Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Universal Credit Housing Costs (Executive Determinations) Regulations (Northern Ireland) 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY RULES OF NORTHERN IRELAND

2016 No. 222

HOUSING

The Universal Credit Housing Costs (Executive Determinations) Regulations (Northern Ireland) 2016

Made - - - -	*5th May 2016*
Laid before Parliament	*10th May 2016*
Coming into operation in accordance with regulation 1	

The Secretary of State makes the following Regulations in exercise of the powers conferred by Articles 16, 38(1) and 48(2)(b) of the Welfare Reform (Northern Ireland) Order 2015 [F1].

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

F1 S.I. 2015/2006 (N.I. 1).

Citation and commencement

1. These Regulations may be cited as the Universal Credit Housing Costs (Executive Determinations) Regulations (Northern Ireland) 2016 and come into operation immediately after the coming into operation of the Universal Credit Regulations (Northern Ireland) 2016. [F2]

F2 S.R. 2016 No. 216.

Interpretation

2.—(1) In these Regulations—

"the Universal Credit Regulations" means the Universal Credit Regulations (Northern Ireland) 2016;

"the Welfare Reform Order" means the Welfare Reform (Northern Ireland) Order 2015;

"assessment period" has the same meaning as in Article 46 of the Welfare Reform (Northern Ireland) Order 2015;

"broad rental market area" has the meaning given in regulation 3(3);

"broad rental market area determination" means a determination made in accordance with regulation 3;

"the Department" means the Department for Social Development;

"dwelling" means any residential accommodation whether or not consisting of the whole or part of a building and whether or not comprising separate and self-contained premises;

"the Executive" means the Northern Ireland Housing Executive;

"service charge payments" has the meaning specified in paragraph 8 of Schedule 1 (meaning of payments in respect of accommodation) to the Universal Credit Regulations;

"tenancy" includes—

(a) a licence; and

(b) a prospective tenancy or licence, and

references to a tenant or any other expression appropriate to a tenancy shall be construed accordingly;

"tenant" includes, where the tenant is a member of a couple within the meaning of Article 45 of the Welfare Reform Order, the other member of the couple;

"uncontrolled tenancy" means a secure tenancy within the meaning of Article 25 of the Housing (Northern Ireland) Order 1983 [F3] or a tenancy which is not controlled within the meaning of Article 40(4) of the Private Tenancies (Northern Ireland) Order 2006 [F4];

"working day" means any day other than a Saturday, a Sunday or a day which is a public holiday in Northern Ireland.

(2) For the purposes of these Regulations and notwithstanding section 39(2) of the Interpretation Act (Northern Ireland) 1954 [F5], where a period of time is expressed to begin on, or to be reckoned from, a particular day, that day shall be included in the period.

F3 S.I. 1983/1118 (N.I. 15).
F4 S.I. 2006/1459 (N.I. 10).
F5 1954 c. 33 (N.I.).

Broad rental market area determinations

3.—(1) Broad rental market area determinations taking effect on the day on which these regulations come into force are determined in accordance with paragraph (7) and all other broad rental market area determinations are determined in accordance with paragraphs (2) to (6).

(2) The Executive, at such times as it considers appropriate and if the Department agrees, shall—

(a) determine one or more broad rental market areas, and

(b) in respect of that broad rental market area, or those broad rental market areas, give to the Department a notice which identifies the areas and the postcodes contained within the broad rental market area (or each of them).

[[F6](2A) The power in paragraph (2) is not limited by paragraph **[**[F7]2(2)**]** of Schedule 1.**]**

(3) A broad rental market area is an area within which a person could reasonably be expected to live having regard to facilities and services for the purposes of health, education, recreation, personal banking and shopping, taking account of the distance of travel, by public and private transport, to and from those facilities and services.

(4) A broad rental market area must contain—

(a) residential premises of a variety of types, including such premises held on a variety of tenures, and

(b) sufficient privately rented residential premises to ensure that, in the Executive's opinion, the local housing allowance for the categories of dwelling in the area for which the Executive is required to determine a local housing allowance is representative of the rents that a landlord might reasonably expect to obtain in that area.

(5) Every part of Northern Ireland must fall within a broad rental market area and a broad rental market area must not overlap with another broad rental market area.

(6) Any broad rental market area determination made in accordance with paragraph (2) shall take effect—

(a) on the day the determination is made for the purpose of enabling the Executive to determine a local housing allowance for that area, and

[F8(b) for all other purposes—

(i) on the next relevant Monday following the day on which the determination is made; or

(ii) where the next relevant Monday is within 11 months beginning with the day on which the determination is made, on the next relevant Monday after that.**]**

(7) For broad rental market area determinations that take effect on the day on which these regulations come into force, the Executive must use the broad rental market area determinations in accordance with regulation 3 and the Schedule to the Housing Benefit (Executive Determinations) Regulations (Northern Ireland) 2008 F9 that apply on that day.

[F10(8) "Relevant Monday" has the same meaning as in regulation 4(4).**]**

F6 Reg. 3(2A) inserted (coming into operation in accordance with reg. 1 of the amending S.R.) by The Universal Credit Housing Costs (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/144), regs. 1, **2(2)**

F7 Word in reg. 3(2A) substituted (30.1.2020) by The Housing Benefit and Universal Credit Housing Costs (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2020 (S.R. 2020/14), regs. 1(1), **3(2)**

F8 Reg. 3(6)(b) substituted (2.4.2018) by The Universal Credit Housing Costs (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/36), regs. 1, **2(2)(a)**

F9 S.R. 2008 No. 100.

F10 Reg. 3(8) inserted (2.4.2018) by The Universal Credit Housing Costs (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/36), regs. 1, **2(2)(b)**

Local housing allowance determinations

4.—(1) In 2017 and in each subsequent year, on the last working day of January **[**F11and also the 31st March 2020**]**, the Executive shall for each broad rental market area determine, in accordance with Schedule 1, a local housing allowance for each of the categories of dwelling set out in paragraph 1 of Schedule 1.

(2) The Executive must notify the Department of the determination for each area.

(3) Any local housing allowance determination made in accordance with paragraph (1) is to take effect—

(a) in the case of a person with an existing universal credit entitlement—

(i) on the relevant Monday where that is the first day of an assessment period for that person, or

(ii) where the relevant Monday is not the first day of an assessment period for that person, on the first day of the next assessment period following that, or

(b) in any other case, on the relevant Monday.

[[F12](3A) The determinations made in accordance with paragraph (1) on 31st March 2020 shall take effect (under paragraph (3)) in place of the determinations made in accordance with paragraph (1) on the 31st January 2020.**]**

(4) For the purposes of this regulation—

"a person with an existing universal credit entitlement" means a person who is entitled to universal credit on the relevant Monday;

"relevant Monday" means the first Monday in the first tax year that commences following the day on which the determination is made;

"tax year" means a period beginning with 6th April in one year and ending with 5th April in the next.

F11 Words in reg. 4(1) inserted (30.3.2020) by The Social Security (Coronavirus) (Further Measures) Regulations (Northern Ireland) 2020 (S.R. 2020/53), regs. 1(1), **4(2)(a)(i)**

F12 Reg. 4(3A) inserted (30.3.2020) by The Social Security (Coronavirus) (Further Measures) Regulations (Northern Ireland) 2020 (S.R. 2020/53), regs. 1(1), **4(2)(a)(ii)**

Modifications etc. (not altering text)

C1 Reg. 4 modified (6.4.2020) by The Social Security (Coronavirus) (Further Measures) Amendment Regulations (Northern Ireland) 2020 (S.R. 2020/61), regs. 1, **2(2)**

Redeterminations

5.—(1) Where the Executive has made a determination under regulation 3 or 4 ("the determination") and it considers that there is an error in relation to that determination, the Executive must make a further determination ("a redetermination").

(2) The Executive must notify the Department of the redetermination.

(3) Where the Executive makes a redetermination the Executive must do so in accordance with the provisions of these Regulations that applied to the determination and use the same information that was used for the determination except that, where the information used was incorrect or incomplete, the Executive must use the correct or complete information.

Means of giving notice

6. Any notice given by the Executive under these regulations may be given in writing or by electronic means unless the Department requests that notice is given in writing only.

Signed by authority of the Secretary of State for Work and Pensions

Freud
Department for Work and Pensions — Minister of State,