

2013 No. 282

HOUSING

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

Made - - - - *2nd December 2013*

Coming into operation - *1st January 2014*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 122(1)(d), 129A(2) and (3) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a), Article 74(3) of the Social Security (Northern Ireland) Order 1998(b) and now vested in it(c), and paragraph 4(3A) of Schedule 7 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000(d).

Proposals in respect of these Regulations were referred to the Social Security Advisory Committee. These regulations are made before the committee has made its report as it appeared to the Department for Social Development that by reason of the urgency of the matter it was expedient to do so(e).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (Local Housing Allowance and Executive Determinations) (Amendment) Regulations (Northern Ireland) 2013 and shall come into operation on 1st January 2014.

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

Amendment of Housing Benefit and (Decisions and Appeals) Regulations

2. In regulation 8 of the Housing Benefit (Decisions and Appeals) Regulations (Northern Ireland) 2001(g) (date from which a decision superseding an earlier decision takes effect) after paragraph (14) add—

“(15) A decision to which regulation 7A(2) applies shall take effect—

(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) S.I. 1998/1506 (N.I. 10)
(c) See Article 8(b) of S.R. 1999 No. 481
(d) 2000 c. 4 (N.I.); paragraph 4(3A) was inserted by section 30(3)(b) of the Welfare Reform Act (Northern Ireland) 2007
(e) See sections 149(2) and 150(3) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)
(f) 1954 c. 33 (N.I.)
(g) S.R. 2001 No. 213; paragraph (14) was added by paragraph 2(4)(b) of Schedule 4 to S.R. 2010 No. 312

- (a) from 1st April in a case where the claimant's weekly amount of eligible rent falls to be calculated in accordance with regulation 78(2)(b) or (c) of the Housing Benefit Regulations or, as the case may be, regulation 59(2)(b) or (c) of the Housing Benefit (State Pension Credit) Regulations;
- (b) in any other case, from the first Monday in April.”

Amendment of the Housing Benefit Regulations

3. In regulation 14C of the Housing Benefit Regulations (Northern Ireland) 2006(a) (when a maximum rent (LHA) is to be determined)—

- (a) in paragraph (2)(d)—
 - (i) at the end of paragraph (ii) omit “or”; and
 - (ii) after paragraph (iii) add—
 - “or
 - (iv) notification of a change of a kind which affects the amount of the claimant's cap rent as determined in accordance with regulation 14D.”;
- (b) for paragraph (3) substitute—
 - “(3) This paragraph applies on 1st April in any year.”; and
- (c) omit paragraphs (4) and (6).

Amendment of the Housing Benefit (State Pension Credit) Regulations

4. In regulation 14C of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) (Northern Ireland) 2006(b) (when a maximum rent (LHA) is to be determined)—

- (a) in paragraph (2)(d)—
 - (i) at the end of paragraph (ii) omit “or”; and
 - (ii) after paragraph (iii) add—
 - “or
 - (iv) notification of a change of a kind which affects the amount of the claimant's cap rent as determined in accordance with regulation 14D.”;
- (b) for paragraph (3) substitute—
 - “(3) This paragraph applies on 1st April in any year.”; and
- (c) omit paragraphs (4) and (6).

Amendment of the Housing Benefit (Executive Determinations) Regulations

5. In sub-paragraph (11) of paragraph 2 of the Schedule to The Housing Benefit (Executive Determinations) Regulations (Northern Ireland) 2008(c) (local housing allowance for category of dwelling in paragraph 1) for “rent officer” substitute “Executive”.

Sealed with the Official Seal of the Department for Social Development on 2nd December 2013
(L.S.)

Anne McCleary
A senior officer of the Department

(a) S.R. 2006 No. 405; regulations 14 to 14F were substituted for regulation 14 by regulation 2(7) of S.R. 2008 No. 101
(b) S.R. 2006 No. 406; regulations 14 to 14F were substituted for regulation 14 by regulation 2(7) of S.R. 2008 No. 102
(c) S.R. 2008 No. 100; sub-paragraph (11) was substituted by regulation 2(4)(a) of S.R. 2013 No. 209

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations amend the Housing Benefit (Decisions and Appeals) Regulations (Northern Ireland) 2001, the Housing Benefit Regulations (Northern Ireland) 2006, the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006 and the Housing Benefit (Executive Determinations) Regulations (Northern Ireland) 2008.

Regulations 2 to 4 make provision for the effective date of a supersession that is made as a consequence of the determination of the maximum rent (LHA) that the Northern Ireland Housing Executive is required to make on 1st April. This will take effect on 1st April or the first Monday in April if the claimant's rent is payable in weekly intervals. This ensures that any change will link into changes to other parts of the housing benefit calculation affected by the annual up-rating of benefit. The Housing Executive must also make a determination when a claimant's rent changes.

Regulation 5 makes a minor technical amendment to the Housing Benefit (Executive Determinations) Regulations (Northern Ireland) 2008 to correct an erroneous reference.

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Determinations) (Amendment) Regulations (Northern Ireland)
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£4.00

N5997 12/2013 435997T 19585

ISBN 978-0-337-99228-5



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