Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Housing Benefit (Executive Determinations) Regulations (Northern Ireland) 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY RULES OF NORTHERN IRELAND

2008 No. 100

HOUSING

The Housing Benefit (Executive Determinations) Regulations (Northern Ireland) 2008

Made - - - -	*11th March 2008*
Coming into operation	*20th March 2008*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 122(1)(d), 129A(2) and 171(1) and (3) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 [F1] and now vested in it [F2].

This Rule contains only regulations made consequential upon section 30(2) of the Welfare Reform Act (Northern Ireland) 2007 [F3].

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 *See* Article 8(b) of S.R. 1999 No. 481
F3 2007 c. 2 (N.I.)

Citation and commencement

1. These Regulations may be cited as the Housing Benefit (Executive Determinations) Regulations (Northern Ireland) 2008 and shall come into operation on 20th March 2008.

Interpretation

2.—(1) In these Regulations—

[F4]...

"broad rental market area" has the meaning specified in paragraph 4 of the Schedule;

"broad rental market area determination" means a determination made in accordance with regulation 3(1);

"dwelling" means any residential accommodation whether or not consisting of the whole or part of a building and whether or not comprising separate and self-contained premises;

"the Housing Benefit Regulations" means the Housing Benefit Regulations (Northern Ireland) 2006 [F5];

"the Housing Benefit (State Pension Credit) Regulations" means the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006 [F6];

"local housing allowance determination" means a determination made in accordance with regulation 3(2);

"rent" means any of the periodical payments referred to in regulation 13(1) of the Housing Benefit Regulations or, as the case may be, regulation 13(1) of the Housing Benefit (State Pension Credit) Regulations;

"tenancy" includes—

(a) a licence; and

(b) a prospective tenancy or licence, and

references to a tenant or any other expression appropriate to a tenancy shall be construed accordingly;

"uncontrolled tenancy" means a tenancy which is not a controlled tenancy within the meaning of Article 40(4) of the Private Tenancies (Northern Ireland) Order 2006 [F7] or a secure tenancy within the meaning of Article 25 of the Housing (Northern Ireland) Order 1983 [F8];

"working day" means any day other than a Saturday, a Sunday or a day which is a public holiday in Northern Ireland.

(2) The Interpretation Act (Northern Ireland) 1954 [F9] shall apply to these Regulations as it applies to an Act of the Assembly.

F4 Words in reg. 2(1) omitted (1.9.2013) by virtue of The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/209), regs. 1(1), **2(2)**
F5 S.R. 2006 No. 405; relevant amending Regulations are S.R. 2008 No. 101
F6 S.R. 2006 No. 406; relevant amending Regulations are S.R. 2008 No. 102
F7 S.I. 2006/1459 (N.I. 10)
F8 S.I. 1983/1118 (N.I. 15)
F9 1954 c. 33 (N.I.)

Broad rental market area determinations and local housing allowance determinations

3.—(1) **[**[F10]At such times as the Executive considers appropriate, the Executive shall, if the Department agrees**]**—

(a) determine one or more broad rental market areas so that every part of Northern Ireland falls within a broad rental market area and no part of Northern Ireland falls within more than one broad rental market area; and

(b) specify the area contained within each broad rental market area by reference to the postcodes for each such broad rental market area.

[[F11](1A) The power in paragraph (1) is not limited by paragraph **[**[F12]2(2)**]** of the Schedule.**]**

[[F13](2) **[**[F14]In 2014 and in each subsequent year, on the date specified in paragraph (2A),**]** the Executive shall for each broad rental market area determine, in accordance with the Schedule, a local housing allowance for each of the categories of dwelling set out in paragraph 1 of the Schedule.**]**

[[F15](2A) The date specified for the purpose of paragraph (2) is the last working day of January **[**[F16]and also the 31st March 2020 **]**.**]**

[[F17](3) Any broad rental market area determination made in accordance with paragraph (1) shall take effect—

(a) on the day the determination is made for the purpose of enabling the Executive to determine a local housing allowance for that area; and

[F18(b) for all other purposes —

(i) on the next 1st April following the day on which the determination is made; or

(ii) where the next 1st April is within 11 months beginning with the date on which the determination is made, on the next 1st April after that.**]]**

[F17(3A) Any local housing allowance determination made in accordance with paragraph (2) shall take effect on the next 1st April following the day on which the determination is made **[**F19, and the determinations made on the 31st March 2020 shall take effect (on 1st April 2020) in place of the determinations made on the 31st January 2020**].]**

(4) Where the Executive is required to make local housing allowance determinations by—

(a) regulation 14D(7)(a) F20; or

(b) regulation 14D(8),

of the Housing Benefit Regulations or, as the case may be, the Housing Benefit (State Pension Credit) Regulations, it shall do so in accordance with the provisions of the Schedule.

(5) Where the Executive has made a local housing allowance determination in accordance with paragraph (4), any determination made in accordance with—

(a) paragraph (4)(a) shall take effect for the month in which the relevant date falls; and

(b) paragraph (4)(b) shall take effect for the month in which the determination is made,

except that no such determination can have effect before 7th April 2008.

(6) Where the Executive has made a local housing allowance determination in accordance with paragraph (2) it shall make an approximate monthly allowance determination in relation to that local housing allowance determination.

F10 Words in reg. 3(1) substituted (2.4.2012) by The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/157), regs. 1(1), **2(3)(a)**

F11 Reg. 3(1A) inserted (23.1.2017) by The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/9), regs. 1(1), **2(2)**

F12 Word in reg. 3(1A) substituted (30.1.2020) by The Housing Benefit and Universal Credit Housing Costs (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2020 (S.R. 2020/14), regs. 1(1), **2(2)**

F13 Reg. 3(2) substituted (2.4.2012) by The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/157), regs. 1(1), **2(3)(b)**

F14 Words in reg. 3(2) substituted (1.9.2013) by The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/209), regs. 1(1), **2(3)(a)**

F15 Reg. 3(2A) substituted (20.1.2015) by The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015/2), regs. 1(1), **2(2)**

F16 Words in reg. 3(2A) added (30.3.2020) by The Social Security (Coronavirus) (Further Measures) Regulations (Northern Ireland) 2020 (S.R. 2020/53), regs. 1(1), **4(1)(a)(i)**

F17 Reg. 3(3)(3A) substituted for reg. 3 (2.4.2012) by The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/157), regs. 1(1), **2(3)(c)**

F18 Reg. 3(3)(b) substituted (26.1.2018) by virtue of The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/2), regs. 1(1), **2(2)**

F19 Words in reg. 3(3A) added (30.3.2020) by The Social Security (Coronavirus) (Further Measures) Regulations (Northern Ireland) 2020 (S.R. 2020/53), regs. 1(1), **4(1)(a)(ii)**

F20 Regulation 14D was inserted into S.R. 2006 No. 405 by regulation 2(7) of S.R. 2008 No. 101 and into S.R. 2006 No. 406 by regulation 2(7) of S.R. 2008 No. 102

Sealed with the Official Seal of the Department for Social Development on 11th March 2008

L.S.

John O'Neill
A senior officer of the
Department for Social Development

SCHEDULE Regulation 3

Broad rental market area determinations and local housing allowance determinations

Categories of dwelling

1.—(1) The categories of dwelling for which the Executive is required to determine a local housing allowance in accordance with **[**[F21] regulation 3(2)**]** are—

(a) a dwelling where the tenant has the exclusive use of only one bedroom and where the tenancy provides for him to share the use of one or more of—

(i) a kitchen;

(ii) a bathroom;

(iii) a toilet, or

(iv) a room suitable for living in;

(b) a dwelling where the tenant (together with his partner where he has one) has the exclusive use of only one bedroom and exclusive use of a kitchen, a bathroom, a toilet and a room suitable for living in;

(c) a dwelling where the tenant has the use of only 2 bedrooms;

(d) a dwelling where the tenant has the use of only 3 bedrooms;

(e) a dwelling where the tenant has the use of only 4 bedrooms;

(f) a dwelling where the tenant has the use of only 5 bedrooms.

(2) In—

(a) sub-paragraph (1)(b) "partner" has the same meaning as in regulation 2 of the Housing Benefit Regulations or, as the case may be, regulation 2 of the Housing Benefit (State Pension Credit) Regulations;

(b) sub-paragraph (1)(c) to (f) "bedroom" means a bedroom, except for a bedroom which the tenant shares with any person other than—

(i) a member of his household;

(ii) a non-dependant of the tenant (within the meaning of regulation 3 of the Housing Benefit Regulations or, as the case may be, regulation 3 of the Housing Benefit (State Pension Credit) Regulations), or

(iii) a person who pays rent to the tenant.

F21 Words in Sch. para. 1(1) substituted (2.4.2012) by The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/157), regs. 1(1), **2(4)(a)**

Local housing allowance for category of dwelling in paragraph 1

[[F22]2.—(1) Subject to paragraph 3 (anomalous local housing allowances), the Executive must determine a local housing allowance for each category of dwelling in paragraph 1 as follows.

[[F23](2) The local housing allowance for any category of dwelling is the lower of—

(a) the rent at the 30th percentile determined in accordance with sub-paragraphs (4) to (8); and

(b) for a category of dwelling listed in column 1 of the following table, the amount listed in column 2 of that table (maximum local housing allowance)—