

Draft Regulations laid before the Assembly under Article 137(5) of the Welfare Reform (Northern Ireland) Order 2015, for approval

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2016 No. 0000

WELFARE

The Welfare Supplementary Payment (Benefit Cap) Regulations (Northern Ireland) 2016

Made - - - - 00th October 2016

Coming into operation- 7th November 2016

The Department for Communities⁽¹⁾ makes the following Regulations in exercise of the powers conferred on it by Article 137 of the Welfare Reform (Northern Ireland) Order 2015⁽²⁾.

In accordance with Article 137(5) of that Order, a draft of these Regulations has been laid before and approved by a resolution of the Assembly.

Citation and Commencement

1.—(1) These Regulations may be cited as the Welfare Supplementary Payment (Benefit Cap) Regulations (Northern Ireland) 2016.

(2) These Regulations come into operation on 7th November 2016.

Amendments to welfare supplementary payment arising out of change in benefit cap

2.—(1) In regulation 3 of the Welfare Supplementary Payments Regulations (Northern Ireland) 2016⁽³⁾, at the end insert—

“(3) In this Part the date the new benefit cap is applied to a person is the date the person’s award of housing benefit under regulation 73D of the Housing Benefit Regulations is reduced consequent upon the first amendment to the definition of the relevant amount in regulation 73G of the Housing Benefit Regulations.”.

(2) Regulation 4 of those Regulations is amended as follows—

(a) omit paragraph (1),

(b) in paragraph (2) for “This paragraph” substitute “This regulation”,

(1) See Article 8(b) of S.R. 1999 No. 481 and section 1(7) of the [Departments Act \(Northern Ireland\) 2016 \(c.5 \(N.I.\)\)](#)
(2) [S.I. 2015/2006 \(N.I. 1\)](#)
(3) [S.R. 2016 No.178](#)

- (c) in paragraph (3) omit “Where paragraph (1) or (2) applies and”,
- (d) omit paragraphs (4) and (5),
- (e) for paragraph (10) substitute—

“(10) In this regulation, “relevant period” in respect of a person means—

- (a) the period beginning on 30th May 2016 and ending on the date of the first occasion on which the amount of housing benefit to which that person is entitled is reduced in accordance with regulation 73D of the Housing Benefit Regulations, in respect of entitlement to welfare supplementary payment up to the date the new benefit cap is applied to the person, or
- (b) the period beginning on 6th November 2016 and ending on the date of the first occasion following that on which the amount of housing benefit to which that person is entitled is reduced in accordance with regulation 73D of the Housing Benefit Regulations, in respect of entitlement to welfare supplementary payment on and from the date the new benefit cap is applied to the person.”.

- (3) After regulation 4 of those Regulations insert—

“Amount of welfare supplementary payment payable in respect of benefit cap

4A.—(1) 1)The amount of welfare supplementary payment payable under this Part is calculated in accordance with this regulation.

(2) Welfare supplementary payment is equal to the amount by which a person’s award of housing benefit is reduced in accordance with regulation 73D of the Housing Benefit Regulations—

- (a) on the first occasion on which it is reduced (in respect of payments up to the date the new benefit cap is applied to the person),
- (b) on the date the new benefit cap is applied to the person (in respect of payments on and from that date).

(3) If as a result of a change of circumstances, a person’s award of housing benefit is reduced in accordance with regulation 73D of the Housing Benefit Regulations—

- (a) by less than the amount by which it was reduced on the first occasion it was reduced (in respect of payments up to the date the new benefit cap is applied to the person),
- (b) by less than the amount by which it was reduced on the date the new benefit cap is applied to the person (in respect of payments on and from that date),

the amount of welfare supplementary payment to which the person is entitled is that lesser amount.”.

- (4) In regulation 3(k)(ii) of the Discretionary Financial Regulations (Northern Ireland) 2001(4) for “regulation 4(4)” substitute “regulation 4A”.

Amendments to welfare supplementary payment: benefit cap residency requirement

3. In regulation 13 of the Welfare Supplementary Payments Regulations (Northern Ireland) 2016—

- (a) In paragraph (a) omit “and”,
- (b) At the end of paragraph (b) insert—
“and,

(4) Regulation 3(k) was inserted by regulation 5 of [S.R. 2016 No. 178](#)

- (c) In the case of welfare supplementary payments under Part 2, the person was resident in Northern Ireland on 6th November 2016.”

Sealed with the Official Seal of the Department for Communities on 00th October 2016

(L.S.)

Name
A senior officer of the Department for
Communities

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Welfare Supplementary Payments Regulations (Northern Ireland) 2016 (“The Welfare Supplementary Payment Regulations”) which were introduced to mitigate impacts from the implementation of the Welfare Reform (Northern Ireland) Regulations 2015 as defined in the document “A Fresh Start the Stormont Agreement and the Implementation Plan”.

The Regulations provide for making mitigation payments on the reduction of the benefit cap (as provided for in Article 5 of the Welfare Reform and Work (Northern Ireland) Order 2016).

Regulation 2 amends Regulation 4 of the Welfare Supplementary Payment Regulations to remove the daily total entitlement condition. It modifies the definition of the relevant date for the purposes of determining eligibility to a welfare supplementary payment. It further inserts regulation 4A to provide for the calculation of the welfare supplementary payment from the date the new benefit cap is applied. Where there is a change in circumstances after the new benefit cap is applied and the housing benefit deduction decreases, the welfare supplementary payment will be revised to that lesser amount.

The Regulation also amends the Discretionary Financial Assistance Regulations (Northern Ireland) 2001 to ensure that Discretionary Housing Payments do not overlap with welfare supplementary payments.

Regulation 3 amends regulation 13 of the Welfare Supplementary Payment Regulations to make a minor amendment in relation to the definition of residency in Northern Ireland.