

2020 No. 45

HOUSING; RATES; SOCIAL SECURITY

The Employment and Support Allowance and the Housing Benefit (Transitional Provisions) (Amendment) Regulations (Northern Ireland) 2020

Made - - - - *25th March 2020*

Coming into operation - *4th April 2020*

The Department for Communities makes the following Regulations in exercise of the powers conferred by sections 122(1)(d), 131(1) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a), and now vested in it(b) and paragraphs 7(1)(a) and (2)(d) and 8(c) of Schedule 4 to, the Welfare Reform Act (Northern Ireland) 2007(c).

Regulation 3 is made with the consent of the Department of Finance(d).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Employment and Support Allowance and the Housing Benefit (Transitional Provisions) (Amendment) Regulations (Northern Ireland) 2020 and come into operation on 4th April 2020.

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

Amendment of the Employment and Support Allowance (Transitional Provisions and Housing Benefit) (Existing Awards) Regulations

2. In regulation 21(1) of the Employment and Support Allowance (Transitional Provisions and Housing Benefit) (Existing Awards) Regulations (Northern Ireland) 2010(f) (termination of transitional addition)—

- (a) at the end of paragraph (a) insert “and”;
- (b) at the end of paragraph (b) omit “and”; and
- (c) omit paragraph (c).

(a) 1992 c.7; 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 and section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.))
(c) 2007 c. 2 (N.I.)
(d) See section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 as inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/1579 (N.I. 8)); see also Article 6(b) of S.R. 1999 No. 481 and section 1(4) of the Departments Act (Northern Ireland) 2016 (c.5 (N.I.))
(e) 1954 c. 33 (N.I.)
(f) S.R. 2010 No. 312; regulation 21 was amended by regulation 2(11) of S.R. 2010 No. 347, regulation 3 of S.R. 2012 No. 160 and regulation 5 of S.R. 2016 No. 176

Amendment of the Housing Benefit Regulations

3. In Part VII of Schedule 4 to the Housing Benefit Regulations (Northern Ireland) 2006^(a) (applicable amounts: transitional addition)—

- (a) omit paragraph 27(2)(e);
- (b) in paragraph 28—
 - (i) in sub-paragraph (1)(b)^(b) omit “but before 5th April 2020”, and
 - (ii) omit sub-paragraph (3)(e); and
- (c) in paragraph 29—
 - (i) in sub-paragraph (1)(b) omit “but before 5th April 2020”, and
 - (ii) omit sub-paragraph (3)(e).

Sealed with the Official Seal of the Department for Communities on 25th March 2020
(L.S.)

Anne McCleary
A senior officer of the Department for Communities

The Department of Finance hereby consents to the foregoing regulations.

Sealed with the Official Seal of the Department of Finance on 25th March 2020

(L.S.)

Emer Morelli
A senior officer of the Department of Finance

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Employment and Support Allowance (Transitional Provisions and Housing Benefit) (Existing Awards) Regulations (Northern Ireland) 2010 (“the Existing Awards Regulations”). The Existing Awards Regulations make provision for the payment of a transitional addition to certain claimants whose existing awards of income support, incapacity benefit or severe disablement allowance have been converted to an award of an employment and support allowance (“ESA”). Regulation 21 of the Existing Awards Regulations provides for the termination of the transitional addition.

Regulation 2 of these Regulations removes the end date of 5th April 2020 for the payment of transitional additions to ESA claimants. Payment of a claimant’s transitional addition will now end when it reduces to nil or when the claimant’s entitlement to ESA comes to an end.

Regulation 3 amends the Housing Benefit Regulations (Northern Ireland) 2006 to ensure that those ESA claimants who also receive a transitional amount of Housing Benefit (paid so that their applicable amount of Housing Benefit was not reduced when their award was converted to ESA) will continue to do so after 5th April 2020.

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992 (c. 8), are not subject to

(a) S.R. 2006 No. 405; Part VII was added by paragraph 1(5)(c) of Schedule 4 to S.R. 2010 No. 312 to which there are amendments not relevant to these Regulations

(b) Sub-paragraph (1)(b) was amended by regulation 3(a) of S.R. 2016 No. 176

requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

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£4.90

NI202003251000 03/2020 19585

<http://www.legislation.gov.uk/id/nisr/2020/45>

ISBN 978-0-33-801235-7



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