

2011 No. 293

HOUSING

**The Housing Benefit (Amendment No. 2) Regulations
(Northern Ireland) 2011**

Made - - - - *18th August 2011*

Coming into operation - *1st January 2012*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 122(1)(d), 129A(2) to (4), and 171(1), (3) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a) and now vested in it(b).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (Amendment No. 2) Regulations (Northern Ireland) 2011 and shall come into operation on 1st January 2012.

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

Amendment of the Housing Benefit Regulations

2.—(1) The Housing Benefit Regulations (Northern Ireland) 2006(d) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2 (interpretation)—

(a) in paragraph (1) in the definition of “young individual”(e)—

(i) for “25 years” substitute “35 years”;

(ii) at the end of paragraph (c) omit “or”, and

(iii) after paragraph (d) add—

“or

(e) who has attained the age of 25 years and to whom paragraph (1A), (1C) or both apply;”;

(b) after paragraph (1) insert—

“(1A) This paragraph applies to a claimant if—

(a) he has, for a total of at least 3 months (whether or not continuously), occupied as his home one or more hostels for homeless people; and

(a) 1992 c. 7; section 129A was inserted by section 30(2) of the Welfare Reform Act (Northern Ireland) 2007 (c. 2 (N.I.)) and section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)

(b) See Article 8(b) of S.R. 1999 No. 481

(c) 1954 c. 33 (N.I.)

(d) S.R. 2006 No. 405; relevant amending Regulations are S.R. 2011 No. 51

(e) The definition of “young individual” was amended by regulation 2(2)(b) of S.R. 2011 No. 51

- (b) while occupying such a hostel, he has been offered and has accepted support services with a view to assisting him to be rehabilitated or resettled within the community.

(1B) For the purposes of determining whether a claimant meets the condition in paragraph (1A)(a), “hostel for homeless people” means a hostel, as defined in paragraph (1), the main purpose of which is to provide accommodation together with care, support or supervision for homeless people with a view to assisting such persons to be rehabilitated or resettled within the community.

(1C) This paragraph applies to a claimant if he is the subject of risk management pursuant to arrangements established under Part 3 of the Criminal Justice (Northern Ireland) Order 2008(a) (risk assessment and management).”.

(3) In regulation 13D(b) (transitional protection–reduction in LHA)—

- (a) in paragraph (4) for “Where” substitute “Subject to paragraph (4A), where”; and
- (b) after paragraph (4) insert—

“(4A) Where on the date when the eligible rent ceases to apply because of paragraph (3)(a), the claimant is a young individual who has attained the age of 25 years—

- (a) the eligible rent will be the maximum rent (LHA) which would apply if the relevant authority were to determine one by reference to that date; but
- (b) the LHA date for the purposes of regulation 14C will remain the date by reference to which the local housing allowance used in the determination referred to in paragraph (1)(b) was identified.”.

Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations

3.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(c) are amended in accordance with paragraphs (2) to (5).

(2) In regulation 2(1) (interpretation) omit the definition of “young individual”.

(3) In regulation 15(3) (decisions)—

- (a) in paragraph (a) for “, 4 or 5” substitute “or 4” and at the end add “or”;
- (b) at the end of paragraph (b) omit “or”; and
- (c) omit paragraph (c).

(4) In Schedule 2(d) (decisions of rent payable) omit paragraph 5.

(5) In Schedule 3 (excluded tenancies) in paragraph 2(3)(e) omit head (e).

Sealed with the Official Seal of the Department for Social Development on 18th August 2011

(L.S.)

Anne McCleary

A senior officer of the Department for Social Development

(a) S.I. 2008/1216 (N.I. 1)
(b) Regulation 13D was inserted by regulation 2(4) of S.R. 2011 No. 51
(c) S.R. 2006 No. 406
(d) To which there are amendments not relevant to these Regulations
(e) To which there is an amendment not relevant to these Regulations

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Housing Benefit Regulations (Northern Ireland) 2006 and the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006.

Where a claimant in the private rented sector falls within the definition of “young individual”, their housing benefit is limited to the rate applicable to a room in shared accommodation (rather than the rate applicable to one-bedroom self-contained accommodation), unless they benefit from an exemption.

Regulation 2(2) amends the Housing Benefit Regulations (Northern Ireland) 2006 so as to extend the definition of “young individual” in regulation 2(1) to include single claimants who are under the age of 35, rather than 25 as at present, and provides for exemptions from the extension of the age range for certain homeless people and for certain offenders subject to risk management where there is a risk of serious harm to the public.

Regulation 2(3) amends regulation 13D, which provides for a period of up to 9 months during which certain existing beneficiaries are protected from reductions to housing benefit in the private rented sector introduced by the Housing Benefit (Amendment) Regulations (Northern Ireland) 2011. Regulation 13D provides that, at the end of that period, most claimants’ housing benefit will revert to the rate that would have been set but for this transitional protection. The amendment to regulation 13D provides that existing claimants who fall within the definition of “young individual” as a result of these Regulations (single claimants who have attained the age of 25 but who are under 35) will change to the rate applicable to a room in shared accommodation at the end of the 9 month period. The date at which their housing benefit subsequently falls to be reassessed will not change.

Regulation 3 omits redundant provisions relating to a young individual from the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006.

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.

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