This Statutory Rule has been made in consequence of a defect in S.R. 2008 No. 503 and is being issued free of charge to all known recipients of that Statutory Rule.

STATUTORY RULES OF NORTHERN IRELAND

2009 No. 426

SOCIAL SECURITY

The Social Security (Housing Costs Special Arrangements) (Amendment) Regulations (Northern Ireland) 2009

Made - - - - 17th December 2009

Coming into operation in accordance with regulation 1

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 122(1)(a), 131(1), 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**), sections 2(3)(b) and 19(1) to (3) of the State Pension Credit Act (Northern Ireland) 2002(**4**) and sections 4(2)(a) and 25(2) of the Welfare Reform Act (Northern Ireland) 2007(**5**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Housing Costs Special Arrangements) (Amendment) Regulations (Northern Ireland) 2009 and, subject to paragraph (2), shall come into operation on 5th January 2010.

(2) Regulations 4, 5 and 6(a), in so far as they relate to a particular person, shall come into operation on the first day of the first benefit week to commence for that person on or after 5th January 2010.

(3) In these Regulations—

"benefit week" in paragraph (2) has the same meaning as in regulation 1(4) of the principal Regulations;

"the principal Regulations" means the Social Security (Housing Costs Special Arrangements) (Amendment and Modification) Regulations (Northern Ireland) 2008(**6**).

(**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**) 2002 c. 14 (N.I.)
(**5**) 2007 c. 2 (N.I.)
(**6**) S.R. 2008 No. 503

(4) The Interpretation Act (Northern Ireland) 1954(**7**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of regulation 3 of the principal Regulations

2. In regulation 3(3) and (4) (application) of the principal Regulations for "he or she" in both places where it occurs substitute "that person".

Amendment of regulation 5 of the principal Regulations

3. In regulation 5(a) (modification of the Jobseeker's Allowance Regulations) of the principal Regulations in sub-paragraph (3)(a) of the new paragraph 4A (housing costs: limitation applicable to qualifying loans) to be treated as inserted in the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**8**) omit "or her".

Amendment of regulation 8 of the principal Regulations

4. For regulation 8 (application and interpretation) of the principal Regulations substitute—

"**8.**—(1) This Part applies on and after 5th January 2010 to a person ("C") who—

(a) claims a relevant benefit after 4th January 2009, and

(b) satisfies any of the following conditions.

(2) The first condition is that Part 2 applied to C at any time.

(3) The second condition is that this Part (as it has effect on and after 5th January 2010) applied to C in relation to a previous award.

(4) The third condition is that—

(a) neither C nor C's partner has been awarded a relevant benefit as the result of an earlier claim (whether the award was made before or on or after 5th January 2009);

(b) neither C nor C's partner is in receipt of state pension credit before the date on which C's claim is made or treated as made, and

(c) C does not fall to be treated under a linking rule as being in continuous receipt of the benefit to which C's claim relates in respect of a period which begins on or before 4th January 2009 and which ends immediately before the date on which C's claim is made or is treated as made.

(5) The fourth condition is that—

(a) C is not in receipt of a relevant benefit immediately before the date on which a claim made by C after 4th January 2009 is made or treated as made;

(b) neither C nor C's partner is in receipt of state pension credit before that claim is made or treated as made;

(c) C or C's partner was awarded a relevant benefit as the result of a claim made or treated as made before that claim, and

(d) C does not fall to be treated under a linking rule as being in continuous receipt of a relevant benefit during the period which falls immediately between the date on which a claim to which this provision relates is made or treated as made and the last period to occur before that date in respect of which C was in receipt of

(**7**) 1954 c. 33 (N.I.)
(**8**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 2000 No. 350, S.R. 2005 Nos. 458 and 536 and S.R. 2007 No. 475