

## SCHEDULE 5

Regulation 18

### Consequential amendments

## [<sup>F1</sup>PART 1

### General]

**F1** Words in Sch. 5 inserted (5.4.2018) by [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/37\)](#), regs. 1(3), **2(18)(a)**

1. The IS Regulations are amended as follows—

- (a) in regulation 6(5)(c) <sup>M1</sup>—
  - (i) in head (i) for “under paragraphs 15 to 17” substitute “ under paragraph 17 ”,
  - (ii) in head (ii) for “under paragraphs 14 to 16” substitute “ under paragraph 16 ”,
  - (iii) in head (iii) for “under paragraphs 16 to 18” substitute “ under paragraph 18 ”;
- (b) in regulation 17(1) <sup>M2</sup> in sub-paragraph (e) for “mortgage interest payments or such other housing costs as are prescribed” substitute “ housing costs as prescribed ”;
- (c) in regulation 18(1) <sup>M3</sup> in sub-paragraph (f) for “mortgage interest payments or such other housing costs as are prescribed” substitute “ housing costs as prescribed ”;
- (d) in Schedule 3—
  - (i) in paragraph 1(1)(b) for “under paragraphs 15 to 17” substitute “ under paragraph 17 ”,
  - (ii) in paragraph 1(2) the definition of “standard rate” is omitted,
  - (iii) in paragraph 1A(1)(a) <sup>M4</sup>—
    - (aa) for “under paragraphs 14 to 16 of Schedule 2” substitute “ under paragraph 16 of Schedule 2 ”; and
    - (bb) for “paragraphs 16 to 18 of Schedule 6” substitute “ paragraph 18 of Schedule 6 ”,
  - (iv) in paragraph 1A(1A)(a) <sup>M5</sup> for “under paragraphs 11 to 13 of Schedule 2” substitute “ under paragraph 13 of Schedule 2 ”,
  - (v) in paragraph 4 <sup>M6</sup> omit sub-paragraphs (2) to (12),
  - (vi) in paragraph 8 <sup>M7</sup> omit sub-paragraphs (1)(a)(i), (1A) and (1B),
  - (vii) in paragraph 9 <sup>M8</sup> omit sub-paragraph (2)(a)(i),
  - (viii) omit paragraphs 10 to 13 <sup>M9</sup>,
  - (ix) in paragraph 14 <sup>M10</sup>—
    - (aa) omit sub-paragraph (3AA);
    - (bb) in sub-paragraph (6)(b) for “any loan or payment which qualifies under paragraphs 15 to 17” substitute “ any payment which qualifies under paragraph 17 ”,
  - (x) omit paragraphs 15 and 16 <sup>M11</sup>,
  - (xi) in paragraph 17 <sup>M12</sup>—

**Changes to legislation:** *There are currently no known outstanding effects for the The Loans for Mortgage Interest Regulations (Northern Ireland) 2017, SCHEDULE 5. (See end of Document for details)*

- (aa) for the heading substitute “ Housing costs ”;
- (bb) in sub-paragraph (2)(c) omit “, and for this purpose the expression “repairs and improvements” has the same meaning it has in paragraph 16(2)”;
- (cc) after sub-paragraph (4) add—

“(5) For the purposes of sub-paragraph (2)(c), “repairs and improvements” means any of the following measures undertaken with a view to maintaining the fitness of the dwelling for human habitation or, where the dwelling forms part of a building, any part of a building containing that dwelling—

- (a) provision of a fixed bath, shower, wash basin, sink or lavatory, and necessary associated plumbing, including the provision of hot water not connected to a central heating system;
- (b) repairs to existing heating system;
- (c) damp proof measures;
- (d) provision of ventilation and natural lighting;
- (e) provision of drainage facilities;
- (f) provision of facilities for preparing and cooking food;
- (g) provision of insulation of the dwelling occupied as the home;
- (h) provision of electric lighting and sockets;
- (i) provision of storage facilities for fuel or refuse;
- (j) repairs of unsafe structural defects;
- (k) adapting a dwelling for the special needs of a disabled person; or
- (l) provision of separate sleeping accommodation for persons of different sexes aged 10 or over but under the age of 20 who live with the claimant and for whom the claimant or the claimant's partner is responsible.”, and

- (xii) in paragraph 18 <sup>M13</sup>, after sub-paragraph (2) insert—

“(2A) Where a non-dependant deduction is being made under the Loans for Mortgage Interest Regulations (Northern Ireland) 2017, the amount of the deduction under sub-paragraph (1) or (2) is to be reduced by an amount equal to that non-dependant deduction.”.

- [F2(e) in Schedule 9—

- (i) for paragraph 29 substitute—

“29. Any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments on a loan which qualifies under Part 1 of Schedule 1 to the Loans for Mortgage Interest Regulations (Northern Ireland) 2017 (legacy benefit claimants and SPC claimants) and used to meet such repayments.”, and

- (ii) in paragraph 30(1)—

- (aa) in head (a) for “under Schedule 3 (housing costs” substitute “under Part 1 of Schedule 1 to the Loans for Mortgage Interest Regulations”,

- (bb) for head (b) substitute—

- (b) any charge which qualifies in accordance with paragraph 17 of Schedule 3 (housing costs) to these Regulations or any interest

payment on a loan which qualifies under Part 1 of Schedule 1 to the Loans for Mortgage Interest Regulations, to the extent that the charge or payment is not met under these Regulations or by loan payments (as the case may be);”;

(cc) in head (c) for “under paragraph 15 or 16 of Schedule 3” substitute “under Part 1 of Schedule 1 to the Loans for Mortgage Interest Regulations”;

(dd) after sub-paragraph (2) add—

“(3) In this paragraph—

“Loans for Mortgage Interest Regulations” means the Loans for Mortgage Interest Regulations (Northern Ireland) 2017;

“loan payments” has the meaning given in the Loans for Mortgage Interest Regulations.”.]

**F2** Sch. 5 para. 1(e) inserted (5.4.2018) by [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/37\)](#), regs. 1(3), **2(18)(b)**

#### Marginal Citations

- M1** S.R. 1989 No. 459; regulation 6(5) was amended by regulation 2(2) of S.R. 2007 No. 475 and regulation 12(3) of S.R. 2008 No. 286.
- M2** Regulation 17(1) was amended by regulation 2 of S.R. 1988 No. 193, **regulation 4(7)** of S.R. 1993 No. 373, **regulation 9** of S.R. 1996 No. 199, **paragraph 2(a)** of Schedule 1 to S.R. 2003 No. 195, **regulation 2(3)** of S.R. 2003 No. 267, **regulation 2(4)(a)** of S.R. 2006 No. 97 and regulation 3(2)(a) of S.R. 2010 No. 6.
- M3** Regulation 18(1) was amended by regulation 5(a) of S.R. 1988 No. 274, **regulation 5** of S.R. 1988 No. 318, **regulation 5** of S.R. 1989 No. 249, **regulation 4(8)** of S.R. 1993 No. 373, **regulation 10(a)(ii)** of S.R. 1996 No. 199, **regulation 2(1)** and paragraph 4 of Part 1 of the Schedule to S.R. 2002 No. 132, **paragraph 3(a)** of Schedule 1 to S.R. 2003 No. 195, **regulation 2(4)** of S.R. 2003 No. 267, **regulation 2(4)(b)** of S.R. 2006 No. 97 and regulation 3(2)(b) of S.R. 2010 No. 6.
- M4** Paragraph 1A was inserted by regulation 2(2) of S.R. 1997 No. 435 and sub-paragraph (1)(a) was amended by regulation 2(3)(a) of S.R. 2007 No. 475 and regulation 12(11)(b) of S.R. 2008 No. 286.
- M5** Paragraph 1A(1A)(a) was amended by regulation 2(3)(a)(iii) of S.R. 2007 No. 475.
- M6** Paragraph 4 was amended by regulation 2(3)(c) of S.R. 1995 No. 434, **regulation 5(10)(a)** of S.R. 1996 No. 405, **regulation 16(2)** of S.R. 1997 No. 541, **regulation 3** and paragraph 8(b) of Schedule 1 to S.R. 2005 No. 458, **regulation 2(3)(b)** of S.R. 2007 No. 475, **regulation 2(9)(b)(i)** of S.R. 2008 No. 112, **regulation 12(11)(c)** of S.R. 2008 No. 286, **regulation 2(8)(a)** of S.R. 2008 No. 428 and regulation 3(7)(a) of S.R. 2011 No. 135.
- M7** Paragraph 8 was amended by regulation 2(3)(f) of S.R. 1995 No. 434, **regulation 2(5)** and (6) of S.R. 1997 No. 435, **regulation 12(11)(e)** of S.R. 2008 No. 286 and regulation 2(2)(d) of S.R. 2016 No. 44.
- M8** Paragraph 9 was amended by regulation 24(6)(c) of S.R. 2003 No. 191 and regulation 2(2)(e) of S.R. 2016 No. 44.
- M9** Paragraph 10 was amended by regulation 2(1) of S.R. 2001 No. 406, **regulation 2(b)** of S.R. 2004 No. 461 and regulation 2(2)(f) of S.R. 2016 No. 44. Paragraph 11 was amended by regulation 2(3)(g)(i) and (iii) of S.R. 1995 No. 434 and regulation 2(2)(g) of S.R. 2016 No. 44. Paragraph 12 was amended by regulation 2(c) of S.R. 2004 No. 461, **regulation 2(3)(c)(ii)** of S.R. 2007 No. 475, **regulation 2(2)(b)** of S.R. 2008 No. 503, **regulation 2(2)** of S.R. 2010 No. 340 and regulation 2(5) of S.R. 2014 No. 105. Paragraph 13 was amended by Article 7(11)(a) of S.R. 1999 No. 472 (C.36) and regulation 2(2)(h) of S.R. 2016 No. 44.
- M10** Paragraph 14 was amended by regulation 2(3)(i) of S.R. 1995 No. 434, **regulation 24(b)** of S.R. 1996 No. 199, **regulation 5(10)(b)** of S.R. 1996 No. 405, **regulation 16(3)** of S.R. 1997 No. 541, **regulation 3(5)** of S.R. 1998 No. 182, **regulation 8(4)(b)** of S.R. 1998 No. 324, **regulation 3** of S.R. 1999 No. 107, **regulation 2(1)** of S.R. 1999 No. 315, **Article 7(11)(b)(i)** and (ii) of S.R. 1999 No. 472

**Changes to legislation:** There are currently no known outstanding effects for the The Loans for Mortgage Interest Regulations (Northern Ireland) 2017, SCHEDULE 5. (See end of Document for details)

(C. 36), regulation 3(5) of S.R. 2000 No. 241, **regulation 6(a)** of S.R. 2001 No. 78, **regulation 12(b)(ii)** and (iv) of S.R. 2001 No. 151, **regulation 24(6)(d)** of S.R. 2003 No. 191, **regulation 2(7)** of S.R. 2005 No. 424, **regulation 5(6)(b)** of S.R. 2006 No. 359, **regulation 2(9)(b)(ii)** and (15) of S.R. 2008 No. 112, **regulation 2(8)(b)** of S.R. 2008 No. 248, **regulation 12(11)(f)** of S.R. 2008 No. 286, **regulation 3(7)** of S.R. 2011 No. 135 and regulation 2(2) of S.R. 2016 No. 44.

**M11** Paragraph 16 was amended by regulation 2(8)(c) of S.R. 2008 No. 248.

**M12** Paragraph 17 was amended by regulation 5 and paragraph 1(4)(a) of Schedule 2 to S.R. 2006 No. 407.

**M13** Paragraph 18 was amended by regulation 2(3)(j)(ii) and (iii) of S.R. 1995 No. 434, **regulation 3(b)** of S.R. 1997 No. 3, **regulation 3** of S.R. 1997 No. 165, **Article 7(2)** of S.R. 1999 No. 472 (C. 36), regulation 3(4) of S.R. 2003 No. 261, **regulation 4(b)(i)** and (ii)(bb) of S.R. 2004 No. 394, **regulation 3(4)** of S.R. 2005 No. 580, **regulation 5** and paragraph 1(4)(b) of Schedule 2 to S.R. 2006 No. 407, **regulation 12(11)(g)** of S.R. 2008 No. 286, **regulation 2(5)(e)** and (8)(d) of S.R. 2008 No. 428, **regulation 2(3)(e)** and (7) (d) of S.R. 2010 No. 69, **regulation 7(5)(c)** of S.R. 2011 No. 357, **regulation 2(3)** of S.R. 2013 No. 67, **regulation 14(6)** of S.I. 2013/3021, **regulation 2(3)** of S.R. 2014 No. 275, **regulation 2(3)(b)(v)** of S.R. 2016 No. 110 and regulation 11(6) of S.R. 2016 No. 228.

2. The JSA Regulations are amended as follows—

- (a) in regulation 83 <sup>M14</sup> in paragraph (f) for “mortgage interest payments or such other housing costs as are prescribed” substitute “ housing costs as prescribed ”;
- (b) in regulation 84(1) <sup>M15</sup> in paragraph (g) for “mortgage interest payments or such other housing costs as are prescribed” substitute “ housing costs as prescribed ”;
- (c) in regulation 86A <sup>M16</sup> in paragraph (d) for “mortgage interest payments or such other housing costs as are prescribed” substitute “ housing costs as prescribed ”;
- (d) in regulation 86B <sup>M17</sup> in paragraph (e) for “mortgage interest payments or such other housing costs as are prescribed” substitute “ housing costs as prescribed ”;
- (e) in regulation 87 <sup>M18</sup> omit paragraphs (4) and (5);
- (f) in Schedule 2—
  - (i) in paragraph 1(1)(b) for “under paragraphs 14 to 16” substitute “ under paragraph 16 ”,
  - (ii) in paragraph 1(2) <sup>M19</sup> omit the definition of “standard rate”,
  - (iii) in paragraph 1A(1)(a) <sup>M20</sup>—
    - (aa) for “under paragraphs 15 to 17 of Schedule 3” substitute “ under paragraph 17 of Schedule 3 ”; and
    - (bb) for “paragraphs 16 to 18 of Schedule 6” substitute “ under paragraph 18 of Schedule 6 ”,
  - (iv) in paragraph 1A(1ZA)(a) <sup>M21</sup> for “under paragraphs 11 to 13 of Schedule 2” substitute “ under paragraph 13 of Schedule 2 ”,
  - (v) in paragraph 1A(1A)(a) <sup>M22</sup>—
    - (aa) for “under paragraph 15 or 16 of Schedule 3” substitute “ under paragraph 17 of Schedule 3 ”; and
    - (bb) for “paragraph 16 or 17 of Schedule 6” substitute “ under paragraph 18 of Schedule 6 ”,
  - (vi) in paragraph 1A(1B)(a) <sup>M23</sup>, for “under paragraphs 11 to 13 of Schedule 2” substitute “ under paragraph 13 of Schedule 2 ”,
  - (vii) in paragraph 4 <sup>M24</sup> omit sub-paragraphs (2) to (12),

- (viii) in paragraph 7 <sup>M25</sup> omit sub-paragraphs (1)(a)(i), (2), (2A) and (2B),
- (ix) in paragraph 8 <sup>M26</sup> omit sub-paragraph (2)(a)(i),
- (x) omit paragraphs 9 to 12 <sup>M27</sup>,
- (xi) in paragraph 13 <sup>M28</sup>—
  - (aa) omit sub-paragraph (4A);
  - (bb) in sub-paragraph (9)(b) for “any loan or payment which qualifies under paragraphs 14 to 16” substitute “ any payment which qualifies under paragraph 16 ”,
- (xii) omit paragraphs 14 and 15 <sup>M29</sup>,
- (xiii) in paragraph 16 <sup>M30</sup>—
  - (aa) for the heading substitute “ Housing costs ”;
  - (bb) in sub-paragraph (2)(c) omit “, and for this purpose the expression “repairs and improvements” has the same meaning it has in paragraph 15(2)”;
  - (cc) after sub-paragraph (4) add—
    - “(5) For the purposes of sub-paragraph (2)(c), “repairs and improvements” means any of the following measures undertaken with a view to maintaining the fitness of the dwelling for human habitation or, where the dwelling forms part of a building, any part of a building containing that dwelling—
      - (a) provision of a fixed bath, shower, wash basin, sink or lavatory, and necessary associated plumbing, including the provision of hot water not connected to a central heating system;
      - (b) repairs to existing heating system;
      - (c) damp proof measures;
      - (d) provision of ventilation and natural lighting;
      - (e) provision of drainage facilities;
      - (f) provision of facilities for preparing and cooking food;
      - (g) provision of insulation of the dwelling occupied as the home;
      - (h) provision of electric lighting and sockets;
      - (i) provision of storage facilities for fuel or refuse;
      - (j) repairs of unsafe structural defects;
      - (k) adapting a dwelling for the special needs of a disabled person; or
      - (l) provision of separate sleeping accommodation for persons of different sexes aged 10 or over but under the age of 20 who live with the claimant and for whom the claimant or the claimant's partner is responsible.”,
- (xiv) in paragraph 17 <sup>M31</sup> after sub-paragraph (2) insert—
  - “(2A) Where a non-dependant deduction is being made under the Loans for Mortgage Interest Regulations (Northern Ireland) 2017, the amount of the deduction under sub-paragraph (1) or (2) is to be reduced by an amount equal to that non-dependant deduction.”; and
- (xv) in paragraph 18 <sup>M32</sup> omit sub-paragraph (2).

[<sup>F3</sup>(g) in Schedule 6—

(i) for paragraph 30 substitute—

“30. Any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments on a loan which qualifies under Part 1 of Schedule 1 to the Loans for Mortgage Interest Regulations (Northern Ireland) 2017 (legacy benefit claimants and SPC claimants) and used to meet such repayments.”, and

(ii) in paragraph 31(1)—

(aa) in head (a) for “under Schedule 2 (housing costs)” substitute “under Schedule 1 to the Loans for Mortgage Interest Regulations”;

(bb) for head (b) substitute—

“(b) any charge which qualifies in accordance with paragraph 16 of Schedule 2 (housing costs) to these Regulations or any interest payment on a loan which qualifies under Part 1 of Schedule 1 to the Loans for Mortgage Interest Regulations, to the extent that the charge or payment is not met under these Regulations or by loan payments (as the case may be);”;

(cc) in head (c) for “under paragraph 14 or 15 of Schedule 2” substitute “under Part 1 of Schedule 1 to the Loans for Mortgage Interest Regulations”;

(dd) after sub-paragraph (2) add—

“(3) In this paragraph—

“Loans for mortgage Interest Regulations” means the Loans for Mortgage Interest Regulations (Northern Ireland) 2017;

“loan payments” has the meaning given in the Loans for Mortgage Interest Regulations.”.]

**F3** Sch. 5 para. 2(g) inserted (5.4.2018) by [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/37\)](#), regs. 1(3), **2(18)(c)**

#### Marginal Citations

**M14** S.R. 1996 No. 198; regulation 83 was amended by paragraph 4 of Part 2 of the Schedule to S.R. 2002 No. 132, **paragraph 2(a)** of Schedule 2 to S.R. 2003 No. 195, **regulation 4(3)** of S.R. 2003 No. 267 and regulation 3(3)(a) of S.R. 2010 No. 6.

**M15** Regulation 84(1) was amended by paragraph 5 of Part 2 of the Schedule to S.R. 2002 No. 132, **paragraph 3(a)** of Schedule 2 to S.R. 2003 No. 195, **regulation 4(4)** of S.R. 2003 No. 267 and regulation 3(3)(b) of S.R. 2010 No. 6.

**M16** Regulation 86A was inserted by paragraph 35 of Schedule 2 to S.R. 2000 No. 350 and amended by paragraph 8 of Part 2 of the Schedule to S.R. 2002 No. 132, **regulation 4(6)** of S.R. 2003 No. 267 and regulation 3(3)(c) of S.R. 2010 No. 6.

**M17** Regulation 86B was amended by regulation 4(7) of S.R. 2003 No. 267 and regulation 3(3)(d) of S.R. 2010 No. 6.

**M18** Regulation 87 was amended by regulation 20 of S.R. 1996 No. 358.

**M19** The definition of “standard rate” in paragraph 1(2) was amended by regulation 3(a)(ii) of S.R. 2004 No. 461 and regulation 3(2)(a) of S.R. 2016 No. 44.

**M20** Paragraph 1A was inserted by regulation 5(2) of S.R. 1997 No. 435 and sub-paragraph (1)(a) was amended by regulation 4(a) of S.R. 2007 No. 475 and regulation 19(25)(b) of S.R. 2008 No. 286.

**M21** Paragraph 1A(1ZA)(a) was inserted by regulation 4(a)(iii) of S.R. 2007 No. 475.

**M22** Paragraph 1A(1A)(a) was inserted by paragraph 54(2) of Schedule 2 to S.R. 2000 No. 350 and amended by regulation 19(25)(b)(iv) of S.R. 2008 No. 286.

- M23** Paragraph (1A)(1B) was inserted by regulation (4)(a)(iv) of S.R. 2007 No. 475.
- M24** Paragraph 4 was amended by regulation 29(3) of S.R. 1996 No. 358, **regulation 13(2)** of S.R. 1997 No. 541, **paragraph 54(4)** of Schedule 2 to S.R. 2000 No.350, **regulation 9** and paragraph 9(b) of Schedule 3 to S.R. 2005 No. 458, **regulation 4(b)** of S.R. 2007 No. 475, **regulation 4(14)(a)** of S.R. 2008 No. 112, **regulation 4(8)(a)** of S.R. 2008 No. 428 and regulation 10(11)(a) of S.R. 2011 No. 357.
- M25** Paragraph 7 was amended by regulation 5(5) and (6) of S.R. 1997 No. 435, **paragraph 54(6)** of Schedule 2 to S.R. 2000 No. 350, **regulation 19(25)(d)** of S.R. 2008 No. 286 and regulation 3(2)(c)(ii) and (iii) of S.R. 2016 No. 44.
- M26** Paragraph 8 was amended by paragraph 54(7) of Schedule 2 to S.R. 2000 No. 350, **regulation 5(6)** of S.R. 2010 No. 103 and regulation 3(2)(d) of S.R. 2016 No. 44.
- M27** Paragraph 9 was substituted by regulation 2(2) of S.R. 2001 No. 406 and amended by regulation 3(b) of S.R. 2004 No. 461 and regulation 3(2)(e) of S.R. 2016 No. 44. Regulation 10 was amended by regulation 3(2)(f) of S.R. 2016 No. 44. Regulation 11 was substituted by regulation 3(c) of S.R. 2004 No. 461 and amended by regulation 4(c)(ii) of S.R. 2007 No. 475, **regulation 2(2)(b)** of S.R. 2008 No. 503, **regulation 2(2)** of S.R. 2010 No. 340 and regulation 2(5) of S.R. 2014 No. 105. Regulation 12 was amended by Article 9(8)(e) and (17)(a) of S.R. 1999 No. 428 (C. 32) and regulation 3(2)(g) of S.R. 2016 No. 44.
- M28** Paragraph 13 was amended by regulation 29(5) of S.R. 1996 No. 358, **regulation 2(18)(a)** of S.R. 1996 No. 503, **regulation 7(2)** of S.R. 1997 No. 165, **regulation 13(3)** of S.R. 1997 No. 541, **regulation 11(4)** of S.R. 1998 No. 324, **regulation 2(6)** of S.R. 1999 No. 107, **regulation 2(2)** of S.R. 1999 No. 315, **Article 9(17)(b)** of S.R. 1999 No. 428 (C. 32), paragraph 54(8)(b) to (e) of Schedule 2 to S.R. 2000 No. 350, **regulation 12(b)** of S.R. 2001 No. 78, **regulation 9(b)(ii)(bb)** and (iii) of S.R. 2001 No. 151, **regulation 32(b)** of S.R. 2003 No. 191, **regulation 4(7)** of S.R. 2005 No. 424, **regulation 13(12)(b)** of S.R. 2006 No. 359, **regulation 4(14)** of S.R. 2008 No. 112, **regulation 19(25)(e)** of S.R. 2008 No. 286, **regulation 3(5)** of S.R. 2008 No. 290, **regulation 4(8)(b)** of S.R. 2008 No. 428, **regulation 2(10)** of S.R. 2009 No. 141, **regulation 7(8)** of S.R. 2011 No. 135, **regulation 10(11)(b)** of S.R. 2011 No. 357 and regulation 3(2) of S.R. 2016 No. 44.
- M29** Paragraph 15 was amended by regulation 4(8)(c) of S.R. 2008 No. 428.
- M30** Paragraph 16 was amended by regulation 5 and paragraph 4(4)(a) of Schedule 2 to S.R. 2006 No. 407.
- M31** Paragraph 17 was amended by regulation 3(b) of S.R. 1997 No. 3, **regulation 7(3)** of S.R. 1997 No. 165, **Article 9(5)(l)** of S.R. 1999 No. 428 (C. 32), regulation 5(4) of S.R. 2003 No. 261, **regulation 5(b)** of S.R. 2004 No. 394, **regulation 5(4)** of S.R. 2005 No. 580, **regulation 5** and paragraph 4(4)(b) of Schedule 2 to S.R. 2006 No. 407, **regulation 19(25)(f)** of S.R. 2008 No. 286, **regulation 4(5)(e)** and (8)(d) of S.R. 2008 No. 428, **regulation 4(3)(e)** and (8)(d) of S.R. 2010 No. 69, **regulation 10(7)(c)** of S.R. 2011 No. 357, **regulation 3(4)** of S.R. 2013 No. 67, **regulation 17(8)(a)** and (c) of S.I. 2013/3021, **regulation 3(3)** of S.R. 2014 No. 275 and regulation 14(8) of S.R. 2016 No. 228.
- M32** Paragraph 18 was amended by regulation 29(7) of S.R. 1996 No. 358, **regulation 19(25)(g)** of S.R. 2008 No. 286 and regulation 3(2)(i) of S.R. 2016 No. 44.

3. Schedule 2 of the SPC Regulations is amended as follows—

- (a) in paragraph 1 <sup>M33</sup>—
- (i) in sub-paragraph (1)(b) for “under paragraphs 11 to 13” substitute “ under paragraph 13 ”,
- (ii) in sub-paragraph (2) <sup>M34</sup> omit the definition of “standard rate”;
- (b) in paragraph 5 <sup>M35</sup> omit sub-paragraphs (2) to (13);
- (c) omit paragraphs 7 to 12 <sup>M36</sup>;
- (d) in paragraph 13 <sup>M37</sup>—
- (i) for the heading substitute “ Housing costs ”,



(ii) in sub-paragraph (2)(c) omit “, and for this purpose the expression “repairs and improvements” has the same meaning it has in paragraph 12(2)”,

(iii) after sub-paragraph (4) add—

“(5) For the purposes of sub-paragraph (2)(c), “repairs and improvements” means any of the following measures undertaken with a view to maintaining the fitness of the dwelling for human habitation or, where the dwelling forms part of a building, any part of a building containing that dwelling—

- (a) provision of a fixed bath, shower, wash basin, sink or lavatory, and necessary associated plumbing, including the provision of hot water not connected to a central heating system;
- (b) repairs to existing heating system;
- (c) damp proof measures;
- (d) provision of ventilation and natural lighting;
- (e) provision of drainage facilities;
- (f) provision of facilities for preparing and cooking food;
- (g) provision of insulation of the dwelling occupied as the home;
- (h) provision of electric lighting and sockets;
- (i) provision of storage facilities for fuel or refuse;
- (j) repairs of unsafe structural defects;
- (k) adapting a dwelling for the special needs of a disabled person; or
- (l) provision of separate sleeping accommodation for persons of different sexes aged 10 or over but under the age of 20 who live with the claimant and for whom the claimant or the claimant's partner is responsible.”; and

(e) in paragraph 14 <sup>M38</sup> after sub-paragraph (2) insert—

“(2A) Where a non-dependant deduction is being made under the Loans for Mortgage Interest Regulations (Northern Ireland) 2017, the amount of the deduction under sub-paragraph (1) or (2) is to be reduced by an amount equal to that non-dependant deduction.”.

### Marginal Citations

- M33** S.R. 2003 No. 28; paragraph 1 was amended by regulation 4(a) of S.R. 2004 No. 461, **regulation 7(4)(a)** of S.R. 2005 No. 580, **regulation 5(4)** of S.R. 2006 No. 97, **regulation 5(4)** of S.R. 2006 No. 128, **regulation 30(8)(a)** of S.R. 2008 No. 286, **regulation 23(5)(a)** of S.I. 2013/3021, **regulation 4(3)(a)** of S.R. 2014 No. 275, **regulation 6** of S.R. 2016 No. 175, **regulation 25(5)(a)** of S.R. 2016 No. 228 and paragraph 5(3)(a) of Schedule 1 to S.R. 2017 No. 51.
- M34** The definition of “standard rate” in paragraph 1(2) was amended by regulation 4(a) of S.R. 2004 No. 461.
- M35** Paragraph 5 was amended by regulation 23(7)(a) of S.R. 2003 No. 191, **regulation 12** and paragraph 5(b) of Schedule 4 to S.R. 2005 No. 458, **regulation 5(4)(f)** of S.R. 2006 No. 128, **regulation 5** and paragraph 11(4)(a) of Schedule 2 to S.R. 2006 No. 407, **regulation 5** of S.R. 2008 No. 112 and regulation 30(8)(b) of S.R. 2008 No. 286.
- M36** Paragraph 7 was amended by regulation 23(7)(b) of S.R. 2003 No. 191, **regulation 4(b)** of S.R. 2004 No. 461 and regulation 30(8)(c) of S.R. 2008 No. 286. Paragraph 8 was amended by regulation 8(5) of S.R. 2007 No. 396. Paragraph 9 was substituted by regulation 4(c) of S.R. 2004 No. 461 and amended by regulation 5(b) of S.R. 2007 No. 475, **regulation 2(2)(b)** of S.R. 2008 No. 503, **regulation 2(2)** of S.R. 2010 No. 340 and regulation 5(6) of S.R. 2014 No. 105. Paragraph 10 was amended by regulation 5(4)(g) and (h) of S.R. 2006 No. 128, **regulation 30(8)(d)** of S.R. 2008 No. 286 and regulation 5(3)(a) of S.R. 2008 No. 428. Paragraph 12 was amended by regulation 5(4)(i) of S.R. 2006 No. 128.



- M37** Paragraph 13 was amended by regulation 5 and paragraph 11(4)(b) of Schedule 2 to S.R. 2006 No. 407.
- M38** Paragraph 14 was amended by regulation 23(7)(c) of S.R. 2003 No. 191, **regulation 7(2)** of S.R. 2003 No. 261, **regulation 6(5)(b)** of S.R. 2004 No. 394, **regulation 7(4)** of S.R. 2005 No. 580, **regulation 14(5)** of S.R. 2006 No. 359, **regulation 5** and paragraph 11(4)(c) of Schedule 2 to S.R. 2006 No. 407, **regulation 30(8)(e)** of S.R. 2008 No. 286, **regulation 5(3)(b)** and (c) of S.R. 2008 No. 428, **regulation 6(3)(b)** of S.R. 2010 No. 69, **regulation 14(5)** of S.R. 2011 No. 357, **regulation 5** of S.R. 2013 No. 67, **regulation 23(5)(b) to (d)** of S.I. 2013/3021, **regulation 4(3)(b)** of S.R. 2014 No. 275, **regulation 25(5)(b)** of S.R. 2016 No. 228, **paragraph 5(3)(b)** of Schedule 1 to S.R. 2017 No. 51 and Article 25(4) of S.R. 2017 No. 56.

4. The ESA Regulations are amended as follows—

- (a) in regulation 67(1) <sup>M39</sup> in sub-paragraph (c) for “mortgage interest repayments or such other housing costs as are prescribed” substitute “housing costs as prescribed”;
- (b) in regulation 68(1) <sup>M40</sup> in sub-paragraph (d) for “mortgage interest payments or such other housing costs as are prescribed” substitute “housing costs as prescribed”;
- (c) in Schedule 6—
- (i) in paragraph 1(1)(b) for “under paragraph 16 to 18” substitute “under paragraph 18”;
- (ii) in paragraph 1(2) <sup>M41</sup> omit the definition of “standard rate”;
- (iii) in paragraph 3 <sup>M42</sup>—
- (aa) in sub-paragraph (1)(a) for “under paragraphs 14 to 16 of Schedule 2” substitute “under paragraph 16 of Schedule 2” and for “paragraphs 15 to 17 of Schedule 3” substitute “paragraph 17 of Schedule 3”;
- (bb) in paragraph (2)(a) for “under paragraphs 11 to 13 of Schedule 2” substitute “under paragraph 13 of Schedule 2”;
- (iv) in paragraph 6 <sup>M43</sup> omit sub-paragraphs (2) to (14),
- (v) in paragraph 9 <sup>M44</sup> omit sub-paragraphs (1)(a)(i) and (2),
- (vi) in paragraph 10 <sup>M45</sup> omit sub-paragraph (2)(a)(i),
- (vii) omit paragraphs 11 to 14 <sup>M46</sup>
- (viii) in paragraph 15 <sup>M47</sup>—
- (aa) omit sub-paragraph (6);
- (bb) in sub-paragraph (12)(b) for “any loan or payment which qualifies under paragraphs 16 to 18” substitute “any payment which qualifies under paragraph 18”;
- (ix) omit paragraphs 16 and 17,
- (x) in paragraph 18—
- (aa) for the heading substitute “Housing costs”;
- (bb) in sub-paragraph (2)(c) omit “, and for this purpose “repairs and improvements” has the meaning given by paragraph 17(2)”;
- (cc) after sub-paragraph (4) add—
- “(5) For the purposes of sub-paragraph (2)(c), “repairs and improvements” means any of the following measures undertaken with a view to maintaining the fitness of the dwelling for human habitation or, where the dwelling forms part of a building, any part of a building containing that dwelling—

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- (a) provision of a fixed bath, shower, wash basin, sink or lavatory, and necessary associated plumbing, including the provision of hot water not connected to a central heating system;
- (b) repairs to existing heating system;
- (c) damp proof measures;
- (d) provision of ventilation and natural lighting;
- (e) provision of drainage facilities;
- (f) provision of facilities for preparing and cooking food;
- (g) provision of insulation of the dwelling occupied as the home;
- (h) provision of electric lighting and sockets;
- (i) provision of storage facilities for fuel or refuse;
- (j) repairs of unsafe structural defects;
- (k) adapting a dwelling for the special needs of a disabled person; or
- (l) provision of separate sleeping accommodation for persons of different sexes aged 10 or over but under the age of 20 who live with the claimant and for whom the claimant or the claimant's partner is responsible.”

(xi) in paragraph 19 <sup>M48</sup> after sub-paragraph (2) insert—

“(2A) Where a non-dependant deduction is being made under the Loans for Mortgage Interest Regulations (Northern Ireland) 2017, the amount of the deduction under sub-paragraph (1) or (2) is to be reduced by an amount equal to that non-dependant deduction.”; and

(xii) in paragraph 20 <sup>M49</sup> omit sub-paragraph (2).

[<sup>F4</sup>(d) in Schedule 8—

(i) for paragraph 30 substitute—

“30. Any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments on a loan which qualifies under Part 1 of Schedule 1 to the Loans for Mortgage Interest Regulations (Northern Ireland) 2017 (legacy benefit claimants and SPC claimants) and used to meet such repayments.”; and

(ii) in paragraph 31(1)—

(aa) in head (a) for “under Schedule 6” substitute “under Part 1 of Schedule 1 to the Loans for Mortgage Interest Regulations”;

(bb) for head (b) substitute—

“(b) any charge which qualifies in accordance with paragraph 18 of Schedule 6 (housing costs) to these Regulations or any interest payment on a loan which qualifies under Part 1 of Schedule 1 to the Loans for Mortgage Interest Regulations to the extent that the charge or payment is not met under these Regulations or by loan payments (as the case may be);”;

(cc) in head (c) for “under paragraph 16 or 17 of that Schedule” substitute “under Part 1 of Schedule 1 to the Loans for Mortgage Interest Regulations”;

(dd) after sub-paragraph (2) add—

“(3) In this paragraph—

“Loans for Mortgage Interest Regulations” means the Loans for Mortgage Interest Regulations (Northern Ireland) 2017;

“loan payments” has the meaning given in the Loans for Mortgage Interest Regulations.”.]

- F4** Sch. 5 para. 4(d) inserted (5.4.2018) by [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/37\)](#), regs. 1(3), **2(18)(d)**

#### Marginal Citations

- M39** S.R. [2008 No. 280](#); regulation 67(1) was amended by regulation 3(4)(a) of S.R. [2010 No. 6](#).
- M40** Regulation 68(1) was amended by regulation 3(4)(b) of S.R. [2010 No. 6](#).
- M41** Paragraph 1(2) was amended by regulation 4(2)(a) of S.R. [2016 No. 44](#).
- M42** Paragraph 3 was amended by regulation 3(30)(b) of S.R. [2008 No. 413](#).
- M43** Paragraph 6 was amended by regulation 14(10)(a) of S.R. [2011 No.135](#).
- M44** Paragraph 9 was amended by regulation 4(2)(c) of S.R. [2016 No. 44](#).
- M45** Paragraph 10 was amended by regulation 9(18) of S.R. [2010 No. 200](#) and regulation 4(2)(d) of S.R. [2016 No. 44](#).
- M46** Paragraph 11 was amended by regulation 4(2)(e) of S.R. [2016 No.44](#). Paragraph 12 was amended by regulation 3(30)(c) of S.R. [2008 No.413](#) and regulation 4(2)(f) of S.R. [2016 No. 44](#). Paragraph 13 was amended by regulation 2(2)(b) of S.R. [2008 No. 503](#), [regulation 2\(2\)](#) of S.R. [2010 No. 340](#) and regulation 8 of S.R. [2014 No. 105](#). Paragraph 14 was amended by regulation 4(2)(g) of S.R. [2016 No. 44](#).
- M47** Paragraph 15 was amended by regulation 3(30)(d) of S.R. [2008 No. 413](#), [regulation 14\(10\)\(b\) to \(d\)](#) of S.R. [2011 No. 135](#), [regulation 21\(15\)](#) of S.R. [2011 No. 357](#), [regulation 5\(7\)](#) of S.R. [2011 No. 368](#), [Article 28\(6\)\(a\)](#) of S.I. [2013/3021](#), [regulation 4\(2\)](#) of S.R. [2016 No. 44](#) and regulation 34(6)(a) of S.R. [2016 No. 228](#).
- M48** Paragraph 19 was amended by regulation 10(3)(e) of S.R. [2010 No. 69](#), [regulation 21\(15\)](#) of S.R. [2011 No. 357](#), [Article 28\(6\)\(b\)\(i\)](#) of S.I. [2013/3021](#), [regulation 7\(3\)](#) of S.R. [2014 No. 275](#), [regulation 4\(2\)\(h\)\(iii\)](#) of S.R. [2016 No. 44](#) and regulation 34(6)(b)(i) and (ii) and (7)(a) of S.R. [2016 No. 228](#).
- M49** Paragraph 20 was amended by regulation 4(2) of S.R. [2016 No. 44](#).

5. The UC Regulations are amended as follows—

- (a) in regulation 26 omit paragraph (2)(b);
- (b) in regulation 27 omit paragraph (3)(b)(i);
- (c) in regulation 27 in paragraph (3)(b)(ii) omit “only”;
- (d) in regulation 66 <sup>M50</sup>—
  - (i) in paragraph (1)(h)(i) omit “or”, and
  - (ii) omit paragraph (1)(h)(ii);
- (e) in Schedule 1—
  - (i) in paragraph 3(f), for “within the meaning of paragraph 5” substitute “ within the meaning of Schedule 1 to the Loans for Mortgage Interest Regulations (Northern Ireland) 2017 ”,
  - (ii) omit paragraphs 5 to 7,
  - (iii) in paragraph 8(3)(a) for “a loan that falls within paragraph 6” substitute “ a qualifying loan within the meaning of regulation 2 of the Loans for Mortgage Interest Regulations (Northern Ireland) 2017 ”;
- (f) in Schedule 5—
  - (i) in paragraph 2 omit the definitions of “alternative finance arrangements”, “alternative finance payments”, “loan interest payments” and “standard rate”,

- (ii) for paragraph 3(1) substitute—
  - “(1) “Relevant payments” means one or more payments which are service charge payments.”,
- (iii) omit paragraph 3(2),
- (iv) in paragraph 3(3) for “that Schedule” substitute “ Schedule 1 ”,
- (v) in paragraph 9 for “the aggregate of the amounts resulting from paragraphs 10, 11 and 13” substitute “ the amount resulting from paragraph 13 ”, and
- (vi) omit paragraphs 10 to 12.

**Marginal Citations**

**M50** Regulation 66 was amended by Article 28(3) of S.R. [2017 No. 66](#).

- 6. In regulation 30(1)(b) of the Transitional Provisions Regulations <sup>M51</sup>—
  - (a) in head (i) for “paragraphs 14 to 16 of Schedule 2” substitute “ paragraph 16 of Schedule 2 ”;
  - (b) in head (ii) for “paragraphs 16 to 18 of Schedule 6” substitute “ paragraph 18 of Schedule 6 ”; and
  - (c) in head (iii) for “paragraphs 15 to 17 of Schedule 3” substitute “ paragraph 17 of Schedule 3 ”.

**Marginal Citations**

**M51** S.R. [2016 No. 226](#).

- [<sup>F57</sup> The Claims and Payments Regulations are amended as follows—
  - (a) omit regulations 34ZA and 34ZB;
  - (b) in regulation 34A(1) omit “Except as provided for in regulation 34ZA and Schedule 8B,”;
  - (c) In Schedule 8A—
    - (i) in paragraph 1(1), omit the definition of “mortgage payment”;
    - (ii) in paragraph 3—
      - (aa) omit sub-paragraph (2)(b)(i);
      - (bb) in sub-paragraph (2)(b)(ii), for “for any other housing item” substitute “for any housing item”;
      - (cc) in sub-paragraph (2A)(b) omit “4(8) or (11) or”, “5(9) or (12) or” and “6(10) or (13) or” in each place where these words occur;
      - (dd) for sub-paragraph (3) substitute—
        - “(3) Sub-paragraph (1) shall not apply to any debt which is for any item of housing costs and is less than half the annual amount due to be paid by the beneficiary or his partner in respect of that item, unless, in the opinion of the Department it is in the overriding interests of the family that paragraph (1) should apply.”;
      - (ee) omit sub-paragraphs (4) and (5),
    - (iii) in paragraph 9, omit sub-paragraph (2); and
  - (d) omit Schedule 8B.

**F5** Sch. 5 paras. 7-12 added (5.4.2018) by [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/37\)](#), regs. 1(3), **2(18)(e)**

8. The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016 are amended as follows—

- (a) omit regulation 54;
- (b) in regulation 55 omit “Except as provided for in regulation 54 and Schedule 4,”;
- (c) omit Schedule 4;
- (d) in paragraph 6 of Schedule 5 omit sub-paragraphs (5) and (6).

**F5** Sch. 5 paras. 7-12 added (5.4.2018) by [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/37\)](#), regs. 1(3), **2(18)(e)**

9. The Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005 are amended as follows—

- (a) in regulation 2—
  - (i) in paragraph (1), after the definition of “order freeing a child for adoption” insert—  
““owner-occupier loan payments” means loan payments under the Loans for Mortgage Interest Regulations (Northern Ireland) 2017;”;
  - (ii) after paragraph (4)(b) insert—  
“(c) a person being treated as entitled to a benefit has the meaning given to it in regulation 2(2)(aa) of the Loans for Mortgage Interest Regulations (Northern Ireland) 2017.”;
- (c) in regulation 5(2)—
  - (i) at the end of sub-paragraph (f) omit “or”;
  - (ii) at the end of sub-paragraph (g) insert “or”; and
  - (iii) after sub-paragraph (g) add—  
“(h) owner-occupier loan payments and is treated as entitled to a benefit specified in sub-paragraphs (a) to (c) and (f).”;
- (d) in regulation 7(4)(a)—
  - (i) at the end of head (vii) omit “or”;
  - (ii) at the end of head (viii) insert “or”, and
  - (iii) after head (viii) add—  
“(ix) owner-occupier loan payments and is treated as entitled to a benefit specified in sub-paragraphs (i) to (iii) and (vii).”.

**F5** Sch. 5 paras. 7-12 added (5.4.2018) by [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/37\)](#), regs. 1(3), **2(18)(e)**

10. The Social Fund (Cold Weather Payments) (General) Regulations (Northern Ireland) 1988 are amended as follows—

- (a) in regulation 1(2)—
  - (i) in the definition of “claimant”, after “universal credit” insert “or who is in receipt of owner-occupier loan payments”, and

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- (ii) after the definition of “overlap period” insert—
  - ““owner-occupier loan payments” means loan payments made under the Loans for Mortgage Interest Regulations (Northern Ireland) 2017;”;
- (b) in regulation 1A(2)—
  - (i) at the end of sub-paragraph (d) omit “or”,
  - (ii) at the end of sub-paragraph (e) insert “or”, and
  - (iii) after sub-paragraph (e) insert—
    - “(f) owner-occupier loan payments and is treated as entitled to a benefit specified in sub-paragraphs (a) to (d).”;
  - (iv) in paragraph (3)—
    - (aa) for “(d) or (e)” substitute “(d), (e) or (f)”;
    - (bb) at the end of sub-paragraph (e) omit “or”;
    - (cc) at the end of sub-paragraph (f) insert “or”;
    - (dd) after sub-paragraph (f) insert—
      - “(g) where P has been awarded owner-occupier loan payments, P’s applicable amount, if P were entitled to a benefit specified in paragraph (2)(b) to (d), would include one or more of the premiums specified in—
        - (aa) where P is treated as entitled to income support, paragraphs 9 to 14 of Part 3 of Schedule 2 to the General Regulations;
        - (bb) where P is treated as entitled to jobseeker’s allowance, paragraphs 10 to 16 of Part 3 of Schedule 1 to the Jobseeker’s Allowance Regulations (Northern Ireland) 1996;
        - (cc) where P is treated as entitled to employment and support allowance, paragraphs 5 to 7 of Schedule 4 to the Employment and Support Allowance Regulations (Northern Ireland) 2008.”;
    - (ee) after paragraph (3) insert—
      - “(3A) In paragraph (3), a person being treated as entitled to benefit has the meaning given to it in regulation 2(2)(aa) of the Loans for Mortgage Interest Regulations (Northern Ireland) 2017.”.]

**F5** Sch. 5 paras. 7-12 added (5.4.2018) by [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/37\)](#), regs. 1(3), **2(18)(e)**

## [F5]PART 2

### Decisions and Appeals

11. The Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999 are amended as follows—

- (a) in regulation 1(2)—
  - (i) after the definition of “limited capability for work” insert—

- “the Loans for Mortgage Interest Regulations” means the Loans for Mortgage Interest Regulations (Northern Ireland) 2017;”,
- (ii) after the definition of “out of jurisdiction appeal” insert—
- “owner-occupier loan payments” means loan payments made under the Loans for Mortgage Interest Regulations;
- “owner-occupier payments” has the same meaning as in Part 1 of Schedule 1 to the Loans for Mortgage Interest Regulations;”;
- (b) in regulation 7—
- (i) after paragraph (12) insert—
- “(12A) Paragraph (12) applies where—
- (a) the effect of a decision under Article 11 is that owner-occupier loan payments are to be made to a claimant in respect of the claimant’s liability to make owner-occupier payments; and
- (b) that decision could not have been made earlier because information necessary to make that decision, requested otherwise than in accordance with paragraph 8 of Schedule 4 to the Loans for Mortgage Interest Regulations (provision of information), had not been supplied to the Department by the lender.
- (12B) Where a claimant is receiving owner-occupier loan payments and there is a reduction in the amount owing in connection with a qualifying loan or alternative finance arrangement (within the meaning in Schedule 1 to the Loans for Mortgage Interest Regulations (meaning of owner-occupier payments)), a decision made under Article 11 takes effect—
- (a) on the first anniversary of the date on which the claimant’s liability to make owner-occupier payments was first met by an owner-occupier loan payment; or
- (b) where the reduction in the amount owing in connection with a qualifying loan or alternative finance arrangement occurred after the first anniversary of the date referred to in sub-paragraph (a), on the next anniversary of that date following the date of the reduction.
- (12C) Where a claimant is receiving owner-occupier loan payments, an insurance payment deduction is made under regulation 14A(1) of the Loans for Mortgage Interest Regulations (insurance payment deduction) in relation to any decision under Article 9 or 11 and there is a change in the amount of the owner-occupier payments payable—
- (a) on a qualifying loan or alternative finance arrangement (within the meaning in Schedule 1 to the Loans for Mortgage Interest Regulations (meaning of owner-occupier payments)) to which those payments relate; or
- (b) on a loan or alternative finance arrangement not so qualifying which is secured on the dwelling occupied as the home to which those payments relate,
- a decision under Article 11 which is made as a result of that change in the amount of the owner-occupier payments payable shall take effect on whichever of the dates referred to in paragraph (12D) is appropriate in the claimant’s case.
- (12D) The date on which a decision under Article 11 takes effect for the purposes of paragraph (12C) is—



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- (a) the date on which the claimant's liability to make owner-occupier payments is first met by an owner-occupier loan payment; or
- (b) where the change in the amount of the owner-occupier payments payable occurred after the date referred to in sub-paragraph (a), on the date of the next alteration in the standard rate following the date of that change.

(12E) In paragraph (12D), "standard rate" has the same meaning as it has in regulation 13 of the Loans for Mortgage Interest Regulations (standard rate to be applied under regulations 11 and 12).

(12F) Paragraph (12G) applies where—

- (a) a claimant is awarded state pension credit;
- (b) the claimant or the claimant's partner has reached pensionable age (within the meaning in section 133(1) of the Contributions and Benefits Act);
- (c) the claimant is in receipt of owner-occupier loan payments; and
- (d) after the date from which sub-paragraph (c) applies—
  - (i) a non-dependant (within the meaning in regulation 2(1) of the Loans for Mortgage Interest Regulations) begins to reside with the claimant, or
  - (ii) there has been a change of circumstances in respect of a non-dependant and this reduces the amount of the owner-occupier loan payments.

(12G) Where this paragraph applies, a decision made under Article 11 shall take effect—

- (a) where there is more than one change of the kind specified in paragraph (12F)(d) in respect of the same non-dependant within the same 26 week period, 26 weeks after the date on which the first such change occurred; and
- (b) in any other circumstances, 26 weeks after the date on which a change specified in paragraph (12F)(d) occurred.”;

(ii) omit paragraphs (13) to (17G) and (18) to (23);

(c) in regulation 13 for paragraph (1) substitute—

“(1) Where, for the purpose of a decision under Article 9 (decisions by the Department) or 11 (decisions superseding earlier decisions)—

- (a) a determination falls to be made by the Department in respect of a claimant of income support, state pension credit or employment and support allowance as to—
  - (i) the amount to be included in an owner-occupier loan payment under regulation 10 (calculation of each loan payment) of the Loans for Mortgage Interest Regulations, or
  - (ii) what housing costs are to be included in the claimant's applicable amount (in the case of income support or employment and support allowance) or the claimant's appropriate minimum guarantee (in the case of state pension credit); and
- (b) it appears to the Department that the Department is not in possession of all of the evidence or information which is relevant for the purposes of such a determination,

**Changes to legislation:** There are currently no known outstanding effects for the The Loans for Mortgage Interest Regulations (Northern Ireland) 2017, SCHEDULE 5. (See end of Document for details)

the Department shall make the determination on the assumption that the amounts to be included in an owner-occupier loan payment, the claimant's applicable amount, or the claimant's appropriate minimum guarantee, as the case may be, are those that can be immediately determined.”;

(d) in paragraph 5 of Schedule 1 for sub-paragraph (r) substitute—

“(r) regulation 17(1) (direct payments to qualifying lenders by the Department where specified circumstances met) of the Loans for Mortgage Interest Regulations;”.

12. In Schedule 3 (decisions against which no appeal lies), in paragraph 1 of the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations (Northern Ireland) 2016 omit sub-paragraph (o).]

**Changes to legislation:**

There are currently no known outstanding effects for the The Loans for Mortgage Interest Regulations (Northern Ireland) 2017, SCHEDULE 5.