

EXPLANATORY MEMORANDUM TO
The Housing Benefit (Miscellaneous Amendments) Regulations
(Northern Ireland) 2011

S.R. 2011 No. 136

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department for Social Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under sections 122(1)(d), 131(1), 132(4)(b), 133(2)(h) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992, sections 5(1)(a), (b), (k) and (q), 105A(1A) to (1E), 106(1A) to (1D) and 165(1) and (4) to (6) of the Social Security Administration (Northern Ireland) Act 1992, Article 74(3), (5) and (6) of the Social Security (Northern Ireland) Order 1998 and paragraphs 6(7) and 20(1) and (3) of Schedule 7 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 and is subject to the negative resolution procedure.
- 1.3. The rule is due to come into operation on 1 and 4 April and 1 May 2011.

2. Purpose

- 2.1. The purpose of the Regulations is to make various amendments to the Housing Benefit (Decisions and Appeals) Regulations (Northern Ireland) 2001, the Social Security (Notification of Change of Circumstances) Regulations (Northern Ireland) 2001, 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.

3. Background

- 3.1. The Regulations generally make minor and technical amendments which: allow for a full disregard of income from (Great Britain) special guardianship order payments and residence order payments in the assessment of working age housing benefit; clarify the 'time for claiming' provisions where a person claims state pension credit at the same time as housing benefit; clarify that foster children are not to be considered as occupying the home for the purposes of the housing benefit assessment; make an amendment consequential on the abolition of the baby element of child tax credit; clarify that a request for backdating does not create a claim that is separate from an ongoing claim; allow greater scope to accept a notification of a change of circumstances from a claimant by telephone; prescribe a time limit for housing benefit claimants to request a written statement of reasons for a decision; allow the Northern Ireland Housing Executive discretion in choosing a method of payment in cases where the first payment of rent allowance is to be made to the landlord; remove superfluous wording, correct cross-references and update references to legislation.

4. Matters of Special Interest to the Social Development Committee

4.1. None.

5. Consultation

5.1. The equivalent Great Britain Regulations have been subject to consultation with Local Authority Associations. No significant concerns were raised. The Social Security Advisory Committee agreed that it did not require the proposed Regulations to be formally referred to it.

6. Position in Great Britain

6.1. The amendments mirror provisions for Great Britain and are in line with the long-standing principle of parity between Great Britain and Northern Ireland in social security matters.

7. Equality Impact

7.1. In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department conducted a screening exercise of the proposals. It concluded that the proposals do not have significant implications for equality of opportunity and therefore considered that an equality impact assessment was not necessary.

8. Regulatory Impact

8.1. These Regulations do not require a Regulatory Impact Assessment as they do not impose any additional costs or savings on business, charities or voluntary bodies.

9. Financial Implications

9.1. None.

10. Section 24 of the Northern Ireland Act 1998

10.1. The Department has considered its obligations under section 24 of the Northern Ireland Act 1998 and is satisfied that the Rules: are not incompatible with the Convention rights; are not incompatible with Community law; do not discriminate against a person or class of person on the ground of religious belief or political opinion; and do not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

11. EU Implications

11.1. Not applicable.

12. Additional Information

12.1. Not applicable.