STATUTORY RULES OF NORTHERN IRELAND

2007 No. 475

SOCIAL SECURITY

The Social Security (Housing Costs and Miscellaneous Amendments) Regulations (Northern Ireland) 2007

Made - - - -	*15th November 2007*
Coming into operation	*17th December 2007*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 122(1)(a), 131(1), 133(2)(d) and 171(1) and (3) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), sections 5(1)(j) and (q), 13A(2)(aa) and 165(1), (4) and (5) of the Social Security Administration (Northern Ireland) Act 1992(**2**), Articles 6(5) and 36(2) of the Jobseekers (Northern Ireland) Order 1995(**3**), and now vested in it(**4**), and sections 2(3)(b) and 19(1) to (3) of the State Pension Credit Act (Northern Ireland) 2002(**5**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Housing Costs and Miscellaneous Amendments) Regulations (Northern Ireland) 2007 and shall come into operation on 17th December 2007.

(2) The Interpretation Act (Northern Ireland) 1954(**6**) shall apply to these Regulations as it applies to an Act of the Assembly.

(**1**) 1992 c.7; section 133(2)(d) was substituted by paragraph 18(3) of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15)), section 171(1) was amended by paragraph 5 of Schedule 4 to, the Tax Credits Act 2002 (c. 21) and section 171(5) was amended by paragraph 36 of Schedule 1 to the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12))

(**2**) 1992 c.8; section 13A was inserted by Article 3(2) of, and paragraph 1 of the Schedule to, the Social Security (Mortgage Interest Payments) (Northern Ireland) Order 1992 (S.I. 1992/1309 (N.I. 9)) and subsection (2)(aa) was inserted by paragraph 9(c) of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002 (c.14 (N.I.)) and section 165(1) was amended by Article 4 of, and paragraph 49(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)

(**3**) S.I. 1995/2705 (N.I. 15); Article 36(2) was amended by Article 4 of, and paragraph 55 of Schedule 3 to, the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999

(**4**) *See* Article 8(b) of, and Part II of Schedule 6 to S.R. 1999 No. 481

(**5**) 2002 c. 14 (N.I.)

(**6**) 1954 c. 33 (N.I.)

Amendment of the Income Support (General) Regulations

2.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(**7**) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 6(5)(**8**) (persons not treated as engaged in remunerative work)—

(a) in sub-paragraph (c)(i) for "a loan which qualifies under paragraph 15 (loans on residential property) or 16 (loans for repairs and improvements to the dwelling occupied as the home)" substitute "housing costs which qualify under paragraphs 15 to 17";

(b) in sub-paragraph (c)(ii) for "a loan which qualifies under paragraph 14 (loans on residential property) or 15 (loans for repairs and improvements to the dwelling occupied as the home" substitute "housing costs which qualify under paragraphs 14 to 16", and

(c) in sub-paragraph (d) for "on such a loan" substitute "in respect of such housing costs".

(3) In Schedule 3(**9**) (housing costs)—

(a) in paragraph 1A(**10**) (previous entitlement to income-based jobseeker's allowance)—

(i) for the heading substitute "Previous entitlement to income-based jobseeker's allowance or state pension credit";

(ii) in sub-paragraph (1)(a) for "paragraph 14 or 15" substitute "paragraphs 14 to 16";

(iii) after sub-paragraph (1) insert—

"(1A) Where a claimant or his partner was in receipt of state pension credit not more than 12 weeks before one of them becomes entitled to income support or, where the claimant or his partner is a person to whom paragraph 14(2) or (8) (linking rules) refers, not more than 26 weeks before becoming so entitled, and—

(a) the appropriate minimum guarantee included an amount in respect of housing costs under paragraphs 11 to 13 of Schedule 2 to the State Pension Credit Regulations (Northern Ireland) 2003(**11**), and

(b) the circumstances affecting the calculation of those housing costs remain unchanged since the last calculation of those costs,

the applicable amount in respect of housing costs for income support shall be the amount applicable in respect of those costs current when entitlement to state pension credit was last determined.", and

(iv) in sub-paragraph (2) after "jobseeker's allowance" insert "or (as the case may be) state pension credit".

(b) in paragraph 4 (housing costs not met) after sub-paragraph (4A)(**12**) insert—

"(4B) A person treated by virtue of paragraph 14 as being in receipt of income support for the purposes of this Schedule is not to be treated as entitled to income support for the purposes of sub-paragraph (4).", and

(c) in paragraph 12(**13**) (the standard rate)—

(i) in sub-paragraph (2) for "sub-paragraphs (3), (4) and (6)" substitute "sub-paragraph (3)", and

(**7**) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1995 No. 301, S.R. 1997 Nos. 435 and 541, S.R. 2001 Nos. 78 and 151 and S.R. 2004 No. 461
(**8**) Paragraph (5) was added by regulation 4 of S.R. 2001 No. 78
(**9**) Schedule 3 was substituted by regulation 2 of and Schedule 1 to S.R. 1995 No. 301
(**10**) Paragraph 1A was inserted by regulation 2(2) of S.R. 1997 No. 435
(**11**) S.R. 2003 No. 28
(**12**) Sub-paragraph (4A) was inserted by regulation 16(2) of S.R. 1997 No. 541 and amended by regulation 12(a) of S.R. 2001 No. 151
(**13**) Paragraph 12 was substituted by regulation 2(c) of S.R. 2004 No. 461