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STATUTORY RULES OF NORTHERN IRELAND

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**2016 No. 432**

**SOCIAL SECURITY**

**The Social Security (Miscellaneous Amendments) Regulations  
(Northern Ireland) 2016**

<i>Made</i> - - - -	<i>15th December 2016</i>
<i>Laid before Parliament</i>	<i>19th December 2016</i>
<i>Coming into operation</i> -	<i>16th January 2017</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 122(1)(a) and (d), 123(1)(e), 129A(2) to (4), 133(1) and (2)(h) and 171(1), (3), (4) and (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a), sections 2A(1), 165(1), (4) and (5) and 167(1) of the Social Security Administration (Northern Ireland) Act 1992(b), Article 74(3) and (6) of the Social Security Northern Ireland Order 1998(c), section 60(1), (2)(a) and (b) and (6) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000(d) and Articles 5 and 82(3) of the Welfare Reform (Northern Ireland) Order 2015(e).

Those powers are exercisable by the Secretary of State for Work and Pensions by virtue of Article 4(1) of the Welfare Reform (Northern Ireland) Order 2015.

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- (a) 1992 c. 7. Section 122 (1) was amended by paragraph 1 of Schedule 6 to the Tax Credits Act 2002 (c. 21), subject to savings specified in Article 3 of SI 2003/962. Section 123(1)(e) was inserted by paragraph 13(5) of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15)) and amended by paragraph 1 of Schedule 3 to the State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.)). Section 129A was inserted by section 30(2) of the Welfare Reform Act (Northern Ireland) 2007 (c. 2) , paragraph (3) of this section was amended by article 75(2) of the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006 (N.I. 1) ) and paragraph (4) was substituted by article 75(3) of the same Order. Section 133(1) is cited for the meaning of “prescribed” and paragraphs (1) and (2) of section 133 include amendments which are not relevant to these regulations. Section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21) and section 171(5) was amended by paragraph 1 of Schedule 2 to the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12)).
- (b) 1992 c. 8. Section 2A was inserted by Article 54 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)) and paragraph (1) was amended by sections 29(2) and (4) of the Welfare Reform Act (Northern Ireland) 2010 (c. 13). Section 165(1) was amended by paragraph 49(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671) and section 18(5) of the National Insurance Contributions Act 2014 (c. 7). Section 167(1) is cited for the meaning of “prescribe” and “regulations” and the definition of “prescribe” was amended by paragraph 5 of Schedule 5 to the Welfare Reform Northern Ireland Act 2007 (c. 2). There are other amendments to section 167(1) which are not relevant to these regulations.
- (c) S.I. 1998/1506 (N.I. 1). There are amendments to Article 74 of this Order which are not relevant to these regulations.
- (d) 2000 c. 4 (N.I.). Section 60(6) is cited for the meaning of “prescribed”.
- (e) S.I. 2015/2006 (N.I. 1). Article 5 is cited for the meaning of “prescribed” and “regulations”. Functions under or for the purposes of the Social Security Contributions and Benefits (Northern Ireland) Act 1992, the Social Security Administration (Northern Ireland ) Act 1992 and the Social Security (Northern Ireland) Order 1998 are vested in the Department for Communities by virtue of Article 8(b) of S.R. 1999 No. 481 and section 1(7) of the Departments Act (Northern Ireland) 2016 (c.5 (N.I.)).

### **Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2016 and come into operation on 16th January 2017.

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

### **Amendment of the Discretionary Financial Assistance Regulations (Northern Ireland) 2001**

2.—(1) The Discretionary Financial Assistance Regulations (Northern Ireland) 2001(b) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 1(2) (citation, commencement and interpretation) omit the definition of “registered housing association”.

(3) For regulation 2(1) (discretionary housing payments) substitute—

“2.—(1) Subject to paragraphs (2) and (3) and regulations 3 to 9, the Housing Executive may make payments by way of financial assistance (“discretionary housing payments”) to persons who are entitled to housing benefit, where—

- (a) the appropriate maximum housing benefit has been determined in accordance with regulation 14D or restricted under regulation 15 of the Housing Benefit Regulations or, as the case may be, the Housing Benefit (State Pension Credit) Regulations, or
- (b) the amount of housing benefit would have been greater but for the abolition of the family premium pursuant to regulation 3 of the Housing Benefit (Abolition of the Family Premium) Regulations, and the person is someone to whom the transitional provision in regulation 5 of those Regulations does not apply, or
- (c) the amount of housing benefit has been reduced in accordance with regulation 73D of the Housing Benefit Regulations, and

a person appears to require further financial assistance (in addition to the benefit to which they are entitled) in order to meet housing costs.”

### **Amendment of the Housing Benefit Regulations (Northern Ireland) 2006**

3. In regulation 2(1) of the Housing Benefit Regulations (Northern Ireland) 2006(c) (interpretation) in the definition of “attendance allowance” omit paragraphs (c) and (d).

### **Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006**

4. In regulation 2(1) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(d) (interpretation) in the definition of “attendance allowance” omit paragraphs (c) and (d).

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

(b) S.R. 2001 No. 216. The definition of “registered housing association” in regulation 1(2) was inserted by regulation 2 of S.R. 2016 No. 310. Regulation 2(1) was amended by S.R. 1996 No. 111, S.R. 1996 No. 181, S.R. 1996 No. 221, S.R. 1998 No. 114, S.R. 2006 No. 407, S.R.2008 No. 103 and S.R. 2016 No. 310.

(c) S.R. 2006 No. 405. There are amendments to regulation 2(1) that are not relevant to these regulations.

(d) S.R. 2006 No. 406. There are amendments to regulation 2(1) that are not relevant to these regulations.

## **Amendment of the Social Security (Lone Parents and Miscellaneous Amendments) Regulations (Northern Ireland) 2016**

5. In the Schedule to the Social Security (Lone Parent and Miscellaneous Amendments) Regulations (Northern Ireland) 2016(a) (special commencement provisions for certain existing claimants)—

- (a) in the heading above paragraph 5 for “17th April 2017” substitute “16th April 2017”;
- (b) in paragraph 5 for “17th April 2017” in each place where it occurs substitute “16th April 2017”.

## **Amendment of the Personal Independence Payment Regulations (Northern Ireland) 2016**

6. In regulation 2(1) of the Personal Independence Payment Regulations (Northern Ireland) 2016 (interpretation)(b) in the definition of “medical treatment” omit the words “, and references to a person receiving or submitting to medical treatment are to be construed accordingly”.

## **Amendment of the Housing Benefit (Amendment No. 2) Regulations (Northern Ireland) 2016**

7. In regulation 1(3) of the Housing Benefit (Amendment No. 2) Regulations (Northern Ireland) 2016(c) for “23rd January 2017” substitute “20th February 2017”.

Signed by authority of the Secretary of State for Work and Pensions

*Damian Hinds*  
Minister of State,  
Department for Work and Pensions

15th December 2016

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

Regulation 2 substitutes a new version of regulation 2(1) of the Discretionary Financial Assistance Regulations (Northern Ireland) 2001 (S.R. 2001 No. 216). The substituted regulation clarifies the structure of the previous regulation and specifies that all tenants, regardless of tenure type, may be eligible for a discretionary housing payment if the amount of housing benefit which they are entitled to is less than it would have been, due to the removal of the family premium from the Housing Benefit applicable amount, and they are deemed to require additional financial assistance in order to meet housing costs. As a result of these changes, the definition of “registered housing association” in regulation 1(2) is no longer required and is therefore omitted.

Regulation 3 makes changes to the definition of “attendance allowance” in regulation 2(1) of the Housing Benefit Regulations (Northern Ireland) 2006 (S.R. 2006 No. 405) to reflect repeals made by the Welfare Reform Act 2012 (c.5) and the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006 (N.I. 1)).

Regulation 4 makes equivalent amendments to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006 (S.R. 2006 No. 406).

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(a) S.R. 2016 No. 67.  
(b) S.R. 2016 No. 217.  
(c) S.R. 2016 No. 326.

Regulation 5 amends the Social Security (Lone Parents and Miscellaneous Amendments) Regulations (Northern Ireland) 2016 (S.R. 2016 No. 2007) to ensure that lone parents with a child whose 5th birthday falls on 17th April 2017 are covered by the transitional provisions set out in the Schedule to those Regulations.

Regulation 6 amends the Personal Independence Payment Regulations (Northern Ireland) 2016 (S.R. 2016 No. 217) to clarify the definition of “medical treatment” and remove superfluous wording.

Regulation 7 amends regulation 1(3) of the Housing Benefit (Amendment No. 2) Regulations (Northern Ireland) 2016 (S.R. 2016 No. 326) so as to adjust the commencement date for the remaining provisions of these regulations to 20th February 2017.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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£4.25

NI201612166 12/2016 19585

<http://www.legislation.gov.uk/id/nisr/2016/432>

ISBN 978-0-33-800684-4



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