STATUTORY RULES OF NORTHERN IRELAND

2005 No. 493

HOUSING; RATES

The Housing Benefit (Miscellaneous Amendments No. 4) Regulations (Northern Ireland) 2005

Made - - - -	*8th November 2005*
Coming into operation	*10th November 2005*

The Department for Social Development, in exercise of the powers conferred by sections 129(2), 131(5) and (6), 132(4)(a) and (b), 132A(3), 133(2)(c) and (d) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), sections 5(1)(a), (b), (hh), (j) and (l), 5A(1) and (2)(b) and 165(1) and (4) of the Social Security Administration (Northern Ireland) Act 1992(**2**), Article 74(1) and (7) of the Social Security (Northern Ireland) Order 1998(**3**) and paragraphs 1, 13, 14, 15, 20 and 23 of Schedule 7 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000(**4**), and now vested in it(**5**), and of all other powers enabling it in that behalf, with the consent of the Department of Finance and Personnel(**6**), and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(**7**), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (Miscellaneous Amendments No. 4) Regulations (Northern Ireland) 2005 and shall come into operation on 10th November 2005.

(2) In these Regulations—

(**1**) 1992 c. 7; section 132A was inserted by paragraph 3 of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.)); section 133(2)(d) was substituted by paragraph 18(3) of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I.1995/2705 (N.I. 15)); section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)

(**2**) ()1992 c. 8; paragraph (hh) was inserted by Article 5 of the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)); section 5A was inserted by Article 68 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11))

(**3**) S.I. 1998/1506 (N.I. 10); Article 74(1) was amended by paragraph 17 of Schedule 4 to the Tax Credits Act 2002 (c. 21)

(**4**) 2000 c. 4 (N.I.)

(**5**) *See* Article 8(b) of S.R. 1999 No. 481

(**6**) *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

(**7**) *See* section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)

"the Housing Benefit Regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987(**8**);

"the State Pension Credit Regulations" means the Housing Benefit (State Pension Credit) Regulations (Northern Ireland) 2003(**9**);

"the Decisions and Appeals Regulations" means the Housing Benefit (Decisions and Appeals) Regulations (Northern Ireland) 2001(**10**).

(3) The Interpretation Act (Northern Ireland) 1954(**11**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Housing Benefit Regulations

2.—(1) Subject to paragraph (2), the Housing Benefit Regulations shall be amended in accordance with paragraphs (2) to (20).

(2) The amendments made by paragraphs (5), (7), (10) and (12) are to the Housing Benefit Regulations as modified in their application to persons to whom regulation 2(1) of the State Pension Credit Regulations applies.

(3) In regulation 2 (interpretation) in the definition of "appropriate office"(**12**) after "Department" there shall be inserted "dealing with state pension credit or an office".

(4) In regulation 21A(**13**) (treatment of child care charges)—

(a) in paragraph (6)(**14**) for "paragraph (2)" there shall be substituted "paragraphs (2ZA) and (2ZC)(b)"; and

(b) in paragraph (6)(c) for "28 weeks immediately preceding the date of claim" there shall be substituted "period beginning 28 weeks before the first Monday in September following that person's fifteenth birthday and ending on the day preceding the first Monday in September following that person's sixteenth birthday.".

(5) In regulation 27(10)(c) (treatment of child care charges) for "28 weeks immediately preceding the date of claim" there shall be substituted "period beginning 28 weeks before the first Monday in September following that person's fifteenth birthday and ending on the day preceding the first Monday in September following that person's sixteenth birthday".

(6) In regulation 29(4)(a)(**15**) (calculation of net earnings of employed earners) for "in the year of assessment in which the claim was made" there shall be substituted "applicable to the assessment period".

(7) In regulation 31(5)(a)(**16**) (calculation of net earnings of employed earners) for "in the year of assessment in which the claim was made" there shall be substituted "applicable to the assessment period".

(8) In regulation 32(**17**) (deduction of tax and contributions of self-employed earners)—

(**8**) S.R. 1987 No. 461; relevant amending rules are S.R. 1990 Nos. 137, 305 and 345, S.R. 1991 Nos. 47, 176 and 520, S.R. 1992 No. 404, S.R. 1993 Nos. 145 and 381, S.R. 1994 Nos. 274 and 335, S.R. 1996 Nos. 93, 181 and 334, S.R. 1998 No. 81, S.R. 1999 No. 298, S.R. 2000 Nos. 242 and 260, S.R. 2001 Nos. 175 and 215, S.R. 2002 No. 299, S.R. 2003 Nos. 197, 317 and 418, S.R. 2004 No. 516 and S.R. 2005 No. 148

(**9**) S.R. 2003 No.197; relevant amending regulations are S.R. 2003 No. 418

(**10**) S.R. 2001 No. 213

(**11**) 1954 c. 33 (N.I.)

(**12**) The definition was amended by regulation 2(a)(i) of S.R. 1996 No. 334

(**13**) Regulation 21A was inserted by regulation 2(3) of S.R. 1994 No. 274

(**14**) Paragraph (6) was added by regulation 4(4) of S.R. 1999 No. 298

(**15**) Paragraph (4) was amended by regulation 5 of S.R. 1992 No. 404 and regulation 3(c)(i) and (ii) of S.R. 1994 No. 335

(**16**) Sub-paragraph (a) was amended by regulation 2(5)(g) of S.R. 2003 No. 418

(**17**) Paragraph (1) was amended by regulation 6 of S.R. 1992 No. 404 and regulation 5 of S.R 1994 No. 335 and paragraph (2) was substituted by regulation 9 of S.R. 1993 No. 381

(a) in paragraph (1) for "in the year of assessment in which the claim was made" there shall be substituted "applicable to the assessment period"; and

(b) in sub-paragraphs (a) and (b) of paragraph (2)—

(i) for "at the date of claim" there shall be substituted "to the assessment period", and

(ii) for "in which the date of claim falls" there shall be substituted "applicable to the assessment period".

(9) In regulation 34(1)(**18**) (capital treated as income) for "review" there shall be substituted "revision or supersession".

(10) In regulation 35(deduction of tax and contributions of self-employed earners)—

(a) in paragraph (1) for "in the year of assessment in which the claim was made" there shall be substituted "applicable to the assessment period"; and

(b) in sub-paragraphs (a) and (b) of paragraph (2)—

(i) for "at the date of claim" there shall be substituted "to the assessment period", and

(ii) for "in which the date of claim falls" there shall be substituted "applicable to the assessment period".

(11) In regulation 35(7)(a)(**19**) (notional income) for "in the year of assessment in which the claim was made" there shall be substituted "applicable to the assessment period".

(12) In regulation 40(b)(i) (calculation of capital in the United Kingdom) for "review" there shall be substituted "revision or supersession".

(13) In regulation 41(b)(i) (calculation of capital in the United Kingdom) for "review" there shall be substituted "revision or supersession".

(14) In regulation 59 (income treated as capital)—

(a) in paragraph (3)(**20**) for "paragraph 15(2) of Schedule 4" there shall be substituted "paragraph (4)";

(b) after paragraph (3) there shall be added the following paragraph—

"(4) In sub-paragraph (3)—

(a) "rent or rates" means eligible rent or rates less any deductions in respect of non-dependants which fall to be made under regulation 63 (non-dependant deductions);

(b) the expression "ordinary clothing or footwear" means clothing or footwear for normal daily use, but does not include school uniforms, or clothing or footwear used solely for sporting activities.".

(15) In regulation 72 (time and manner in which claims are to be made)—

(a) in paragraph (4)—

(i) in sub-paragraph (a)(**21**) after "income support" there shall be inserted ", state pension credit", and

(ii) in sub-paragraph (e)(**22**) for the words from "an office" to the end there shall be substituted "an authorised office";

(b) in paragraph (5)—

(**18**) Paragraph (1) was amended by regulation 4(2) of S.R. 1990 No. 137
(**19**) Sub-paragraph (a) was amended by regulation 7 of S.R. 1992 No. 404 and regulation 5 of S.R. 1994 No. 335
(**20**) Paragraph (3) was added by regulation 4(9) of S.R. 2000 No. 242
(**21**) Sub-paragraph (a) was amended by regulation 13(a) of S.R. 1996 No. 334
(**22**) Sub-paragraph (e) was inserted by regulation 3(a) of S.R. 2003 No. 317