STATUTORY RULES OF NORTHERN IRELAND

2011 No. 293

HOUSING

The Housing Benefit (Amendment No. 2) Regulations (Northern Ireland) 2011

Made - - - -	*18th August 2011*
Coming into operation	*1st January 2012*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 122(1)(d), 129A(2) to (4), and 171(1), (3) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and now vested in it(**2**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (Amendment No. 2) Regulations (Northern Ireland) 2011 and shall come into operation on 1st January 2012.

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

Amendment of 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 regulation 2 (interpretation)—

(a) in paragraph (1) in the definition of "young individual"(**5**)—

(i) for "25 years" substitute "35 years";

(ii) at the end of paragraph (c) omit "or", and

(iii) after paragraph (d) add—

"or

(**1**) 1992 c. 7; section 129A was inserted by section 30(2) of the Welfare Reform Act (Northern Ireland) 2007 (c. 2 (N.I.)) and section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)
(**2**) See Article 8(b) of S.R. 1999 No. 481
(**3**) 1954 c. 33 (N.I.)
(**4**) S.R. 2006 No. 405; relevant amending Regulations are S.R. 2011 No. 51
(**5**) The definition of "young individual" was amended by regulation 2(2)(b) of S.R. 2011 No. 51

(e) who has attained the age of 25 years and to whom paragraph (1A), (1C) or both apply;"; and

(b) after paragraph (1) insert—

"(1A) This paragraph applies to a claimant if—

(a) he has, for a total of at least 3 months (whether or not continuously), occupied as his home one or more hostels for homeless people; and

(b) while occupying such a hostel, he has been offered and has accepted support services with a view to assisting him to be rehabilitated or resettled within the community.

(1B) For the purposes of determining whether a claimant meets the condition in paragraph (1A)(a), "hostel for homeless people" means a hostel, as defined in paragraph (1), the main purpose of which is to provide accommodation together with care, support or supervision for homeless people with a view to assisting such persons to be rehabilitated or resettled within the community.

(1C) This paragraph applies to a claimant if he is the subject of risk management pursuant to arrangements established under Part 3 of the Criminal Justice (Northern Ireland) Order 2008(**6**) (risk assessment and management).".

(3) In regulation 13D(**7**) (transitional protection–reduction in LHA)—

(a) in paragraph (4) for "Where" substitute "Subject to paragraph (4A), where"; and

(b) after paragraph (4) insert—

"(4A) Where on the date when the eligible rent ceases to apply because of paragraph (3)(a), the claimant is a young individual who has attained the age of 25 years—

(a) the eligible rent will be the maximum rent (LHA) which would apply if the relevant authority were to determine one by reference to that date; but

(b) the LHA date for the purposes of regulation 14C will remain the date by reference to which the local housing allowance used in the determination referred to in paragraph (1)(b) was identified.".

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

3.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(**8**) are amended in accordance with paragraphs (2) to (5).

(2) In regulation 2(1) (interpretation) omit the definition of "young individual".

(3) In regulation 15(3) (decisions)—

(a) in paragraph (a) for ", 4 or 5" substitute "or 4" and at the end add "or";

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

(c) omit paragraph (c).

(4) In Schedule 2(**9**) (decisions of rent payable) omit paragraph 5.

(5) In Schedule 3 (excluded tenancies) in paragraph 2(3)(**10**) omit head (e).

(**6**) S.I. 2008/1216 (N.I. 1)
(**7**) Regulation 13D was inserted by regulation 2(4) of S.R. 2011 No. 51
(**8**) S.R. 2006 No. 406
(**9**) To which there are amendments not relevant to these Regulations
(**10**) To which there is an amendment not relevant to these Regulations