STATUTORY RULES OF NORTHERN IRELAND

2004 No. 390

HOUSING; RATES

The Housing Benefit (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 2004

Made - - - -	*9th September 2004*
Coming into operation –	
for the purposes of regulations 1 and 2(1) to (3)	*4th October 2004*
for all other purposes	*6th October 2004*

The Department for Social Development, in exercise of the powers conferred by sections 122(1)(d), 133(2)(h) and 171(1) and (3) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), sections 5(1)(a) and (l) and 165(1) and (4) to (6) of the Social Security Administration (Northern Ireland) Act 1992(**2**) and now vested in it(**3**), and of all other powers enabling it in that behalf, with the consent of the Department of Finance and Personnel(**4**), and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(**5**), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 2004 and shall come into operation –

(a) for the purposes of this regulation and regulation 2(1) to (3) on 4th October 2004, and

(b) for all other purposes on 6th October 2004.

(2) In these Regulations –

"the Housing Benefit Regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987(**6**).

(**1**) 1992 c. 7
(**2**) 1992 c. 8
(**3**) *See* Article 8(b) of S.R. 1999 No. 481
(**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
(**6**) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1990 No. 137, S.R. 2001 Nos. 151 and 175 and S.R. 2004 No. 144

(3) The Interpretation Act (Northern Ireland) 1954(**7**) 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 shall be amended in accordance with paragraphs (2) to (6).

(2) In regulation 2(1) (interpretation), after the definition of "Preparation for Employment Programme for 50 plus(**8**)" there shall be inserted the following definition –

> ""the qualifying age for state pension credit" means (in accordance with section 1(2)(b) and (6) of the State Pension Credit Act (Northern Ireland) 2002(**9**)) –
>
> (a) in the case of a woman, pensionable age, or
>
> (b) in the case of a man, the age which is pensionable age in the case of a woman born on the same day as the man;".

(3) In regulation 5 (circumstances in which a person is or is not to be treated as occupying a dwelling as his home), after paragraph (5) there shall be inserted the following paragraph –

> "(5A) Where –
>
> (a) a person has moved into a dwelling for which he is not liable to make payments ("the new dwelling");
>
> (b) immediately before that move, he was liable to make payments for the dwelling he previously occupied as his home ("the former dwelling"), and
>
> (c) that liability continues after he has moved in to the new dwelling,
>
> he shall be treated as occupying the former dwelling as his home for a period not exceeding 4 benefit weeks if he could not reasonably have avoided liability in respect of that former dwelling.".

(4) In regulation 65 (date on which entitlement is to commence) –

(a) in paragraph (1)(**10**), for "and (3)" there shall be substituted "to (5)", and

(b) after paragraph (3), there shall be added –

> "(4) Subject to paragraph (5), where regulation 72B (time for claiming housing benefit) applies, a person who makes a claim for, and is otherwise entitled to, housing benefit shall be entitled to that benefit from the benefit week following the first day in respect of which that claim is made.
>
> (5) Where regulation 72B applies, a claimant who is otherwise entitled to housing benefit and becomes liable, for the first time, to make payments in respect of the dwelling which he occupies as his home in the benefit week in which the first day in respect of which his claim was made falls, shall be so entitled from that benefit week.".

(5) In regulation 69 (calculation of weekly amounts), in paragraphs (4)(a) and (5)(a) after "regulation 65(2)" in both places where it appears, there shall be inserted "or (5)".

(6) After regulation 72A (date of claim where claim sent or delivered to an office of the Department, the Department for Employment and Learning or a person providing services to either of those Departments)(**11**), there shall be added –

(**7**) 1954 c. 33 (N.I.)
(**8**) Definition inserted by regulation 13(2)(a) of S.R. 2001 No. 151
(**9**) 2002 c. 14 (N.I.)
(**10**) Paragraph (1) was amended by regulation 4(3)(a) of S.R. 1990 No. 137 and regulation 14 of S.R. 2004 No. 144
(**11**) Regulation 72A was inserted by regulation 7 of S.R. 2001 No. 175