Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

STATUTORY RULES OF NORTHERN IRELAND

2017 No. 143

SOCIAL SECURITY

The Discretionary Financial Assistance (Amendment) Regulations (Northern Ireland) 2017

Made - - - -	*6th July 2017*
Laid before Parliament	*7th July 2017*
Coming into operation in accordance with regulation 1	

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by section 60(1) to (4) and (6) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000(**1**).

These powers are exercisable by the Secretary of State by virtue of Article 4(1)(b) of the Welfare Reform (Northern Ireland) Order 2015(**2**).

Citation, commencement and interpretation

1. These Regulations may be cited as the Discretionary Financial Assistance (Amendment) Regulations (Northern Ireland) 2017 and come into operation immediately after the coming into operation of the Universal Credit Regulations (Northern Ireland) 2016(**3**).

Amendment to the Discretionary Financial Assistance Regulations (Northern Ireland) 2001

2.—(1) The Discretionary Financial Assistance Regulations (Northern Ireland) 2001(**4**) are amended in accordance with paragraphs (2) to (7).

(2) In regulation 1(2) (interpretation) after the definition of "the Housing Benefit (State Pension Credit) Regulations" add—

> ""relevant award of universal credit" means an award of universal credit the calculation of which includes an amount under section 16 of the Welfare Reform (Northern Ireland) Order 2015, calculated in accordance with Schedule 4 to the Universal Credit Regulations, or would include such an amount but for paragraph 3(e) of Schedule 1 to those Regulations;

(**1**) 2000 c. 4 (N.I.); subsection (1) was amended by paragraph 44 of Schedule 2 to the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015 No. 2006 (N.I.1). Section 60(6) is an interpretation provision and is cited for the meaning of "prescribed"
(**2**) S.I 2015/2006 (N.I. 1)
(**3**) S.R. 2016 No. 216
(**4**) S.R. 2001 No. 216; relevant amending Regulations are S.R. 2003 No. 154, S.R. 2006 No. 407, S.R. 2008 No. 103 and S.R. 2016 Nos.178 and 432

"universal credit" means universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015;

"the Universal Credit Regulations" means the Universal Credit Regulations (Northern Ireland) 2016;".

(3) In regulation 2(**5**) (discretionary housing payments)—

(a) in paragraph (1) after "housing benefit "insert "or a relevant award of universal credit";

(b) at the end of sub-paragraph (b) omit "or";

(c) at the end of sub-paragraph (c) for "and" substitute "or" and add—

"(d) the relevant award of universal credit has been determined in accordance with paragraph 24 (cap rent) of Schedule 4 to the Universal Credit Regulations or reduced under regulation 81 of those regulations (reduction of universal credit), and";

(d) in paragraph (3) after "housing benefit" insert "or a relevant award of universal credit".

(4) In regulation 3 (circumstances in which discretionary housing payments may be made)—

(a) after paragraph (aa)(**6**) insert—

"(ab) a liability to meet any payment in respect of service charges other than a payment listed in paragraph 8 of Schedule 1 to the Universal Credit Regulations;";

(b) after paragraph (k)(**7**) add—

"(l) a reduction in the amount of universal credit due to recovery of an overpayment pursuant to section 69ZB of the Social Security Administration Act (Northern Ireland) 1992(**8**);

(m) a reduction in the amount of universal credit pursuant to a decision made under Article 31 or 32 of the Welfare Reform (Northern Ireland) Order 2015.".

(5) For regulation 4(**9**) (limit on the amount of the discretionary housing payment that may be made) substitute—

"**4.**—(1) Where a person is entitled to housing benefit the amount of the discretionary housing payment (if calculated as a weekly sum) shall not exceed—

(a) the aggregate of the payments specified in regulation 13(1) of the Housing Benefit Regulations less the aggregate of the amounts referred to in regulation 13A(2) of those Regulations calculated on a weekly basis in accordance with regulations 78 and 79 of those Regulations; or

(b) the aggregate of the payments specified in regulation 13(1) of the Housing Benefit (State Pension Credit) Regulations less the aggregate of the amounts referred to in regulation 13A(2) of those Regulations, calculated on a weekly basis in accordance with regulations 59 and 60 of those Regulations.

(2) Where a person is entitled to a relevant award of universal credit the amount of the discretionary housing payment (if calculated as a monthly sum) shall not exceed—

(a) the amount calculated in accordance with Schedule 4 to the Universal Credit Regulations; or

(**5**) Regulation 2 was amended by regulation 2(3) of S.R. 2016 No. 432
(**6**) Paragraph (aa) was amended by paragraph 8(4)(i) of Schedule 2 to S.R. 2006 No. 407
(**7**) Paragraph (k) was added by regulation 5 of S.R. 2016 No. 178
(**8**) Section 69ZB was inserted by 109(1) of the Welfare Reform (Northern Ireland) Order 2015
(**9**) Regulation 4 was amended by S.R. 2003 No. 154, S.R. 2006 No. 407 and S.R. 2008 No. 103

(b) where paragraph 3(e) of Schedule 1 to the Universal Credit Regulations applies, the aggregate of the payments referred to in paragraph 3 of Schedule 4 to those Regulations, calculated on a monthly basis.".

(6) In regulation 5 (period for, or in respect of which, discretionary housing payments may be made) in paragraph (2) after "housing benefit" insert "or relevant award of universal credit".

(7) In regulation 6(**10**)(form, manner and procedure for claims)—

(a) in paragraph (1)(b)(i) after "housing benefit" insert "or relevant award of universal credit";

(b) in paragraph (2) after "housing benefit" insert "or relevant award of universal credit".

Signed by authority of the Secretary of State for Work and Pensions

Caroline Dinenage
Minister of State
Department for Work and Pensions

6th July 2017

(**10**) Regulation 6 was amended by regulation 2(4) of S.R. 2016 No. 310

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Discretionary Financial Assistance Regulations (Northern Ireland) 2001 which are consequential upon the introduction of universal credit.

The amendments ensure that the Northern Ireland Housing Executive may make discretionary housing payments to a person who is entitled to universal credit which has been calculated to include an amount in respect of housing costs relating to rent (or analogous payments). The amendment in regulation 2(5) sets a monthly limit on the amount of such a payment to the amount of housing costs included in the calculation of universal credit.

They also ensure that a discretionary housing payment may be made where a person is entitled to universal credit that has not been calculated to include an amount in respect of housing costs because the person is in specified accommodation (defined in paragraph 4 of Schedule 1 to the Universal Credit Regulations (Northern Ireland) 2016). In these cases the monthly limit will be the aggregate of the payments the claimant is liable to make that would otherwise be eligible to be met by way of universal credit.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sector is foreseen.