 1999 No. 481

(d) See section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)

(e) 1954 c. 33 (N.I.)

(f) S.R. 2006 No. 405; to which there are amendments not relevant to this regulation

(g) S.R. 2006 No. 406; to which there are amendments not relevant to these regulations

- “(d) by a foster parent under the Foster Placement (Children) Regulations (Northern Ireland) 1996(a) in relation to a child other than one whom the foster parent is fostering;
- (e) by a domiciliary care worker under the Domiciliary Care Agencies Regulations (Northern Ireland) 2007(b); or
- (f) by a person who is not a relative of the child wholly or mainly in the child’s home.

Disregard of child benefit from income other than earnings

3. In Schedule 6 to the Housing Benefit Regulations (Northern Ireland) 2006(c) (sums to be disregarded in the calculation of income other than earnings) after paragraph 63 add—

“64. Any payment of child benefit.”.

Sealed with the Official Seal of the Department for Social Development on 23rd July 2009

(L.S.)

Anne McCleary
A senior officer of the Department for Social Development

The Department of Finance and Personnel hereby consents to the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on 24th July 2009

(L.S.)

Richard Pengelly
A senior officer of the Department of Finance and Personnel

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Housing Benefit Regulations (Northern Ireland) 2006 and the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006 (“the Housing Benefit Regulations”).

Regulation 2 amends the Housing Benefit Regulations to allow deductions to be made where the child is cared for by a foster parent (other than the child’s own foster parent) or a domiciliary care worker or where the child is looked after in their home by someone other than a relative. This aligns these provisions with regulation 14 of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 (S.I. 2002/2005 as amended).

Regulation 3 amends the Housing Benefit Regulations (Northern Ireland) 2006 so that payments of child benefit are disregarded for the purposes of calculating income other than earnings.

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(a) S.R. 1996 No. 467
(b) S.R. 2007 No. 235
(c) A previous paragraph 64 was added by regulation 4 of S.R. 2008 No. 497 and revoked on 1st April 2009 and 6th April 2009, as if regulation 4 had not been made, by regulation 1(2) and (3) of that Rule

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