
STATUTORY RULES OF NORTHERN IRELAND

2008 No. 100

**The Housing Benefit (Executive Determinations)
Regulations (Northern Ireland) 2008**

Citation and commencement

1. These Regulations may be cited as the Housing Benefit (Executive Determinations) Regulations (Northern Ireland) 2008 and shall come into operation on 20th March 2008.

Interpretation

2.—(1) In these Regulations—

^{F1}
...

“broad rental market area” has the meaning specified in paragraph 4 of the Schedule;

“broad rental market area determination” means a determination made in accordance with regulation 3(1);

“dwelling” means any residential accommodation whether or not consisting of the whole or part of a building and whether or not comprising separate and self-contained premises;

“the Housing Benefit Regulations” means the Housing Benefit Regulations (Northern Ireland) 2006 ^{M1};

“the Housing Benefit (State Pension Credit) Regulations” means the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006 ^{M2};

“local housing allowance determination” means a determination made in accordance with regulation 3(2);

“rent” means any of the periodical payments referred to in regulation 13(1) of the Housing Benefit Regulations or, as the case may be, regulation 13(1) of the Housing Benefit (State Pension Credit) Regulations;

“tenancy” includes—

- (a) a licence; and
- (b) a prospective tenancy or licence, and

references to a tenant or any other expression appropriate to a tenancy shall be construed accordingly;

“uncontrolled tenancy” means a tenancy which is not a controlled tenancy within the meaning of Article 40(4) of the Private Tenancies (Northern Ireland) Order 2006 ^{M3} or a secure tenancy within the meaning of Article 25 of the Housing (Northern Ireland) Order 1983 ^{M4};

“working day” means any day other than a Saturday, a Sunday or a day which is a public holiday in Northern Ireland.

(2) The Interpretation Act (Northern Ireland) 1954 ^{M5} shall apply to these Regulations as it applies to an Act of the Assembly.

Textual Amendments

- F1** Words in [reg. 2\(1\)](#) omitted (1.9.2013) by virtue of [The Housing Benefit \(Executive Determinations\) \(Amendment\) Regulations \(Northern Ireland\) 2013](#) (S.R. 2013/209), regs. 1(1), **2(2)**

Marginal Citations

- M1** S.R. 2006 No. 405; relevant amending Regulations are S.R. 2008 No. 101
M2 S.R. 2006 No. 406; relevant amending Regulations are S.R. 2008 No. 102
M3 S.I. 2006/1459 (N.I. 10)
M4 S.I. 1983/1118 (N.I. 15)
M5 1954 c. 33 (N.I.)

Broad rental market area determinations and local housing allowance determinations

3.—(1) [^{F2}At such times as the Executive considers appropriate, the Executive shall, if the Department agrees]—

- (a) determine one or more broad rental market areas so that every part of Northern Ireland falls within a broad rental market area and no part of Northern Ireland falls within more than one broad rental market area; and
- (b) specify the area contained within each broad rental market area by reference to the postcodes for each such broad rental market area.

[^{F3}(1A) The power in paragraph (1) is not limited by paragraph [^{F4}2(2)] of the Schedule.]

[^{F5}(2) [^{F6}In 2014 and in each subsequent year, on the date specified in paragraph (2A),] the Executive shall for each broad rental market area determine, in accordance with the Schedule, a local housing allowance for each of the categories of dwelling set out in paragraph 1 of the Schedule.]

[^{F7}(2A) The date specified for the purpose of paragraph (2) is the last working day of January [^{F8}and also the 31st March 2020].]

[^{F9}(3) Any broad rental market area determination made in accordance with paragraph (1) shall take effect—

- (a) on the day the determination is made for the purpose of enabling the Executive to determine a local housing allowance for that area; and

[^{F10}(b) for all other purposes on the next 1st April following the day on which the determination is made.]

[^{F9}(3A) Any local housing allowance determination made in accordance with paragraph (2) shall take effect on the next 1st April following the day on which the determination is made [^{F11}, and the determinations made on the 31st March 2020 shall take effect (on 1st April 2020) in place of the determinations made on the 31st January 2020].]

(4) Where the Executive is required to make local housing allowance determinations by—

- (a) regulation 14D(7)(a) ^{M6}; or
- (b) regulation 14D(8),

of the Housing Benefit Regulations or, as the case may be, the Housing Benefit (State Pension Credit) Regulations, it shall do so in accordance with the provisions of the Schedule.

(5) Where the Executive has made a local housing allowance determination in accordance with paragraph (4), any determination made in accordance with—

- (a) paragraph (4)(a) shall take effect for the month in which the relevant date falls; and

(b) paragraph (4)(b) shall take effect for the month in which the determination is made, except that no such determination can have effect before 7th April 2008.

(6) Where the Executive has made a local housing allowance determination in accordance with paragraph (2) it shall make an approximate monthly allowance determination in relation to that local housing allowance determination.]

Textual Amendments

- F2** Words in reg. 3(1) substituted (2.4.2012) by The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/157), regs. 1(1), **2(3)(a)**
- F3** Reg. 3(1A) inserted (23.1.2017) by The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/9), regs. 1(1), **2(2)**
- F4** Word in reg. 3(1A) substituted (30.1.2020) by The Housing Benefit and Universal Credit Housing Costs (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2020 (S.R. 2020/14), regs. 1(1), **2(2)**
- F5** Reg. 3(2) substituted (2.4.2012) by The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/157), regs. 1(1), **2(3)(b)**
- F6** Words in reg. 3(2) substituted (1.9.2013) by The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/209), regs. 1(1), **2(3)(a)**
- F7** Reg. 3(2A) substituted (20.1.2015) by The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015/2), regs. 1(1), **2(2)**
- F8** Words in reg. 3(2A) added (30.3.2020) by The Social Security (Coronavirus) (Further Measures) Regulations (Northern Ireland) 2020 (S.R. 2020/53), regs. 1(1), **4(1)(a)(i)**
- F9** Reg. 3(3)(3A) substituted for reg. 3 (2.4.2012) by The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/157), regs. 1(1), **2(3)(c)**
- F10** Reg. 3(3)(b) substituted (31.1.2022) by The Housing Benefit and Universal Credit Housing Costs (Executive Determinations) (Amendment and Modification) Regulations (Northern Ireland) 2022 (S.R. 2022/15), regs. 1(1), **2**
- F11** Words in reg. 3(3A) added (30.3.2020) by The Social Security (Coronavirus) (Further Measures) Regulations (Northern Ireland) 2020 (S.R. 2020/53), regs. 1(1), **4(1)(a)(ii)**

Marginal Citations

- M6** Regulation 14D was inserted into S.R. 2006 No. 405 by regulation 2(7) of S.R. 2008 No. 101 and into S.R. 2006 No. 406 by regulation 2(7) of S.R. 2008 No. 102

Sealed with the Official Seal of the Department for Social Development on 11th March 2008

L.S.

John O'Neill
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Changes to legislation:

There are currently no known outstanding effects for the The Housing Benefit (Executive Determinations) Regulations (Northern Ireland) 2008.