

2021 No. 70

SOCIAL SECURITY

The Housing Benefit (Persons who have attained the qualifying age for state pension credit) (Amendment) Regulations (Northern Ireland) 2021

Made - - - - *22nd March 2021*

Coming into operation - *1st April 2021*

The Department for Communities(a), in exercise of the powers conferred by sections 122(1)(d), 131(1), and 171(1) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(b), and now vested in it(c).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (Persons who have attained the qualifying age for state pension credit) (Amendment) Regulations (Northern Ireland) 2021.

(2) These Regulations come into operation on 1st April 2021.

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

Amendments to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland)

2.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(e) are amended in accordance with paragraphs (2) to (3).

(2) In column 1 of the table in paragraph 1 of Part I to Schedule 4—

(a) in sub-paragraph (1)(b) after “pensionable age” insert “before 1 April 2021”;

(b) in sub-paragraph (2)(b) after “pensionable age” insert “before 1 April 2021”;

(c) in sub-paragraph (4) after “pensionable age” insert “before 1 April 2021”.

(3) In the table in paragraph 1 of Part I of Schedule 4—

(a) below row (1)(b) insert—

“(c) who has attained pensionable age on or (c) £177.10.”
after 1st April 2021.

(a) The Department for Social Development was renamed the Department for Communities in accordance with section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.))

(b) 1992 c. 7

(c) See Article 8(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. 2018 No 58, S.R. 2019 No. 58 and S.R. 2020 No. 40

(b) below row (2)(b) insert—

“(c) both members who have attained pensionable age on or after 1st April 2021.	(c) £270.30.”
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(c) below row (4)(b) insert—

“(5) If the claimant is a member of a polygamous marriage and all members of the marriage have attained pensionable age on or after 1 st April 2021—	(5) —
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(a) for the claimant and the other party to the marriage;	(a) £270.30;
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(b) for each additional spouse who is a member of the same household as the claimant.	(b) £93.20.”
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Sealed with the Official Seal of the Department for Communities on 22nd March 2021
(L.S.)

Anne McCleary
A senior officer of the Department for Communities

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Housing Benefit (persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006 (S.R. 2006 No. 406) to include new rates for Housing Benefit for those not subject to the transitional protection of the removal of the savings credit uplift. Where an individual or all members to a marriage attain pensionable age on or after 1 April 2021, they will not receive the uplift amount. Where one or more members of a household did attain pensionable age before 1st April 2021, the benefit unit will continue to receive the savings credit uplift.

Regulation 2(2) amends the Housing Benefit (persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006 to insert “before 1st April 2021” into the column 1 or table 1 at paragraph 1 of Part 1 to Schedule 3 to maintain that those already in receipt of the saving credit uplift will retain it going forward.

Regulation 2(3) inserts new rows into the same table for the new categories of those who attain state pension age on or after 1st April 2021, and details the amount of housing benefit they will receive without the savings credit uplift.

These Regulations 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 to, the Social Security Administration (Northern Ireland) Act 1992 (c. 8), are not subject to requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

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