STATUTORY RULES OF NORTHERN IRELAND

2016 No. 432

SOCIAL SECURITY

The Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2016

Made - - - -	*15th December 2016*
Laid before Parliament	*19th December 2016*
Coming into operation	*16th January 2017*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 122(1)(a) and (d), 123(1)(e), 129A(2) to (4), 133(1) and (2)(h) and 171(1), (3), (4) and (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), sections 2A(1), 165(1), (4) and (5) and 167(1) of the Social Security Administration (Northern Ireland) Act 1992(**2**), Article 74(3) and (6) of the Social Security Northern Ireland Order 1998(**3**), section 60(1), (2)(a) and (b) and (6) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000(**4**) and Articles 5 and 82(3) of the Welfare Reform (Northern Ireland) Order 2015(**5**).

Those powers are exercisable by the Secretary of State for Work and Pensions by virtue of Article 4(1) of the Welfare Reform (Northern Ireland) Order 2015.

(**1**) 1992 c. 7. Section 122 (1) was amended by paragraph 1 of Schedule 6 to the Tax Credits Act 2002 (c. 21), subject to savings specified in Article 3 of SI 2003/962. Section 123(1)(e) was inserted by paragraph 13(5) of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15)) and amended by paragraph 1 of Schedule 3 to the State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.)). Section 129A was inserted by section 30(2) of the Welfare Reform Act (Northern Ireland) 2007 (c. 2) , paragraph (3) of this section was amended by article 75(2) of the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006 (N.I. 1)) and paragraph (4) was substituted by article 75(3) of the same Order. Section 133(1) is cited for the meaning of "prescribed" and paragraphs (1) and (2) of section 133 include amendments which are not relevant to these regulations. Section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21) and section 171(5) was amended by paragraph 1 of Schedule 2 to the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12).

(**2**) 1992 c. 8. Section 2A was inserted by Article 54 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)) and paragraph (1) was amended by sections 29(2) and (4) of the Welfare Reform Act (Northern Ireland) 2010 (c. 13). Section 165(1) was amended by paragraph 49(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions. etc.) (Northern Ireland) Order 1999 (S.I. 1999/671) and section 18(5) of the National Insurance Contributions Act 2014 (c. 7). Section 167(1) is cited for the meaning of "prescribe" and "regulations" and the definition of "prescribe" was amended by paragraph 5 of Schedule 5 to the Welfare Reform Northern Ireland Act 2007 (c. 2). There are other amendments to section 167(1) which are not relevant to these regulations.

(**3**) S.I. 1998/1506 (N.I. 1). There are amendments to Article 74 of this Order which are not relevant to these regulations.

(**4**) 2000 c. 4 (N.I.). Section 60(6) is cited for the meaning of "prescribed".

(**5**) S.I. 2015/2006 (N.I. (1). Article 5 is cited for the meaning of "prescribed" and "regulations". Functions under or for the purposes of the Social Security Contributions and Benefits (Northern Ireland) Act 1992, the Social Security Administration (Northern Ireland) Act 1992 and the Social Security (Northern Ireland) Order 1998 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, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2016 and come into operation on 16th January 2017.

(2) The Interpretation Act (Northern Ireland) 1954(**6**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Discretionary Financial Assistance Regulations (Northern Ireland) 2001

2.—(1) The Discretionary Financial Assistance Regulations (Northern Ireland) 2001(**7**) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 1(2) (citation, commencement and interpretation) omit the definition of "registered housing association".

(3) For regulation 2(1) (discretionary housing payments) substitute—

"**2.**—(1) Subject to paragraphs (2) and (3) and regulations 3 to 9, the Housing Executive may make payments by way of financial assistance ("discretionary housing payments") to persons who are entitled to housing benefit, where—

(a) the appropriate maximum housing benefit has been determined in accordance with regulation 14D or restricted under regulation 15 of the Housing Benefit Regulations or, as the case may be, the Housing Benefit (State Pension Credit) Regulations, or

(b) the amount of housing benefit would have been greater but for the abolition of the family premium pursuant to regulation 3 of the Housing Benefit (Abolition of the Family Premium) Regulations, and the person is someone to whom the transitional provision in regulation 5 of those Regulations does not apply, or

(c) the amount of housing benefit has been reduced in accordance with regulation 73D of the Housing Benefit Regulations, and

a person appears to require further financial assistance (in addition to the benefit to which they are entitled) in order to meet housing costs.".

Amendment of the Housing Benefit Regulations (Northern Ireland) 2006

3. In regulation 2(1) of the Housing Benefit Regulations (Northern Ireland) 2006(**8**) (interpretation) in the definition of "attendance allowance" omit paragraphs (c) and (d).

Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006

4. In regulation 2(1) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(**9**) (interpretation) in the definition of "attendance allowance" omit paragraphs (c) and (d).

(**6**) 1954 c. 33 (N.I.).
(**7**) S.R. 2001 No. 216. The definition of "registered housing association" in regulation 1(2) was inserted by regulation 2 of S.R. 2016 No. 310. Regulation 2(1) was amended by S.R. 1996 No. 111, S.R 1996 No. 181, S.R. 1996 No. 221, S.R. 1998 No. 114, S.R. 2006 No. 407, S.R.2008 No. 103 and S.R. 2016 No. 310.
(**8**) S.R. 2006 No. 405. There are amendments to regulation 2(1) that are not relevant to these regulations.
(**9**) S.R. 2006 No. 406. There are amendments to regulation 2(1) that are not relevant to these regulations.