
STATUTORY RULES OF NORTHERN IRELAND

2012 No. 157

**The Housing Benefit (Executive Determinations)
(Amendment) Regulations (Northern Ireland) 2012**

Amendment of the Housing Benefit (Executive Determinations) Regulations

2.—(1) The Housing Benefit (Executive Determinations) Regulations (Northern Ireland) 2008⁽¹⁾ are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2(1) (interpretation) before the definition of “broad rental market area” insert—
““applicable consumer prices index” in relation to any year means the consumer prices index of annual inflation as at September of that year published by the Office of National Statistics ⁽²⁾”.

(3) In regulation 3 (broad rental market area determinations and local housing allowance determinations)—

(a) in paragraph (1) for “On 20th March 2008 and so often thereafter as the Executive considers appropriate, the Executive shall” substitute “At such times as the Executive considers appropriate, the Executive shall, if the Department agrees”;

(b) for paragraph (2) substitute—

“(2) In 2012, and in each subsequent year, no more than 20 working days after the applicable consumer prices index is published, the Executive shall for each broad rental market area determine, in accordance with the Schedule, a local housing allowance for each of the categories of dwelling set out in paragraph 1 of the Schedule.”; and

(c) for paragraph (3) substitute—

“(3) Any broad rental market area determination made in accordance with paragraph (1) shall take effect—

(a) on the day the determination is made for the purpose of enabling the Executive to determine a local housing allowance for that area; and

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

(3A) Any local housing allowance determination made in accordance with paragraph (2) shall take effect on the next 1st April following the day on which the determination is made.”.

(4) In the Schedule (broad rental market area determinations and local housing allowance determinations)—

(a) in paragraph 1(1)⁽³⁾ (categories of dwelling) for “regulation 3(2)(a)” substitute “regulation 3(2)”;

⁽¹⁾ S.R. 2008 No.100; relevant amending Regulations are S.R. 2011 No. 51

⁽²⁾ The Consumer Prices Index figure is published on the website of the Office for National Statistics (www.ons.gov.uk)

⁽³⁾ To which there is an amendment not relevant to these Regulations

- (b) in paragraph 2(4) (local housing allowance for category of dwelling in paragraph 1)—
- (i) after sub-paragraph (1) insert—
- “(1A) Subject to sub-paragraph (12), the local housing allowance for a category of dwelling is—
- (a) the rent at the 30th percentile determined in accordance with sub-paragraphs (2) to (10) where that does not exceed the amount determined in accordance with sub-paragraph (11); or
- (b) in any other case, the amount determined in accordance with sub-paragraph (11).”;
- (ii) omit sub-paragraph (9), and
- (iii) for sub-paragraphs (11) and (12) substitute—
- “(11) The amount to be determined by the Executive for the purposes of sub-paragraph (1A) is as follows—
- (a) where the applicable consumer prices index is a positive number, the local housing allowance last determined for that category of dwelling multiplied by the factor “M”; or
- (b) where the applicable consumer prices index is a negative number or zero, the local housing allowance last determined for that category of dwelling.
- (12) Where the local housing allowance would otherwise not be a whole number of pence, it must be rounded to the nearest whole penny by disregarding any amount less than half a penny and treating any amount of half a penny or more as a whole penny.
- (13) In this paragraph the factor “M” is determined as follows—
- $$M = 1 + (CPI/100)$$
- where “CPI” is the applicable consumer prices index in relation to the year in which the determination is made.”.

(4) Sub-paragraph (9) was substituted, sub-paragraph (11) amended and sub-paragraph (12) added by regulation 4(3)(b) of [S.R. 2011 No. 51](#)