STATUTORY RULES OF NORTHERN IRELAND

2016 No. 389

WELFARE

The Welfare Supplementary Payment (Benefit Cap) Regulations (Northern Ireland) 2016

Laid before the Assembly in draft

Made - - - -	*25th October 2016*
Coming into operation-	*7th November 2016*

The Department for Communities(**1**) makes the following Regulations in exercise of the powers conferred on it by Article 137 of the Welfare Reform (Northern Ireland) Order 2015(**2**).

In accordance with Article 137(5) of that Order, a draft of these Regulations has been laid before and approved by a resolution of the Assembly.

Citation and Commencement

1.—(1) These Regulations may be cited as the Welfare Supplementary Payment (Benefit Cap) Regulations (Northern Ireland) 2016.

(2) These Regulations come into operation on 7th November 2016.

Amendments to welfare supplementary payment arising out of change in benefit cap

2.—(1) In regulation 3 of the Welfare Supplementary Payments Regulations (Northern Ireland) 2016(**3**), at the end insert—

> "(3) In this Part the date the new benefit cap is applied to a person is the date the person's award of housing benefit under regulation 73D of the Housing Benefit Regulations is reduced consequent upon the first amendment to the definition of the relevant amount in regulation 73G of the Housing Benefit Regulations.".

(2) Regulation 4 of those Regulations is amended as follows—

(a) omit paragraph (1),

(b) in paragraph (2) for "This paragraph" substitute "This regulation",

(**1**) 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.))
(**2**) S.I. 2015/2006 (N.I.1); Article 137 was amended by Article 18 of the Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999 (N.I.1))
(**3**) S.R. 2016 No.178

(c) in paragraph (3) omit "Where paragraph (1) or (2) applies and",

(d) omit paragraphs (4) and (5),

(e) for paragraph (10) substitute—

"(10) In this regulation, "relevant period" in respect of a person means—

(a) the period beginning on 30th May 2016 and ending on the date of the first occasion on which the amount of housing benefit to which that person is entitled is reduced in accordance with regulation 73D of the Housing Benefit Regulations, in respect of entitlement to welfare supplementary payment up to the date the new benefit cap is applied to the person, or

(b) the period beginning on 6th November 2016 and ending on the date of the first occasion following that on which the amount of housing benefit to which that person is entitled is reduced in accordance with regulation 73D of the Housing Benefit Regulations, in respect of entitlement to welfare supplementary payment on and from the date the new benefit cap is applied to the person,".

(3) After regulation 4 of those Regulations insert—

"**Amount of welfare supplementary payment payable in respect of benefit cap**

4A.—(1) The amount of welfare supplementary payment payable under this Part is calculated in accordance with this regulation.

(2) Welfare supplementary payment is equal to the amount by which a person's award of housing benefit is reduced in accordance with regulation 73D of the Housing Benefit Regulations—

(a) on the first occasion on which it is reduced (in respect of payments up to the date the new benefit cap is applied to the person),

(b) on the date the new benefit cap is applied to the person (in respect of payments on and from that date).

(3) If as a result of a change of circumstances, a person's award of housing benefit is reduced in accordance with regulation 73D of the Housing Benefit Regulations—

(a) by less than the amount by which it was reduced on the first occasion it was reduced (in respect of payments up to the date the new benefit cap is applied to the person),

(b) by less than the amount by which it was reduced on the date the new benefit cap is applied to the person (in respect of payments on and from that date),

the amount of welfare supplementary payment to which the person is entitled is that lesser amount.".

(4) In regulation 3(k)(ii) of the Discretionary Financial Regulations (Northern Ireland) 2001(**4**) for "regulation 4(4)" substitute "regulation 4A".

Amendments to welfare supplementary payment: benefit cap residency requirement

3. In regulation 13 of the Welfare Supplementary Payments Regulations (Northern Ireland) 2016 —

(a) In paragraph (a) omit "and",

(b) At the end of paragraph (b) insert—

"and,

(**4**) Regulation 3(k) was inserted by regulation 5 of S.R. 2016 No. 178