STATUTORY RULES OF NORTHERN IRELAND

2021 No. 248

HOUSING

The Housing Benefit and Universal Credit (Sanctuary Schemes) (Amendment) Regulations (Northern Ireland) 2021

Made - - - -	*9th September 2021*
Coming into operation -	*1st October 2021*

The Department for Communities(**a**), makes the following Regulations in exercise of the powers conferred by sections 122(1)(d), 129A(2) and (4) and 171(1) and (3) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**b**) and now vested in it(**c**) and Articles 16(4) and 48(1) of the Welfare Reform (Northern Ireland) Order 2015(**d**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit and Universal Credit (Sanctuary Schemes) (Amendment) Regulations (Northern Ireland) 2021 and shall come into operation on 1st October 2021.

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

Amendment to the Housing Benefit Regulations

2. In regulation A14 of the Housing Benefit Regulations (Northern Ireland) 2006(**f**)—

(a) after paragraph (2)(e) insert—

"(f) where—

(i) domestic violence has been inflicted upon or threatened against the claimant or a member of the claimant's household ("the victim") by that person's partner or former partner, or by a relative;

(ii) the victim is not living at the same address as the person who inflicted or threatened the domestic violence, except where that person is a young person as defined in regulation 17 and is a dependant of a member of the claimant's household; and

(**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; section 129A was inserted by section 30(2) of the Welfare Reform Act (Northern Ireland) 2007 (c. 2(N.I.)) and subsequently amended by Article 75 of the Welfare Reform (Northern Ireland) Order 2015 and section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)

(**c**) *See* Article 8(b) of S.R. 1999 No. 481and section 1(7) of the Departments Act (Northern Ireland) 2016

(**d**) S.I 2015/2006 (N.I. 1)

(**e**) 1954 c. 33 (N.I.)

(**f**) S.R. 2006 No. 405; regulation A14 was inserted by regulation 5(7) of S.R. 2016 No. 326

(iii) the claimant provides evidence from a person acting in an official capacity which demonstrates that the claimant is living in a property adapted under a sanctuary scheme and—

(aa) the victim's circumstances are consistent with those of a person who has had domestic violence inflicted upon or threatened against them; and

(bb) the victim has made contact with the person acting in an official capacity in relation with such an incident.";

(b) after paragraph (4) insert—

"(5) In this regulation—

"domestic violence" has the meaning given to it in regulation 73H(6) of these regulations;

"health care professional" means a person who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002(**a**);

"household" means the persons who the relevant authority are satisfied are occupying the claimant's dwelling as their home;

"person acting in an official capacity" means a health care professional, a police officer, a registered social worker, the victim's employer, a representative of the victim's trade union, or any public, voluntary, or charitable body which has had direct contact with the victim in connection with domestic violence;

"provider of social housing" means –

(a) the Executive

(b) registered housing association;

"registered social worker" means a person registered as a social worker in a register maintained by—

(a) the Northern Ireland Social Care Council;

(b) Social Care Wales;

(c) The Scottish Social Services Council; or

(d) Social Work England

"relative" has the meaning given by Article 2(1) of the Family Homes and Domestic Violence (Northern Ireland) Order 1998(**b**);

"sanctuary scheme" means a scheme operated by a provider of social housing enabling victims of domestic violence to remain in their homes through the installation of additional security to the property or the perimeter of the property at which the victim resides.".

Amendment to the Universal Credit Regulations

3. In paragraph 35 of Schedule 4 to the Universal Credit Regulations (Northern Ireland) 2016(**c**), after sub-paragraph (5) insert—

"(6) (a) No deduction for under occupation is to be made in calculating the amount of a renter's housing cost element under this part where—

(**a**) 2002 c. 17; section 25(3) was amended by the Health and Social Care Act 2008 (c.14), the Health and Social Care Act 2012 (c 72) and S.I. 2010/231

(**b**) S.I. 1998 No. 1071 (N.I.6)

(**c**) S.R. 2016 No. 216; relevant amending Regulation is S.R. 2018 No. 92

(i) domestic violence has been inflicted upon or threatened against the claimant or a member of the claimants extended benefit unit(**a**) ("the victim") by that person's partner or former partner, or by a relative;

(ii) the victim is not living at the same address as the person who inflicted or threatened the domestic violence, except where that person is a qualifying young person and is a dependant of a member of the claimant's extended benefit unit; and

(iii) the claimant provides evidence from a person acting in an official capacity which demonstrates that claimant is living in a property adapted under a sanctuary scheme and—

(aa) the victim's circumstances are consistent with those of a person who has had domestic violence inflicted upon or threatened against them; and

(ab) the victim has made contact with the person acting in an official capacity in relation to such an incident.

(b) In this paragraph—

"domestic violence" and "person acting in an official capacity" have the meaning given to them in regulation 96(5) of these Regulations;

"relative" has the meaning given by Article 2(1) of the Family Homes and Domestic Violence (Northern Ireland) Order 1998;

"sanctuary scheme" means a scheme operated by a provider of social housing enabling victims of domestic violence to remain in their homes through the installation of additional security to the property or the perimeter of the property at which the victim resides.".

Transitional provision

4.—(1) When an amendment made by regulation 3 applies in respect of an existing award of universal credit, that amendment has effect for the purpose of that award—

(a) on 1st October 2021, if there is an assessment period for the award that begins on that day; or

(b) if sub-paragraph (a) does not apply, on the first day of the next assessment period for the award beginning after 1st October 2021.

(2) In paragraph (1)—

"assessment period" has the meaning given by regulation 22 of the Universal Credit Regulations (Northern Ireland) 2016;

"existing award of universal credit" means an award of universal credit that exists on 1st October 2021.

Sealed with the Official Seal of the Department for Communities on 9th September 2021
(L.S.)

Anne McCleary
A senior officer of the Department for Communities

(**a**) "Extended benefit unit" is defined in paragraph 2 of Schedule 4 to the Universal Credit Regulations (Northern Ireland) 2016

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Housing Benefit Regulations (Northern Ireland) 2006 (S.R. 2006 No. 405) and the Universal Credit Regulations (Northern Ireland) 2016 (S.R. 2016 No. 216) to make an exception to exclude individuals in the social rented sector from under-occupancy deductions where domestic violence has been inflicted upon or threatened against the claimant or a member of that claimant's household and they are consequently living in a property that is adapted under a sanctuary scheme.

Regulation 2 amends regulation A14 of the Housing Benefit Regulations (Northern Ireland) 2006 to include an exception from under-occupancy deductions for any housing benefit claimant who is living in a social sector rented property that is adapted under a sanctuary scheme as a result of a member of that household having had domestic violence threatened or inflicted upon them. It also inserts definitions for terms used in the amendment.

Regulation 3 amends paragraph 35 of Schedule 4 to the Universal Credit Regulations (Northern Ireland) 2016 to include an equivalent exception from under-occupancy deductions for Universal Credit claimants living in social rented sector properties adapted under a sanctuary scheme.

Regulation 5 provides that the regulation relating to universal credit has effect on 1st October 2021 if a claimant's assessment period begins on that day and, if it does not, on the first date of a claimant's next assessment period following 1st October 2021.

These Regulations make in relation to Northern Ireland only provisions corresponding to provisions 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 the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

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