Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Welfare Supplementary Payments 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. 178

WELFARE

The Welfare Supplementary Payments Regulations (Northern Ireland) 2016

Made - - - -	*18th March 2016*
Coming into operation	*31st May 2016*

The Department for Social Development makes the following Regulations in exercise of the powers conferred on it by Article 137 of the Welfare Reform (Northern Ireland) Order 2015 [F1].

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

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

PART 1

INTRODUCTION

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Welfare Supplementary Payments Regulations (Northern Ireland) 2016 and come into operation on 31st May 2016.

(2) In these Regulations—

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

"welfare supplementary payment" means a payment under these Regulations.

Welfare supplementary payments

2. Welfare supplementary payments are payable in accordance with the provisions of these Regulations.

PART 2

BENEFIT CAP

Interpretation of Part 2

3.—(1) In this Part—

"child" means a person under the age of 16;

"couple" means—

(a) subject to paragraph (e), **[**F2two people who are married to, or civil partners of,**]** each other and are members of the same household;

(b) **[**F3two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;**]**

(c) F4...

(d) F4...or

(e) in a case where a person is a member of a polygamous marriage, that person and the member of the polygamous marriage to whom that person was first married,

F5...

"housing association" has the same meaning as in Article 3 of the Housing (Northern Ireland) Order 1992 F6;

"housing benefit" means housing benefit under section 122 of the Contributions and Benefits Act F7;

"Housing Benefit Regulations" means the Housing Benefit Regulations (Northern Ireland) 2006 F8;

"landlord" has the same meaning as in regulation 92 of the Housing Benefit Regulations F9;

[F10"welfare benefit" has the same meaning as in Article 101(7) of the 2015 Order;**]**

"young person" has the same meaning as in regulation 17(1) of the Housing Benefit Regulations.

(2) For the purposes of regulation 4(3)(b), the circumstances in which a person is treated as responsible for a child or young person are the same as those set out in regulation 18 of the Housing Benefit Regulations.

[F11(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.**]**

F2 Words in reg. 3(1) substituted (13.1.2020) by The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), **114(a)** (with regs. 6-9)

F3 Words in reg. 3(1) substituted (13.1.2020) by The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), **114(b)** (with regs. 6-9)

F4 Words in reg. 3(1) omitted (13.1.2020) by virtue of The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), **114(c)** (with regs. 6-9)

F5 Words in reg. 3(1) omitted (13.1.2020) by virtue of The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), **114(d)** (with regs. 6-9)
F6 S.I. 1992/1725 (N.I. 15)
F7 1992 c. 7; section 122 was amended by section 60 and Schedule 6 to the Tax Credits Act 2002 (c. 21)
F8 S.R. 2006 No. 405
F9 Regulation 92 has been amended but the amendments are not relevant to these regulations
F10 Words in reg. 3(1) substituted (6.2.2017) by The Welfare Supplementary Payment (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/28), regs. 1(2), **15**
F11 Reg. 3(3) inserted (7.11.2016) by The Welfare Supplementary Payment (Benefit Cap) Regulations (Northern Ireland) 2016 (S.R. 2016/389), regs. 1(2), **2(1)**

Benefit cap

4.—[F12](1) . . . . . .

(2) **[**[F13]This regulation**]** applies where a person—

(a) was entitled to a welfare benefit in respect of each day during the relevant period; and

(b) is entitled to housing benefit the amount of which is reduced in accordance with regulation 73D of the Housing Benefit Regulations [F14].

(3) [F15]...Subject to paragraph (6), a person is entitled to a welfare supplementary payment under this regulation for any period in respect of which—

(a) the amount of housing benefit to which the person is entitled is reduced in accordance with regulation 73D of the Housing Benefit Regulations; and

(b) the person resides with a child or young person for whom the person, or as the case may be, the person's partner is responsible.

[F16](4) . . . . . .

[F16](5) . . . . . .

(6) The period in respect of which welfare supplementary payments are payable under this regulation commences on the first occasion on which the amount of housing benefit to which the person is entitled is reduced in accordance with regulation 73D of the Housing Benefit Regulations and ends on 31st March 2020.

[[F17](7) A welfare supplementary payment to which a person is entitled under this regulation must be paid—

(a) in a case where the person's landlord is the Northern Ireland Housing Executive, every four weeks, or as soon as is reasonably practicable after that, in arrears,

(b) in any other case, every four weeks, at the time that housing benefit is paid to that person, in arrears.**]**

[F18](8) . . . . . .

[F18](9) . . . . . .

[[F19](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,**]**

F12 Reg. 4(1) omitted (7.11.2016) by virtue of The Welfare Supplementary Payment (Benefit Cap) Regulations (Northern Ireland) 2016 (S.R. 2016/389), regs. 1(2), **2(2)(a)**
F13 Words in reg. 4(2) substituted (7.11.2016) by The Welfare Supplementary Payment (Benefit Cap) Regulations (Northern Ireland) 2016 (S.R. 2016/389), regs. 1(2), **2(2)(b)**
F14 Regulation 73D was inserted by regulation 3(5) of S.R. 2016 No. 55
F15 Words in reg. 4(3) omitted (7.11.2016) by virtue of The Welfare Supplementary Payment (Benefit Cap) Regulations (Northern Ireland) 2016 (S.R. 2016/389), regs. 1(2), **2(2)(c)**
F16 Reg. 4(4)(5) omitted (7.11.2016) by virtue of The Welfare Supplementary Payment (Benefit Cap) Regulations (Northern Ireland) 2016 (S.R. 2016/389), regs. 1(2), **2(2)(d)**
F17 Reg. 4(7) substituted (6.2.2017) by The Welfare Supplementary Payment (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/28), regs. 1(2), **16**
F18 Reg. 4(8)(9) omitted (6.2.2017) by virtue of The Welfare Supplementary Payment (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/28), regs. 1(2), **18(1)**
F19 Reg. 4(10) substituted (7.11.2016) by The Welfare Supplementary Payment (Benefit Cap) Regulations (Northern Ireland) 2016 (S.R. 2016/389), regs. 1(2), **2(2)(e)**

[F20Amount 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.**]**

F20 Reg. 4A inserted (7.11.2016) by The Welfare Supplementary Payment (Benefit Cap) Regulations (Northern Ireland) 2016 (S.R. 2016/389), regs. 1(2), **2(3)**

[F21Effective date of change of circumstances

4B.—(1) This regulation applies where, as a consequence of a change of circumstances as set out in regulation 4A(3), there is a change in the amount of welfare supplementary payment to which a person is entitled.

(2) The effective date of that change of circumstances, for the purpose of calculating the person's entitlement to welfare supplementary payment, is the date on which the change in the person's award of housing benefit takes effect.**]**

F21 Reg. 4B inserted (6.2.2017) by The Welfare Supplementary Payment (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/28), regs. 1(2), **17**

[F22Persons to whom welfare supplementary payments may be made

4C.—(1) A welfare supplementary payment to which a person (A) is entitled under this Part must be paid to A, but this is subject to the following.

(2) Payment may be made to A's landlord if—

(a) A's housing benefit is paid to the landlord, and

(b) the landlord is—

(i) registered under regulation 3 of the Landlord Registration Scheme Regulations (Northern Ireland) 2014,

(ii) the Northern Ireland Housing Executive, or

(iii) a housing association.

(3) Payment may be made to A's landlord's agent if—

(a) A's housing benefit is paid to the agent, and

(b) the landlord is registered under regulation 3 of the Landlord Registration Scheme Regulations (Northern Ireland) 2014.

(4) Payment may be made to a person that A has nominated (other than A's landlord, or A's landlord's agent) in accordance with regulation 91(3) of the Housing Benefit Regulations.**]**

F22 Reg. 4C inserted (6.2.2017) by The Welfare Supplementary Payment (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/28), regs. 1(2), **18(2)**

[F23Termination of welfare supplementary payment if person ceases to be entitled to housing benefit

4D.—(1) This regulation applies where a person ceases to be entitled to housing benefit.

(2) Welfare supplementary payment under this Part must cease to be paid from the day after the first payment of welfare supplementary payment following the date on which the person ceases to be entitled to housing benefit.

(3) Provided that—

(a) housing benefit only ceased before the date the new benefit cap is applied to the person, and

(b) housing benefit does not cease after this date,

this regulation does not prevent a person's entitlement to welfare supplementary payment restarting if the person meets the eligibility conditions set out in regulation 4 on the date the new benefit cap is applied to the person.**]**

F23 Reg. 4D inserted (6.2.2017) by The Welfare Supplementary Payment (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/28), regs. 1(2), **19**