

2022 No. 15

HOUSING

**The Housing Benefit and Universal Credit Housing Costs
(Executive Determinations) (Amendment and Modification)
Regulations (Northern Ireland) 2022**

Made - - - - 26th January 2022

Coming into operation - 31st January 2022

The Department for Communities(a), makes the following Regulations in exercise of the powers conferred by sections 122(1)(d), 129A(2) and 171(1) and (3) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(b) and now vested in it(c) and Articles 16(4), 38(1) and 48(2) of the Welfare Reform (Northern Ireland) Order 2015(d).

Proposals in respect of these Regulations were not referred to the Social Security Advisory Committee since it appeared to the Department for Communities that by reason of the urgency of the matter it was expedient not to do so(e).

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Housing Benefit and Universal Credit Housing Costs (Executive Determinations) (Amendment and Modification) Regulations (Northern Ireland) 2022 and shall come into operation on 31st January 2022.

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

Amendment to the Housing Benefit (Executive Determinations) Regulations

2. In regulation 3(3) (broad rental market area determinations and local housing allowance determinations) of the Housing Benefit (Executive Determinations) Regulations (Northern Ireland) 2008(g) for sub-paragraph (b) substitute—

“(b) for all other purposes on the next 1st April following the day on which the determination is made.”.

(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; 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)
(c) See Article 8(b) of S.R. 1999 No. 481
(d) S.I. 2015/2006 (N.I. 1); These powers are exercisable by the Department for Communities by virtue of Article 2 of the Welfare Reform (Northern Ireland) Order 2015 (Cessation of Transitory Provision) Order 2020 (S.I. 2020/927)
(e) See sections 149(2) and 150(1)(a) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)
(f) 1954 c. 33 (N.I.)
(g) S.R. 2008 No. 100; sub-paragraph (b) was substituted by regulation 2(2) of S.R. 2018 No. 2

Amendment to the Universal Credit Housing Costs (Executive Determinations) Regulations

3. In regulation 3(6) (broad rental market area determinations) of the Universal Credit Housing Costs (Executive Determinations) Regulations (Northern Ireland) 2016(a) for sub-paragraph (b)(b) substitute—

“(b) for all other purposes on the next relevant Monday following the day on which the determination is made.”.

Modification to the Housing Benefit (Executive Determinations) Regulations

4. For the purposes of determining the local housing allowance in 2022, the Schedule (broad rental market area determinations and local housing allowance determinations) to the Housing Benefit (Executive Determinations) Regulations (Northern Ireland) 2008 is to be read as if for paragraph 2(2)(c) (local housing allowance for category of dwelling in paragraph 1) there were substituted—

“(2) For all broad rental market areas the local housing allowance for any category of dwelling is the allowance determined for that category of dwelling on 31st March 2020.”.

Modification to the Universal Credit Housing Costs (Executive Determinations) Regulations

5. For the purposes of determining the local housing allowance in 2022, Schedule 1 (local housing allowance determinations) to the Universal Credit Housing Costs (Executive Determinations) Regulations (Northern Ireland) 2016 is to be read as if for paragraph 2(2)(d) (local housing allowance for category of accommodation in paragraph 1) there were substituted—

“(2) For all broad rental market areas the local housing allowance for any category of accommodation is the allowance determined for that category of accommodation on 31st March 2020.”.

Sealed with the Official Seal of the Department for Communities on 26th January 2022
(L.S.)

Anne McCleary
A senior officer of the Department for Communities

(a) S.R. 2016 No. 222; relevant amending Regulations are S.R. 2018 No.36 and S.R. 2020 No. 53
(b) Sub-paragraph (b) was substituted by regulation 2(2)(a) of S.R. 2018 No. 36
(c) Paragraph (2) was substituted by regulation 4(1)(b) of S.R. 2020 No. 53. Paragraph 2(2) was modified by regulation 2 of S.R. 2020 No. 14 for the purposes of the local housing allowance determinations in 2021
(d) Paragraph (2) was substituted by regulation 4(2)(b) of S.R. 2020 No. 53. Paragraph 2(2) was modified by regulation 3 of S.R. 2020 No. 14 for the purposes of the local housing allowance determinations in 2021

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Housing Benefit (Executive Determinations) Regulations (Northern Ireland) 2008 and the Universal Credit Housing Costs (Executive Determinations) Regulations (Northern Ireland) 2016 to make changes to when Broad Rental Market Area Determinations take effect. It also modifies those Regulations to make provision for the determination of local housing allowances in 2022.

Regulation 2 amends the Housing Benefit (Executive Determinations) Regulations (Northern Ireland) 2008 to provide that a change to a Broad Rental Market Area Determination will take effect from the next 1st April following the day on which the determination is made.

Regulation 3 amends the Universal Credit Housing Costs (Executive Determinations) Regulations (Northern Ireland) 2016 to provide that a change to a Broad Rental Market Area Determination will take effect from the first Monday of the first tax year that follows the day on which the determination is made.

Regulations 4 and 5 modify the aforementioned Regulations in order to provide that, for all broad rental market areas, the local housing allowance for any category of dwelling or accommodation is the allowance determined for that category of dwelling or accommodation on 31st March 2020. The modification will apply for the purposes of determining local housing allowances in 2022.

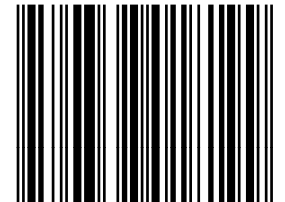
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