

**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(a), sections 5(1)(j) and (q), 13A(2)(aa) and 165(1), (4) and (5) of the Social Security Administration (Northern Ireland) Act 1992(b), Articles 6(5) and 36(2) of the Jobseekers (Northern Ireland) Order 1995(c), and now vested in it(d), and sections 2(3)(b) and 19(1) to (3) of the State Pension Credit Act (Northern Ireland) 2002(e).

**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(f) shall apply to these Regulations as it applies to an Act of the Assembly.

**Amendment of the Income Support (General) Regulations**

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

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

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- (a) 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))
- (b) 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)
- (c) 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
- (d) See Article 8(b) of, and Part II of Schedule 6 to S.R. 1999 No. 481
- (e) 2002 c. 14 (N.I.)
- (f) 1954 c. 33 (N.I.)
- (g) 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
- (h) Paragraph (5) was added by regulation 4 of S.R. 2001 No. 78

- (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(a) (housing costs)—
- (a) in paragraph 1A(b) (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(c), 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)(d) 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(e) (the standard rate)—
    - (i) in sub-paragraph (2) for “sub-paragraphs (3), (4) and (6)” substitute “sub-paragraph (3)”, and
    - (ii) omit sub-paragraphs (4) to (6).

**Amendment of the Social Security (Claims and Payments) Regulations**

3. In Schedule 8B to the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(f) (deductions of mortgage interest from benefit and payment to qualifying lenders), in paragraph 2A(4)(g) (specified circumstances for the purposes of regulation 34ZB), for “19” substitute “20”.

(a) Schedule 3 was substituted by regulation 2 of and Schedule 1 to S.R. 1995 No. 301  
 (b) Paragraph 1A was inserted by regulation 2(2) of S.R. 1997 No. 435  
 (c) S.R. 2003 No. 28  
 (d) 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  
 (e) Paragraph 12 was substituted by regulation 2(c) of S.R. 2004 No. 461  
 (f) S.R. 1987 No. 465; Schedule 8B was inserted by regulation 5 of S.R. 1992 No. 271  
 (g) Paragraph 2A was inserted by regulation 14(2)(e) of S.R. 2003 No. 191

## Amendment of the Jobseeker's Allowance Regulations

4. In Schedule 2 (housing costs) to the Jobseeker's Allowance Regulations (Northern Ireland) 1996(a)—

- (a) in paragraph 1A(b) (previous entitlement to income support)—
  - (i) for the heading substitute “Previous entitlement to income support or state pension credit”;
  - (ii) in sub-paragraph (1)(a) for “paragraph 15 or 16” substitute “paragraphs 15 to 17”;
  - (iii) after sub-paragraph (1) insert—

“(1ZA) 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-based jobseeker's allowance or, where the claimant or his partner is a person to whom paragraph 13(2) or (10) (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, 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-based jobseeker's allowance shall be the amount applicable in respect of those costs current when entitlement to state pension credit was last determined.”;

- (iv) after sub-paragraph (1A) insert—

“(1B) Where either member of a joint-claim couple was in receipt of state pension credit not more than 12 weeks before the couple becomes entitled to a joint-claim jobseeker's allowance, or, where either member is a person to whom paragraph 13(2) or (10) (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, 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 joint-claim jobseeker's allowance shall be the amount applicable in respect of those costs current when entitlement to state pension credit was last determined.”, and

- (v) in sub-paragraph (2) after “income support” insert “or (as the case may be) state pension credit”.

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

“(4B) A person treated by virtue of paragraph 13 as being in receipt of a jobseeker's allowance for the purposes of this Schedule is not to be treated as entitled to a jobseeker's allowance for the purposes of sub-paragraph (4).”, and

- (c) in paragraph 11(d) (the standard rate)—
  - (i) in sub-paragraph (2) for “sub-paragraphs (3), (4) and (6)” substitute “sub-paragraph (3)”, and
  - (ii) omit sub-paragraphs (4) to (6).

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(a) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1997 Nos. 435 and 541, S.R. 2000 No. 350 and S.R. 2004 No. 461

(b) Paragraph 1A was inserted by regulation 5(2) of S.R. 1997 No. 435 and amended by paragraph 54(2) of Schedule 2 to S.R. 2000 No. 350

(c) Sub-paragraph (4A) was inserted by regulation 13(2) of S.R. 1997 No. 541

(d) Paragraph 11 was substituted by regulation 3(c) of S.R. 2004 No. 461

## **Amendment of the State Pension Credit Regulations**

5. In Schedule 2 (housing costs) to the State Pension Credit Regulations (Northern Ireland) 2003(a), in paragraph 9(b) (the standard rate)—

- (a) in sub-paragraph (2) for “sub-paragraphs (3), (4) and (6)” substitute “sub-paragraph (3)”, and
- (b) omit sub-paragraphs (4) to (6).

Sealed with the Official Seal of the Department for Social Development on 15th November 2007

(L.S.)

*John O'Neill*

A senior officer of the Department for Social Development

### **EXPLANATORY NOTE**

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

These Regulations amend the Income Support (General) Regulations (Northern Ireland) 1987 (“the Income Support Regulations”), the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 (“the 1987 Regulations”), the Jobseeker’s Allowance Regulations (Northern Ireland) 1996 (“the Jobseeker’s Allowance Regulations”) and the State Pension Credit Regulations (Northern Ireland) 2003. They make changes to the provisions relating to a person’s housing costs that can be met by income support, jobseeker’s allowance or state pension credit.

Regulation 2(2) amends regulation 6(5) of the Income Support Regulations with the effect that a person is treated as not engaged in remunerative work for the first four weeks after commencing work where he or his partner had an applicable amount which included an amount for housing costs under paragraph 17 of Schedule 3 to those Regulations or (as the case may be) under paragraph 16 of Schedule 2 to the Jobseeker’s Allowance Regulations.

Regulations 2(3) and 4 make provision for certain additional housing costs to be included in a person’s applicable amount for income support or income-based jobseeker’s allowance where he, his partner, or (in the case of a jobseeker’s allowance) either member of a joint-claim couple cease to receive income support, income-based jobseeker’s allowance or state pension credit (as the case may be), but become entitled to income support or income-based jobseeker’s allowance within a period of 12 weeks or, in certain cases, 26 weeks or less.

Regulation 2(3)(b) amends Schedule 3 (housing costs) of the Income Support Regulations to clarify that where a claimant is treated as being in receipt of income support under the linking rules in paragraph 14 of that Schedule, this does not affect the circumstances in which housing costs are not payable under paragraph 4 because they were incurred during a period of entitlement to that benefit. Regulation 4(b) makes an equivalent amendment in relation to jobseeker’s allowance.

Regulations 2(3)(c), 4(c) and 5 make minor amendments so as to omit references or provisions which are now redundant.

Regulation 3 makes a minor amendment to the meaning of “family” in paragraph 2A of Schedule 8B to the 1987 Regulations with the effect that this includes persons who have not attained the age of 20.

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(a) S.R. 2003 No. 28; relevant amending Regulations are S.R. 2004 No. 461

(b) Paragraph 9 was substituted by regulation 4(c) of S.R. 2004 No. 461

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.