STATUTORY RULES OF NORTHERN IRELAND

2001 No. 259

HOUSING; RATES

The Housing Benefit (General) (Amendment No. 4) Regulations (Northern Ireland) 2001

Made - - - -	*27th June 2001*
Coming into operation	*13th August 2001*

The Department for Social Development, in exercise of the powers conferred on it by sections 122(1)(d), 132(3) and (4)(b), 133(2)(d) and 171(1), (3) and (4) 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, with the consent of the Department of Finance and Personnel(**3**) and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(**4**), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (General) (Amendment No. 4) Regulations (Northern Ireland) 2001 and shall come into operation on 13th August 2001.

(2) In these Regulations "the principal Regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987(**5**).

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

Amendment of regulation 21 of the principal Regulations

2. In regulation 21(1A) of the principal Regulations(**7**) (calculation of income on a weekly basis) —

(**1**) 1992 c. 7; 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))
(**2**) *See* Article 8(b) of S.R. 1999 No. 481
(**3**) *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* Article 6(b) of, and Part II of Schedule 4 to, the Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999
(**4**) *See* section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)
(**5**) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1994 No. 274, S.R. 1997 No. 515 and S.R. 1999 No. 298
(**6**) 1954 c. 33 (N.I.)
(**7**) Paragraph (1A) was inserted by regulation 2(2)(*c*) and (3) of S.R. 1997 No. 515 and amended by regulation 3 of S.R. 1999 No. 298

(a) in sub-paragraph (*a*) for "£70" there shall be substituted "£94·50";

(b) in sub-paragraph (*b*) for "£105" there shall be substituted "£140".

Amendment of regulation 21A of the principal Regulations

3. In regulation 21A of the principal Regulations(**8**) (treatment of child care charges) after paragraph (6)(**9**) there shall be added the following paragraphs—

"(7) For the purposes of paragraph (1) a woman on maternity leave shall be treated as if she is engaged in remunerative work for the period specified in sub-paragraph (*b*) ("the relevant period")

(a) provided that—

(i) in the week before the period of maternity leave began she was in remunerative work;

(ii) the claimant incurred relevant child care charges within the meaning of paragraph (2) in that week, and

(iii) she is entitled to either statutory maternity pay under section 160 (statutory maternity pay — entitlement and liability to pay) of the Contributions and Benefits Act or maternity allowance under section 35 (state maternity allowance) of that Act;

(b) for the purposes of sub-paragraph (*a*) the relevant period shall begin on and include the day on which the woman's maternity leave commences and shall end on—

(i) the date that leave ends;

(ii) if no tax credit is in payment on the date that entitlement to maternity allowance or statutory maternity pay ends, the date that entitlement ends, or

(iii) if a tax credit is in payment on the date that entitlement to maternity allowance or statutory maternity pay ends, the date that entitlement to that award of the tax credit ends,

whichever shall occur first;

(c) in this paragraph "tax credit" means either working families' tax credit or a disabled person's tax credit provided that a childcare tax credit under either regulation 46(1)(*ab*) of the Family Credit (General) Regulations (Northern Ireland) 1987(**10**) (determination of appropriate maximum working families' tax credit) or, as the case may be, regulation 51(1)(*aa*) of the Disability Working Allowance (General) Regulations (Northern Ireland) 1992(**11**) (determination of appropriate maximum disabled person's tax credit) forms part of the entitlement to either of those credits.

(8) Where paragraph (7) applies to a woman on maternity leave any child care charges in respect of the child to whom the maternity leave relates shall not be treated as relevant child care charges for the purposes of this regulation and regulation 21 (calculation of income on a weekly basis).".

(**8**) Regulation 21A was inserted by regulation 2(3) of S.R. 1994 No. 274
(**9**) Paragraph (6) was added by regulation 4(4) of S.R. 1999 No. 298
(**10**) S.R. 1987 No. 463; sub-paragraph (*ab*) was inserted by regulation 7(2) of S.I. 1999 No. 2488
(**11**) S.R. 1992 No. 78; sub-paragraph (*aa*) was inserted by regulation 18(2)(c) of S.I. 1999 No. 2488