

2014 No. 98

HOUSING; RATES

**The Housing Benefit (Habitual Residence) (Amendment)
Regulations (Northern Ireland) 2014**

Made - - - - - *26th March 2014*

Coming into operation - - - - - *1st April 2014*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 122(1)(d), 133(2)(i) and 171(1), (3) and (4), of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a) and now vested in it(b).

The Regulations are made with the consent of the Department of Finance and Personnel(c).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (Habitual Residence) (Amendment) Regulations (Northern Ireland) 2014 and come into operation on 1st April 2014.

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

Amendment of the Housing Benefit Regulations

2.—(1) In regulation 10 of the Housing Benefit Regulations (Northern Ireland) 2006(e) paragraph (5)(f) is amended in accordance with paragraphs (2) to (4).

(2) In sub-paragraph (j) omit the final “or”.

(3) In sub-paragraph (l)(g) omit “, an income-based jobseeker’s allowance”.

(4) After sub-paragraph (l) add—

“; or

(m) in receipt of an income-based jobseeker’s allowance and has a right to reside other than a right to reside falling within paragraph (4).”.

(a) 1992 c. 7; section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)

(b) See Article 8(b) of S.R. 1999 No. 481

(c) See section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 as inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/1579 (N.I. 8)); see also Article 6(b) of S.R. 1999 No. 481

(d) 1954 c. 33 (N.I.)

(e) S.R. 2006 No. 405; relevant amending Regulations are S.R. 2008 No. 378, S.R. 2013 No. 167 and S.R. 2013 No. 246

(f) Paragraph (5) was amended by regulation. 5 of S.R. 2013 No. 167 and regulation 9(2) of S.R. 2013 No. 246

(g) Sub-paragraph (l). was amended by regulation 3(6) of S.R. 2008 No. 378

Saving

3.—(1) The amendment in regulation 2 does not apply to a person who, on the 31st March 2014, is entitled to—

- (a) housing benefit; and
- (b) an income-based jobseeker’s allowance,

until the first of the events in paragraph (2) occurs

(2) The events are—

- (a) the person ceases to be entitled to that income-based jobseeker’s allowance; or
- (b) the person makes a new claim for housing benefit.

Sealed with the Official Seal of the Department for Social Development on 26th March 2014

(L.S.)

Anne McCleary

A senior officer of the Department for Social Development

The Department of Finance and Personnel hereby consents to the foregoing regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on 26th March 2014

(L.S.)

John McKibbin

A senior officer of the Department of Finance and Personnel

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Housing Benefit Regulations (Northern Ireland) 2006 (the 2006 Regulations) in relation to the definition of “person from abroad”.

Under regulation 10 of the 2006 Regulations, a claimant for housing benefit who is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland is a person from abroad and treated as not having a liability to make payments in respect of the dwelling they occupy as the home. However, that regulation also provides that a person in receipt of an income-based jobseeker’s allowance is not a person from abroad.

Regulation 2 amends regulation 10 of the 2006 Regulations so that a person who is in receipt of an income-based jobseeker’s allowance, and whose only right to reside falls within regulation 10(4), is a person from abroad.

Regulation 3 contains a saving provision. The amendment will not apply to a person who is entitled to housing benefit and income-based jobseeker’s allowance on 31st March 2014, until that person ceases to be entitled to that award of jobseeker’s allowance or makes a new claim for housing benefit, whichever is earlier.

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

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