STATUTORY RULES OF NORTHERN IRELAND

2007 No. 121

HOUSING; RATES

The Housing Benefit (Daily Liability Entitlement) (Amendment) Regulations (Northern Ireland) 2007

Made - - - -	*1st March 2007*
Coming into operation	*1st April 2007*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 5(1)(l) and 165(1), (4) and (5) of the Social Security Administration (Northern Ireland) Act 1992(**1**), and now vested in it(**2**) and paragraphs 4(5) and 20(1)(b) and (3) of Schedule 7 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000(**3**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (Daily Liability Entitlement) (Amendment) Regulations (Northern Ireland) 2007 and shall come into operation on 1st April 2007.

(2) The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Housing Benefit Regulations

2.—(1) The Housing Benefit Regulations (Northern Ireland) 2006(**5**) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 74 (date on which entitlement is to commence)—

(a) for paragraph (3)(c) substitute—

"(c) he becomes liable in that benefit week to make payments, which fall due on a daily basis, in respect of the accommodation specified in paragraph (4) which he occupies as his home."; and

(b) after regulation 74(3) add—

"(4) The accommodation referred to in paragraph (3)(c) is—

(**1**) 1992 c.8; section 165(1) was amended by paragraph 49(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)
(**2**) *See* Article 8(b) of S.R. 1999 No. 481
(**3**) 2000 c. 4 (N.I.)
(**4**) 1954 c. 33 (N.I.)
(**5**) S.R. 2006 No. 405

(a) a hostel;

(b) board and lodging accommodation where the payments are to the Executive under Article 12(2) of the Housing (Northern Ireland) Order 1988;

(c) accommodation secured by the Executive where the payments are to the Executive under Article 12(2) of that Order; or

(d) accommodation which the Executive holds on a lease granted for a term not exceeding 10 years.

(5) In this regulation "board and lodging accommodation" means—

(a) accommodation provided to a person or, if he is a member of a family, to him or any other member of his family, for a charge which is inclusive of the provision of that accommodation and at least some cooked or prepared meals which both are cooked or prepared (by a person other than a person to whom the accommodation is provided or by a member of his family) and are consumed in that accommodation or associated premises; or

(b) accommodation provided to a person in a hotel, guest house, lodging house or some similar establishment,

but it does not include accommodation in a care home, an Abbeyfield Home, an independent hospital or a hostel.".

(3) In regulation 77(10) (date on which change of circumstances is to take effect) omit the words "in respect of a hostel".

Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations

3.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(**6**) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 55 (date on which entitlement is to commence)—

(a) for paragraph (2)(b) substitute—

"(b) he becomes liable in that benefit week to make payments, which fall due on a daily basis, in respect of the accommodation specified in paragraph (3) which he occupies as his home."; and

(b) after regulation 55(2) add—

"(3) The accommodation referred to in paragraph (2)(b) is—

(a) a hostel;

(b) board and lodging accommodation where the payments are to the Executive under Article 12(2) of the Housing (Northern Ireland) Order 1988;

(c) accommodation secured by the Executive where the payments are to the Executive under Article 12(2) of that Order; or

(d) accommodation which the Executive holds on a lease granted for a term not exceeding 10 years.

(4) In this regulation "board and lodging accommodation" means—

(a) accommodation provided to a person or, if he is a member of a family, to him or any other member of his family, for a charge which is inclusive of

(**6**) S.R. 2006 No. 406