STATUTORY RULES OF NORTHERN IRELAND

2017 No. 176

SOCIAL SECURITY

The Loans for Mortgage Interest Regulations (Northern Ireland) 2017

Made - - - -	*30th August 2017*
Laid - - - -	*5th September 2017*
Coming into operation	*20th October 2017*

The Secretary of State in exercise of the powers conferred by sections 122(1)(a), 131(1), 133(1) and (2)(d) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 [F1], Articles 2(2), 6(5) and 36(2) of the Jobseekers (Northern Ireland) Order 1995 [F2], sections 2(3)(b), 17(1) and 19(1) to (3) of the State Pension Credit Act (Northern Ireland) 2002 [F3], sections 4(2)(a), 24(1) and 25(2)(a) of, the Welfare Reform Act (Northern Ireland) 2007 [F4], Articles 16(3) and (4) and 48(2)(a) of, and paragraph 1(1) of Schedule 6 to the Welfare Reform (Northern Ireland) Order 2015 [F5] and Articles 13, 14, 16 and 22 of the Welfare Reform and Work (Northern Ireland) Order 2016 [F6], makes the following Regulations.

Those powers are exercisable by the Secretary of State by virtue of Article 4(1) of the Welfare Reform (Northern Ireland) Order 2015 [F7].

This rule contains only regulations made under, by virtue of, or consequential upon, Articles 13, 14 and 16 of the Welfare Reform and Work (Northern Ireland) Order 2016.

F1 1992 c. 7; section 133(1) is cited for the meaning of "prescribed". Section 133(2)(d) was substituted by paragraph 18(3) of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15)) and section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21).

F2 S.I. 1995/2705 (N.I. 15); Article 2(2) is cited for the meaning of "prescribed" and "regulations" 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).

F3 2002 c. 14 (N.I.); section 17(1) is cited for the meaning of "prescribed" and "regulations".

F4 2007 c. 2 (N.I.); section 24(1) is cited for the meaning of "prescribed" and "regulations" and section 25(2) was amended by Article 57(2)(b) of the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006 (N.I.)).

F5 S.I. 2015/2006 (N.I. 1).

F6 S.I. 2016/999 (N.I. 1).

F7 Article 4 was amended by Article 4 of the Welfare Reform and Work (Northern Ireland) Order 2016. Functions under or for the purposes of the Social Security Contributions and Benefits (Northern

Ireland) Act 1992 and the Jobseekers (Northern Ireland) Order 1995 are vested in the Department for Communities by virtue of Article 8(b) of S.R. 1999 No. 481 and section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.)).

Citation and commencement

1.—(1) These Regulations may be cited as the Loans for Mortgage Interest Regulations (Northern Ireland) 2017.

(2) These Regulations come into operation—

(a) for the purposes of regulations 18 to 21, on 6th April 2018;

(b) for all other purposes, on 20th October 2017.

Interpretation

2.—(1) In these Regulations—

"the Order" means the Welfare Reform and Work (Northern Ireland) Order 2016;

[[F8]"alternative finance arrangements" has the meaning given in paragraph 5(4) of Schedule 1 to these Regulations;**]**

"alternative finance payments" has the meaning in paragraph 5(3) of Schedule 1 (meaning of owner occupier payments) to these Regulations;

"applicable amount" means—

(a) in the case of employment and support allowance, the claimants weekly applicable amount under regulations 67 to 70 of the ESA Regulations [F9] (prescribed amounts);

(b) in the case of income support, the claimant's weekly applicable amount under regulations 17 to 21AA of the IS Regulations [F10] (applicable amounts);

(c) in the case of jobseeker's allowance, the claimant's weekly applicable amount under regulations 83 to 86C of the JSA Regulations [F11] (applicable amounts);

(d) in the case of a SPC claimant, the claimant's weekly appropriate minimum guarantee under section 2 of the State Pension Credit Act (Northern Ireland) 2002 [F12] (guarantee credit);

(e) in the case of a UC claimant, the maximum amount of a claimant's award of universal credit under Article 13(2) of the Welfare Reform (Northern Ireland) Order 2015 (calculation of awards);

"assessment period" has the meaning given in regulation 22 of the UC Regulations (assessment periods);

"benefit unit" means a single claimant and his or her partner (if any) or joint claimants;

"benefit week" has the meaning given—

(a) in the case of employment and support allowance, in regulation 2(1) of the ESA Regulations (interpretation);

(b) in the case of income support, in paragraph 4 of Schedule 7 to the Claims and Payments Regulations (time of payment and commencement of entitlement in Income Support cases);

(c) in the case of jobseeker's allowance, in regulation 1(2) of the JSA Regulations [F13] (citation, commencement and interpretation);

(d) in the case of state pension credit, in regulation 1(2) of the SPC Regulations [F14] (citation, commencement and interpretation);

"child" means a person under the age of 16;

"claimant" means a single claimant or each of joint claimants;

"**[**[F15]Claims and Payments Regulations**]**" means the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 [F16];

"close relative" means a parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-daughter, brother, sister, or, if any of the preceding persons is one member of a couple, the other member of that couple;

"couple" means—

(a) two people who are married to, or civil partners of, each other and are members of the same household;

(b) two people who are not married to, or civil partners of, each other but are living together as a married couple or civil partners;

"Department" means the Department for Communities;

"disabled person" has the meaning given—

(a) in the case of employment and support allowance, in paragraph 1(3) of Schedule 6 to the ESA Regulations [F17] (housing costs);

(b) in the case of income support, in paragraph 1(3) of Schedule 3 to the IS Regulations [F18] (housing costs);

(c) in the case of jobseeker's allowance, in paragraph 1(3) of Schedule 2 to the JSA Regulations [F19] (housing costs);

(d) in the case of state pension credit, in paragraph 1(2) of Schedule 2 to the SPC Regulations [F20] (housing costs); and

(e) in the case of universal credit [F21], in paragraph 14(3) of Schedule 3 to these Regulations (moving homes: adaptations to new homes for disabled person);

"dwelling" means a hereditament used wholly for the purposes of a private dwelling as determined in accordance with Schedule 5 to the Rates (Northern Ireland) Order 1977 [F22] together with any garage, garden and outbuildings normally occupied by the claimant as his or her home, including any part thereof not so occupied which it is impracticable or unreasonable to sell separately, together with—

(a) any agriculture land adjoining that dwelling, and

(b) any land not adjoining that dwelling which it is impracticable or unreasonable to sell separately;

"earned income" has the meaning given in Chapter 2 of Part 6 of the UC Regulations (earned income);

"ESA Regulations" means the Employment and Support Allowance Regulations (Northern Ireland) 2008 [F23];

"existing claimant" means a claimant who is entitled to a qualifying benefit, including an amount for owner-occupier payments, on 5th April 2018;

"financial year" has the meaning given in section 25(2) of the Budget Responsibility and National Audit Act 2011 [F24];

"full-owner" has the meaning given in section 12(a) and (c) of the Land Registration Act (Northern Ireland) 1970 [F25];

"income" means any income which is, or which is treated as, an individual's, including payments which are treated as earnings, and which is not disregarded, under—

(a) in the case of employment and support allowance, Part 10 of the ESA Regulations (income and capital);

(b) in the case of income support, Part V of the IS Regulations (income and capital);

(c) in the case of jobseeker's allowance, Part VIII of the JSA Regulations (income and capital);

(d) in the case of state pension credit, Part III of the SPC Regulations (income);

"IS Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987 [F26];

[[F27]"joint claimants"—

(a) in the case of jobseeker's allowance means—

(i) members of a joint-claim couple who have jointly made a claim for, and are entitled to, income-based jobseeker's allowance; or

(ii) members of a joint-claim couple who have made a claim for, but are not entitled to, such a benefit by reason only that they have income —

(aa) equal to or exceeding the applicable amount, but

(bb) less than the sum of that applicable amount and the amount of a loan payment applicable to the joint-claim couple;

(b) in the case of universal credit means members of a couple who have jointly made a claim for, and are entitled to, universal credit;**]**

"joint-claim couple" has the meaning in Article 3(4) of the Jobseekers (Northern Ireland) Order 1995 [F28] (the jobseeker's allowance);

"JSA Regulations" means the Jobseeker's Allowance Regulations (Northern Ireland) 1996 [F29];

"leasehold estate" has the meaning given in section 94 of the Land Registration Act (Northern Ireland 1970;

"legacy benefit" means income-related employment and support allowance, income support or income-based jobseeker's allowance;

"legacy benefit claimant" means a claimant who is entitled to **[**[F30], or is treated as entitled to,**]** a legacy benefit;

"legal owner" means in the case of unregistered land, the owner of an estate in fee simple absolute, a fee farm grant or the owner of a leasehold estate and in the case of registered land, the person registered as full owner;

"loan agreement" means an agreement entered into by a single claimant and his or her partner (if any), or each joint claimant, and the Department, which sets out the terms and conditions upon which the loan payments are made to the claimant;

"loan payments" means one or more payments, calculated under regulation 10 (calculation of each loan payment), in respect of a claimant's liability to make owner-occupier payments in respect of the relevant accommodation;

"loan payments offer date" means the day on which the Department sends the loan agreement to a claimant;

"Modified Rules" means the Social Security (Housing Costs Special Arrangements) (Amendment and Modification) Regulations (Northern Ireland) 2008 [F31];

"mortgage" has the same meaning as in the Conveyancing Acts 1881 to 1911;

"new claimant partner" has the meaning given in regulation 5 of the Transitional Provisions Regulations;

"non-dependant" has the meaning given—

(a) in the case of employment and support allowance, in regulation 71 of the ESA Regulations (definition of non-dependant);

(b) in the case of income support, in regulation 3 of the IS Regulations [F32] (definition of non-dependant);

(c) in the case of jobseeker's allowance, in regulation 2 of the JSA Regulations (definition of non-dependant);

(d) in the case of state pension credit, in paragraph 1(4) of Schedule 2 to the SPC Regulations (housing costs-definition of non-dependant);

"owner-occupier payments" has the meaning in regulation 3(2)(a) (the offer of loan payments);

"partner" means—

(a) where a claimant is a member of a couple, the other member of that couple;

(b) where a claimant is married polygamously to 2 or more members of the claimant's household, all such members;

"polygamous marriage" means a marriage during which a party to it is married to more than one person and which took place under the laws of a country which permits polygamy;

"qualifying benefit" means income-related employment and support allowance, income support, income-based jobseeker's allowance, state pension credit or universal credit;

"qualifying lender" has the meaning given in Article 14(7) of the Order (Article 13: further provision);

"qualifying loan" means—

(a) in the case of a legacy benefit or state pension credit, a loan which qualifies under paragraph 2(2) or (4) of Schedule 1 to these Regulations (meaning of owner-occupier payments);

(b) in the case of universal credit, a loan which qualifies under paragraph 5(2) of Schedule 1 to these Regulations;

"qualifying period" means a period of—

(a) 9 consecutive assessment periods in which a claimant has been entitled to universal credit;

(b) 39 consecutive weeks in which a claimant—

(i) has been entitled to a legacy benefit, or

(ii) is treated as having been entitled to such a benefit under—

(aa) paragraph 14 of Schedule 3 to the IS Regulations (linking rule) [F33];

(bb) paragraph 13 of Schedule 2 to the JSA Regulations (linking rule) [F34]; or

(cc) paragraph 15 of Schedule 6 to the ESA Regulations (linking rules) [F35];

"qualifying young person" has the meaning given—

(a) in the case of a legacy benefit, in section 138 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 [F36] ("child" and "qualifying young person");