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STATUTORY RULES OF NORTHERN IRELAND

2023 No. 31

SOCIAL SECURITY

**The Loans for Mortgage Interest (Amendment)
Regulations (Northern Ireland) 2023**

Made - - - - *8th March 2023*
Coming into operation *3rd April 2023*

The Department for Communities⁽¹⁾, makes the following Regulations in exercise of the powers conferred by Articles 13(1), (2) and (3) and 14(1), (3)(b) and (e) to the Welfare Reform and Work (Northern Ireland) Order 2016⁽²⁾.

The powers are exercisable by the Department for Communities by virtue of Article 2 to the Welfare Reform (Northern Ireland) Order 2015 (Cessation of Transitory Provision) Order 2020⁽³⁾.

Citation and commencement

1. These Regulations may be cited as the Loans for Mortgage Interest (Amendment) Regulations (Northern Ireland) 2023 and come into operation on 3rd April 2023.

Amendment of the Loans for Mortgage Interest Regulations

2.—(1) The Loans for Mortgage Interest Regulations (Northern Ireland) 2017⁽⁴⁾ are amended in accordance with paragraphs (2) to (5).

(2) In regulation 2(1) (interpretation), in sub-paragraph (a) of the definition of “qualifying period”, for “9” substitute “3”.

(3) In regulation 3 (the offer of loan payments)—

(a) in paragraph (1)⁽⁵⁾, omit “, unless paragraph (4) applies”;

(b) omit paragraph (4).

(1) 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.))

(2) S.I. 2016/999 (N.I. 1); Article 13 was amended by section 1(1) of the Support for Mortgage Interest etc (Security for Loans) Act (Northern Ireland) 2022 (c. 28 (N.I.))

(3) S.I. 2020/927

(4) S.R. 2017 No. 176; amending Regulation is S.R. 2018 No. 37

(5) Paragraph (1) was amended by regulation 2(3)(a) of S.R. 2018 No. 37

- (4) In regulation 8 (period covered by loan payments)—
- (a) in paragraph (1)—
- (i) in sub-paragraph (b), after “in the case of a UC claimant”, insert “, except where sub-paragraph (ba) or (bb) applies,”;
- (ii) after sub-paragraph (b), insert—
- “(ba) in the case of a couple where one member is an SPC claimant receiving loan payments, the first day of entitlement to universal credit as a couple;
- (bb) in the case of a couple where one member was formerly an SPC claimant receiving loan payments, the first day of entitlement to universal credit as a couple, if the first day of that entitlement is within the period of one month beginning with the day on which the entitlement to state pension credit ended;”;
- (iii) in sub-paragraph (c), for “SPC claimant”, substitute “SPC claimant (who is not in a couple)”;
- (b) in paragraph (2)(6), for “paragraph (1)(a) to (c) and (e)”, substitute “sub-paragraphs (a), (b), (c) and (e) of paragraph (1)”.
- (c) after paragraph (2), insert—
- “(3) In this regulation, “couple” means a couple entitled to universal credit as joint claimants under regulation 3(1)(a) of the UC Regulations(7).”.
- (5) In regulation 9 (duration of loan payments)—
- (a) in paragraph (3), omit sub-paragraph (e);
- (b) for paragraph (7)(8), substitute—
- “(7) If a legacy benefit claimant ceases to be entitled to, or treated as entitled to, a legacy benefit (“the old entitlement”) but becomes entitled, or treated as entitled, again to the benefit (“the new entitlement”) within the period of 52 weeks beginning with the day on which the claimant ceased to be entitled, or treated as entitled, to the old entitlement, and the claimant wishes to receive loan payments on the basis of the new entitlement, there is no requirement for the claimant to serve a new qualifying period.
- (8) If a UC claimant ceases to be entitled to universal credit (“the old entitlement”) but becomes entitled again to universal credit (“the new entitlement”) within the period of 6 months beginning with the day on which the claimant ceased to be entitled to the old entitlement, and the claimant wishes to receive loan payments on the basis of the new entitlement, there is no requirement for the claimant to serve a new qualifying period.”.

(6) Paragraph (2) was substituted by regulation 2(6)(c) of S.R. 2018 No. 37

(7) S.R. 2016 No. 216

(8) Paragraph (7) was substituted by regulation 2(7)(b) of S.R. 2018 No. 37

Sealed with the Official Seal of the Department for Communities on 8th March 2023

(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 Loans for Mortgage Interest Regulations (Northern Ireland) 2017 (“the 2017 Regulations”).

Regulation 2(2) reduces the length of the qualifying period for universal credit claimants from 9 consecutive assessment periods to 3 consecutive assessment periods.

Regulation 2(3) and 2(5)(a) remove the condition that a universal credit claimant must not have any earnings in order to be eligible to receive loan payments.

Regulation 2(4) provides that a couple is not required to re-serve the qualifying period where one member of the couple is still a state pension credit claimant receiving loan payments when the joint entitlement to universal credit begins, and also where one member of the couple was formerly a state pension credit claimant receiving loan payments, provided their entitlement to universal credit begins within one month of the end of the entitlement to state pension credit. The former is included because termination of the state pension credit entitlement can take place after the joint entitlement to universal credit begins. Regulation 2(4) also operates to ensure that the qualifying period of 3 consecutive assessment periods applies for all other couples which do not fall within the two circumstances specified. Regulation 2(4)(c) inserts a definition of a couple for the purposes of regulation 8 of the 2017 Regulations.

Regulation 2(5)(b) inserts a new paragraph (8) into regulation 9 of the 2017 Regulations providing that, for claimants who return to universal credit within 6 months, and wish to start receiving loan payments, there is no requirement to serve a new qualifying period.

Regulation 2(5)(b) also substitutes a revised paragraph (7) of regulation 9 for the existing paragraph (7) with a view to ensuring that the wording of paragraph (7) is consistent with the wording of the new paragraph (8) of regulation 9.

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.