

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations provide for welfare supplementary payments to mitigate the impact on calculations of housing benefit of the social sector size criteria under regulation B14(2) of the Housing Benefit Regulations (Northern Ireland) 2006.

Regulation 1 provides for these Regulations to come into operation on 20<sup>th</sup> February 2017, the date on which the social sector size criteria themselves come into operation.

Regulation 2 provides for a welfare supplementary payment to be made in the case of a housing benefit claimant whose award of housing benefit is reduced by the application of the social sector size criteria. There is no need for a claim to be made for welfare supplementary payment. Regulation 2 also provides that entitlement to a welfare supplementary payment ceases if the person moves within the social sector and continues to under-occupy to the same or a greater extent than before, unless the move happens because the person has Management Transfer status.

Regulation 3 provides that the amount of welfare supplementary payment is the difference between the amount of housing benefit to which a person would be entitled were it not for the reduction by the application of the social sector size criteria and the amount to which that person is entitled after the reduction.

Regulation 4 provides that a welfare supplementary payment is to be made four weeks in arrears,

Regulation 5 provides that a welfare supplementary payment is to be made to the landlord or, if the person concerned or some other person on his or her behalf receives the housing benefit, to that recipient.

Regulation 6 requires a person entitled to welfare supplementary payment to notify the Housing Executive of any change of circumstances which might affect entitlement.

Regulation 7 enables the sharing of information relating to housing benefit and welfare supplementary payments between the Department for Communities, the Northern Ireland Housing Executive and registered housing associations.

Regulation 8 sets out the circumstances in which the Department is entitled to recover an overpayment of welfare supplementary payment. The first case is where the overpayment results from a misrepresentation of or failure to disclose a material fact. The second case is where the overpayment results from a failure to notify the Department of a relevant change of circumstances. The third case is where the overpayment results from an error made by the Department. The fourth case is where the overpayment results from a welfare supplementary payment being made pending the outcome of an appeal against the amount of the award of housing benefit.

Regulation 9 sets out the methods by which recovery may be made and the order in which those methods may be used, namely deduction from welfare supplementary payments, deduction from social security benefits, deduction from earnings and court action.

Regulation 10 enables the Department to recover the outstanding amount by deduction from future payments of welfare supplementary payment or of any other welfare supplementary payments to which the person is entitled.

Regulation 11 enables the Department to recover the outstanding amount by deduction from certain social security benefits. The benefits concerned are listed in Schedule 1.

Regulation 12 enables the Department to recover the outstanding amount by deductions from the person's earnings. The detail of the procedure is set out in Schedule 2.

Regulation 13 enables the Department to recover the outstanding amount by way of action in the county court as if the outstanding amount were due under a court order.

Regulation 14 provides that entitlement to welfare supplementary payment is to be ignored in assessing a person's entitlement to social security benefits.

Regulation 15 requires the Department to establish procedures for reviewing decisions to recover payments of welfare supplementary payment.

Schedule 1 lists the social security benefits from which deductions may be made under regulation 11.

Schedule 2 sets out the procedure for deductions to be made from a person's earnings.

Paragraph 1 provides for the Department to send a notice to the employer and the person.

Paragraph 2 gives the meaning of certain key terms, including what does and does not count as "earnings".

Paragraph 3 specifies the amounts to be deducted by the employer.

Paragraph 4 makes provision for certain special cases, for example where the employer fails to make the required deductions.

Paragraph 5 requires the employer to notify the person of the amount of the deduction.

Paragraph 6 requires the employer to pay the amount of the deduction to the Department.

Paragraph 7 requires the person to notify the Department if he or she leaves the employment concerned.

Paragraph 8 requires a person who receives a notice in error to notify the Department.

Paragraph 9 enables the Department to vary the amount of a deduction.

Paragraph 10 provides for the notice to be discharged in certain circumstances, for example if no further payments are due.

Paragraph 11 provides for the notice to lapse if the person's employment comes to an end.

Paragraph 12 makes provision for those in Crown employment.

Paragraph 13 sets out the priority of the deductions to be made where the person is subject to two or more notices under Schedule 2 or is subject to one or more such notices and to child support orders, other maintenance orders or notices for recovering other social security overpayments.

Paragraph 14 specifies when a notice or notification which is sent by post is to be treated as given.