STATUTORY RULES OF NORTHERN IRELAND

2016 No. 230

SOCIAL SECURITY

HOUSING

RATES

The Housing Benefit (Miscellaneous Amendments) Regulations (Northern Ireland) 2016

Made - - - -	*4th May 2016*
Laid before Parliament	*10th May 2016*
Coming into operation	*20th June 2016*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by section 122(1)(d), 132(3) and (4), 133(1) and 171(1) and (3), of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), sections 5(1)(a) and 165(1), (4) and (6) of the Social Security Administration (Northern Ireland) Act 1992(**2**), Article 74(3) of the Social Security (Northern Ireland) Order 1998(**3**) and paragraphs 4(3) and (5), 20(1) and 23(1) of Schedule 7 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000(**4**).

These powers are exercisable by the Secretary of State by virtue of Article 4(1)(b) of the Welfare Reform (Northern Ireland) Order 2015(**5**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (Miscellaneous Amendments) Regulations (Northern Ireland) 2016 and come into operation on 20th June 2016.

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

(**1**) 1992 c. 7; section 133(1) is cited for the meaning of "prescribed" and section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)
(**2**) 1992 c.5; section 165(1) was amended by paragraph 49(2) of Sch. 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (SI 1999/671) and section 18(5) of the National Insurance Contributions Act 2014 (c. 7); section 165(6) was amended Schedule 7 to the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))
(**3**) S.I. 1998/1506 (N.I. 10)
(**4**) 2000 c.4 (N.I.); paragraph 4(3A) was inserted by s. 30(3)(b) of the Welfare Reform Act (Northern Ireland) 2007 and paragraph 23(1) is an interpretation provision and is cited for the meaning of prescribed
(**5**) S.I. 2015/2006 (N.I. 1)
(**6**) 1954 c. 33 (N.I.)

Amendment of the Housing Benefit (Decisions and Appeals) Regulations

2.—(1) The Housing Benefit (Decisions and Appeals) Regulations (Northern Ireland) 2001(**7**) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 7(2)(**8**) (decisions superseding earlier decisions)—

(a) in sub-paragraph (h) for "or (l)" substitute ", (l) or (n)";

(b) after sub-paragraph (m) add—

"(n) which is affected by the award of personal independence payment under Part 5 of the Welfare Reform (Northern Ireland) Order 2015(**9**) where—

(i) the claimant, the claimant's partner or a member of the claimant's family ("P") was entitled to disability living allowance under section 71 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992; and

(ii) subsequent to the first day of the period to which the claimant's entitlement to housing benefit relates, P becomes entitled to personal independence payment as a transfer claimant (within the meaning of regulation 2(1) of the Personal Independence Payment (Transitional Provisions) Regulations (Northern Ireland) 2016(**10**).".

(3) In regulation 8 (date from which a decision superseding an earlier decision takes effect) after paragraph (14A)(**11**) add—

"(14B) A superseding decision made in consequence of regulation 7(2)(n) shall take effect—

(a) on 1st April in a case where—

(i) the claimant's weekly amount of eligible rent falls to be calculated in accordance with regulation 78(2)(b) or (c) of the Housing Benefit Regulations or, as the case may be, regulation 59(2)(b) or (c) of the Housing Benefit (State Pension Credit) Regulations(**12**); and

(ii) the decision to award personal independence payment takes effect in the same benefit week as the 1st April;

(b) on the first Monday in April in a case where—

(i) the claimant's weekly amount of eligible rent falls to be calculated in accordance with regulation78(2)(a) of the Housing Benefit Regulations or, as the case may be, regulation 59(2)(a) of the Housing Benefit (State Pension Credit) Regulations; and

(ii) the decision to award personal independence payment takes effect in the same benefit week as the first Monday in April;

(c) in any other case, on the day after the last day of entitlement to disability living allowance.".

(**7**) S.R. 2001 No. 213; relevant amending Regulations are S.R. 2003 No. 418, S.R. 2008 No. 378. S.R. 2010 Nos.312 and 347

(**8**) Sub-paragraph (h) was added by regulation 4(4) of S.R. 2003 No.418 and amended by regulation 2(3)(a) of S.R. 2008 No. 378 and paragraph 2(3)(a) of Schedule 4 to S.R. 2010 No. 312; sub-paragraphs (k) and (i) were added by paragraph 2 (3)(b) of Schedule 4 to S.R. 2010 No. 312 and sub-paragraph (l) was amended by regulation 5 of S.R. 2010 No. 347; sub-paragraph (m) was added by regulation 2(3) of S.R. 2016 No. 55

(**9**) S.I. 2015/2006 (N.I. 1)

(**10**) S.R. 2016 No. 227

(**11**) Paragraph (14A) was inserted by regulation 2(4) of S.R. 2016 No. 55

(**12**) S.R. 2006 No. 406