STATUTORY RULES OF NORTHERN IRELAND

2025 No. 149

SOCIAL SECURITY

The Housing Benefit (Habitual Residence) (Amendment) Regulations (Northern Ireland) 2025

Made - - - -	*18th September 2025*
Coming into operation -	*21st October 2025*

The Department for Communities(**a**) makes the following Regulations in exercise of the powers conferred by sections 122(1)(d), 133(2)(i) and 171(1) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**b**), and now vested in it (**c**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (Habitual Residence) (Amendment) Regulations (Northern Ireland) 2025 and shall come into operation on 21st October 2025.

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

Amendment of the Housing Benefit Regulations

2. In regulation 10(5) of the Housing Benefit Regulations (Northern Ireland) 2006(**e**) (persons from abroad) for sub-paragraph (l) substitute—

> "(l) in receipt of income support, an income-related employment and support allowance or universal credit;".

Sealed with the Official Seal of the Department for Communities on 18th September 2025

(L.S.)

David Tarr
A senior officer of the Department for Communities

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend regulation 10 of the Housing Benefit Regulations (Northern Ireland) 2006 ("the Housing Benefit Regulations"). Regulation 10 provides that an individual claiming

(**a**) *See* section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.))
(**b**) 1992 c. 7; 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. 481
(**d**) 1954 c. 33 (N.I.)
(**e**) S.R. 2006 No. 405; regulation 10(5)(l) was amended by regulation 3(6) of S.R. 2008 No. 378 and regulation 2(3) of S.R. 2014 No. 98

housing benefit who is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland is a "person from abroad" and is treated as not having a liability to make payments in respect of the dwelling which he occupies as his home. As a result, such an individual is not entitled to housing benefit. Regulation 10(5) specifies the circumstances in which an individual is not considered a "person from abroad" when claiming housing benefit.

Regulation 1 provides for citation, commencement and interpretation.

Regulation 2 amends regulation 10(5) of the Housing Benefit Regulations to ensure that where an individual is already receiving universal credit, there is no need to consider whether he is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland, when deciding whether he is a person from abroad for the purposes of housing benefit. Any determination as to whether he is habitually resident (or is subject to one of the other exceptions from the need to consider habitual residence) will already have been made when the claim for universal credit was allowed.

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, 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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