STATUTORY RULES OF NORTHERN IRELAND

2003 No. 108

HOUSING

The Housing Benefit (General) (Amendment No. 2) Regulations (Northern Ireland) 2003

Made - - - - 27th February 2003
Coming into operation in accordance with regulation 1(2)

The Department for Social Development, in exercise of the powers conferred on it by sections 122(1)(d), 129(2) and (4) and 171(1) and (3) to (6) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), and now vested in it(**2**), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (General) (Amendment No. 2) Regulations (Northern Ireland) 2003.

(2) These Regulations shall come into operation –

(a) for the purposes of this regulation and regulation 5, on 30th March 2003, and

(b) for all other purposes –

(i) in relation to any case where rent is payable at intervals of a whole number of weeks, on 7th April 2003, and

(ii) in relation to any other case, on 1st April 2003.

(3) In these Regulations "the principal Regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987(**3**).

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

(**1**) 1992 c. 7
(**2**) *See* Article 8(b) of S.R. 1999 No. 481
(**3**) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1994 No. 137, S.R. 1997 Nos. 170 and 376, S.R. 1999 No. 416 and S.R. 2000 No. 74
(**4**) 1954 c. 33 (N.I.)

Amendment of regulation 12 of the principal Regulations

2. In regulation 12(1) of the principal Regulations(**5**) (restrictions on rent increases) as saved by regulation 5(3) of the Housing Benefit (General) (Amendment No. 4) Regulations (Northern Ireland) 1997(**6**) for "may" there shall be substituted "shall".

Amendment of Schedule 1 to the principal Regulations

3.—(1) Schedule 1 to the principal Regulations (ineligible service charges) shall be amended in accordance with paragraphs (2) and (3).

(2) In paragraph 1 –

(a) in sub-paragraph (a)(iv)(**7**), for the words from "(other than" to "them himself," there shall be substituted

"except cleaning of –

(aa) communal areas, or

(bb) the exterior of any windows where neither the claimant nor any member of his household is able to clean them himself,

where a qualifying payment is not made in respect of such cleaning,";

(b) in sub-paragraph (c)(**8**), the words from ", except where such a system" to the end of the sub-paragraph shall be omitted, and

(c) in sub-paragraph (f)(**9**), the words from ", except where those services" to the end of the sub-paragraph shall be omitted.

(3) In paragraph 7 –

(a) after the definition of "fuel" there shall be inserted –

""qualifying payment" means any payment made by the Executive to the claimant or his partner, or to another person on their behalf, relating to housing support services under Article 4 of the Housing Support Services (Northern Ireland) Order 2002(**10**);";

(b) the definition of "supported accommodation"(**11**), is omitted.

Amendment of regulation 16 of the Housing Benefit (General) (Amendment No. 2) Regulations

4. In regulation 16(6) of the Housing Benefit (General) (Amendment No. 2) Regulations (Northern Ireland) 1996(**12**) (savings provisions), in the definition of "exempt accommodation" for the words from "where care" to "that accommodation" there shall be substituted "where that body or a person acting on its behalf also provides the claimant with care, support or supervision".

(**5**) Regulation 12 was omitted by regulation 3 of S.R. 1997 No. 170 subject to savings contained in regulation 5(3) of S.R. 1997 No. 170, amended by regulation 10(1) of S.R. 1999 No. 416 and ceases to have effect under regulation 12 of S.R. 1999 No. 416

(**6**) S.R. 1997 No. 170

(**7**) These words were substituted by regulation 7(2)(a) of S.R. 1999 No. 416 and will revive on 1st or 7th April 2003 by virtue of regulation 12 of that S.R. as amended by regulation 5 of these Regulations

(**8**) These words were substituted by regulation 7(2)(b) of S.R. 1999 No. 416 and will revive on 1st or 7th April 2003 by virtue of regulation 12 of that S.R. as amended by regulation 5 of these Regulations

(**9**) Sub-paragraph (f) was substituted by regulation 2 of S.R. 1994 No. 137 and amended by regulation 2(1)(a) of S.R. 1997 No. 376 and regulation 7(2)(c) of S.R. 1999 No. 416. The words substituted by regulation 7(2)(c) of S.R. 1999 No. 416 will revive on 1st or 7th April 2003 by virtue of regulation 12 of that S.R. as amended by regulation 5 of these Regulations

(**10**) S.I. 2002/3154 (N.I. 8)

(**11**) The definition of "supported accommodation" was inserted by regulation 2(1)(b) of S.R. 1997 No. 376 and amended by regulation 7(3)(b) of S.R. 1999 No. 416 and regulation 7 of S.R. 2000 No. 74

(**12**) S.R. 1996 No. 111; regulation 16(6) was amended by regulation 9(b) of S.R. 1999 No. 416