STATUTORY RULES OF NORTHERN IRELAND

2016 No. 310

HOUSING; RATES

The Housing Benefit (Abolition of the Family Premium and date of claim) (Amendment) Regulations (Northern Ireland) 2016

Made - - - -	*29th July 2016*
Coming into operation	*5th September 2016*

The Department for Communities makes the following Regulations in exercise of the powers conferred by sections 122(1)(d), 131(1), 132(1), (3) and (4) and 171(1), (3) and (4), of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), sections 5(1)(b) and 165(1) and (5) of the Social Security Administration (Northern Ireland) Act 1992(**2**) and now vested in it(**3**), and section 60(1) to (4) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000(**4**).

The Regulations are made with the consent of the Department of Finance(**5**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (Abolition of the Family Premium and date of claim) (Amendment) Regulations (Northern Ireland) 2016 and come into operation on 5th September 2016.

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

Amendment to the Discretionary Financial Assistance Regulations

2.—(1) The Discretionary Financial Assistance Regulations (Northern Ireland) 2001(**7**) are amended in accordance with paragraphs (2) to (4)—

(2) in regulation 1(2) at the appropriate place insert—

(**1**) 1992 c. 7 to which there are amendments not relevant to these Regulations
(**2**) 1992 c. 8 to which there are amendments not relevant to these Regulations
(**3**) *See* Article 8(b) of S.R. 1999 No. 481 and section 1(7) of the Departments Act (Northern Ireland) 2016 (c.5 (N.I.))
(**4**) 2000 c. 4 (N.I.)
(**5**) *See* section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 as inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/1579 (N.I. 8)); *see also* Article 6(b) of S.R. 1999 No. 481 and section 1(4) of the Departments Act (Northern Ireland) 2016
(**6**) 1954 c. 33 (N.I.)
(**7**) S.R. 2001 No. 216

"the Housing Benefit (Abolition of the Family Premium) Regulations means the Housing Benefit (Abolition of the Family Premium and date of claim) (Amendment) Regulations (Northern Ireland) 2016;";

"registered housing association" means a housing association which is registered in a register maintained under Article 14 of the Housing (Northern Ireland) Order 1992(**8**).".

(3) in regulation 2, after paragraph (1)(b) insert—

"; or

(c) is a tenant of the Housing Executive or a registered housing association and their amount of housing benefit has been reduced by virtue of the abolition of the family premium pursuant to regulation 3 of the Housing Benefit (Abolition of the Family Premium) Regulations, and to whom the transitional provision in regulation 5 of those Regulations does not apply."

(4) in regulation 6, for paragraph (1)(b)(i) substitute—

"(i) a person entitled to housing benefit in a case where regulation 2(1) applies, or".

Abolition of the family premium

3.—(1) The Housing Benefit Regulations (Northern Ireland) 2006(**9**) are amended as follows—

(a) in regulation 20 (applicable amounts) omit paragraph (c);

(b) in regulation 21(polygamous marriages) omit paragraph (d);

(c) in Schedule 4 (applicable amounts) omit Part II (family premium);

(d) in Schedule 5 (sums to be disregarded in the calculation of earnings) for paragraph 17(2)(b)(ii)(bb) substitute—

"(bb) his family includes at least one child or young person;"; and

(e) in Schedule 6 (sums to be disregarded in the calculation of income other than earnings) in paragraph 49(1)(**10**) for "Where a claimant's applicable amount includes an amount by way of family premium," substitute "Where a claimant's family includes at least one child or young person,".

(2) The Housing Benefit (Persons who have attained the age for state pension credit) Regulations (Northern Ireland) 2006(**11**) are amended as follows—

(a) in regulation 20(1) (applicable amounts) omit sub-paragraphs (c) and (d);

(b) in Schedule 4 (applicable amounts) omit Part II (family premium);

(c) in Schedule 5 (sums disregarded from claimant's earnings) for paragraph 9(2)(b)(ii)(bb) substitute—

"(bb) his family includes at least one child or young person;"; and

(d) in Schedule 6 (amounts to be disregarded in the calculation of income other than earnings) in paragraph 21(1) for "Where a claimant's applicable amount includes an amount by way of family premium," substitute "Where a claimant's family includes at least one child or young person,".

(**8**) S.I. 1992/1725 (N.I. 15)
(**9**) S.R. 2006 No. 405; relevant amending Regulations are S.R. 2008 No. 179 and S.R. 2011 No. 136
(**10**) Paragraph 49 was substituted by regulation 3(10)(c) of S.R. 2008 No. 179
(**11**) S.R. 2006 No. 406.