STATUTORY RULES OF NORTHERN IRELAND

2008 No. 503

SOCIAL SECURITY

The Social Security (Housing Costs Special Arrangements) (Amendment and Modification) Regulations (Northern Ireland) 2008

Made - - - - 18th December 2008

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 (3) and 25(2) of the Welfare Reform Act (Northern Ireland) 2007(**5**).

Proposals in respect of these Regulations were not referred to the Social Security Advisory Committee since it appeared to the Department for Social Development that by reason of the urgency of the matter it was inexpedient to do so(**6**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Housing Costs Special Arrangements) (Amendment and Modification) Regulations (Northern Ireland) 2008.

(2) Regulations 4 to 6, 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 2009.

(3) The remaining provisions of these Regulations shall come into operation on 5th January 2009.

(4) In these Regulations—

"benefit week" has the same meaning as in—

(**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**) *See* sections 149(2) and 150(1)(a) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)

(a) regulation 2(1)(**7**) of the Income Support Regulations(**8**), where the relevant benefit is income support;

(b) regulation 1(2)(**9**) of the Jobseeker's Allowance Regulations(**10**), where the relevant benefit is a jobseeker's allowance;

(c) regulation 2(1) of the Employment and Support Allowance Regulations(**11**), where the relevant benefit is an employment and support allowance;

"the Employment and Support Allowance Regulations" means the Employment and Support Allowance Regulations (Northern Ireland) 2008;

"housing costs" has the same meaning as in paragraph 1(2) (housing costs) of—

(a) Schedule 3(**12**) to the Income Support Regulations, where the relevant benefit is income support;

(b) Schedule 2 to the Jobseeker's Allowance Regulations, where the relevant benefit is a jobseeker's allowance, and

(c) Schedule 6 to the Employment and Support Allowance Regulations, where the relevant benefit is an employment and support allowance;

"the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987;

"the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations (Northern Ireland) 1996;

"relevant benefit" means—

(a) income support;

(b) a jobseeker's allowance;

(c) an employment and support allowance;

"the State Pension Credit Regulations" means the State Pension Credit Regulations (Northern Ireland) 2003(**13**).

(5) The Interpretation Act (Northern Ireland) 1954(**14**) shall apply to these Regulations as it applies to an Act of the Assembly.

PART 1

Amendments relating to the standard rate of interest

Amendments relating to the standard rate of interest

2.—(1) This regulation applies to the following provisions—

(**7**) The definition of "benefit week" was amended by regulation 2(a) of S.R. 1988 No. 318
(**8**) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1988 No. 318, S.R. 1995 No. 434, S.R. 1996 No. 199, S.R. 1997 No. 435, S.R. 1999 Nos. 315 and 472, S.R. 2001 Nos. 29, 78 and 406, S.R. 2002 No. 128, S.R. 2003 No. 191, S.R. 2004 No. 461, S.R. 2006 No. 359 and S.R. 2007 No. 475
(**9**) The definition of "benefit week" was amended by regulation 2(2) of S.R. 1996 No. 358, regulation 2(2)(a) of S.R. 1996 No. 503 and regulation 13(2) of S.R. 2006 No. 359
(**10**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1996 Nos. 356, 358 and 503, S.R. 1997 No. 435, S.R. 1999 Nos. 315 and 428 (C.32), S.R. 2000 No. 350, S.R. 2001 Nos. 29 and 406, S.R. 2002 No. 128, S.R. 2003 No. 191, S.R. 2004 No. 461, S.R. 2006 No. 359, S.R. 2007 No. 475 and S.R. 2008 No. 286
(**11**) S.R. 2008 No. 280; relevant amending Regulations are S.R. 2008 No. 413
(**12**) Schedule 3 was substituted by regulation 2 of S.R. 1995 No. 301
(**13**) S.R. 2003 No. 28; relevant amending Regulations are S.R. 2004 No. 461 and S.R. 2007 No. 475
(**14**) 1954 c. 33 (N.I.)

(a) paragraph 12(**15**) (the standard rate) of Schedule 3 to the Income Support Regulations;

(b) paragraph 11(**16**) (the standard rate) of Schedule 2 to the Jobseeker's Allowance Regulations;

(c) paragraph 9(**17**) (the standard rate) of Schedule 2 to the State Pension Credit Regulations, and

(d) paragraph 13 (the standard rate) of Schedule 6 to the Employment and Support Allowance Regulations.

(2) In each of the provisions to which this regulation applies—

(a) for sub-paragraph (2) substitute—

"(2) The standard rate is to be 6.08%.", and

(b) omit sub-paragraph (3).

PART 2

Modifications relating to certain claimants who are entitled to a relevant benefit on 4th January 2009

Application

3.—(1) This Part applies in relation to a person who—

(a) is entitled to a relevant benefit on 4th January 2009, and

(b) on or after that date falls within paragraph (3) or (4).

(2) This Part ceases to apply in relation to a person who makes a further claim to the same, or claims another, relevant benefit after 4th January 2009.

(3) A person falls within this paragraph if, apart from these Regulations, the housing costs to be met in the benefit week that includes 4th January 2009 would be nil in that person's case because he or she has not been entitled to the relevant benefit concerned for the period mentioned in sub-paragraph (1)(a) in any of the following provisions—

(a) paragraph 6(**18**) (existing housing costs) or paragraph 8(**19**) (new housing costs) of Schedule 3 to the Income Support Regulations;

(b) paragraph 6(**20**) (existing housing costs) or paragraph 7(**21**) (new housing costs) of Schedule 2 to the Jobseeker's Allowance Regulations;

(c) paragraph 8 (existing housing costs) or paragraph 9 (new housing costs) of Schedule 6 to the Employment and Support Allowance Regulations.

(4) A person falls within this paragraph if he or she has been entitled to a relevant benefit for a continuous period, which includes 4th January 2009, for at least 8 weeks but less than 26 weeks under any of the provisions mentioned in paragraph (5) as in operation apart from these Regulations.

(**15**) Paragraph 12 was substituted by regulation 2(c) of S.R. 2004 No. 461 and amended by regulation 2(3)(c) of S.R. 2007 No. 475
(**16**) Paragraph 11 was substituted by regulation 3(c) of S.R. 2004 No. 461 and amended by regulation 4(c) of S.R. 2007 No. 475
(**17**) Paragraph 9 was substituted by regulation 4(c) of S.R. 2004 No. 461 and amended by regulation 5 of S.R. 2007 No.475
(**18**) 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 24(6)(a) of S.R. 2003 No. 191
(**19**) Paragraph 8 was amended by regulation 2(3)(f) of S.R. 1995 No. 434, regulation 24(a) of S.R. 1996 No. 199, regulation 2(5) and (6) of S.R. 1997 No. 435 and regulation 24(6)(b) of S.R. 2003 No. 191
(**20**) 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 regulation 32(a) of S.R. 2003 No. 191
(**21**) Paragraph 7 was amended by regulation 17 of S.R. 1996 No. 356, regulation 5(5) and (6) of S.R. 1997 No. 435 and paragraph 54(6) of Schedule 2 to, S.R. 2000 No. 350

(5) The provisions are—

(a) paragraph 6(1)(b) (existing housing costs) or paragraph 8(4) (new housing costs) of Schedule 3 to the Income Support Regulations;

(b) paragraph 6(1)(b) (existing housing costs) or paragraph 7(6) (new housing costs) of Schedule 2 to the Jobseeker's Allowance Regulations;

(c) paragraph 8(1)(b) (existing housing costs) or paragraph 9(6) (new housing costs) of Schedule 6 to the Employment and Support Allowance Regulations.

Modification of the Income Support Regulations

4. Schedule 3 (housing costs) to the Income Support Regulations applies in relation to a person to whom this Part applies as if—

(a) in paragraph 6(1) (existing housing costs) the reference to "26" were to "13" in both places where it occurs;

(b) in paragraph 8(1) (new housing costs) the reference to "39" were to "13";

(c) in paragraph 11(5) (general provisions applying to new and existing housing costs) the reference to "£100,000" were to "£200,000";

(d) in paragraph 14(9)(**22**) (linking rule)—

(i) in head (a) the reference to "26" were to "13";

(ii) in head (b) the reference to "39" were to "13".

Modification of the Jobseeker's Allowance Regulations

5. Schedule 2 (housing costs) to the Jobseeker's Allowance Regulations applies in relation to a person to whom this Part applies as if—

(a) after paragraph 4 (housing costs not met) there were inserted—

"**Housing costs: limitation applicable to qualifying loans**

4A.—(1) Subject to sub-paragraphs (2) and (3), no amount may be met in respect of housing costs under paragraph 14 or 15 where the claimant has been in receipt of housing costs under either or both of those paragraphs for a total of 104 weeks.

(2) No week in which the appropriate amount specified in paragraph 10(4) is £100,000 in relation to that claimant is to count towards the 104 week total.

(3) Sub-paragraph (1) does not apply where—

(a) the claimant or his or her partner or, if the claimant is a member of a joint-claim couple, the other member of the couple, was previously entitled to income support or employment and support allowance, and

(b) 12 weeks or less has elapsed since the last day of that entitlement and the first day of entitlement to a jobseeker's allowance.";

(b) in paragraph 6(1) (existing housing costs) the reference to "26" were to "13" in both places where it occurs;

(c) in paragraph 7(1) (new housing costs) the reference to "39" were to "13";

(d) in paragraph 10(4) (general provisions applying to new and existing housing costs) the reference to "£100,000" were to "£200,000";

(**22**) Paragraph 14(9) was amended by regulation 2(3)(i)(vi) of S.R. 1995 No. 434

(e) in paragraph 13(11) (linking rule)—

(i) in head (a) the reference to "26" were to "13";

(ii) in head (b) the reference to "39" were to "13".

Modification of the Employment and Support Allowance Regulations

6. Schedule 6 (housing costs) to the Employment and Support Allowance Regulations applies in relation to a person to whom this Part applies as if—

(a) in paragraph 8(1) (existing housing costs) the reference to "26" were to "13" in both places where it occurs;

(b) in paragraph 9(1) (new housing costs) the reference to "39" were to "13";

(c) in paragraph 12(4)(**23**) (general provisions applying to new and existing housing costs) the reference to "£100,000" were to "£200,000";

(d) in paragraph 15(14)(**24**) (linking rules)—

(i) in head (a) the reference to "26" were to "13";

(ii) in head (b) the reference to "39" were to "13".

Saving

7. Nothing in this Part is to affect the applicable amount of a person to whom this Part applies in respect of —

(a) any period ending before the date on which these Regulations come into operation, or

(b) any period ending after that date throughout which he or she is entitled to the relevant benefit concerned for a continuous period that does not exceed 12 weeks.

PART 3

Modifications relating to certain persons who claim a relevant benefit after 4th January 2009

Application and interpretation

8.—(1) This Part applies in relation to a person who—

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

(b) falls within any of the paragraphs (2) to (4).

(2) A claimant falls within this paragraph if Part 2 applied to him at any time.

(3) A claimant falls within this paragraph if he or she—

(a) is entitled to a relevant benefit, or

(b) was previously entitled to a relevant benefit at any time after 4th January 2009, and

(c) in either case the entitlement is not or was not immediately preceded by a linked period.

(4) A claimant falls within this paragraph if—

(a) the claimant or his or her partner or, if the claimant is a member of a joint-claim couple, the other member of the couple, was in receipt of state pension credit;

(**23**) Paragraph 12 was amended by regulation 3(30)(c) of S.R. 2008 No. 413
(**24**) Paragraph 15 was amended by regulation 3(30)(d) of S.R. 2008 No. 413