STATUTORY RULES OF NORTHERN IRELAND

# 2015 No.19

# HOUSING

## The Housing Benefit (Income from earnings) (Amendment) Regulations (Northern Ireland) 2015

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| *Made - - - -* | *26th January 2015* |
| *Coming into operation* | *18th February 2015* |

The Department for Social Development makes the following Regulations, in exercise of the powers conferred by sections 132(3) and (4) and 132A(3) of the Social Security, Contributions and Benefits (Northern Ireland) Act 1992(**1**) and now vested in it(**2**).

**Citation, commencement and interpretation**

**1.**—(1) The Regulations may be cited as the Housing Benefit (Income from earnings) (Amendment) Regulations (Northern Ireland) 2015 and come into operation on 18th February 2015.

(2) The Interpretation Act (Northern Ireland) 1954(**3**) shall apply to these Regulations as it applies to an Act of the Assembly.

**Amendment to the Housing Benefit Regulations**

**2.**—(1) The Housing Benefit Regulations (Northern Ireland) 2006(**4**) are amended in accordance with paragraphs (2) and (3).

(2) In paragraph 2(a) of regulation 26 (average weekly earnings of employed earners) after "if he has received any earnings" insert "or expects to receive an amount of earnings".

(3) After regulation 26 (average weekly earnings of employed earners) insert—

"**Date on which income consisting of earnings from employment as an employed earner are taken into account**

**26A.** A claimant's average weekly earnings from employment estimated pursuant to regulation 26 and Section 3 of this Part shall be taken into account—

(**1**) 1992 c. 7. Section 132A was inserted by paragraph 3 of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.))
(**2**) See Article 8(b) of S.R. 1999 No. 481
(**3**) 1954 c.33 (N.I.)
(**4**) S.R. 2006 No. 405

(a) in the case of a claim, on the date that the claim was made or treated as made and the first day of each benefit week thereafter, regardless of whether those earnings were actually received in the benefit week;

(b) in the case of a claim or award where the claimant commences employment, the first day of the benefit week following the date the claimant commences that employment, and the first day of each benefit week thereafter, regardless of whether those earnings were actually received in that benefit week; or

(c) in the case of a claim or award where the claimant's average weekly earnings from employment change, the first day of the benefit week following the date of the change, and the beginning of each benefit week thereafter, regardless of whether those earnings were actually received in that benefit week.".

**Amendment to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations**

**3.**—(1) Regulation 31 (calculation of weekly income) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(**5**) is amended in accordance with paragraphs (2) to (4).

(2) In paragraph (1) after "paragraph (2)" insert ", (2A), (3A)".

(3) After paragraph (2) insert—

**3.**—"(2A) Income calculated in pursuant to paragraph (2) shall be taken into account—

(a) in the case of a claim, on the date the claim was made or treated as made, and the first day of each benefit week thereafter;

(b) in the case of a claim or award where the claimant commences employment, the first day of the benefit week following the date the claimant commences that employment, and the first day of each benefit week thereafter; or

(c) in the case of a claim or award where the claimant's average weekly earnings from employment change, the first day of the benefit week following the date the claimant's earnings from employment change so as to require recalculation under this paragraph, and the first day of each benefit week thereafter,

regardless of whether those earnings were actually received in that benefit week.".

(4) After paragraph (3) insert—

**3.**—"(3A) A claimant's earnings from employment as an employed earner not calculated pursuant to paragraph (2) shall be taken into account—

(a) in the case of a claim, on the date the claim was made or treated as made and the first day of each benefit week thereafter;

(b) in the case of a claim or award where the claimant commences employment, the first day of the benefit week following the date the claimant commences that employment, and the first day of each benefit week thereafter; or

(c) in the case of a claim or award where the claimant's average weekly earnings from employment change, the first day of the benefit week following the date of the change, and the beginning of each benefit week thereafter,

regardless of whether those earnings were actually received in that benefit week.".

(**5**) S.R. 2006 No. 406; Regulation 31 was amended by regulation 7(4) of S.R. 2009 No. 92