

2016 No. 6

HOUSING

**The Housing Benefit (Executive Determinations) (Amendment)
Regulations (Northern Ireland) 2016**

Made - - - - *15th January 2016*

Coming into operation - *28th January 2016*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 122(1)(d), 129A(2) and 171(1), (3) to (5), of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a) and now vested in it(b).

Proposals in respect of these Regulations were not referred to the Social Security Advisory Committee since it appeared to the Department for Social Development that by reason of the urgency of the matter it was expedient not to do so(c).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2016 and come into operation on 28th January 2016.

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

Amendment of the Housing Benefit (Executive Determinations) Regulations

2. In the Schedule to the Housing Benefit (Executive Determinations) Regulations (Northern Ireland) 2008(e) (broad rental market area determinations and local housing allowance determinations)—

(a) in paragraph 2(f) (local housing allowance for category of dwelling in paragraph 1)—

(i) omit sub-paragraph (2) and (9)(g);

(ii) for sub-paragraph (3) substitute—

“(3) For all broad rental market areas the local housing allowance for a category of dwelling is—

(a) the local housing allowance determined for that category of dwelling on 30th January 2015 (or, where the determination is amended under regulation 14F of the

(a) 1992 c. 7; section 129A was inserted by section 30(2) of the Welfare Reform Act (Northern Ireland) 2007 (c.2)

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

(c) See sections 149(2) and 150(1)(a) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)

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

(e) S.R. 2008 No. 100; relevant amending Regulations are S.R. 2013 No. 303 and S.R. 2015 No. 2

(f) Paragraph 2 was substituted by regulation 2(2)(a) of S.R. 2013 No. 303

(g) Sub-paragraph (9) was amended by regulation 2(3)(a) of S.R. 2015 No. 2

Housing Benefit Regulations(a) the allowance provided for in the amended determination); or

(b) the rent at the 30th percentile determined in accordance with sub-paragraph (4) to (8), where that rent is lower than the allowance referred to in paragraph (a),”; and

(b) omit paragraph 6(b).

Sealed with the Official Seal of the Department for Social Development on 15th January 2016

(L.S.)

Anne McCleary

A senior officer of the Department for Social Development

(a) S.R. 2006 No. 405 regulation 14F was substituted by regulation 2(7) of S.R. 2008 No. 101

(b) Paragraph 6 was inserted by regulation 2(2)(b) of S.R. 2013 No. 303 and amended by regulation 2(3)(b) of S.R. 2015 No. 2

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Housing Benefit (Executive Determinations) Regulations (Northern Ireland) 2008 to make changes to the manner in which the local housing allowance is determined.

Regulation 2 amends the above Regulations in order to provide that, for all broad rental market areas, the local housing allowance for a category of dwelling or accommodation is either the local housing allowance determined for that category of dwelling or accommodation on 30th January 2015 (or, where the allowance is later amended or redetermined, the allowance as so amended or redetermined), or the rent at the 30th percentile determined in accordance with the above Regulations where that rent is lower than that allowance.

In consequence of that change these Regulations omit the provisions in the above Regulations that provided for the local housing allowance to be calculated in a particular way for certain listed broad rental market areas.

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