
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 way in which broad rental market areas and local housing allowance are determined.

Regulation 2(2) inserts a definition of “applicable consumer prices index” into regulation 2(1). Regulation 2(3) amends regulation 3. Regulation 2(3)(a) amends paragraph (1) so that where the Northern Ireland Housing Executive (“the Executive”) considers that one or more broad rental market areas need to be determined, a determination will only be made where the Department agrees that the Executive should do so. Regulation 2(3)(b) substitutes paragraph (2) so that the Executive determines local housing allowance rates annually in accordance with the Schedule no more than 20 working days after the publication of the consumer prices index (“CPI”) as at September of that year. Regulation 2(3)(c) substitutes paragraph (3) so that a broad rental market area determination takes effect on the day it is made for the purpose of allowing the Executive to determine a local housing allowance and from 1st April after it is made for other purposes. Regulation 2(3)(c) also substitutes a new paragraph (3A) which provides that a local housing allowance determination takes effect from 1st April after it is made.

Regulation 2(4) amends the Schedule. Regulation 2(4)(a) makes an amendment consequential on the amendment by regulation 2(3)(b). Regulation 2(4)(b)(i) inserts paragraph 2(1A) so that the local housing allowance is the lower of the rent at the 30th percentile of listed rents or the previous year's local housing allowance increased by reference to CPI. Regulation 2(4)(b)(ii) makes an amendment consequential on the amendment by regulation 2(4)(b)(i). Regulation 2(4)(b)(iii) substitutes sub-paragraphs (11) to (13) for sub-paragraphs (11) to (12) of paragraph 2 to provide for the method of increasing the local housing allowance by reference to CPI. Where the CPI published in any year is not a positive number or is zero, the rent at the 30th percentile will be compared with the previous year's local housing allowance rate.

Changes to legislation:

There are currently no known outstanding effects for the The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2012.