
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Housing Benefit (Decisions and Appeals) Regulations (Northern Ireland) 2001 (“the Decisions and Appeals Regulations”), the Social Security (Notification of Change of Circumstances) Regulations (Northern Ireland) 2001 (“the Change of Circumstances Regulations”), the Housing Benefit Regulations (Northern Ireland) 2006 (“the Housing Benefit Regulations”) and the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006 (“the Housing Benefit (State Pension Credit) Regulations”).

Regulation 2 makes an amendment, equivalent to that made by regulation 4(5), to the Decisions and Appeals Regulations.

Regulation 3 makes an amendment, equivalent to that made by regulation 4(4), to the Change of Circumstances Regulations. It also allows a person in receipt of income support or a jobseeker’s allowance to notify an appropriate office by telephone if the change of circumstances affecting housing benefit is the fact that he or his partner is starting employment.

Regulation 4 amends the Housing Benefit Regulations. Paragraph (2) clarifies that children who are being fostered by a claimant are not treated as occupying the claimant’s dwelling. Paragraph (3) clarifies that where a claimant requests backdating, whether at the time of claiming or later, there is a single award of benefit for the past period. Paragraph (4) gives the relevant authority greater discretion to accept notifications of changes of circumstances by telephone. Paragraph (5) provides for a one month time limit for requesting a written statement of reasons for a decision. Paragraph (6) removes the requirement for the Northern Ireland Housing Executive to send the claimant an instrument of payment payable to the landlord, in a case where it makes the first payment of housing benefit to the landlord, so that the payment can be made direct to the landlord. Paragraph (7)(a) provides that the increased family premium that applies where the claimant or the claimant’s partner is responsible for a child under the age of one will only apply where the claimant or claimant’s partner is in receipt of child tax credit with a higher family element. This is to allow the increased premium to be removed from the applicable amount if the higher family element in child tax credit is removed. Paragraph (7)(b) removes a duplicated phrase. Paragraphs (8) and (9)(c) correct cross-references. Paragraph (9)(a) updates references to disregardable war pensions. Paragraph (9)(b) provides for a full disregard of certain income which had previously been partially disregarded.

Regulation 5(2) and (4) to (8) makes amendments, equivalent to those made by, respectively, regulation 4(2), (4) to (6), (7)(a) and (9)(a), to the Housing Benefit (State Pension Credit) Regulations. Paragraph (3) clarifies that, where a person claims housing benefit at the same time as state pension credit, the housing benefit claim will not be backdated for more than 3 months before the date the claim for state pension credit was made or treated as made.

Regulation 6 makes tidying-up revocations.

In so far as these Regulations are required, for the purposes of regulations 2, 3, 4(2) to (5) and (7) to (9), 5(2) to (5), (7) and (8) and 6, to be referred to the Social Security Advisory Committee under section 149(2) of the Social Security Administration (Northern Ireland) Act 1992, after agreement by the Social Security Advisory Committee, they have not been so referred by virtue of section 150(1) (b) of that Act. Otherwise they 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

Status: *This is the original version (as it was originally made).*

to, that Act, are not subject to the requirement of section 149(2) for prior reference to the Social Security Advisory Committee.