

2021 No. 28

SOCIAL SECURITY

**The Loans for Mortgage Interest (Amendment) Regulations
(Northern Ireland) 2021**

Made - - - - - *9th February 2021*

Coming into operation - - - - - *15th March 2021*

The Department for Communities(a), makes the following Regulations in exercise of the powers conferred by sections 134(2) and 171(1) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(b), and now vested in it(c) and Articles 13 and 14(2)(b) of the Welfare Reform and Work (Northern Ireland) Order 2016(d).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Loans for Mortgage Interest (Amendment) Regulations (Northern Ireland) 2021 and come into operation on 15th March 2021.

(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 Loans for Mortgage Interest Regulations (Northern Ireland)

2. In paragraph 15 of Schedule 3 to the Loans for Mortgage Interest Regulations (Northern Ireland) 2017(f) (circumstances in which a claimant is, or is to be, treated as occupying accommodation)—

- (a) in sub-paragraph (1) for “Sub-paragraph (2) applies” substitute “Sub-paragraphs (2) and (3) apply”;
- (b) in sub-paragraph (3) after “liable to make” insert “owner-occupier”.

Amendment of the Social Fund (Cold Weather Payments) (General) Regulations (Northern Ireland)

3.—(1) In regulation 1A of the Social Fund (Cold Weather Payments) (General) Regulations (Northern Ireland) 1988(g) (prescribed description of persons)—

(a) The Department for Social Development was renamed the Department for Communities in accordance with section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.))
(b) 1992 c. 7
(c) See Article 8(b) of S.R. 1999 No. 481 and section 1(7) of the Departments Act (Northern Ireland) 2016
(d) S.I. 2016/999 (N.I. 1)
(e) 1954 c. 33 (N.I.)
(f) S.R. 2017 No. 176
(g) S.R. 1988 No.368; regulation 1A was substituted by regulation 2(3) of S.R. 2010 No. 344

(2) In paragraph (2)(a)—

- (a) at the end of sub-paragraph (e) omit “or”;
- (b) in sub-paragraph (f) for “(a)” substitute “(b)”;
- (c) at the end of sub-paragraph (f) insert “or”;
- (d) after sub-paragraph (f) add—

“(g) owner occupier loan payments and is treated as entitled to state pension credit.”.

(3) In paragraph (3A)(b) for “paragraph (3)” substitute “paragraphs (2) and (3)”.

Sealed with the Official Seal of the Department for Communities on 9th February 2021

(L.S.)

Anne McCleary

A senior officer of the Department for Communities

(a) Paragraph (2) was amended by regulation 3(3)(a) of S.R. 2017 No. 116 and paragraph 10(b)(i) to (iii) of Schedule 5 to S.R. 2017 No. 176 as amended by regulation 2(18)(e) of S.R. 2018 No. 37

(b) Paragraph (3A) was inserted by paragraph 10(b)(iv)(ee) of Schedule 5 to S.R. 2017 No. 176 as amended by regulation 2(18)(e) of S.R. 2018 No. 37

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 2 amends the Loans for Mortgage Interest Regulations (Northern Ireland) 2017 to clarify that claimants who have fled the accommodation for which they receive support for mortgage interest loan payments due to fear of violence in the home will be able to continue receiving loan payments for that accommodation for a specified period of time.

Regulation 3 amends the Social Fund (Cold Weather Payments) (General) Regulations (Northern Ireland) 1988 to clarify which conditions a claimant who receives support for mortgage interest loan payments and is treated as entitled to state pension credit needs to meet in order to be entitled to a cold weather payment.

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

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