
DRAFT STATUTORY RULES OF NORTHERN IRELAND

2017 No.

**The Welfare Supplementary Payment
(Amendment) Regulations (Northern Ireland) 2017**

PART 3

**AMENDMENTS TO WELFARE SUPPLEMENTARY
PAYMENTS IN RESPECT OF THE BENEFIT CAP**

Amendments to the Welfare Supplementary Payments Regulations

14. The Welfare Supplementary Payments Regulations (Northern Ireland) 2016 are amended in accordance with this Part.

Amendment of the definition of welfare benefit

15. In regulation 3(1), for the definition of “welfare benefit” substitute ““welfare benefit” has the same meaning as in Article 101(7) of the 2015 Order(1);”.

Timing of payments

16. For regulation 4(7) substitute—

“(7) A welfare supplementary payment to which a person is entitled under this regulation must be paid—

- (a) in a case where the person’s landlord is the Northern Ireland Housing Executive, every four weeks, or as soon as is reasonably practicable after that, in arrears,
- (b) in any other case, every four weeks, at the time that housing benefit is paid to that person, in arrears.”.

Effective date of change in circumstances

17. After regulation 4A(2) insert—

“Effective date of change of circumstances

4B.—(1) This regulation applies where, as a consequence of a change of circumstances as set out in regulation 4A(3), there is a change in the amount of welfare supplementary payment to which a person is entitled.

(2) The effective date of that change of circumstances, for the purpose of calculating the person’s entitlement to welfare supplementary payment, is the date on which the change in the person’s award of housing benefit takes effect.”.

(1) Article 101(7) was substituted by Article 5(4) of the Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999 (N.I. 1))

(2) Regulation 4A was inserted by regulation 2(3) of S.R. 2016 No. 389

Persons to whom welfare supplementary payments may be made

- 18.—(1) In regulation 4 omit paragraphs (8) and (9).
(2) After regulation 4B insert—

“Persons to whom welfare supplementary payments may be made

4C.—(1) A welfare supplementary payment to which a person (A) is entitled under this Part must be paid to A, but this is subject to the following.

- (2) Payment may be made to A’s landlord if—
- (a) A’s housing benefit is paid to the landlord, and
 - (b) the landlord is—
 - (i) registered under regulation 3 of the Landlord Registration Scheme Regulations (Northern Ireland) 2014⁽³⁾,
 - (ii) the Northern Ireland Housing Executive, or
 - (iii) a housing association.
- (3) Payment may be made to A’s landlord’s agent if—
- (a) A’s housing benefit is paid to the agent, and
 - (b) the landlord is registered under regulation 3 of the Landlord Registration Scheme Regulations (Northern Ireland) 2014.
- (4) Payment may be made to a person that A has nominated (other than A’s landlord, or A’s landlord’s agent) in accordance with regulation 91(3) of the Housing Benefit Regulations.”.

Termination of welfare supplementary payment if person ceases to be entitled to housing benefit

19. After regulation 4C insert—

“Termination of welfare supplementary payment if person ceases to be entitled to housing benefit

- 4D.—(1) This regulation applies where a person ceases to be entitled to housing benefit.
- (2) Welfare supplementary payment under this Part must cease to be paid from the day after the first payment of welfare supplementary payment following the date on which the person ceases to be entitled to housing benefit.
- (3) Provided that—
- (a) housing benefit only ceased before the date the new benefit cap is applied to the person, and
 - (b) housing benefit does not cease after this date,
- this regulation does not prevent a person’s entitlement to welfare supplementary payment restarting if the person meets the eligibility conditions set out in regulation 4 on the date the new benefit cap is applied to the person.”.

Termination of welfare supplementary payment if person ceases to be affected by benefit cap

20. After regulation 4D insert—

(3) [S.R. 2014 No. 9](#); to which there are amendments not relevant to these Regulations

“Termination of welfare supplementary payment if person ceases to be affected by benefit cap

4E.—(1) This regulation applies where the housing benefit to which a person is entitled ceases to be reduced in accordance with regulation 73D of the Housing Benefit Regulations⁽⁴⁾.

(2) Welfare supplementary payment under this Part must cease to be paid from the day after the first payment of welfare supplementary payment following the date on which the person’s housing benefit ceases to be reduced.”.

Entitlement to welfare supplementary payment where couple separates

21. After regulation 4E insert—

“Entitlement to welfare supplementary payment where couple separates

4F.—(1) Paragraph (2) applies where—

- (a) A and B were a couple,
- (b) on or after 31 May 2016, A and B ceased to be a couple, and
- (c) immediately before that, either the couple or A were entitled to a welfare supplementary payment under this Part.

(2) Where this paragraph applies, regulation 4(2)(a) is to be treated as being satisfied in respect of B on the date that A and B cease to be a couple.

(3) Paragraph (4) applies where—

- (a) A and B were a couple,
- (b) on or after 31 May 2016, A and B ceased to be a couple, and
- (c) immediately before that, either the couple or A were entitled to a welfare benefit.

(4) Where this paragraph applies, then for the purposes of regulation 4(2)(a), B is to be treated as if B was entitled to that welfare benefit from the date that the couple or A were entitled to it.”.

Effect of sanctions

22. After regulation 4F insert—

“Effect of sanctions

4G. For the avoidance of doubt, where a person is subject to a benefit sanction (for example for failure to take part in a work-focused interview), the effect of the sanction is to be disregarded in calculating the amount of welfare supplementary payment payable.”.

Information sharing

23. After regulation 4G insert—

(4) Regulation 73D was inserted by regulation 3(5) of [S.R. 2016 No. 55](#)

“Information sharing

4H.—(1) The Northern Ireland Housing Executive may supply to the Department such information as the Department may require for the purposes of functions relating to the payment and administration of welfare supplementary payments.

(2) The Department may supply to the Northern Ireland Housing Executive such information relating to the payment of welfare supplementary payments as the Northern Ireland Housing Executive may require for the purposes of reconciling its accounts.

(3) Information supplied under this regulation must not be supplied by the recipient of the information to any other person or body without—

- (a) the authority of the Northern Ireland Housing Executive, in the case of information supplied under paragraph (1),
- (b) the authority of the Department, in the case of information supplied under paragraph (2).

(4) Where information supplied under this regulation has been used for the purposes for which it was supplied, it is lawful for it to be used for any purposes for which information held for those purposes could reasonably be used.

(5) This regulation does not limit the circumstances in which information may be supplied apart from this regulation.”.