STATUTORY RULES OF NORTHERN IRELAND

2008 No. 100

HOUSING

The Housing Benefit (Executive Determinations) Regulations (Northern Ireland) 2008

Made - - - -	*11th March 2008*
Coming into operation	*20th March 2008*

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) and (3) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 [M1] and now vested in it [M2].

This Rule contains only regulations made consequential upon section 30(2) of the Welfare Reform Act (Northern Ireland) 2007 [M3].

Marginal Citations

M1 1992 c. 7; section 129A was inserted by section 30(2) of the Welfare Reform Act (Northern Ireland) 2007 and section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)

M2 *See* Article 8(b) of S.R. 1999 No. 481

M3 2007 c. 2 (N.I.)

Citation and commencement

1. These Regulations may be cited as the Housing Benefit (Executive Determinations) Regulations (Northern Ireland) 2008 and shall come into operation on 20th March 2008.

Interpretation

2.—(1) In these Regulations—

[F1] …

"broad rental market area" has the meaning specified in paragraph 4 of the Schedule;

"broad rental market area determination" means a determination made in accordance with regulation 3(1);

"dwelling" means any residential accommodation whether or not consisting of the whole or part of a building and whether or not comprising separate and self-contained premises;

"the Housing Benefit Regulations" means the Housing Benefit Regulations (Northern Ireland) 2006 [M4];

"the Housing Benefit (State Pension Credit) Regulations" means the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006 [M5];

"local housing allowance determination" means a determination made in accordance with regulation 3(2);

"rent" means any of the periodical payments referred to in regulation 13(1) of the Housing Benefit Regulations or, as the case may be, regulation 13(1) of the Housing Benefit (State Pension Credit) Regulations;

"tenancy" includes—

(a) a licence; and

(b) a prospective tenancy or licence, and

references to a tenant or any other expression appropriate to a tenancy shall be construed accordingly;

"uncontrolled tenancy" means a tenancy which is not a controlled tenancy within the meaning of Article 40(4) of the Private Tenancies (Northern Ireland) Order 2006 [M6] or a secure tenancy within the meaning of Article 25 of the Housing (Northern Ireland) Order 1983 [M7];

"working day" means any day other than a Saturday, a Sunday or a day which is a public holiday in Northern Ireland.

(2) The Interpretation Act (Northern Ireland) 1954 [M8] shall apply to these Regulations as it applies to an Act of the Assembly.

Textual Amendments

F1 Words in reg. 2(1) omitted (1.9.2013) by virtue of The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/209), regs. 1(1), **2(2)**

Marginal Citations

M4 S.R. 2006 No. 405; relevant amending Regulations are S.R. 2008 No. 101

M5 S.R. 2006 No. 406; relevant amending Regulations are S.R. 2008 No. 102

M6 S.I. 2006/1459 (N.I. 10)

M7 S.I. 1983/1118 (N.I. 15)

M8 1954 c. 33 (N.I.)

Broad rental market area determinations and local housing allowance determinations

3.—(1) **[**[F2]At such times as the Executive considers appropriate, the Executive shall, if the Department agrees**]**—

(a) determine one or more broad rental market areas so that every part of Northern Ireland falls within a broad rental market area and no part of Northern Ireland falls within more than one broad rental market area; and

(b) specify the area contained within each broad rental market area by reference to the postcodes for each such broad rental market area.

[[F3](1A) The power in paragraph (1) is not limited by paragraph 2(2A) or (2B) of the Schedule.**]**

[[F4](2) **[**[F5]In 2014 and in each subsequent year, on the date specified in paragraph (2A),**]** the Executive shall for each broad rental market area determine, in accordance with the Schedule, a local housing allowance for each of the categories of dwelling set out in paragraph 1 of the Schedule.**]**

[[F6](2A) The date specified for the purpose of paragraph (2) is the last working day of January.**]**

[[F7](3) Any broad rental market area determination made in accordance with paragraph (1) shall take effect—

(a) on the day the determination is made for the purpose of enabling the Executive to determine a local housing allowance for that area; and

[[F8](b) for all other purposes —

(i) on the next 1st April following the day on which the determination is made; or

(ii) where the next 1st April is within 11 months beginning with the date on which the determination is made, on the next 1st April after that.**]]**

[[F7](3A) Any local housing allowance determination made in accordance with paragraph (2) shall take effect on the next 1st April following the day on which the determination is made.**]**

(4) Where the Executive is required to make local housing allowance determinations by—

(a) regulation 14D(7)(a) [M9]; or

(b) regulation 14D(8),

of the Housing Benefit Regulations or, as the case may be, the Housing Benefit (State Pension Credit) Regulations, it shall do so in accordance with the provisions of the Schedule.

(5) Where the Executive has made a local housing allowance determination in accordance with paragraph (4), any determination made in accordance with—

(a) paragraph (4)(a) shall take effect for the month in which the relevant date falls; and

(b) paragraph (4)(b) shall take effect for the month in which the determination is made,

except that no such determination can have effect before 7th April 2008.

(6) Where the Executive has made a local housing allowance determination in accordance with paragraph (2) it shall make an approximate monthly allowance determination in relation to that local housing allowance determination.

Textual Amendments

F2 Words in reg. 3(1) substituted (2.4.2012) by The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/157), regs. 1(1), **2(3)(a)**

F3 Reg. 3(1A) inserted (23.1.2017) by The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/9), regs. 1(1), **2(2)**

F4 Reg. 3(2) substituted (2.4.2012) by The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/157), regs. 1(1), **2(3)(b)**

F5 Words in reg. 3(2) substituted (1.9.2013) by The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/209), regs. 1(1), **2(3)(a)**

F6 Reg. 3(2A) substituted (20.1.2015) by The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015/2), regs. 1(1), **2(2)**

F7 Reg. 3(3)(3A) substituted for reg. 3 (2.4.2012) by The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/157), regs. 1(1), **2(3)(c)**

F8 Reg. 3(3)(b) substituted (26.1.2018) by virtue of The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/2), regs. 1(1), **2(2)**

Marginal Citations

M9 Regulation 14D was inserted into S.R. 2006 No. 405 by regulation 2(7) of S.R. 2008 No. 101 and into S.R. 2006 No. 406 by regulation 2(7) of S.R. 2008 No. 102

Sealed with the Official Seal of the Department for Social Development on 11th March 2008

L.S.

John O'Neill
A senior officer of the
Department for Social Development

SCHEDULE

Regulation 3

Broad rental market area determinations and local housing allowance determinations

Categories of dwelling

1.—(1) The categories of dwelling for which the Executive is required to determine a local housing allowance in accordance with **[**[F9] regulation 3(2)**]** are—

(a) a dwelling where the tenant has the exclusive use of only one bedroom and where the tenancy provides for him to share the use of one or more of—

(i) a kitchen;

(ii) a bathroom;

(iii) a toilet, or

(iv) a room suitable for living in;

(b) a dwelling where the tenant (together with his partner where he has one) has the exclusive use of only one bedroom and exclusive use of a kitchen, a bathroom, a toilet and a room suitable for living in;

(c) a dwelling where the tenant has the use of only 2 bedrooms;

(d) a dwelling where the tenant has the use of only 3 bedrooms;

(e) a dwelling where the tenant has the use of only 4 bedrooms;

(f) a dwelling where the tenant has the use of only 5 bedrooms.

(2) In—

(a) sub-paragraph (1)(b) "partner" has the same meaning as in regulation 2 of the Housing Benefit Regulations or, as the case may be, regulation 2 of the Housing Benefit (State Pension Credit) Regulations;

(b) sub-paragraph (1)(c) to (f) "bedroom" means a bedroom, except for a bedroom which the tenant shares with any person other than—

(i) a member of his household;

(ii) a non-dependant of the tenant (within the meaning of regulation 3 of the Housing Benefit Regulations or, as the case may be, regulation 3 of the Housing Benefit (State Pension Credit) Regulations), or

(iii) a person who pays rent to the tenant.

Textual Amendments

F9 Words in Sch. para. 1(1) substituted (2.4.2012) by The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/157), regs. 1(1), **2(4)(a)**

Local housing allowance for category of dwelling in paragraph 1

[[F10]2.—(1) Subject to paragraph 3 (anomalous local housing allowances), the Executive must determine a local housing allowance for each category of dwelling in paragraph 1 as follows.

[F11](2) . . . . . .

[[F12](2A) For a broad rental market area not listed in column 1 of the table in paragraph 5A, the local housing allowance for any category of dwelling is the lower of the amounts in sub-paragraph (3)(a) and (b).

(2B) For a broad market area listed in column 1 of the table in paragraph 5A, the local housing allowance—

(a) for a category of dwelling listed in the corresponding entry in column 2 of that table, is the **[**[F13]lowest of the amounts set out in sub-paragraph (3A)(a), (b) and (c)**]**;

(b) for a category of dwelling not so listed, is the lower of the amounts set out in sub-paragraph (3)(a) and (b).**]**

[[F14](3) **[**[F15]The amounts referred to in sub-paragraphs (2A) and (2B)(b) are—**]**

(a) the local housing allowance **[**[F16]last determined for that category of dwelling**]** (or, where the determination is amended under regulation 14F of the Housing Benefit Regulations the allowance provided for in the amended determination); **[**[F17]and**]**

(b) the rent at the 30th percentile determined in accordance with sub-paragraph (4) to (8)[F18]...,**]**

[[F19](3A) The amounts referred to in sub-paragraph (2B)(a) are—

(a) the local housing allowance **[**[F20]last determined for that category of dwelling**]** (or, where the determination is amended under regulation 14F of the Housing Benefit Regulations) (amended determinations), the allowance provided for in the amended determination), plus 3%; [F21]...

(b) the maximum local housing allowance listed in column (2) of the following table for the category of dwelling—

[[F22](1) Category of dwelling as defined in the following paragraphs of this Schedule	*(2) Maximum local housing allowance for that category of dwelling*
Paragraph 1(1)(a) (one bedroom, shared accommodation)	£276.51
Paragraph 1(1)(b) (one bedroom, exclusive use)	£276.51
Paragraph 1(1)(c) (two bedrooms)	£320.74
Paragraph 1(1)(d) (three bedrooms)	£376.04
Paragraph 1(1)(e) (four bedrooms)	£442.42**]**

; **[**[F23]and

(c) the rent at the 30th percentile determined in accordance with sub-paragraphs (4) to (8).**]**

(4) The Executive must compile a list of rents in ascending order of the rents which, in the Executive's opinion, are payable—

(a) for a dwelling let under an uncontrolled tenancy for each category of dwelling specified in paragraph 1; and

(b) in the 12 month period ending on the 30th day of the September preceding the date of the determination.

(5) In compiling the list of rents, the Executive must—

(a) include within it the rent of an uncontrolled tenancy in relation to each category of dwelling if—

(i) the dwelling let under the uncontrolled tenancy is in the broad rental market area for which the local housing allowance for that category of dwelling is being determined;

(ii) the dwelling is in a reasonable state of repair; and

(iii) the uncontrolled tenancy permits the tenant to use exclusively or share the use of, as the case may be, the same number and type of rooms as the category of dwelling in relation to which the list is being compiled;

(b) include within it any rents which are of the same amount;

(c) where rent is payable other than weekly, use the figure which would be payable if the rent were to be payable weekly by—

(i) multiplying the rent by an appropriate figure to obtain the rent for a year;

(ii) dividing the total in (i) by 365; and

(iii) multiplying the total in (ii) by 7;

(d) assume that no one who would have been entitled to housing benefit had sought or is seeking the tenancy; and

(e) exclude the amount of any rent which, in the Executive's opinion, is fairly attributable to the provision of services performed for, or facilities (including the use of furniture) provided for, or rights made available to, the tenant which are ineligible to be met by housing benefit.

(6) Sub-paragraph (7) applies where the Executive is not satisfied that the list of rents in respect of any category of dwelling would contain sufficient rents, payable in the 12 month period ending on the 30th day of the September preceding the date of the determination for dwellings in the broad rental market area, to enable a local housing allowance to be determined which is representative of the rents that a landlord might reasonably be expected to obtain in that area.

(7) In a case where this sub-paragraph applies the Executive may add to the list rents for dwellings in the same category in other areas in which a comparable market exists.

(8) The Executive must use the list of rents to determine the rent at the 30th percentile in the list ("R") by—

(a) where the number of rents on the list is a multiple of 10, applying the formula—

$$R = \frac{\text{the amount of the rent at P} + \text{the amount of the rent at P1}}{2}$$

Where—

(i) P is the position on the list found by multiplying the number of rents on the list by 3 and dividing by 10; and

(ii) P1 is the following position on the list;

(b) where the number of rents on the list is not a multiple of 10, applying the formula—

$$R = \text{the amount of rent at P2}$$

Where—

P2 is the position on the list found by multiplying the number of rents on the list by 3 and dividing by 10 and rounding the result upwards to the nearest whole number.

[F11](9) . . . . . .

(10) Where the local housing allowance would otherwise not be a whole number of pence, it must be rounded to the nearest whole penny by disregarding any amount less than half a penny and treating any amount of half a penny or more as a whole penny.**]]**

Textual Amendments

F10 Sch. para. 2 substituted (13.1.2014) by The Housing Benefit (Executive Determinations and Local Housing Allowance) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/303), regs. 1(1), **2(2)(a)**

F11 Sch. paras. 2(2)(9) omitted (28.1.2016) by virtue of The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016/6), regs. 1(1), **2(a)(i)**

F12 Sch. paras. 2(2A)(2B) inserted (23.1.2017) by The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/9), regs. 1(1), **2(3)(a)(i)**

F13 Words in Sch. para. 2(2B)(a) substituted (25.1.2019) by The Housing Benefit and Universal Credit Housing Costs (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/209), regs. 1(1), **2(2)(a)**

F14 Sch. para. 2(3) substituted (28.1.2016) by The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016/6), regs. 1(1), **2(a)(ii)**

F15 Words in Sch. para. 2(3) substituted (23.1.2017) by The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/9), regs. 1(1), **2(3)(a)(ii)**(aa)

F16 Words in Sch. para. 2(3)(a) substituted (26.1.2018) by The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/2), regs. 1(1), **2(3)(a)(i)**

F17 Word in Sch. para. 2(3)(a) substituted (23.1.2017) by The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/9), regs. 1(1), **2(3)(a)(ii)**(bb)

F18 Words in Sch. para. 2(3)(b) omitted (23.1.2017) by virtue of The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/9), regs. 1(1), **2(3)(a)(ii)**(cc)

F19 Sch. para. 2(3A) inserted (23.1.2017) by The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/9), regs. 1(1), **2(3)(a)(iii)**

F20 Words in Sch. para. 2(3A)(a) substituted (26.1.2018) by The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/2), regs. 1(1), **2(3)(a)(ii)**(aa)

F21 Word in Sch. para. 2(3A)(a) omitted (25.1.2019) by virtue of The Housing Benefit and Universal Credit Housing Costs (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/209), regs. 1(1), **2(2)(b)(i)**

F22 Sch. para. 2(3A)(b) table substituted (25.1.2019) by The Housing Benefit and Universal Credit Housing Costs (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/209), regs. 1(1), **2(2)(b)(ii)**

F23 Sch. para. 2(3A)(c) and preceding word inserted (25.1.2019) by The Housing Benefit and Universal Credit Housing Costs (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/209), regs. 1(1), **2(2)(b)(iii)**

Anomalous local housing allowances

3. Where—

(a) the Executive has determined the local housing allowance for each of the categories of dwelling in paragraph 1(1) in accordance with the preceding paragraphs; and

(b) the local housing allowance for a category of dwelling in paragraph 1(1)(b) to (f) is lower than the local housing allowance for any of the categories of dwelling which precede it,

that local housing allowance shall be the same as the highest local housing allowance which precedes it.

Broad rental market area

[[F24]4. In this Schedule "broad rental market area" means an area within which a person could reasonably be expected to live having regard to facilities and services for the purposes of health,

education, recreation, personal banking and shopping, taking account of the distance of travel, by public and private transport, to and from those facilities and services.**]**

Textual Amendments

F24 Sch. paras. 4, 5 substituted for Sch. para 4 (5.1.2009) by The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2008 (S.R. 2008/506), regs. 1(1), **2(b)**

[[F24]5. A broad rental market area must contain—

(a) residential premises of a variety of types, including such premises held on a variety of tenures; and

(b) sufficient privately rented residential premises to ensure that, in the Executive's opinion, the local housing allowance for the categories of dwelling in the area for which the Executive is required to determine a local housing allowance is representative of the rents that a landlord might reasonably be expected to obtain in that area.**]**

Textual Amendments

F24 Sch. paras. 4, 5 substituted for Sch. para 4 (5.1.2009) by The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2008 (S.R. 2008/506), regs. 1(1), **2(b)**

[[F25]5A. The table referred to in paragraph 2(2A) and (2B) is—

(1) Broad rental market area	*(2) Category of dwelling as defined in the following paragraphs of this Schedule*
[[F26]BRMA1 – South	Paragraph 1(1)(a) (one bedroom, shared accommodation)
BRMA1 – South	Paragraph 1(1)(b) (one bedroom, exclusive use)
BRMA1 – South	Paragraph 1(1)(c) (two bedrooms)
BRMA1 – South	Paragraph 1(1)(d) (three bedrooms)
BRMA1 – South	Paragraph 1(1)(e) (four bedrooms)
BRMA2 – North	Paragraph 1(1)(b) (one bedroom, exclusive use)
BRMA2 – North	Paragraph 1(1)(c) (two bedrooms)
BRMA2 – North	Paragraph 1(1)(d) (three bedrooms)
BRMA2 – North	Paragraph 1(1)(e) (four bedrooms)
BRMA3 – Lough Neagh Lower	Paragraph 1(1)(a) (one bedroom, shared accommodation)
BRMA3 – Lough Neagh Lower	Paragraph 1(1)(b) (one bedroom, exclusive use)
BRMA3 – Lough Neagh Lower	Paragraph 1(1)(c) (two bedrooms)

(1) Broad rental market area	*(2) Category of dwelling as defined in the following paragraphs of this Schedule*
BRMA3 – Lough Neagh Lower	Paragraph 1(1)(d) (three bedrooms)
BRMA3 – Lough Neagh Lower	Paragraph 1(1)(e) (four bedrooms)
BRMA4 – North West	Paragraph 1(1)(a) (one bedroom, shared accommodation)
BRMA4 – North West	Paragraph 1(1)(b) (one bedroom, exclusive use)
BRMA4 – North West	Paragraph 1(1)(c) (two bedrooms)
BRMA4 – North West	Paragraph 1(1)(d) (three bedrooms)
BRMA4 – North West	Paragraph 1(1)(e) (four bedrooms)
BRMA5 – South West	Paragraph 1(1)(a) (one bedroom, shared accommodation)
BRMA5 – South West	Paragraph 1(1)(b) (one bedroom, exclusive use)
BRMA5 – South West	Paragraph 1(1)(c) (two bedrooms)
BRMA5 – South West	Paragraph 1(1)(d) (three bedrooms)
BRMA5 – South West	Paragraph 1(1)(e) (four bedrooms)
BRMA6 – South East	Paragraph 1(1)(a) (one bedroom, shared accommodation)
BRMA6 – South East	Paragraph 1(1)(b) (one bedroom, exclusive use)
BRMA6 – South East	Paragraph 1(1)(c) (two bedrooms)
BRMA6 – South East	Paragraph 1(1)(d) (three bedrooms)
BRMA7 – Lough Neagh Upper	Paragraph 1(1)(e) (four bedrooms)
BRMA7 – Lough Neagh Upper	Paragraph 1(1)(a) (one bedroom, shared accommodation)
BRMA7 – Lough Neagh Upper	Paragraph 1(1)(b) (one bedroom, exclusive use)
BRMA7 – Lough Neagh Upper	Paragraph 1(1)(c) (two bedrooms)
BRMA8 – Belfast	Paragraph 1(1)(d) (three bedrooms)
BRMA8 – Belfast	Paragraph 1(1)(e) (four bedrooms)
BRMA8 – Belfast	Paragraph 1(1)(a) (one bedroom, shared accommodation)
BRMA8 – Belfast	

(1) Broad rental market area	*(2) Category of dwelling as defined in the following paragraphs of this Schedule*
BRMA8 – Belfast	Paragraph 1(1)(b) (one bedroom, exclusive use) Paragraph 1(1)(c) (two bedrooms) Paragraph 1(1)(d) (three bedrooms) Paragraph 1(1)(e) (four bedrooms)**]]**

Textual Amendments

F25 Sch. para. 5A inserted (23.1.2017) by The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/9), regs. 1(1), **2(3)(b)**

F26 Sch. para. 5A substituted (25.1.2019) by The Housing Benefit and Universal Credit Housing Costs (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/209), regs. 1(1), **2(3)**

Textual Amendments

F24 Sch. paras. 4, 5 substituted for Sch. para 4 (5.1.2009) by The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2008 (S.R. 2008/506), regs. 1(1), **2(b)**

F25 Sch. para. 5A inserted (23.1.2017) by The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/9), regs. 1(1), **2(3)(b)**

F26 Sch. para. 5A substituted (25.1.2019) by The Housing Benefit and Universal Credit Housing Costs (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/209), regs. 1(1), **2(3)**

[F27]6. . . . . .

Textual Amendments

F27 Sch. para. 6 omitted (28.1.2016) by The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016/6), regs. 1(1), 2(b)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations relate to the introduction of local housing allowance arrangements in housing benefit.

The Regulations provide for the Northern Ireland Housing Executive to make broad rental market area determinations and local housing allowance determinations. The Regulations come into operation in advance of the provisions relating to local housing allowance in 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 so that determinations needed for the introduction of local housing allowance on 7th April 2008 can be made.
Section 129A of the Social Security Contributions and Benefits (Northern Ireland) Act 1992, one of the enabling provisions under which these Regulations are made, was inserted by section 30(2) of the Welfare Reform Act (Northern Ireland) 2007 ("the Welfare Reform Act"). Section 30(2) was brought into operation on 10th March 2008, for the purpose only of authorising the making of regulations, and on 7th April 2008, in so far as not already in operation, by virtue of the Welfare Reform (2007 Act) (Commencement No. 3) Order (Northern Ireland) 2008 (S.R. 2008 No. 93 (C. 3)). As these Regulations are consequential upon section 30(2) of the Welfare Reform Act and are made before the end of the period of 6 months of the coming into operation of that provision they are, accordingly, exempt, by virtue of section 150(5)(b) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8), from prior reference to the Social Security Advisory Committee.

Status:
Point in time view as at 25/01/2019.

Changes to legislation:
There are currently no known outstanding effects for the The Housing Benefit (Executive Determinations) Regulations (Northern Ireland) 2008.