

2016 No. 44

SOCIAL SECURITY

**The Social Security (Housing Costs Amendments) Regulations
(Northern Ireland) 2016**

Made - - - - - *12th February 2016*

Coming into operation- - - - - *1st April 2016*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 122(1)(a), 131(1) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a), Articles 6(5) and 36(2) of the Jobseekers (Northern Ireland) Order 1995(b), and now vested in it(c), and section 4(2)(a) and 25(2) of the Welfare Reform Act (Northern Ireland) 2007(d).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Housing Costs Amendments) Regulations (Northern Ireland) 2016 and shall come into operation on 1st April 2016.

(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 Income Support (General) Regulations

2.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(f) are amended in accordance with paragraph (2), subject to regulation 6 (saving provision).

(2) In Schedule 3(g) (housing costs)—

- (a) in paragraph 1(2)(h) (housing costs) omit the definition of “existing housing costs” and “new housing costs”;
- (b) omit paragraph 6(i) (existing housing costs);

(a) 1992 c. 7; Section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)
(b) S.I. 1995/2705 (N.I. 15); Article 36(2) was amended by paragraph 55 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S. I. 1999/671)
(c) See Article 8(b) of S.R. 1999 No. 481
(d) 2007 c. 2 (N.I.)
(e) 1954 c. 33 (N.I.)
(f) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1995 Nos. 301 and 434, S.R. 1996 No. 199, S.R. 1997 No. 435, S.R. 1998 No. 324, S.R. 1999 No. 315, S.R. 2001 Nos. 78 and 406, S.R. 2002 No. 128, S.R. 2004 No. 461, S.R. 2006 No. 359 and S.R. 2008 Nos. 286 and 503
(g) Schedule 3 was substituted by Schedule 1 to S.R. 1995 No. 301 and modified in relation to certain cases by regulation 9 of S.R. 2008 No. 503; S.R. 2008 No. 503 is revoked by regulation 5(1) of these Regulations subject to regulation 5(2) and regulation 6 (savings)
(h) Paragraph 1(2) was amended by regulation 2(3)(a)(i) of S.R. 1995 No. 434 and regulation 2(a) of S.R. 2004 No. 461
(i) Paragraph 6 was amended by regulation 2(3)(d) of S.R. 1995 No. 434, regulation 2(3) and (4) of S.R. 1997 No. 435 and regulation 12(11)(d) of S.R. 2008 No. 286

- (c) omit paragraph 7(a) (transitional protection);
- (d) in paragraph 8 (new housing costs)—
 - (i) for the heading substitute “Housing costs”,
 - (ii) in sub-paragraphs (1)(b) and (1A)(c) omit “new”, and
 - (iii) omit sub-paragraphs (2)(d) to (5);
- (e) in paragraph 9 (general exclusions from paragraphs 6 and 8)—
 - (i) in the heading for “paragraphs 6 and 8” substitute “paragraph 8”, and
 - (ii) in sub-paragraph (1) for “Paragraphs 6 and 8” substitute “Paragraph 8”;
- (f) in paragraph 10(e) (the calculation for loans) for “existing housing costs or, as the case may be, new housing costs” substitute “housing costs”;
- (g) in paragraph 11 (general provisions applying to new and existing housing costs)—
 - (i) in the heading omit “new and existing”, and
 - (ii) omit sub-paragraphs (2) and (3)(f);
- (h) in paragraph 13(9) (excessive housing costs) for “paragraphs 6 and 8” substitute “paragraph 8”; and
- (i) in paragraph 14 (linking rule)—
 - (i) in sub-paragraph (3AA)(a)(g) for “paragraph 6(1) or 8(1) (existing and new housing costs)” substitute “paragraph 8(1) (housing costs)”,
 - (ii) omit sub-paragraph (9)(a)(h), and
 - (iii) in sub-paragraph (13)(i) omit “6(1)(a), 6(1)(b) or”.

Amendment of the Jobseeker’s Allowance Regulations

3.—(1) The Jobseeker’s Allowance Regulations (Northern Ireland) 1996(j) are amended in accordance with paragraph (2), subject to regulation 6 (savings provision).

(2) In Schedule 2(k) (housing costs)—

- (a) in paragraph 1(2)(l) (housing costs) omit the definition of “existing housing costs” and “new housing costs”;
- (b) omit paragraph 6(m) (existing housing costs);
- (c) in paragraph 7 (new housing costs)—
 - (i) for the heading substitute “Housing costs”,
 - (ii) in sub-paragraphs (1) and (2)(n) omit “new”, and

-
- (a) Paragraph 7 was amended by regulation 2(3)(e) of S.R. 1995 No. 434, regulation 8(4)(a) of S.R. 1998 No. 324 and regulation 5(6)(b) and (7)(c) of S.R. 2006 No. 359
 - (b) Sub-paragraph (1) was amended by regulation 2(3)(f)(i) of S.R. 1995 No. 434
 - (c) Sub-paragraph (1A) was inserted by regulation 2(3)(f)(ii) of S.R. 1995 No. 434 and amended by regulation 2(5) of S.R. 1997 No. 435
 - (d) Sub-paragraph (2)(a) was substituted by regulation 24(a) of S.R. 1996 No. 199
 - (e) Paragraph 10 was substituted by regulation 2(1) of S.R. 2001 No. 406 and amended by regulation 2(b) of S.R. 2004 No. 461
 - (f) Sub-paragraph (3) was amended by regulation 2(3)(g)(ii) of S.R. 1995 No. 434
 - (g) Sub-paragraph (3AA) was inserted by regulation 2(1)(b) of S.R. 1999 No. 315 and amended by regulation 5(6)(b) of S.R. 2006 No. 359
 - (h) Sub-paragraph (9)(a) was amended by regulation 2(3)(i)(vi) of S.R. 1995 No. 434
 - (i) Sub-paragraph (13) was added by regulation 6(c) of S.R. 2001 No. 78 and amended by regulation 5 of S. R. 2002 No. 128
 - (j) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1996 Nos. 356 and 358, S.R. 1997 No. 435, S.R. 1999 No. 315, S.R. 2000 No. 350, S.R. 2001 Nos. 78 and 406, S.R. 2002 No. 128, S.R. 2004 No. 461, S.R. 2006 No. 359 and S.R. 2008 Nos. 286 and 503
 - (k) Schedule 2 was modified in relation to certain cases by regulation 10 of S.R. 2008 No. 503; S.R. 2008 No. 503 is revoked by regulation 5(1) of these Regulations subject to regulation 5(2) and regulation 6 (savings)
 - (l) Paragraph 1(2) was amended by regulation 3(a)(i) of S.R. 2004 No. 461
 - (m) Paragraph 6 was amended by regulation 5(3) and (4) of S.R. 1997 No. 435, paragraph 54(5) of Schedule 2 to S.R. 2000 No. 350 and by regulation 19(25)(c) of S.R. 2008 No. 286
 - (n) Sub-paragraph (2) was amended by regulation 5(5) of S.R. 1997 No. 435

- (iii) omit sub-paragraphs (3) to (7)(a);
- (d) in paragraph 8 (general exclusions from paragraphs 6 and 7)—
 - (i) in the heading for “paragraphs 6 and 7” substitute “paragraph 7”, and
 - (ii) in sub-paragraph (1) for “Paragraphs 6 and 7” substitute “Paragraph 7”;
- (e) in paragraph 9(b) (the calculation for loans) for “existing housing costs or, as the case may be, new housing costs” substitute “housing costs”;
- (f) in paragraph 10 (general provisions applying to new and existing housing costs)—
 - (i) in the heading omit “new and existing”, and
 - (ii) omit sub-paragraphs (1) and (2);
- (g) in paragraph 12(9) (excessive housing costs) for “paragraphs 6 and 7 (existing and new housing costs)” substitute “paragraph 7 (housing costs)”;
- (h) in paragraph 13 (linking rule)—
 - (i) in sub-paragraph (4A)(a)(c) for “paragraph 6(1) or 7(1) (existing and new housing costs)” substitute “paragraph 7(1) (housing costs)”,
 - (ii) omit sub-paragraph (11)(a), and
 - (iii) in sub-paragraph (15)(d) omit “6(1)(a), 6(1)(b) or”; and
- (i) in paragraph 18(e) (continuity with Income Support or income-related employment and support allowance) omit sub-paragraph (1)(a).

Amendment of the Employment and Support Allowance Regulations

4.—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008(f) are amended in accordance with paragraph (2), subject to regulation 6 (saving provision).

(2) In Schedule 6(g) (housing costs)—

- (a) in paragraph 1(2) (housing costs) omit the definition of “existing housing costs” and “new housing costs”;
- (b) omit paragraph 8 (existing housing costs);
- (c) in paragraph 9 (new housing costs)—
 - (i) for the heading substitute “Housing costs”,
 - (ii) in sub-paragraphs (1) and (2) omit “new”, and
 - (iii) omit sub-paragraphs (4) to (7);
- (d) in paragraph 10 (general exclusions from paragraphs 8 and 9)—
 - (i) in the heading for “paragraphs 8 and 9” substitute “paragraph 9”, and
 - (ii) in sub-paragraph (1) for “Paragraphs 8 and 9” substitute “Paragraph 9”;
- (e) in paragraph 11 (the calculation for loans) for “existing housing costs or, as the case may be, new housing costs” substitute “housing costs”;
- (f) in paragraph 12 (general provisions applying to new and existing housing costs)—
 - (i) in the heading omit “new and existing”, and
 - (ii) omit sub-paragraphs (1) and (2);

(a) Sub-paragraph (5) was amended by regulation 17 of S.R. 1996 No. 356
 (b) Paragraph 9 was substituted by regulation 2(2) of S.R. 2001 No. 406 and amended by regulation 3(b) of S.R. 2004 No. 461
 (c) Sub-paragraph (4A) was inserted by regulation 2(2)(b) of S.R. 1999 No. 315 and amended by regulation 13(12)(b) of S.R. 2006 No. 359
 (d) Sub-paragraph 15 was inserted by regulation 12(b)(iii) of S.R. 2001 No. 78 and amended by regulation 5 of S.R. 2002 No. 128
 (e) Paragraph 18 was amended by regulation 29(7) of S.R. 1996 No. 358 and regulation 19(25)(g) of S.R. 2008 No. 286
 (f) S.R. 2008 No. 280; relevant amending Regulations are S.R. 2008 No. 503
 (g) Schedule 6 was modified in relation to certain cases by regulation 11 of S.R. 2008 No. 503; S.R. 2008 No. 503 is revoked by regulation 5(1) of these Regulations subject to regulation 5(2) and regulation 6 (savings)

- (g) in paragraph 14(9) (excessive housing costs) for “paragraphs 8 and 9” substitute “paragraph 9”;
- (h) in paragraph 15 (linking rules)—
 - (i) in sub-paragraph (6)(a) omit “8(1) or”,
 - (ii) omit sub-paragraph (14)(a), and
 - (iii) in sub-paragraph (18) omit “8(1)(a) or (b) or”;
- (i) in paragraph 20 (continuity with income support, an income-based jobseeker’s allowance or state pension credit) omit sub-paragraph (1)(a).

Revocation

5.—(1) The Social Security (Housing Costs Special Arrangements) (Amendment and Modification) Regulations (Northern Ireland) 2008(a) are revoked, subject to sub-paragraph (2) and regulation 6 (saving provision).

(2) The following provisions (which are relevant to the capital limit for eligible loans and the limitation applicable to eligible loans in the case of a jobseeker’s allowance) are not revoked—

- (a) regulation 1 (citation, commencement and interpretation);
- (b) regulation 3 (application);
- (c) regulation 4(c) (modification of the Income Support Regulations);
- (d) regulations 5(a) and (d) (modification of the Jobseeker’s Allowance Regulations);
- (e) regulation 6(c) (modification of the Employment and Support Allowance Regulations);
- (f) regulation 8 (application and interpretation);
- (g) regulation 9(f)(iii) (modification of the Income Support Regulations);
- (h) regulations 10(b) and (g)(iii) (modification of the Jobseeker’s Allowance Regulations);
- (i) regulation 11(f)(iii) (modification of the Employment and Support Allowance Regulations); and
- (j) regulation 12 (modifications relating to certain persons who claim State Pension Credit).

(3) The provisions specified in column (1) of the Schedule are revoked to the extent specified in column (3).

Saving provision

6.—(1) This regulation applies to a person (“P”) where, for the purpose of determining whether P’s entitlement to a relevant benefit includes an amount for housing costs, the Department determines that P is entitled or required to be treated as entitled to one or more relevant benefits for a continuous period which includes 31st March 2016.

(2) Where this regulation applies to P, the provisions of—

- (a) Schedule 3 to the Income Support (General) Regulations (Northern Ireland) 1987;
- (b) Schedule 2 to the Jobseeker’s Allowance Regulations (Northern Ireland) 1996; and
- (c) Schedule 6 to the Employment and Support Allowance Regulations (Northern Ireland) 2008,

as modified by the Social Security (Housing Costs Special Arrangements) (Amendment and Modification) Regulations (Northern Ireland) 2008 are to have effect in relation to P as if the amendments made by regulations 2 to 4 of these Regulations and the revocation made by regulation 5(1) had not been made.

(3) In this regulation, “relevant benefit” means—

(a) S.R. 2008 No. 503; as amended by S.R. 2009 No. 426, S.R. 2010 No. 340 and S.R. 2011 No. 357

- (a) income support under the Income Support (General) Regulations (Northern Ireland) 1987;
- (b) a jobseeker's allowance under the Jobseeker's Allowance Regulations (Northern Ireland) 1996; and
- (c) an employment and support allowance under Part 1 of the Welfare Reform Act (Northern Ireland) 2007.

Sealed with the Official Seal of the Department for Social Development on 12th February 2016

(L.S.)

Anne McCleary
A senior officer of the Department for Social Development

SCHEDULE

Regulation 5

Revocations

<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>
<i>Citation</i>	<i>Reference</i>	<i>Extent of revocation</i>
The Social Security (Income Support and Adjudication) (Amendment) Regulations (Northern Ireland) 1995	S.R. 1995 No. 434	Regulations 2(3)(a)(i), (d), (e) and (g)(ii)
The Income Support (General) (Jobseeker's Allowance Consequential Amendments) Regulations (Northern Ireland) 1996	S.R. 1996 No. 199	Regulation 24(a)
The Jobseeker's Allowance (Amendment) Regulations (Northern Ireland) 1996	S.R. 1996 No. 356	Regulation 17
The Social Security (Miscellaneous Amendments No. 4) Regulations (Northern Ireland) 1997	S.R. 1997 No. 435	Regulations 2(3) and (4) and 5(3) and (4)
The Social Security (Welfare to Work) Regulations (Northern Ireland) 1998	S.R. 1998 No. 324	Regulation 8(4)(a)
The Jobseeker's Allowance (Joint Claims) Regulations (Northern Ireland) 2000	S.R. 2000 No. 350	Paragraph 54(5) of Schedule 2
The Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2002	S.R. 2002 No. 128	Regulation 5
The Social Security (Housing Costs Amendments) Regulations (Northern Ireland) 2004	S.R. 2004 No. 461	Regulations 2(a)(i) and 3(a)(i)
The Social Security (Miscellaneous Amendments No. 4) Regulations (Northern Ireland) 2006	S.R. 2006 No. 359	Regulation 5(7)(c)
The Employment and Support Allowance (Consequential Provisions) Regulations (Northern Ireland) 2008	S.R. 2008 No. 286	Regulations 12(11)(d) and 19(25)(c)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Income Support (General) Regulations (Northern Ireland) 1987, the Jobseeker's Allowance Regulations (Northern Ireland) 1996 and the Employment and Support Allowance Regulations (Northern Ireland) 2008 to increase the waiting period before housing costs (including help with mortgage interest) can be met to 39 weeks from 13 weeks (regulations 2 to 4). This is subject to savings for certain claimants (regulation 6).

Regulation 5 revokes provisions in the Social Security (Housing Costs Special Arrangements) (Amendment and Modification) Regulations (Northern Ireland) 2008 ("Special Arrangements Regulations"), except for those that are relevant to the capital limit for eligible loans, the 104 week limit applicable to eligible loans in the case of a jobseeker's allowance and the modifications relating to claimants of state pension credit. This is also subject to savings (regulation 6).

The 13 week waiting period introduced by the Special Arrangements Regulations is saved in respect of claimants who are in a waiting period for housing costs on 31st March 2016 (regulation 6).

The Special Arrangements Regulations modified the provisions relating to the housing costs that can be met by income support, jobseeker's allowance or an employment and support allowance by:

- reducing the 26 week or the 39 week waiting period before housing costs may be met to 13 weeks;
- providing that the maximum appropriate amount for qualifying loans was £200,000 instead of £100,000
- providing that no amount may be met in respect of interest on a qualifying loan where a jobseeker's allowance claimant has been in receipt of interest on a qualifying loan for 104 weeks except where the person was previously entitled to income support or an employment and support allowance within a period of 12 weeks or less; and
- modifying the State Pension Credit Regulations (Northern Ireland) 2003 (S.R. 2003 No. 28) with the result that the maximum appropriate amount for qualifying loans was £200,000 in the case of some claimants who had previously been awarded income support, a jobseeker's allowance or an employment and support allowance.

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

© Crown copyright 2016

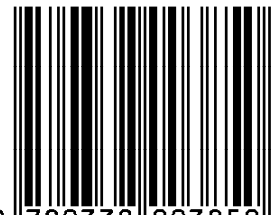
Printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office being the Government Printer for Northern Ireland and the Officer appointed to print Acts of the Northern Ireland Assembly.

£6.00

NI2016021210 02/2016 19585

<http://www.legislation.gov.uk/id/nisr/2016/44>

ISBN 978-0-33-800385-0



9 780338 003850