

EXPLANATORY MEMORANDUM TO
The Housing Benefit (Miscellaneous Amendments) Regulations
(Northern Ireland) 2009

S.R. 2009 No. 382

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department for Social Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under sections 122(1)(d), 129(2), 132(4)(b) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 and sections 73(1) and 165(1) and (4) to (6) of the Social Security Administration (Northern Ireland) Act 1992 and is subject to the negative resolution procedure.
- 1.3. The rule is due to come into operation on 21 December 2009 and 1 and 5 April 2010.

2. Purpose

- 2.1. The purpose of the Regulations is to make various amendments to the Housing Benefit Regulations (Northern Ireland) 2006, the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006 and the Housing Benefit (Consequential Provisions) Regulations (Northern Ireland) 2006.

3. Background

- 3.1. The amendments will allow a disregard of earnings of up to £92 a week from permitted work in housing benefit (this would apply to housing benefit claimants who are also claiming incapacity benefit, severe disablement allowance or contributory employment and support allowance). The intention is to encourage more people across the range of incapacity benefits to try part-time work without fear of their benefit being disrupted.
- 3.2. The amendments will redefine housing benefit overpayments to simplify the overpayment process in rent allowance cases where claimants move house but, due to a delay in notifying the move, continue to receive housing benefit for their previous home. The new provision will allow the Housing Executive to process these ‘change of address’ cases as a simple “offset”, rather than by raising an overpayment which is immediately recovered in one lump sum from the Housing Benefit owing for the new property.
- 3.3. The amendments will clarify the provisions concerning housing benefit for rent and service charges in relation to equity-sharers. Equity-sharers are not excluded from housing benefit in respect of rent (liable in respect of the part of the property they do not own) or service charges. There are no equivalent Great Britain amendments, as this arises in an area of

legislation where different terminology is necessary for Northern Ireland to achieve the same effect as the provision for Great Britain.

4. Matters of Special Interest to the Social Development Committee

4.1. None.

5. Consultation

5.1. The equivalent Great Britain Regulations (covering the permitted work and overpayments changes) have been subject to consultation with Local Authority Associations who supported the changes. The Social Security Advisory Committee agreed that it did not require the proposed Regulations to be formally referred to it.

6. Position in Great Britain

6.1. The permitted work and overpayments amendments mirror provisions for Great Britain and are in line with the long-standing principle of parity between Great Britain and Northern Ireland in social security matters. While there are no equivalent Great Britain amendments in relation to equity-sharers, the amendments do not introduce any policy change and will keep Northern Ireland in line with Great Britain.

7. Equality Impact

7.1. In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department conducted a screening exercise of the proposals. It concluded that the proposals do not have significant implications for equality of opportunity and therefore considered that an equality impact assessment was not necessary.

8. Regulatory Impact

8.1. These Regulations do not require a Regulatory Impact Assessment as they do not impose any additional costs or savings on business, charities or voluntary bodies.

9. Financial Implications

9.1. The cost of the permitted work disregard is estimated as £125,000 for 2010/11. There are no costs associated with redefining Housing Benefit overpayments or the amendments clarifying the position of equity-sharers.

10. Section 24 of the Northern Ireland Act 1998

10.1. The Department has considered its obligations under section 24 of the Northern Ireland Act 1998 and is satisfied that the Rules: are not incompatible with the Convention rights; are not incompatible with Community law; do not discriminate against a person or class of person on the ground of religious belief or political opinion; and do not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

11. EU Implications

11.1. Not applicable.

12. Additional Information

12.1. Not applicable.