

Regulations made by the Department for Communities and laid before the Assembly under Article 102(1A) of the Welfare Reform (Northern Ireland) Order 2015 for approval of the Assembly before the expiration of six months from the date of its coming into operation.

STATUTORY RULES OF NORTHERN IRELAND

2023 No. 147

SOCIAL SECURITY

**The Benefit Cap (Annual Limit) (Amendment No. 2)
Regulations (Northern Ireland) 2023**

Made - - - - 26th September 2023

Coming into operation in accordance with regulation 1

The Department for Communities^(a) makes the following Regulations in exercise of the powers conferred by Articles 101(5) and (5B), 101A(1) and (2) of the Welfare Reform (Northern Ireland) Order 2015^(b). The Secretary of State has made regulations under section 96A(4) of the Welfare Reform Act 2012, which amend section 96(5A)(b) of that Act and the Department exercises the power to make corresponding regulations amending Article 101(5A) of the Welfare Reform (Northern Ireland) Order 2015.

The powers are exercisable by the Department for Communities by virtue of Article 2 of the Welfare Reform (Northern Ireland) Order 2015 (Cessation of Transitory Provision) Order 2020^(c).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Benefit Cap (Annual Limit) (Amendment No. 2) Regulations (Northern Ireland) 2023.

(2) These Regulations come into operation on 27th September 2023.

(3) The amendments made by regulations 2 and 3 apply in relation to an award of universal credit whenever made but only in relation to each assessment period^(d) in respect of that award which begins on or after 10th April 2023.

(4) The amendments made by regulations 2 and 4 apply only on and after 3rd April 2023 in relation to housing benefit in respect of rent payable at intervals of a week or any multiple of a week.

(5) In this regulation “housing benefit” means housing benefit under section 129 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992^(e).

^(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) S.I. 2015/2006 (N.I. 1).

^(c) S.I. 2020/927.

^(d) Assessment period has the same meaning as in Article 12(2) of the Welfare Reform (Northern Ireland) Order 2015.

^(e) 1992 (c. 7); section 129 (2A) and preceding words inserted (1.4.2003) by The Housing Support Services (Northern Ireland) Order 2002 S.I. 2002/3154, Article 8(2).

Amendment of the Welfare Reform Order

2. In Article 101(5A) of the Welfare Reform (Northern Ireland) Order 2015 (benefit cap)(a) for “£20,000 or £13,400” substitute “£22,020 or £14,753”.

Amendment of the Universal Credit Regulations

3. In regulation 80A(2) of the Universal Credit Regulations (Northern Ireland) 2016 (relevant amount)(b)—

- (a) in sub-paragraph (a) for “£13,400” substitute “£14,753”;
- (b) in sub-paragraph (b) for “£20,000” substitute “£22,020”.

Amendment of the Housing Benefit Regulations

4. In regulation 73CA(2) of the Housing Benefit Regulations (Northern Ireland) 2006 (determination of the relevant amount)(c)—

- (a) in sub-paragraph (a) for “£13,400” substitute “£14,753”;
- (b) in sub-paragraph (b) for “£20,000” substitute “£22,020”.

Revocation

5. The Benefit Cap (Annual Limit) (Amendment) Regulations (Northern Ireland) 2023(d) are revoked.

Sealed with the Official Seal of the Department for Communities on 26th September 2023
(L.S.)

David Tarr
A senior officer of the Department for Communities

Explanatory Note

(This is not part of the Regulations)

These Regulations revoke and re-enact the provisions of the Benefit Cap (Annual Limit) (Amendment) Regulations (Northern Ireland) 2023 which would otherwise cease to have effect by virtue of Article 102(1A) of the Welfare Reform (Northern Ireland) Order 2015.

These Regulations are made following a review by the Secretary of State under section 96A of the Welfare Reform Act 2012 (c. 5), and amend the sums specified as the annual limit for the purposes of the benefit cap.

Regulation 1 brings these Regulations into operation for all purposes on 27th September 2023 subject to the provisions in regulation 1(3) and (4). The amended annual limits will only apply to an award of universal credit in relation to each assessment period commencing on or after 10th April 2023. For an award of housing benefit in respect of which rent is paid at intervals of a week or multiples thereof, the amended annual limits will only apply from 3rd April 2023.

Regulation 2 amends the annual limit as set out in Article 101(5A) of the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006).

(a) Article 101(5A) was inserted by the Welfare Reform and Work (Northern Ireland) Order 2016, S.I. 2016/999.
(b) S.R. 2016 No. 216. Regulation 80A was inserted by S.R. 2016 No. 375.
(c) S.R. 2006 No. 405. Regulation 73CA was inserted by S.R. 2016 No. 375.
(d) S.R. 2023 No. 42.

Regulation 3 makes a consequential amendment to the Universal Credit Regulations (Northern Ireland) 2016 (S.R. 2016 No. 216) as, in order to calculate and apply the benefit cap, the annual limit is also specified in the secondary legislation.

Regulation 4 makes a consequential amendment to the Housing Benefit Regulations (Northern Ireland) 2006 (S.R. 2006 No. 405) as, in order to calculate and apply the benefit cap, the annual limit is also specified in the secondary legislation.

Regulation 5 revokes the original Benefit Cap (Annual Limit) (Amendment) Regulations (Northern Ireland) 2023 (S.R. 2023 No. 42) as they were subject to the confirmatory procedure and due to the absence of a functioning Assembly cease to have effect from 30th September 2023.

These Regulations make 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 paragraphs 3A and 10 of schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992 (c. 8) are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

A full impact assessment has not been produced for these Regulations as no, or no significant, impact on the private, public or voluntary sectors is foreseen.

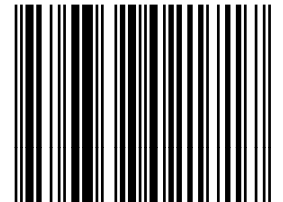
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