STATUTORY RULES OF NORTHERN IRELAND

# 2007 No. 266

# HOUSING; RATES

## The Housing Benefit (Miscellaneous Amendments) Regulations (Northern Ireland) 2007

*Made - - - - 1st May 2007*

*Coming into operation in accordance with regulation 1*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 122(1)(d), 129(2) and (4) and 171(1) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), and now vested in it(**2**), and paragraphs 3(1), 4(3) and (5) and 20(1)(b) and (3) of Schedule 7 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000(**3**).

The Regulations are made with the consent of the Department of Finance and Personnel(**4**).

The Social Security Advisory Committee has agreed that proposals in respect of regulations 2, 3(2), (5) and (6), 4(2) and (5) to (7) and 5 should not be referred to it(**5**).

### Citation, commencement and interpretation

**1.**—(1) These Regulations may be cited as the Housing Benefit (Miscellaneous Amendments) Regulations (Northern Ireland) 2007 and, subject to paragraph (2), shall come into operation on 1st June 2007.

(2) Regulations 3(3) and (4) and 4(3) and (4) shall come into operation on 1st October 2007.

(3) The Interpretation Act (Northern Ireland) 1954(**6**) shall apply to these Regulations as it applies to an Act of the Assembly.

(**1**) 1992 c. 7; section 129(2) was amended by Article 8(2) of the Housing Support Services (Northern Ireland) Order 2002 (S.I. 2002/3154 (N.I. 8)) and section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)
(**2**) *See* Article 8(b) of S.R. 1999 No. 481
(**3**) 2000 c. 4 (N.I.)
(**4**) *See* section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 as inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/1579 (N.I. 8)); *see also* Article 6(b) of S.R. 1999 No. 481
(**5**) *See* section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)
(**6**) 1954 c. 33 (N.I.)

**Amendment of the Housing Benefit (Decisions and Appeals) Regulations**

**2.**—(1) The Housing Benefit (Decisions and Appeals) Regulations (Northern Ireland) 2001(**7**) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 5(3)(b)(**8**) (late application for a revision) for "regulation 4(4)" substitute "regulation 4(3)".

(3) In regulation 8 (date from which a decision superseding an earlier decision takes effect)—

(a) in paragraph (6A)(a)(**9**)—

(i) in head (i)—

(aa) after "benefit week" insert "in which the day";

(bb) omit "has elapsed"; and

(cc) after "last decision" add "occurs", and

(ii) in head (ii) omit "has elapsed"; and

(b) paragraph (11), as added by regulation 4(5) of the Housing Benefit (State Pension Credit and Miscellaneous Amendments) Regulations (Northern Ireland) 2003(**10**), is renumbered paragraph (12).

**Amendment of the Housing Benefit Regulations**

**3.**—(1) The Housing Benefit Regulations (Northern Ireland) 2006(**11**) shall be amended in accordance with paragraphs (2) to (6).

(2) In regulation 9(1)(h) (circumstances in which a person is to be treated as not liable to make payments in respect of a dwelling) after "the liability" insert "in respect of rent".

(3) In regulation 13(2) (rent)—

(a) at the end of sub-paragraph (b) omit "and"; and

(b) after sub-paragraph (c) add—

"and

(d) payments by a person in respect of a dwelling where his partner is an owner of that dwelling.".

(4) In regulation 14(15) (maximum rent)—

(a) after "claimant" insert ", or the claimant's partner,"; and

(b) for "his" substitute "the claimant's".

(5) In Schedule 2 (decisions of rent payable) in paragraph 15 in the definition of "uncontrolled tenancy" for "protected or statutory tenancy within the meaning of the Rent (Northern Ireland) Order 1978" substitute "controlled tenancy within the meaning of Article 40(4) of the Private Tenancies (Northern Ireland) Order 2006(**12**)".

(6) In Schedule 3 (excluded tenancies) in paragraph 4 for "protected or statutory tenancy within the meaning of the Rent (Northern Ireland) Order 1978" substitute "controlled tenancy within the meaning of Article 40(4) of the Private Tenancies (Northern Ireland) Order 2006".

(**7**) S.R. 2001 No. 213; relevant amending Regulations are S.R. 2003 No. 418, S.R. 2004 No. 144, S.R. 2005 No. 46 and S.R. 2006 No. 407
(**8**) Regulation 5(3)(b) was amended by regulation 8(3) of S.R. 2005 No. 46
(**9**) Regulation 8(6A) was inserted by regulation 31(2) of S.R. 2004 No. 144 and amended by paragraph 7(5)(c) of Schedule 2 to S.R. 2006 No. 407
(**10**) S.R. 2003 No. 418
(**11**) S.R. 2006 No. 405
(**12**) S.I. 2006/1459 (N.I. 10)