

*Status: This version of this part contains provisions that are prospective.*  
**Changes to legislation:** *Welfare Reform Act (Northern Ireland) 2007, PART 2 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*



## 2007 CHAPTER 2

### **PART 2**

#### HOUSING BENEFIT

##### **Local housing allowance**

**30.—**(1) In section 129 of the Contributions and Benefits Act (housing benefit) subsection (4) ceases to have effect.

(2) After that section insert—

##### **“129A Appropriate maximum housing benefit**

(1) For the purposes of section 129 above, the appropriate maximum housing benefit (in this section referred to as “the AMHB”) is determined in accordance with this section.

(2) Regulations must prescribe the manner in which the AMHB is to be determined.

(3) The regulations may provide for the AMHB to be ascertained in the prescribed manner by reference to Executive determinations.

(4) The regulations may make provision as to the circumstances in which, for the purpose of determining the AMHB, the amount of the liability mentioned in section 129(1)(a) above must be taken to be the amount of an Executive determination instead of the actual amount of that liability.

(5) Regulations under subsection (4) above may also make provision for the liability of a person who, by virtue of regulations under section 133(2)(j) below, is treated as having a liability mentioned in section 129(1)(a) above to be the amount of an Executive determination.

*Status: This version of this part contains provisions that are prospective.*

**Changes to legislation:** Welfare Reform Act (Northern Ireland) 2007, PART 2 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(6) An Executive determination is a determination made by the Executive in the exercise of functions under this section or regulations under this section.”.

(3) In Schedule 7 to the 2000 Act (housing benefit: revisions and appeals), in paragraph 4—

(a) in sub-paragraph (1) for “sub-paragraph (4)” substitute “ sub-paragraphs (3) and (3A) ”;

(b) after sub-paragraph (3) insert—

“(3A) Regulations may prescribe the cases and circumstances in which, and the procedure by which, a decision relating to housing benefit must be made by the appropriate relevant authority.”.

#### Commencement Information

- II** S. 30 wholly in operation at 7.4.2008; s. 30 not in operation at Royal Assent see s. 60(1); s. 30(2)(3) in operation for certain purposes at 10.3.2008 by [S.R. 2008/93](#), [art. 2\(a\)](#); s. 30 in operation at 7.4.2008 in so far as not already in operation by [S.R. 2008/93](#), [art. 2\(b\)](#)

PROSPECTIVE

#### Loss of housing benefit following eviction for anti-social behaviour, etc.

**31.**—(1) After section 129A of the Contributions and Benefits Act (inserted by section 30) insert—

##### “129B Loss of housing benefit following eviction on certain grounds

(1) If the following conditions are satisfied, then housing benefit is payable in the case of a person (“the former occupier”) subject to subsection (3) below—

- (a) a court makes a relevant order for possession of a dwelling occupied by him as his home;
- (b) in consequence of the order he ceases to occupy the dwelling;
- (c) the condition in subsection (2) below is satisfied; and
- (d) the conditions for entitlement to housing benefit are or become satisfied with respect to him.

(2) The condition in this subsection is that the former occupier fails, without good cause, to comply with a warning notice served on him by the Executive after he has ceased to occupy the dwelling.

(3) During the restriction period or such part of it as may be prescribed, one or both of the following applies—

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: Welfare Reform Act (Northern Ireland) 2007, PART 2 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (a) the rate of the benefit is reduced in such a manner as may be prescribed;
  - (b) the benefit is payable only if the circumstances are such as may be prescribed.
- (4) The restriction period begins with the earliest date on which the conditions set out in subsections (1) and (2) above are satisfied.
- (5) That period stops running if the Executive considers that the restriction set out in subsection (3) above should no longer apply (whether because the former occupier is taking action to improve his behaviour or for any other reason), but starts running again if the former occupier fails to comply with a further warning notice served on him.
- (6) The restriction period shall not include any period which falls more than five years after the date on which the order for possession was made.
- (7) A former occupier may not be subject to more than one restriction period in respect of one order for possession.
- (8) A warning notice is a notice in the prescribed form—
- (a) requiring the former occupier to take specified action with the aim of ending, or preventing repetition of, the conduct which may lead or has led to the making of a relevant order for possession,
  - (b) specifying the time when, or within which, that action must be taken, and
  - (c) warning the former occupier that if he fails to take the action the amount of housing benefit payable to him would be affected.

### **129C Relevant orders for possession**

- (1) In section 129B above a relevant order for possession is—
- (a) an order made under Article 29 of the Housing (Northern Ireland) Order 1983 (secure tenancies) on ground 2 set out in Schedule 3 to that Order;
  - (b) an order made under Article 13 of the Rent (Northern Ireland) Order 1978 (protected or statutory tenancies) in the circumstances specified in Case 2 in Schedule 4 to that Order.
- (2) For the purposes of subsection (1) above it does not matter whether the order is made on the grounds or in the circumstances there mentioned alone or together with other grounds or circumstances.
- (3) Subsections (4) and (5) below apply if the court—
- (a) stays or suspends the execution of a relevant order for possession, or postpones the date of possession under it, and

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: Welfare Reform Act (Northern Ireland) 2007, PART 2 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(b) imposes a condition (or conditions) on that stay, suspension or postponement.

(4) If a condition relates to the behaviour of a person or persons occupying the dwelling, section 129B(3) above applies only if the order takes effect as a result of a breach of that condition.

(5) Section 129B(3) above does not apply if the condition (or, if there is more than one, each of them) relates only to matters other than the behaviour of a person or persons occupying the dwelling.

### **129D Loss of housing benefit: supplementary**

(1) Regulations may provide that, where housing benefit has been paid subject to the restriction set out in section 129B(3) above, in prescribed circumstances—

- (a) the former occupier must be paid some or all of the amount of the benefit which, by virtue of that subsection, has not been payable to him, and
- (b) such other adjustments must be made as are prescribed.

(2) The Department may by order vary the definition of relevant order for possession by—

- (a) adding to or removing from it orders of a specified description;
- (b) specifying circumstances in which it includes orders of a specified description.

(3) Regulations may prescribe—

- (a) matters which are, or are not, to be taken into account in determining whether a person has, or does not have, good cause for failing to take action specified in a warning notice;
- (b) circumstances in which a person is, or is not, to be regarded as having, or not having, such good cause.

(4) Expressions used in this section and in section 129B above have the meaning given in that section.

### **129E Couples**

(1) This section applies where at any time the conditions for entitlement to housing benefit are satisfied with respect to a person who is a member of a couple.

(2) Where paragraphs (a) and (b) of section 129B(1) above are satisfied in relation to both members of the couple (whether or not in respect of the same dwelling), then for the purposes of subsection (2) of that section, the

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: Welfare Reform Act (Northern Ireland) 2007, PART 2 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

failure by one member of the couple to comply with a warning notice must be treated also as a failure by his partner to comply with it.

(3) Where paragraph (a) of section 129B(1) above is not satisfied in relation to one member of the couple, then subsection (3) of that section does not apply to his partner (even if paragraphs (a), (b) and (c) of section 129B(1) above are satisfied in relation to the partner).

(4) References to a person's partner are to the other member of the couple concerned.

### **129F Information provision**

(1) The Department may by regulations require—

- (a) a court which makes a relevant order for possession, or
- (b) any other person or description of person who the Department thinks is or may be aware of the making of such an order,

to notify the Department of the making of the order and to provide it with such details of matters in connection with the order as may be prescribed.

(2) The Department may provide—

- (a) information obtained under subsection (1) above, or
- (b) information which is relevant to the exercise by the Department of any function relating to housing benefit,

to the Executive, or a person authorised to exercise any function of the Executive relating to services to a former occupier with the aim mentioned in section 129B(8)(a) above, for use in the provision of such services.

(3) The Department may by regulations require—

- (a) the Executive, or
- (b) a person authorised to exercise any function of the Executive relating to services mentioned in subsection (2) above,

to supply relevant information held by the Executive or other person to, or to a person providing services to, the Department for use for any purpose relating to the administration of housing benefit.

(4) The Department may by regulations require—

- (a) the Executive,
- (b) a person authorised to exercise any function of the Executive relating to housing benefit, or
- (c) a person authorised to exercise any function of the Executive relating to services mentioned in subsection (2) above,

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: Welfare Reform Act (Northern Ireland) 2007, PART 2 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

to provide relevant information, held by the Executive or person, to the Executive or person mentioned in paragraph (b) above for use for any purpose relating to the administration of housing benefit.

(5) The Department may by regulations require—

- (a) the Executive,
- (b) a person authorised to exercise any function of the Executive relating to housing benefit, or
- (c) a person authorised to exercise any function of the Executive relating to services mentioned in subsection (2) above,

to provide relevant information, held by the Executive or person, to the Executive or person mentioned in paragraph (c) above for use in the provision of those services.

(6) Relevant information is, if the information is held by the Executive or a person authorised to exercise any function of the Executive—

- (a) information which is relevant to the exercise of any function relating to housing benefit by the Executive or person;
- (b) information which is relevant to the exercise of any function relating to the provision of services mentioned in subsection (2) above.

(7) Information must be supplied under subsection (1), (3), (4) or (5) above in such circumstances, in such manner and form, and in accordance with such requirements, as may be prescribed.

(8) “Relevant order for possession” has the same meaning as in section 129B above.”.

(2) In section 172(2) of that Act (Assembly control)—

- (a) in paragraph (a), after “104(3)” insert “ , 129B(3) ”;
- (b) in paragraph (c), after “35A(7),” insert “ 129D(2), ”.

(3) The preceding provisions of this section have no effect after 31st December 2010.

(4) The Department may by order make such provision as it thinks necessary or expedient in consequence of the operation of subsection (3) for the purpose of securing that, with effect from 1st January 2011, housing benefit to which a person who is a former occupier (within the meaning of section 129B of the Contributions and Benefits Act) is entitled is not subject to any restriction as mentioned in subsection (3) of that section.

### **Housing benefit for persons taking up employment**

**32.—**(1) Subsection (2) applies if a person is entitled to housing benefit (by virtue of the general conditions of entitlement) and—

---

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: Welfare Reform Act (Northern Ireland) 2007, PART 2 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

- (a) he is also entitled to a prescribed benefit or his partner is entitled to such a benefit,
  - (b) he or his partner ceases to be entitled to the prescribed benefit in prescribed circumstances, and
  - (c) the prescribed conditions are satisfied.
- (2) That person is entitled to housing benefit in accordance with this section for a prescribed period.
- (3) Subsection (2) applies whether or not the person would be entitled to housing benefit by virtue of the general conditions of entitlement for the whole or any part of the prescribed period.
- (4) A person who is entitled to housing benefit by virtue of subsection (2) must be treated for all purposes—
- (a) as having made a claim for that benefit, and
  - (b) as having complied with any requirement under or by virtue of any statutory provision in connection with the making of such a claim.
- (5) The amount of housing benefit payable in respect of a person who is entitled to the benefit by virtue of subsection (2) is to be determined in accordance with regulations made for the purposes of this section.
- (6) If an amount of housing benefit is, by virtue of subsection (2), payable in respect of a person for any period, no other amount of housing benefit is (by virtue of the general conditions of entitlement) payable in respect of that person for the same period.
- (7) Regulations may make provision in connection with the effect of a person's entitlement to housing benefit by virtue of subsection (2) on an award of such benefit by virtue of the general conditions of entitlement in respect of that person or his partner.
- (8) Regulations may make provision as to circumstances in which subsection (6) does not apply.
- (9) For the purposes of subsection (1) a person must be treated as entitled to housing benefit by virtue of the general conditions of entitlement if—
- (a) he is not so entitled to that benefit at the time he or his partner ceases to be entitled to the prescribed benefit as mentioned in subsection (1)(b), and
  - (b) his entitlement to housing benefit ceased during the prescribed period before that time.

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: Welfare Reform Act (Northern Ireland) 2007, PART 2 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

#### Commencement Information

- I2** S. 32 wholly in operation at 6.10.2008; s. 32 not in operation at Royal Assent see s. 60(1); s. 32 in operation for certain purposes at 1.7.2008 and wholly in operation at 6.10.2008 by [S.R. 2008/276, art. 2\(1\)](#)

### Section 32: supplemental

**33.—(1)** The administration provisions apply in relation to housing benefit to which a person is entitled by virtue of subsection (2) of section 32 subject to—

- (a) subsection (4) of that section;
- (b) any prescribed modifications of those provisions which the Department thinks are necessary or expedient in connection with such housing benefit.

(2) In this section the administration provisions are—

- (a) the Administration Act;
- (b) any orders or regulations made in pursuance of that Act.

(3) The power to make regulations under this section or section 32 is exercisable by the Department.

(4) Regulations made under this section or section 32 shall be subject to negative resolution.

(5) Where a power under this section or section 32 to make regulations is expressed to be exercisable for alternative purposes it may be exercised in relation to the same case for any or all of those purposes.

(6) Any such power includes power—

- (a) to make such incidental, supplementary, consequential, saving or transitional provision (including provision amending, repealing or revoking statutory provisions) as appears to the Department to be expedient; and
- (b) to provide for a person to exercise a discretion in dealing with any matter.

(7) Any power to make regulations for the purposes of this section or section 32 is without prejudice to any power to make regulations for the purposes of any other statutory provision.

(8) Without prejudice to section 17(5) of the Interpretation Act (Northern Ireland) 1954 (c. 33), any power conferred by this section or section 32 includes power to make different provision for different areas.

(9) Regulations under this section or section 32 relating to housing benefit administered by the Department of Finance and Personnel shall not be made without the consent of that Department.



*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: Welfare Reform Act (Northern Ireland) 2007, PART 2 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(10) Any power to make regulations under this section or section 32, where the power is not expressed to be exercisable with the consent of the Department of Finance and Personnel shall, if that Department so directs, be exercisable only in conjunction with it.

(11) In section 149 of the Administration Act (Social Security Advisory Committee) in subsection (5) in the definition of “the relevant enactments”, before paragraph (b) insert—

“(aj) sections 32 and 33 of the Welfare Reform Act (Northern Ireland) 2007;”.

(12) For the purposes of any statutory provision other than a relevant statutory provision entitlement to housing benefit by virtue of section 32(2) is to be treated as entitlement under section 129 of the Contributions and Benefits Act.

(13) In subsection (12), the relevant statutory provisions are—

- (a) the administration provisions, and
- (b) Part 7 of the Contributions and Benefits Act, except sections 122 and 130(2) and (3).

#### Commencement Information

- I3** S. 33 wholly in operation at 6.10.2008; s. 33 not in operation at Royal Assent see s. 60(1); s. 33 in operation for certain purposes at 1.7.2008 and wholly in operation at 6.10.2008 by [S.R. 2008/276, art. 2\(1\)](#)

#### Sections 32 and 33: interpretation

**34.—**(1) This section has effect for the interpretation of sections 32 and 33.

(2) The general conditions of entitlement are the conditions governing entitlement to housing benefit provided for by Part 7 of the Contributions and Benefits Act.

(3) Partner, in relation to a person, is a person who is a member of the same couple (within the meaning of Part 7 of the Contributions and Benefits Act) as that person.

(4) Prescribed means prescribed by regulations made by the Department.

#### Commencement Information

- I4** S. 34 wholly in operation at 6.10.2008; s. 34 not in operation at Royal Assent see s. 60(1); s. 34 in operation for certain purposes at 1.7.2008 and wholly in operation at 6.10.2008 by [S.R. 2008/276, art. 2\(1\)](#)

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: Welfare Reform Act (Northern Ireland) 2007, PART 2 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

PROSPECTIVE

### Payment of housing benefit

**35** In section 126 of the Administration Act (arrangements for housing benefit), for subsection (2) substitute—

“(2) Housing benefit is to be paid in such manner as is prescribed, and regulations may, in particular, provide for—

- (a) a payment or payments by the Housing Executive or the Department of Finance and Personnel, as the case may be, to the person entitled to it (E), to some other person on E's behalf or in respect of a liability which E has,
- (b) a reduction in the amount of any payments which E is liable to make to the Housing Executive or the Department of Finance and Personnel, as the case may be, by way of rent or rates, or
- (c) such a payment or payments and such a reduction.

(2A) In any statutory provision (whenever passed or made) “pay” in relation to housing benefit includes discharge in any manner prescribed under subsection (2) above.

(2B) Subsection (2) above does not affect any power under section 5 above to make provision in relation to the payment of benefit.”

### Directions by Department

**36.**—(1) Section 128D of the Administration Act (power to give directions) is amended in accordance with subsections (2) to (6).

(2) In subsection (2) for “invite” substitute “ require ”.

(3) After subsection (2) insert—

“(2A) A requirement under subsection (2) above may specify—

- (a) any information or description of information to be provided;
- (b) the form and manner in which the information is to be provided.

(2B) The Housing Executive must respond to a requirement under subsection (2) above before the end of such period (not less than one month after the day on which the requirement is made) as the Department specifies in the requirement.

(2C) The Department may extend the period specified under subsection (2B) above.”

(4) For subsection (3) substitute—

“(3) After considering—

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: Welfare Reform Act (Northern Ireland) 2007, PART 2 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (a) the report,
- (b) any proposals made by the Housing Executive in response to it, and
- (c) any other information the Department thinks is relevant,

the Department may give directions to the Housing Executive under subsection (3A) or (3B) below or both.

(3A) Directions under this subsection are directions as to—

- (a) standards which the Housing Executive is to attain in the prevention and detection of fraud relating to housing benefit or otherwise in the administration of that benefit;
- (b) the time within which the standards are to be attained.

(3B) Directions under this subsection are directions to take such action as the Department thinks necessary or expedient for the purpose of improving the Housing Executive's exercise of its functions—

- (a) in relation to the prevention and detection of fraud relating to housing benefit;
- (b) otherwise in relation to the administration of that benefit.

(3C) A direction under subsection (3B) above may specify the time within which anything is to be done.”.

(5) In subsection (4), for “subsection (3)” substitute “ subsection (3A) ”.

(6) After subsection (4) add—

“(5) If the Department proposes to give a direction under this section it must give the Housing Executive an opportunity to make representations about the proposed direction.

(6) The Department may specify a period within which representations mentioned in subsection (5) above must be made.

(7) The Department may extend a period specified under subsection (6) above.

(8) Subsections (5) to (7) above do not apply if the Department thinks that it is necessary for a direction to be given as a matter of urgency.

(9) If the Department acts under subsection (8) above it must give in writing to the Housing Executive its reasons for doing so.”.

(7) After section 128D of that Act insert—

**“128DA Directions: variations and revocation**

(1) The Department may at any time in accordance with this section vary or revoke a direction under section 128D above.

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: Welfare Reform Act (Northern Ireland) 2007, PART 2 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (2) A direction may be varied or revoked only if the Department thinks it is necessary to do so—
- (a) in consequence of representations made by the Housing Executive,
  - (b) to rectify an omission or error, or
  - (c) in consequence of a material change in circumstances.
- (3) The Department must not vary a direction unless it first—
- (a) sends a copy of the proposed variation to the Housing Executive,
  - (b) gives the Housing Executive its reasons for making the variation, and
  - (c) gives the Housing Executive an opportunity to make representations about the proposed variation.
- (4) The Department may specify a period of not less than one month within which representations mentioned in subsection (3)(c) above must be made.
- (5) The Department may extend a period specified under subsection (4) above.”.

### **Minor and consequential amendments relating to Part 2**

**37** Schedule 5 (which makes miscellaneous minor amendments and amendments consequential on this Part) has effect.

#### **Commencement Information**

- I5** S. 37 partly in operation; s. 37 in operation for certain purposes at 29.6.2007 see s. 60(1)(2)  
(b); s. 37 in operation for certain purposes at 1.4.2008 by [S.R. 2008/147](#), [art. 2\(c\)](#)

**Status:**

This version of this part contains provisions that are prospective.

**Changes to legislation:**

Welfare Reform Act (Northern Ireland) 2007, PART 2 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(3)(za) inserted by [S.I. 2015/2006 \(N.I.\) art. 67\(2\)](#)
- s. 1(3B) inserted by [S.I. 2015/2006 \(N.I.\) art. 67\(3\)](#)
- s. 14(5) added by [2010 c. 13 \(N.I.\) s. 25\(2\)](#)
- s. 14(5) amendment to earlier affecting provision [2010 c. 13 \(N.I.\) s. 25\(2\)](#) by [S.I. 2015/2006 \(N.I.\) art. 60\(7\)](#)
- s. 14(5) words substituted by [S.R. 2016/76 Sch. 6 para. 56\(b\)](#)
- Sch. 1 para. 6(1)(da) inserted by [2010 c. 13 \(N.I.\) s. 5\(2\)\(a\)](#)
- Sch. 1 para. 6(2A) inserted by [2010 c. 13 \(N.I.\) s. 5\(2\)\(b\)](#)
- Sch. 2 para. 4B inserted by [S.I. 2015/2006 \(N.I.\) art. 67\(4\)](#)
- Sch. 3 para. 12(4)(5) repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)