STATUTORY RULES OF NORTHERN IRELAND

2017 No. 9

HOUSING

The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2017

Made - - - -	*16th January 2017*
Coming into operation	*23rd January 2017*

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

Proposals in respect of these Regulations were not referred to the Social Security Advisory Committee since it appeared to the Department for Communities that by reason of the urgency of the matter it was expedient not to do so(**3**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2017 and shall come into operation on 23rd January 2017.

(2) The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment to the Housing Benefit (Executive Determinations) Regulations

2.—(1) The Housing Benefit (Executive Determinations) Regulations (Northern Ireland) 2008(**5**) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 3(**6**) (broad rental market area determinations and local housing allowance determinations) after paragraph (1) insert—

> "(1A) The power in paragraph (1) is not limited by paragraph 2(2A) or (2B) of the Schedule.".

(**1**) 1992 c. 7; section 129A was inserted by section 30(2) of the Welfare Reform Act (Northern Ireland) 2007 (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)
(**2**) *See* Article 8(b) of S.R. 1999 No. 481 and section 1(7) of the Departments Act (Northern Ireland) 2016 (c.5 (N.I.))
(**3**) *See* sections 149(2) and 150(1)(a) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)
(**4**) 1954 c. 33 (N.I.)
(**5**) S.R. 2008 No. 100; relevant amending Regulations are S.R. 2013 No.209, S.R. 2013 No. 303 and S.R. 2016 No.6
(**6**) Paragraph (2A) was inserted by regulation 2(3)(b) of S.R. 2013 No.209

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

(a) in paragraph 2 (local housing allowance for category of dwelling in paragraph 1) —

(i) before sub-paragraph (3)(**7**) insert—

"(2A) For a broad rental market area not listed in column 1 of the table in paragraph 5A, the local housing allowance for any category of dwelling is the lower of the amounts in sub-paragraph (3)(a) and (b).

(2B) For a broad market area listed in column 1 of the table in paragraph 5A, the local housing allowance—

(a) for a category of dwelling listed in the corresponding entry in column 2 of that table, is the lower of the amounts set out in sub-paragraph (3A)(a) and (b);

(b) for a category of dwelling not so listed, is the lower of the amounts set out in sub-paragraph (3)(a) and (b).";

(ii) in sub-paragraph (3)—

(aa) for the words before paragraph (a) substitute "The amounts referred to in sub-paragraphs (2A) and (2B)(b) are—";

(bb) at the end of paragraph (a), for "or" substitute "and";

(cc) in paragraph (b), omit ", where that rent is lower than the allowance referred to in paragraph (a)";

(iii) after sub-paragraph (3) insert—

"(3A) The amounts referred to in sub-paragraph (2B)(a) are—

(a) the local housing allowance determined for that category of dwelling on 30th January 2015 (or, where the determination is amended under regulation 14F of the Housing Benefit Regulations)(**8**)(amended determinations), the allowance provided for in the amended determination), plus 3%; and

(b) the maximum local housing allowance listed in column (2) of the following table for the category of dwelling—

(1) Category of dwelling as defined in the following paragraphs of this Schedule	*(2) Maximum local housing allowance for that category of dwelling*
Paragraph 1(1)(a) (one bedroom, shared accommodation)	£260.64
Paragraph 1(1)(b) (one bedroom, exclusive use)	£260.64
Paragraph 1(1)(c) (two bedrooms)	£302.33
Paragraph 1(1)(d) (three bedrooms)	£354.46
Paragraph 1(1)(e) (four bedrooms)	£417.02"

(b) after paragraph 5(**9**) insert—

(**7**) Sub-paragraph (3) was substituted by regulation 2(a)(ii) of S.R. 2016 No. 6
(**8**) S.R. 2006 No. 405 regulation 14F was inserted by regulation 2(7) of S.R. 2008 No. 101
(**9**) Paragraphs 4 and 5 were substituted for paragraph 4 by regulation 2(b) of S.R. 2008 No. 506