
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend a number of different regulations relating to social security.

Regulations 2(3), 3(4) and 5 amend the Income Support (General) Regulations (Northern Ireland) 1987 (“the Income Support Regulations”), the Jobseeker’s Allowance Regulations (Northern Ireland) 1996 (“the Jobseeker’s Allowance Regulations”) and the State Pension Credit Regulations (Northern Ireland) 2003. In specified circumstances a deduction will be made to the amount of housing costs payable to a claimant where a non-dependant person is living in their home. At present, income-related employment and support allowance at the assessment phase rate paid to a non-dependant person aged under 25 living in the claimant’s home is taken into account when calculating the claimant’s entitlement to housing costs for income support, jobseeker’s allowance and state pension credit, but not for employment and support allowance or housing benefit. This amendment ensures that this type of payment will not be taken into account when calculating housing costs for all income-related benefits.

Regulations 2(2), 3(2) and 8 amend the Income Support Regulations, the Jobseeker’s Allowance Regulations, and the Employment and Support Allowance Regulations (Northern Ireland) 2008 (“the Employment and Support Allowance Regulations”). In general any payment by a relevant member of the claimant’s family (“a Liable Relative Payment”) to a third party will be taken into account when calculating the claimant’s eligibility for an income-related benefit. In other provisions in the Income Support Regulations, Jobseeker’s Allowance Regulations and Employment and Support Allowance Regulations payments made to third parties for rent or rates for which housing benefit is payable is disregarded where it is not a Liable Relative Payment. The amendments provide for the disregard of a Liable Relative Payment for rent or rates in respect of a claimant’s dwelling made directly to a third party and for which housing benefit is payable to ensure consistency with the other provisions in the relevant Regulations.

Regulation 3(3) also provides for amendments to the Jobseeker’s Allowance Regulations to exclude certain resources available in respect of children or young persons in the claimant’s family or household from being required to be taken into account in determining whether that person will suffer hardship.

Regulation 4 amends the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999. The provision being amended relates to when changes of circumstances relating to income take effect in relation to awards of state pension credit. The first amendment ensures that the change in circumstances takes effect from the first day of the benefit week in which the change occurs (or if not practicable, from the first day of the next following benefit week) where the change relates to the income of the claimant’s partner as well as the claimant’s income. The second amendment ensures that where a claimant or their partner receives a disability living allowance (middle or higher rate care component) or attendance allowance again after a period in a NHS hospital or a hospital run by the Defence Council, that change also takes effect from that day.

Regulation 6(3)(a) amends the Housing Benefit Regulations (Northern Ireland) 2006 (“the Housing Benefit Regulations”) to provide that people who are entitled to employment and support allowance credits only can also in certain circumstances be entitled to Housing Benefits.

Regulations 6(2) and 7(2) amend the Housing Benefit Regulations and the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006 (“the Housing Benefit (State Pension Credit) Regulations”) to make provision for certain prisoners who are required to live away from their home as a condition of their bail and

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prisoners who have not been sentenced but have been detained, to continue to receive Housing Benefit.

Regulation 7(3) amends the Housing Benefit (State Pension Credit) Regulations to provide that payments of arrears of Social Fund as capital are disregarded.

Regulation 9 makes consequential revocations.

In so far as these Regulations are required, for the purposes of regulations 6 and 7, to be referred to the Social Security Advisory Committee under section 149(2) of the Social Security Administration (Northern Ireland) Act 1992, after agreement by the Social Security Advisory Committee, they have not been so referred by virtue of section 150(1)(b) of that Act. Otherwise they 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, that Act, are not subject to the requirement of section 149(2) or, as the case may be, (2A) of that section for prior reference to the Social Security Advisory Committee or the Industrial Injuries Advisory Council.