STATUTORY RULES OF NORTHERN IRELAND

2004 No. 46

HOUSING; RATES

The Housing Benefit (State Pension Credit and Miscellaneous Amendments) Regulations (Northern Ireland) 2004

Made - - - -	*12th February 2004*
Coming into operation	*5th March 2004*

The Department for Social Development, in exercise of the powers conferred on it by section 122(1)(d), 132(1), (3) and (4) and 132A(3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), and now vested in it(**2**), and paragraphs 4(5) and 20(1)(b) of Schedule 7 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000(**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 (State Pension Credit and Miscellaneous Amendments) Regulations (Northern Ireland) 2004 and shall come into operation on 5th March 2004.

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

Amendment of the Housing Benefit (State Pension Credit) Regulations

2.—(1) The Housing Benefit (State Pension Credit) Regulations (Northern Ireland) 2003(**7**) shall be amended in accordance with the following paragraph.

(**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.))
(**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.)
(**7**) S.R. 2003 No. 197

(2) In regulation 8 (income and capital), after substituted regulation 36(7) (notional capital) there shall be added the following paragraph –

"(8) In the case of a claimant who has, or whose partner has, an award of state pension credit comprising only the savings credit, where a relevant authority treats the claimant as possessing any benefit (other than housing benefit) at the altered rate in accordance with paragraph (7), that authority shall –

(a) determine the income and capital of that claimant in accordance with regulation 23(1) (calculation of claimant's income and capital in savings credit only cases), where the calculation or estimate of that income and capital is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter, and

(b) treat that claimant as possessing such income and capital as the altered rate by reference to the period referred to in paragraph (7)(a) or (b) as the case may be.".

Amendment of the Housing Benefit (General) Regulations

3.—(1) The Housing Benefit (General) Regulations (Northern Ireland) 1987(**8**) shall be amended in accordance with the following paragraph.

(2) In regulation 68B (date on which change of circumstances is to take effect)(**9**) after paragraph (7) there shall be inserted the following paragraph –

"(7A) Where the change of circumstances is an amendment of these Regulations as they apply to persons to whom regulation 2 of the Housing Benefit (State Pension Credit) Regulations (Northern Ireland) 2003 (housing benefit regulations), that change, subject to regulation 69(7) (calculation of weekly amounts), shall take effect as follows –

(a) where the amendment is made by an order under section 132 of the Administration Act (annual up-rating of benefits)(**10**) –

(i) in a case in which the claimant's weekly amount of eligible rent falls to be calculated in accordance with regulation 69(2)(b), from 1st April;

(ii) in any other case, from the first Monday in April,

in the year in which that order comes into operation;

(b) in respect of any other amendment from the date on which the amendment of these Regulations comes into operation in the particular case,

and references in this paragraph to these Regulations are to these Regulations as modified in their application to those persons.".

Sealed with the Official Seal of the Department for Social Development on 12th February 2004.

John O'Neill
Senior Officer of the
Department for Social Development

(**8**) S.R. 1987 No. 461
(**9**) Regulation 68B was inserted by regulation 13(4) of S.R. 2003 No. 197 and amended by regulation 2(9)(b) of S.R. 2003 No. 418
(**10**) 1992 c. 8