
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make further provisions for the delivery of welfare supplementary payments. These payments are designed to mitigate impacts from the implementation of the Welfare Reform (Northern Ireland) Order 2015 and the Welfare Reform and Work (Northern Ireland) Order 2016 as defined in the document “A Fresh Start: the Stormont Agreement and Implementation Plan”.

The Regulations make amendments to existing welfare supplementary payments regulations.

Regulation 1(3) provides that these Regulations are to cease to have effect on 31st March 2025.

Regulation 2 has the effect of if an amendment has the effect of terminating or reducing a welfare supplementary payment the termination or reduction will not be retrospective and only take effect from the date on which the amendment comes into operation.

Regulation 3 amends the Welfare Supplementary Payments Regulations (Northern Ireland) 2016.

Regulation 3(2) amends regulation 4 and means that all families with children who are affected by the Benefit Cap will receive a mitigation payment equivalent to the capped amount. There will be no restriction on entitlement based on the date a person first had their benefit capped.

Regulation 3(3) amends regulation 4A and means that a person will receive a welfare supplementary payment equal to the amount by which their Housing Benefit is reduced due to the Benefit Cap. It will also mean that those people who have previously had a change in their circumstances which resulted in a reduction in their welfare supplementary payment will “requalify” for the full amount of the Benefit Cap deduction.

Regulation 3(4) amends regulation 4D and removes the provision which allows a welfare supplementary payment to restart if a person was impacted by the £26,000 Benefit Cap level, ceased to be entitled to Housing Benefit and was subsequently affected by the £20,000 Benefit Cap level. The existing provision is no longer required due to the amendment to regulation 4A.

Regulation 3(5) inserts paragraph (2A) into regulation 4H to allow the Department to share information with housing associations and their representative body.

Regulation 4 amends the Housing Benefit (Welfare Supplementary Payment) Regulations (Northern Ireland) 2017.

Regulation 4(2) amends regulation 2 and removes the restriction on entitlement to a welfare supplementary payment where a tenant in the social rented sector moves property and continues to under-occupy by at least the same number of bedrooms. It will also mean that those people who previously lost their welfare supplementary payment due to the application of regulation 2(2) will ‘requalify’ for a welfare supplementary payment if they are eligible.

Regulation 4(3) amends regulation 7 and will remove the regulation that allowed the Northern Ireland Housing Executive and registered housing associations to provide the Department with information relating to whether a person had been allocated “Management Transfer status”. Disclosure of this is no longer required due to the amendment regulation 4(2) makes to regulation 2.