
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the provisions of the Social Security (Housing Costs Special Arrangements) (Amendment and Modification) Regulations (Northern Ireland) 2008 (“the principal Regulations”) which relate to the payment of housing costs to income support, jobseeker’s allowance, state pension credit and employment and support allowance claimants. Under those provisions help can be provided with mortgage interest on a qualifying loan taken out to purchase a home.

The principal Regulations modify the housing costs provisions in the Income Support (General) Regulations (Northern Ireland) 1987, Jobseeker’s Allowance Regulations (Northern Ireland) 1996 and the Employment and Support Allowance Regulations (Northern Ireland) 2008 in relation to certain claimants, in particular so that the waiting period before housing costs can be met is 13 weeks and the capital limit for qualifying loans is £200,000. With some exceptions, interest on a qualifying loan is limited to 104 weeks for jobseeker’s allowance claimants.

Regulations 2 and 3 correct minor errors in regulations 3 and 5(a) of the principal Regulations.

Regulation 4 substitutes regulation 8 of the principal Regulations which concerns the application of Part 3 of those Regulations to certain persons who claim income support, a jobseeker’s allowance, or an employment and support allowance (“a relevant benefit”) after 4th January 2009.

Except for certain people who are deemed to have been in receipt of benefit on or before 4th January 2009 under the housing costs rules, the effect of the substitution is that Part 3 of the principal Regulations applies where neither the claimant nor the claimant’s partner has previously been awarded a relevant benefit (or state pension credit) even though the claimant may be treated as having been in receipt of benefit in respect of a past period.

A further effect of the substitution made by regulation 4 is to clarify that Part 3 of the principal Regulations also applies to claimants who have a break in entitlement and who make a repeat claim after 4th January 2009 which does not link to an earlier claim under the housing costs linking rules.

Regulation 5 substitutes a new provision for regulation 10(b) of the principal Regulations. Regulation 10(b) modifies Schedule 2 (housing costs) of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996 by inserting paragraph 4A which limits to 104 weeks the number of weeks that certain people who claim a jobseeker’s allowance after 4th January 2009 can receive assistance with interest on a qualifying loan. The effect of the substitution is to clarify that previous housing costs do not count towards the total where there has been a break in entitlement which does not link to an earlier claim.

Regulation 6 makes minor amendments to regulation 12 (modifications relating to certain persons who claim State Pension Credit) of the principal Regulations in consequence of these Regulations. It also corrects a minor error in the principal Regulations.

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.