

2013 No. 209

HOUSING

The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2013

Made - - - - *6th August 2013*

Coming into operation - *1st September 2013*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 122(1)(d), 129(A)(2) and 171(1) and (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 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) 2013 and come into operation on 1st September 2013.

(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.—(1) The Housing Benefit (Executive Determinations) Regulations (Northern Ireland) 2008(e) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2(1)(f) (interpretation) omit the definition of “applicable consumer prices index”.

(3) In regulation 3(g) (broad rental market area determinations and local housing allowance determinations)—

- (a) in paragraph (2)(h), for “In 2012 and in each subsequent year, no more than 20 working days after the applicable consumer prices index is published,” substitute “In 2014 and in each subsequent year, on the date specified in paragraph (2A),”; and

(a) 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)

(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. 2011 No.51 and S.R. 2012 No 157

(f) The definition of “applicable consumer prices index” was inserted by regulation 2(2) of S.R. 2012 No. 157

(g) Regulation 3 was amended by S.R. 2011 No. 51 and S.R. 2012 No. 157

(h) Paragraph (2) was substituted by regulation 2(3)(b) of S.R. 2012 No. 157

(b) after paragraph (2) insert—

“(2A) The date specified for the purposes of paragraph (2) is—

(a) 15th January where that is a Wednesday; or

(b) where 15th January is not a Wednesday, the first Wednesday following 15th January.”.

(4) In paragraph 2 of the Schedule(a) (local housing allowance for category of dwelling in paragraph 1)—

(a) for sub-paragraph (11) substitute—

“(11) The amount to be determined by the rent officer for the purposes of sub-paragraph (1A) is the local housing allowance last determined for that category of dwelling increased by one per cent.”; and

(b) omit sub-paragraph (13).

Sealed with the Official Seal of the Department for Social Development on 6th August 2013
(L.S.)

Anne McCleery

A senior officer of the Department for Social Development

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 how and when the local housing allowance (“LHA”) is determined.

They provide that from and including 2014, the LHA will be determined on 15th January in each year when it is a Wednesday and on the first Wednesday following the 15th January in each year when it is not. They also amend those Regulations to provide that the LHA rate will be the lower of the rent at the 30th percentile of listed rents or the previous year’s LHA increased by one per cent, instead of the lower of the rent at the 30th percentile of listed rents or the previous LHA rate up-rated by the Consumer Prices Index inflation published in the previous September.

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(a) Sub-paragraphs (11) to (13) were substituted for sub-paragraphs (11) and (12) by regulation 2(4)(b)(iii) of S.R. 2012 No. 157

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