

EXPLANATORY MEMORANDUM TO

The Housing Benefit (Amendment No. 2) Regulations (Northern Ireland) 2011

S.R. 2011 No. 293

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), 129A(2) to (4), and 171(1), (3) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 and is subject to the negative resolution procedure.
- 1.3. The rule is due to come into operation on 1 January 2012.

2. Purpose

- 2.1. The purpose of the Regulations is to amend the Housing Benefit Regulations (Northern Ireland) 2006 to extend the shared accommodation rate of housing benefit to single claimants under 35 years of age, rather than 25 as at present, unless they benefit from an exemption.

3. Background

- 3.1. The amount of Housing Benefit payable to a single claimant living in the private rented sector who is a "young individual" is restricted to the shared accommodation rate. (The shared accommodation rate is also applicable to claimants, regardless of their age or whether they are part of a couple, if they actually live in shared accommodation.)
- 3.2. There are exemptions from the shared accommodation rate for those in receipt of the severe disability premium, for those under age 22 who have previously been in social services care and for those claimants who require overnight care and a bedroom for a non-resident carer.
- 3.3. Two new exemptions are introduced for claimants affected by the extension of the shared accommodation rate age range: for certain people who have spent at least 3 months in a hostel for homeless people and for certain offenders subject to risk management where there is a risk of serious harm to the public.
- 3.4. Previous changes to local housing allowance arrangements introduced from April 2011 provided for up to 9 months transitional protection for existing claimants. Existing claimants who fall within the definition of "young individual" as a result of these Regulations will change to the shared accommodation rate at the end of that period.
- 3.5. The Regulations also remove redundant provision from the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006.

4. Matters of Special Interest to the Social Development Committee

4.1. None.

5. Consultation

5.1. The equivalent Great Britain provisions have been subject to public consultation with the Social Security Advisory Committee. The proposals for corresponding Northern Ireland Regulations do not have to be referred to the Social Security Advisory Committee.

6. Position in Great Britain

6.1. The amendments mirror provisions for Great Britain contained in the Housing Benefit (Amendment) Regulations 2011 and are in keeping with the principle of parity between Northern Ireland and Great Britain 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 for the Department. This measure will achieve overall net savings for Treasury.

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.