STATUTORY RULES OF NORTHERN IRELAND

2013 No. 282

HOUSING

The Housing Benefit (Local Housing Allowance and Executive Determinations) (Amendment) Regulations (Northern Ireland) 2013

Made - - - - 2nd December 2013

Coming into operation 1st January 2014

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 122(1)(d), 129A(2) and (3) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 [F1], Article 74(3) of the Social Security (Northern Ireland) Order 1998 [F2] and now vested in it [F3], and paragraph 4(3A) of Schedule 7 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 [F4].

Proposals in respect of these Regulations were referred to the Social Security Advisory Committee. These regulations are made before the committee has made its report as it appeared to the Department for Social Development that by reason of the urgency of the matter it was expedient to do so [F5].

Annotations:

F1 1992 c. 7
;
section 129A
was inserted by section 30(2) of the Welfare Reform Act (Northern Ireland) 2007 and section 171(1) was amended by paragraph 5 of Schedule 4 to the
Tax Credits Act 2002 (c. 21)

F2 S.I. 1998/1506 (N.I. 10)

F3 *See* Article 8(b) of S.R.
1999 No. 481

F4 2000 c. 4 (N.I.)
;
paragraph 4(3A)
was inserted by section 30(3)(b) of the Welfare Reform Act (Northern Ireland) 2007

F5 *See* sections 149(2) and 150(3) of the
Social Security Administration (Northern Ireland) Act 1992 (c. 8)

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (Local Housing Allowance and Executive Determinations) (Amendment) Regulations (Northern Ireland) 2013 and shall come into operation on 1st January 2014.

(2) The Interpretation Act (Northern Ireland) 1954 [F6] shall apply to these Regulations as it applies to an Act of the Assembly.

Annotations:
F6 1954 c. 33 (N.I.)

Amendment of Housing Benefit and (Decisions and Appeals) Regulations

2. In regulation 8 of the Housing Benefit (Decisions and Appeals) Regulations (Northern Ireland) 2001 [F7] (date from which a decision superseding an earlier decision takes effect) after paragraph (14) add—

"(15) A decision to which regulation 7A(2) applies shall take effect—

(a) from 1st April in a case where 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;

(b) in any other case, from the first Monday in April.".

Annotations:
F7 S.R. 2001 No. 213 ; paragraph (14) was added by paragraph 2(4)(b) of Schedule 4 to S.R. 2010 No. 312

Amendment of the Housing Benefit Regulations

3. In regulation 14C of the Housing Benefit Regulations (Northern Ireland) 2006 [F8] (when a maximum rent (LHA) is to be determined)—

(a) in paragraph (2)(d)—

(i) at the end of paragraph (ii) omit "or"; and

(ii) after paragraph (iii) add—

"or

(iv) notification of a change of a kind which affects the amount of the claimant's cap rent as determined in accordance with regulation 14D.";

(b) for paragraph (3) substitute—

"(3) This paragraph applies on 1st April in any year."; and

(c) omit paragraphs (4) and (6).

Annotations:
F8 S.R. 2006 No. 405 ;

regulations 14
to14F were substituted for regulation 14 by regulation 2(7) of S.R.
2008 No. 101

Amendment of the Housing Benefit (State Pension Credit) Regulations

4. In regulation 14C of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) (Northern Ireland) 2006 [F9] (when a maximum rent (LHA) is to be determined)—

(a) in paragraph (2)(d)—

(i) at the end of paragraph (ii) omit "or"; and

(ii) after paragraph (iii) add—

"or

(iv) notification of a change of a kind which affects the amount of the claimant's cap rent as determined in accordance with regulation 14D.";

(b) for paragraph (3) substitute—

"(3) This paragraph applies on 1st April in any year."; and

(c) omit paragraphs (4) and (6).

Annotations:

F9 S.R.
2006 No. 406
;
regulations 14
to14F were substituted for regulation 14 by regulation 2(7) of S.R.
2008 No. 102

Amendment of the Housing Benefit (Executive Determinations) Regulations

[F10]**5.** . . . . . .

Annotations:

F10 Reg. 5
revoked (13.1.2014) by
The Housing Benefit (Executive Determinations and Local Housing Allowance) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/303)
,
regs. 1(1)
,
3
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Sch.