STATUTORY RULES OF NORTHERN IRELAND

2006 No. 462

HOUSING; RATES

The Housing Benefit (Amendment) Regulations (Northern Ireland) 2006

Made - - - -	*21st November 2006*
Coming into operation	*20th December 2006*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 5(1)(a) and (k) and 165(1) and (4) of the Social Security Administration (Northern Ireland) Act 1992(**1**) and now vested in it(**2**).

The Social Security Advisory Committee has agreed that proposals in respect of these Regulations should not be referred to it(**3**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (Amendment) Regulations (Northern Ireland) 2006 and shall come into operation on 20th December 2006.

(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) to (4).

(2) In regulation 81 (time and manner in which claims are to be made)—

(a) in paragraph (1) before "Every claim" insert "Subject to paragraph (4A),";

(b) in paragraph (4) after "claim" where it first occurs insert "in writing"; and

(c) after paragraph (4) insert—

(**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**) *See* section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992
(**4**) 1954 c. 33 (N.I.)
(**5**) S.R. 2006 No. 405

"(4A) Where the relevant authority has published a telephone number for the purpose of receiving claims for housing benefit, a claim may be made by telephone to that telephone number.

(4B) The relevant authority may determine, in any particular case, that a claim made by telephone is not a valid claim unless the person making the claim approves a written statement of his circumstances, provided for the purpose by the relevant authority.

(4C) A claim made by telephone in accordance with paragraph (4A) is defective unless the relevant authority is provided during that telephone call with all the information it requires to determine the claim.

(4D) Where a claim made by telephone in accordance with paragraph (4A) is defective, the relevant authority is to provide the person making it with an opportunity to correct the defect.

(4E) If the person corrects the defect within one month, or such longer period as the relevant authority considers reasonable, of the date it last drew attention to it, the relevant authority shall treat the claim as if it had been duly made in the first instance.".

(3) In regulation 83(1) (amendment and withdrawal of claim) after "designated office" insert ", except where the claim was made by telephone in accordance with regulation 81(4A) where the amendment may be made by telephone,".

(4) In regulation 84(1) (duty to notify changes of circumstances) for "in writing to the designated office" substitute—

"to the designated office—

(a) in writing or, where the relevant authority has published a telephone number for the purposes of regulation 81, by telephone unless the authority determines, in any particular case, that notice must be in writing or may be given otherwise than in writing or by telephone; or

(b) in writing if in any class of case the relevant authority requires written notice unless the authority determines, in any particular case, that notice may be given otherwise than in writing.".

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) to (4).

(2) In regulation 62 (time and manner in which claims are to be made)—

(a) in paragraph (2) before "Every claim" insert "Subject to paragraphs (5A) and (5B),";

(b) in paragraph (5) after "claim" where it first occurs insert "in writing"; and

(c) after paragraph (5) insert—

"(5A) Where the relevant authority has published a telephone number for the purpose of receiving claims for housing benefit a claim may be made by telephone to that telephone number.

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