EXPLANATORY MEMORANDUM TO

THE HOUSING BENEFIT (HABITUAL RESIDENCE) (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2025

S.R. 2025 No. 149

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Communities to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2 The Statutory Rule is made under sections 122(1)(d), 133(2)(i) and 171(1) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 and is subject to the negative resolution procedure.

2. Purpose

2.1 This Rule makes amendments to the Housing Benefit Regulations (Northern Ireland) 2006 (S.R. 2006 No. 405) to specify that a person is not a 'person from abroad' for the purposes of Housing Benefit if they are already in receipt of Universal Credit.

3. Background

3.1 Legislation specifies that a person must be habitually resident in the Common Travel Area (the United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland) to be eligible for income-related benefits (including Housing Benefit and Universal Credit), unless they are exempt from this requirement. To demonstrate habitual residence, a person must have a legal right to reside, have spent an 'appreciable period of time' in the Common Travel Area (normally between one and three months) and have a settled intention to remain.

3.2 Housing Benefit is administered by the Northern Ireland Housing Executive (NIHE). Assessing whether a person should be considered a 'person from abroad' can be complex and time-consuming for both NIHE decision-makers and the claimant, who may have to provide evidence to support this process. This Rule will mean that where Universal Credit is in payment, there will be no need for NIHE to consider whether a person is a 'person from abroad' for the purposes of Housing Benefit. In doing this the Rule will also prevent the risk of inconsistent decision making through unnecessary duplication.

3.3 An equivalent process is already in place for other income-related benefits, namely Income Support, income-based Jobseeker's Allowance and income-related Employment and Support Allowance. However, these benefits will end as all working-age claimants will migrate to Universal Credit. At this point, if a claimant makes a new Housing Benefit claim, NIHE will not need to make a separate assessment of whether they are habitually resident in the Common Travel

Area or if they are exempt from this requirement, because they must have met either condition to be eligible for Universal Credit.

3.4 Once these Regulations come into operation, NIHE should no longer be required to make detailed assessments for the purposes of Housing Benefit where the person is in receipt of Universal Credit. However, NIHE will still be required to assess whether a claimant is a 'person from abroad' for Housing Benefit purposes if the claimant does not apply for Universal Credit and still requires Housing Benefit.

4. Consultation

4.1 There is no requirement to consult on these Regulations.

5. Equality Impact

5.1 In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department has conducted a screening exercise on the legislative proposals for these Regulations and has concluded that they do not have significant implications for equality of opportunity. In light of this, the Department considers that an Equality Impact Assessment is not necessary.

6. Regulatory Impact

6.1 These Regulations do not require a Regulatory Impact Assessment as there is no significant impact on costs on business, charities or voluntary bodies.

7. Financial Implications

7.1 There are no significant financial implications for the Department.

8. Section 24 of the Northern Ireland Act 1998

8.1 The Department is content that these Regulations comply with section 24 of the Northern Ireland Act 1998 (Convention rights, etc.).

9. EU Implications

9.1 Not applicable.

10. Parity or Replicatory Measure

10.1 The Great Britain Regulations are the Housing Benefit (Habitual Residence) (Amendment) Regulations 2025 (S.I. 2025/988), which come into force on 21st October 2025.

11. Additional Information

11.1 Not applicable.