

2016 No. 310

HOUSING; RATES

The Housing Benefit (Abolition of the Family Premium and date of claim) (Amendment) Regulations (Northern Ireland) 2016

Made - - - - *29th July 2016*

Coming into operation - *5th September 2016*

The Department for Communities makes the following Regulations in exercise of the powers conferred by sections 122(1)(d), 131(1), 132(1), (3) and (4) and 171(1), (3) and (4), of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a), sections 5(1)(b) and 165(1) and (5) of the Social Security Administration (Northern Ireland) Act 1992(b) and now vested in it(c), and section 60(1) to (4) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000(d).

The Regulations are made with the consent of the Department of Finance(e).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (Abolition of the Family Premium and date of claim) (Amendment) Regulations (Northern Ireland) 2016 and come into operation on 5th September 2016.

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

Amendment to the Discretionary Financial Assistance Regulations

2.—(1) The Discretionary Financial Assistance Regulations (Northern Ireland) 2001(g) are amended in accordance with paragraphs (2) to (4)—

(2) in regulation 1(2) at the appropriate place insert—

“the Housing Benefit (Abolition of the Family Premium) Regulations means the Housing Benefit (Abolition of the Family Premium and date of claim) (Amendment) Regulations (Northern Ireland) 2016;”;

(a) 1992 c. 7 to which there are amendments not relevant to these Regulations
(b) 1992 c. 8 to which there are amendments not relevant to these Regulations
(c) See Article 8(b) of S.R. 1999 No. 481 and section 1(7) of the Departments Act (Northern Ireland) 2016 (c.5 (N.I.))
(d) 2000 c. 4 (N.I.)
(e) 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 and section 1(4) of the Departments Act (Northern Ireland) 2016
(f) 1954 c. 33 (N.I.)
(g) S.R. 2001 No. 216

“registered housing association” means a housing association which is registered in a register maintained under Article 14 of the Housing (Northern Ireland) Order 1992(a).”.

(3) in regulation 2, after paragraph (1)(b) insert—

“; or

- (c) is a tenant of the Housing Executive or a registered housing association and their amount of housing benefit has been reduced by virtue of the abolition of the family premium pursuant to regulation 3 of the Housing Benefit (Abolition of the Family Premium) Regulations, and to whom the transitional provision in regulation 5 of those Regulations does not apply.”

(4) in regulation 6, for paragraph (1)(b)(i) substitute—

“(i) a person entitled to housing benefit in a case where regulation 2(1) applies, or”.

Abolition of the family premium

3.—(1) The Housing Benefit Regulations (Northern Ireland) 2006(b) are amended as follows—

- (a) in regulation 20 (applicable amounts) omit paragraph (c);
- (b) in regulation 21 (polygamous marriages) omit paragraph (d);
- (c) in Schedule 4 (applicable amounts) omit Part II (family premium);
- (d) in Schedule 5 (sums to be disregarded in the calculation of earnings) for paragraph 17(2)(b)(ii)(bb) substitute—
- “(bb) his family includes at least one child or young person;”; and
- (e) in Schedule 6 (sums to be disregarded in the calculation of income other than earnings) in paragraph 49(1)(c) for “Where a claimant’s applicable amount includes an amount by way of family premium,” substitute “Where a claimant’s family includes at least one child or young person,”.

(2) The Housing Benefit (Persons who have attained the age for state pension credit) Regulations (Northern Ireland) 2006(d) are amended as follows—

- (a) in regulation 20(1) (applicable amounts) omit sub-paragraphs (c) and (d);
- (b) in Schedule 4 (applicable amounts) omit Part II (family premium);
- (c) in Schedule 5 (sums disregarded from claimant’s earnings) for paragraph 9(2)(b)(ii)(bb) substitute—
- “(bb) his family includes at least one child or young person;”; and
- (d) in Schedule 6 (amounts to be disregarded in the calculation of income other than earnings) in paragraph 21(1) for “Where a claimant’s applicable amount includes an amount by way of family premium,” substitute “Where a claimant’s family includes at least one child or young person,”.

Shortening of the date from which a claim may be treated as made

4. In regulation 81(12A) (time and manner in which claims are to be made)(e) of the Housing Benefit Regulations (Northern Ireland) 2006 in sub-paragraphs (b) and (c) for “6 months” substitute “1 month”.

(a) S.I. 1992/1725 (N.I. 15)

(b) S.R. 2006 No. 405; relevant amending Regulations are S.R. 2008 No. 179 and S.R. 2011 No. 136

(c) Paragraph 49 was substituted by regulation 3(10)(c) of S.R. 2008 No. 179

(d) S.R. 2006 No. 406.

(e) Paragraph (12A) was substituted by regulation 4(3) of S.R. 2011 No. 136

Transitional provision

5.—(1) Subject to paragraph (2), regulation 3 (except in so far as it relates to the amendment to regulation 20(1)(d) of the Housing Benefit (Persons who have attained the age for state pension credit) Regulations (Northern Ireland) 2006) does not apply to a person who, on the 4th September 2016, is entitled to housing benefit—

- (a) if that person is a member of a family^(a) of which at least one member is a child or young person; or
- (b) if that person is a partner in a polygamous marriage, where he or she, or another partner of the polygamous marriage, is responsible for a child or young person who is a member of the same household.

(2) Paragraph (1) does not apply if—

- (a) the person ceases to meet the condition in sub-paragraph (a) or (b) of that paragraph ; or
- (b) the person makes a new claim for housing benefit.

(3) For the purposes of this regulation “child”, “polygamous marriage” and “young person” all have the same meaning as in regulation 2(1) of the Housing Benefit Regulations (Northern Ireland) 2006.

Sealed with the Official Seal of the Department for Communities on 29th July 2016

(L.S.)

Anne McCleary
A senior officer of the Department for Communities

The Department of Finance hereby consents to the foregoing regulations.

Sealed with the Official Seal of the Department of Finance on 29th July 2016

(L.S.)

Emer Morelli
A senior officer of the Department of Finance

(a) “Family” is defined in section 133(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 and amended by para.99(2) of Sch.24 to the Civil Partnership Act 2004 (c.33)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Housing Benefit Regulations (Northern Ireland) 2006 and the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006.

Regulation 2 amends the Discretionary Financial Assistance Regulations (Northern Ireland) 2001 to extend the use of discretionary housing payments to social sector rental tenants who are affected by the abolition of the family premium and to whom the transitional provision does not apply.

Regulation 3 amends the Housing Benefit Regulations (Northern Ireland) 2006 and the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006 by abolishing the Family Premium contained in Part II of Schedule 4 to those Regulations, and making amendments consequential on the abolition of that premium. Regulation 2(2)(a) also omits sub-paragraph (d) of regulation 20(1) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006 as the additional amount of child tax credit was abolished in April 2011.

Regulation 4 amends regulation 81(12A) of the Housing Benefit Regulations (Northern Ireland) 2006 to shorten the period a claim for housing benefit can be backdated; from six months to one month.

Regulation 5 contains transitional provisions. The provisions provide that the amendments in regulation 2 do not apply to a person who, on 4th September 2016, is entitled to housing benefit and is either: a member of a family that contains at least one child or young person; or a partner in a polygamous marriage where he or she, or another partner of the marriage, is responsible for a child or young person who is a member of the same household. The provisions will no longer apply to a person if the person makes a new claim for housing benefit or if sub-paragraph (a) or (b) of paragraph (1) ceases to apply to that person. The transitional provision does not extend to regulation 20(1)(d) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006 as the additional amount of child tax credit was abolished in April 2011.

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

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