STATUTORY RULES OF NORTHERN IRELAND

2016 No. 44

SOCIAL SECURITY

The Social Security (Housing Costs Amendments) Regulations (Northern Ireland) 2016

Made - - - - 12th February 2016

Coming into operation- 1st April 2016

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 122(1)(a), 131(1) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), Articles 6(5) and 36(2) of the Jobseekers (Northern Ireland) Order 1995(**2**), and now vested in it(**3**), and section 4(2)(a) and 25(2) of the Welfare Reform Act (Northern Ireland) 2007(**4**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Housing Costs Amendments) Regulations (Northern Ireland) 2016 and shall come into operation on 1st April 2016.

(2) The Interpretation Act (Northern Ireland) 1954(**5**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Income Support (General) Regulations

2.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(**6**) are amended in accordance with paragraph (2), subject to regulation 6 (saving provision).

(2) In Schedule 3(**7**) (housing costs)—

(**1**) 1992 c. 7; Section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)
(**2**) S.I. 1995/2705 (N.I. 15); Article 36(2) was amended by paragraph 55 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S. I. 1999/671)
(**3**) *See* Article 8(b) of S.R. 1999 No. 481
(**4**) 2007 c. 2 (N.I.)
(**5**) 1954 c. 33 (N.I.)
(**6**) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1995 Nos. 301 and 434, S.R. 1996 No. 199, S.R. 1997 No. 435, S.R. 1998 No. 324, S.R. 1999 No. 315, S.R. 2001 Nos. 78 and 406, S.R. 2002 No. 128, S.R. 2004 No. 461, S.R. 2006 No. 359 and S.R. 2008 Nos. 286 and 503
(**7**) Schedule 3 was substituted by Schedule 1 to S.R. 1995 No. 301 and modified in relation to certain cases by regulation 9 of S.R. 2008 No. 503; S.R. 2008 No. 503 is revoked by regulation 5(1) of these Regulations subject to regulation 5(2) and regulation 6 (savings)

(a) in paragraph 1(2)(**8**) (housing costs) omit the definition of "existing housing costs" and "new housing costs";

(b) omit paragraph 6(**9**) (existing housing costs);

(c) omit paragraph 7(**10**) (transitional protection);

(d) in paragraph 8 (new housing costs)—

(i) for the heading substitute "Housing costs",

(ii) in sub-paragraphs (1)(**11**) and (1A)(**12**) omit "new", and

(iii) omit sub-paragraphs (2)(**13**) to (5);

(e) in paragraph 9 (general exclusions from paragraphs 6 and 8)—

(i) in the heading for "paragraphs 6 and 8" substitute "paragraph 8", and

(ii) in sub-paragraph (1) for "Paragraphs 6 and 8" substitute "Paragraph 8";

(f) in paragraph 10(**14**) (the calculation for loans) for "existing housing costs or, as the case may be, new housing costs" substitute "housing costs";

(g) in paragraph 11 (general provisions applying to new and existing housing costs)—

(i) in the heading omit "new and existing", and

(ii) omit sub-paragraphs (2) and (3)(**15**);

(h) in paragraph 13(9) (excessive housing costs) for "paragraphs 6 and 8" substitute "paragraph 8"; and

(i) in paragraph 14 (linking rule)—

(i) in sub-paragraph (3AA)(a)(**16**) for "paragraph 6(1) or 8(1) (existing and new housing costs)" substitute "paragraph 8(1) (housing costs)",

(ii) omit sub-paragraph (9)(a)(**17**), and

(iii) in sub-paragraph (13)(**18**) omit "6(1)(a), 6(1)(b) or".

Amendment of the Jobseeker's Allowance Regulations

3.—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996(**19**) are amended in accordance with paragraph (2), subject to regulation 6 (savings provision).

(2) In Schedule 2(**20**) (housing costs)—

(**8**) Paragraph 1(2) was amended by regulation 2(3)(a)(i) of S.R. 1995 No. 434 and regulation 2(a) of S.R. 2004 No. 461
(**9**) Paragraph 6 was amended by regulation 2(3)(d) of S.R. 1995 No. 434, regulation 2(3) and (4) of S.R. 1997 No. 435 and regulation 12(11)(d) of S.R. 2008 No. 286
(**10**) Paragraph 7 was amended by regulation 2(3)(e) of S.R. 1995 No. 434, regulation 8(4)(a) of S.R. 1998 No. 324 and regulation 5(6)(b) and (7)(c) of S.R. 2006 No. 359
(**11**) Sub-paragraph (1) was amended by regulation 2(3)(f)(i) of S.R. 1995 No. 434
(**12**) Sub-paragraph (1A) was inserted by regulation 2(3)(f)(ii) of S.R. 1995 No. 434 and amended by regulation 2(5) of S.R. 1997 No. 435
(**13**) Sub-paragraph (2)(a) was substituted by regulation 24(a) of S.R. 1996 No. 199
(**14**) Paragraph 10 was substituted by regulation 2(1) of S.R. 2001 No. 406 and amended by regulation 2(b) of S.R. 2004 No. 461
(**15**) Sub-paragraph (3) was amended by regulation 2(3)(g)(ii) of S.R. 1995 No. 434
(**16**) Sub-paragraph (3AA) was inserted by regulation 2(1)(b) of S.R. 1999 No. 315 and amended by regulation 5(6)(b) of S.R. 2006 No. 359
(**17**) Sub-paragraph (9)(a) was amended by regulation 2(3)(i)(vi) of S.R. 1995 No. 434
(**18**) Sub-paragraph (13) was added by regulation 6(c) of S.R. 2001 No. 78 and amended by regulation 5 of S. R. 2002 No. 128
(**19**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1996 Nos. 356 and 358, S.R. 1997 No. 435, S.R. 1999 No. 315, S.R. 2000 No. 350, S.R. 2001 Nos. 78 and 406, S.R. 2002 No. 128, S.R. 2004 No. 461, S.R. 2006 No. 359 and S.R. 2008 Nos. 286 and 503
(**20**) Schedule 2 was modified in relation to certain cases by regulation 10 of S.R. 2008 No. 503; S.R. 2008 No. 503 is revoked by regulation 5(1) of these Regulations subject to regulation 5(2) and regulation 6 (savings)

(a) in paragraph 1(2)(**21**) (housing costs) omit the definition of "existing housing costs" and "new housing costs";

(b) omit paragraph 6(**22**) (existing housing costs);

(c) in paragraph 7 (new housing costs)—

(i) for the heading substitute "Housing costs",

(ii) in sub-paragraphs (1) and (2)(**23**) omit "new", and

(iii) omit sub-paragraphs (3) to (7)(**24**);

(d) in paragraph 8 (general exclusions from paragraphs 6 and 7)—

(i) in the heading for "paragraphs 6 and 7" substitute "paragraph 7", and

(ii) in sub-paragraph (1) for "Paragraphs 6 and 7" substitute "Paragraph 7";

(e) in paragraph 9(**25**) (the calculation for loans) for "existing housing costs or, as the case may be, new housing costs" substitute "housing costs";

(f) in paragraph 10 (general provisions applying to new and existing housing costs)—

(i) in the heading omit "new and existing", and

(ii) omit sub-paragraphs (1) and (2);

(g) in paragraph 12(9) (excessive housing costs) for "paragraphs 6 and 7 (existing and new housing costs)" substitute "paragraph 7 (housing costs)";

(h) in paragraph 13 (linking rule)—

(i) in sub-paragraph (4A)(a)(**26**) for "paragraph 6(1) or 7(1) (existing and new housing costs)" substitute "paragraph 7(1) (housing costs)",

(ii) omit sub-paragraph (11)(a), and

(iii) in sub-paragraph (15)(**27**) omit "6(1)(a), 6(1)(b) or"; and

(i) in paragraph 18(**28**) (continuity with Income Support or income-related employment and support allowance) omit sub-paragraph (1)(a).

Amendment of the Employment and Support Allowance Regulations

4.—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008(**29**) are amended in accordance with paragraph (2), subject to regulation 6 (saving provision).

(2) In Schedule 6(**30**) (housing costs)—

(a) in paragraph 1(2) (housing costs) omit the definition of "existing housing costs" and "new housing costs";

(b) omit paragraph 8 (existing housing costs);

(c) in paragraph 9 (new housing costs)—

(**21**) Paragraph 1(2) was amended by regulation 3(a)(i) of S.R. 2004 No. 461
(**22**) Paragraph 6 was amended by regulation 5(3) and (4) of S.R. 1997 No. 435, paragraph 54(5) of Schedule 2 to S.R. 2000 No. 350 and by regulation 19(25)(c) of S.R. 2008 No. 286
(**23**) Sub-paragraph (2) was amended by regulation 5(5) of S.R. 1997 No. 435
(**24**) Sub-paragraph (5) was amended by regulation 17 of S.R. 1996 No. 356
(**25**) Paragraph 9 was substituted by regulation 2(2) of S.R. 2001 No. 406 and amended by regulation 3(b) of S.R. 2004 No. 461
(**26**) Sub- paragraph (4A) was inserted by regulation 2(2)(b) of S.R. 1999 No. 315 and amended by regulation 13(12)(b) of S.R. 2006 No. 359
(**27**) Sub-paragraph 15 was inserted by regulation 12(b)(iii) of S.R. 2001 No. 78 and amended by regulation 5 of S.R. 2002 No. 128
(**28**) Paragraph 18 was amended by regulation 29(7) of S.R. 1996 No. 358 and regulation 19(25)(g) of S.R. 2008 No. 286
(**29**) S.R. 2008 No. 280; relevant amending Regulations are S.R. 2008 No. 503
(**30**) Schedule 6 was modified in relation to certain cases by regulation 11 of S.R. 2008 No. 503; S.R. 2008 No. 503 is revoked by regulation 5(1) of these Regulations subject to regulation 5(2) and regulation 6 (savings)